

**TŪHOE**

**ME**

**TE URU TAUMATUA**

**RĀUA KO**

**TE KARAUNA / THE CROWN**

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**TE WHAKATAUNA O NĀ TOHE RAUPATU TAWHITO**

**DEED OF SETTLEMENT OF  
HISTORICAL CLAIMS**

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**4 Pipiri 2013**

**4 June 2013**

*"... ki te hāpai i tēnei manu o te rongomau"*

*"... to carry on this bird of peace and quietness"*

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## TE ARA

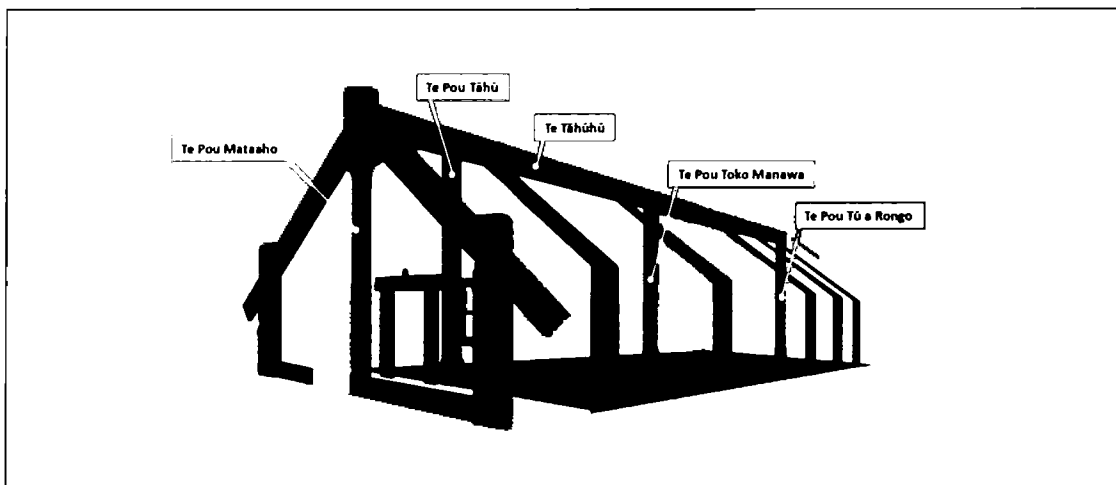
Ko te ara ki te waitohuna o tēnei Whakatauna he rite ki te waihana wharenuī, ko te Tāhūhū tonu te whakatauna.

E whā nā pou e toko ana i te Tāhūhū kai te mahau o te whare, ko te Pou Matāho.

Kai te tatau o te whare, ko te Pou Tāhūhū.

Kai te nākau o te whare, ko te Pou Toko Manawa.

Kai te murina o te whare, ko te Pou tū a rongo.



E ana atu ana te Pou Matāho ki tōna marae ātea e whītīkiria nei e te niha o kōmaru, e tauria ana e nā uri o whatīri, he umu pokapoka ki nā riri o Tūhoe mō enei kotahi rau rima tekau tau.

Hāuna tonu, ka kotahi mai a Tūhoe me te Karauna ki te roro o te wharenuī tau marumaru ai, whakariterite ai ki te hou atu ki te māhana kai roto.

Whitia atu ana te whatitoka o te tatau pounamu, mahue atu ana te Pou Tāhu koia te tohu o nā kōrero ranatira i tiria ki Ruatāhuna i hōnonoi te tau 2011.

Tērā ka hipa, nā tukutuku ko nā kirimana, ko nā whakaaetana, ko nā mahi nātahi, mahere tae noa ki te Pou Toko Manawa.

Koina te iho, te matū o te Whakatauna, te utu a te Karauna ki tua atu kua tāea te pou tū a rongo, te nōhana o rono te wairua o te ataroho, o te māriri. Hai konei tahi rāua a Tūhoe me te Karauna nā runa i te tuku whakaaro utu a te Karauna me te tano āheitana a Tūhoe ki te kōrero a te Karauna mō āna wetekana mahi pokanoa.

Nā runa i ēnei whakaaetana ka kitea he ao whakamaui i nā rono, whakapiki mauri ora, he tāhu ka rere, he tāwharau mō rātau o tēnei wharenuī, ko Tūhoe rāua ko te Karauna.

Tihei mauri ora.

## THE WAY

The way to the signing of this Deed may be likened to a wharenui, whose ridge beam, Tāhūhū, is the settlement hereby recorded.

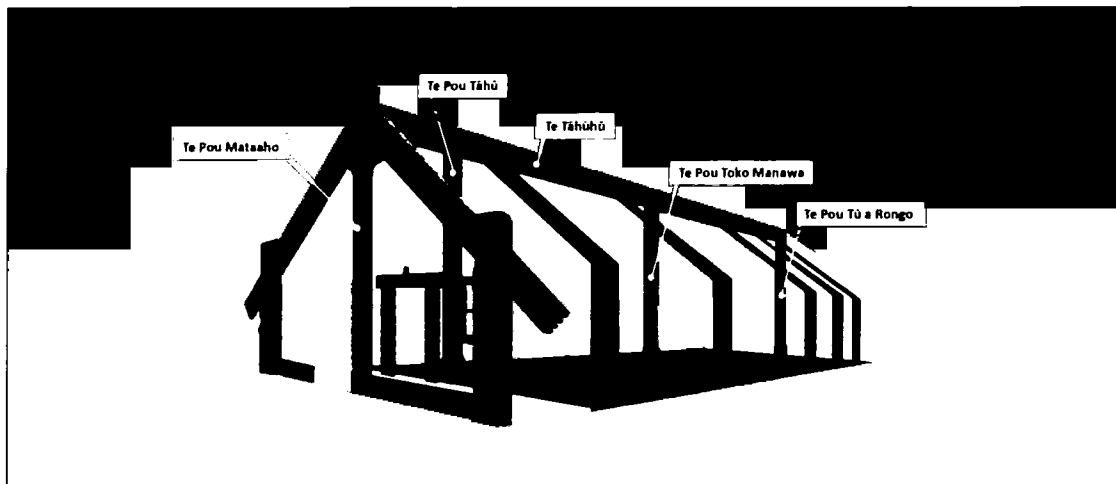
Supporting that beam are four posts.

At the front, before the verandah, te roro o te whare, stands Pou Matāho.

First within the whare, by the door, Tatau Pounamu, is Pou Tāhū.

The centre post is Pou Toko Manawa.

At the end stands Pou Tū a Rongo.



Pou Matāho gazes past the paepae, across the marae, where there is no shelter from the fierce blaze of the sun or the bleakness of winter. It sees a century and a half of the pain-filled history of Tūhoe.

But then Tūhoe and the Crown come together on the verandah, to talk with each other partially protected from the elements but not yet within the comfort of the wharenui.

They pass through the greenstone door, by te Pou Tāhū, symbolising the Compact made at Ruatāhuna in July 2011.

They walk by the tukutuku of Service Management Plan, Relationship Statements, and other writings of goodwill and co-operation, until they reach te Pou Toko Manawa.

That post signifies the elements of the settlement, Te Urewera and the material and cultural redress by the Crown.

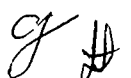
As they move on they reach te Pou Tū a Rongo, the post dedicated to Rongo, the god of peace and goodwill. Tūhoe and the Crown share this post, by reason of the offering by the Crown, and the acceptance of that by Tūhoe, of the Crown's apology for the grievous wrongs done to the Children of the Mist.

TŪHOE DEED OF SETTLEMENT

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Because of such offering and acceptance there will be a future of peace and goodwill, such that te Tāhūhū may now support the shelter and comfort of those within the wharenuī, Tūhoe and the Crown.

Āmene.



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### WHĀRIKI

NĀ TAKE WHANUI

NĀ TAKE RAWA

NĀ KOHINA PŪRONO TUHINA

NĀ TĀPIRINA

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### SCHEDULES

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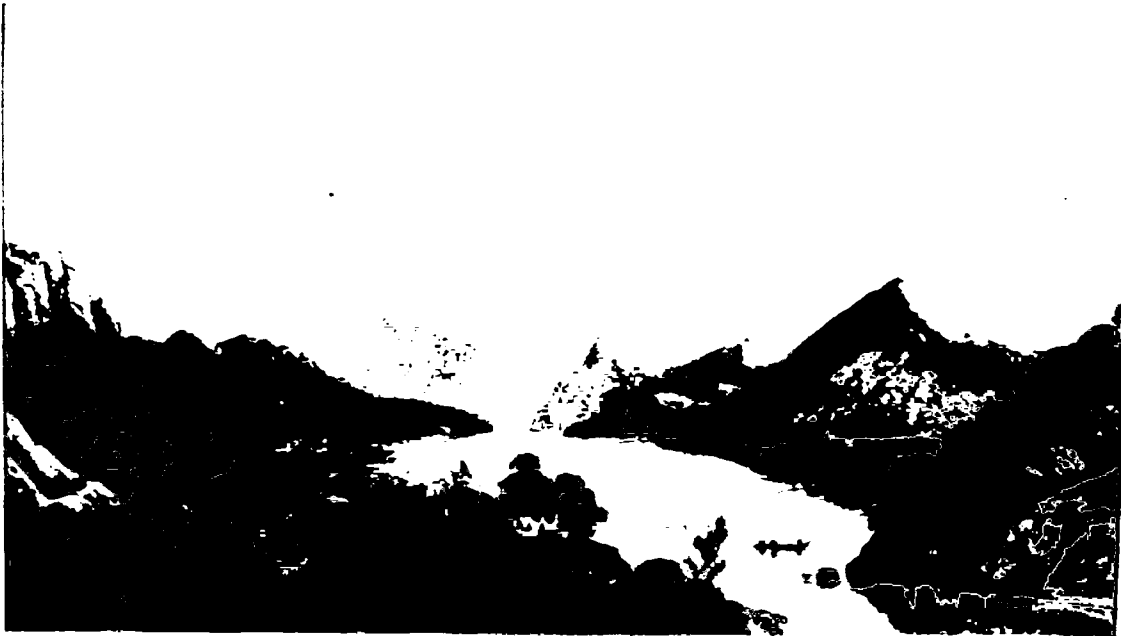
## TE WHAKATAUNA TOHE RAUPATU

*Rūrea taitea kia toitū taikākā*

Ko ēnei kupu taurani mokopū he kōrero ranatira nā Tūhoe, nā Te Uru Taumatua, nā te Karauna he whakataena korona ahakoa na ururua whakauaua.

He whakaritena mahi o nehe he umananui whakatau māriiri karana tika, i te pono ki roto, i a tatau mahi o muri nei.

I tēnei rani whakahirahira e waitohua ai te whakatauna nei e whakaae mārika ana mātau e whakamana ana hoki.



*Whakatauna o Te Uru Taumatua  
Whakatauna o Te Uru Taumatua  
Whakatauna o Te Uru Taumatua*

\*Whakaahua 1

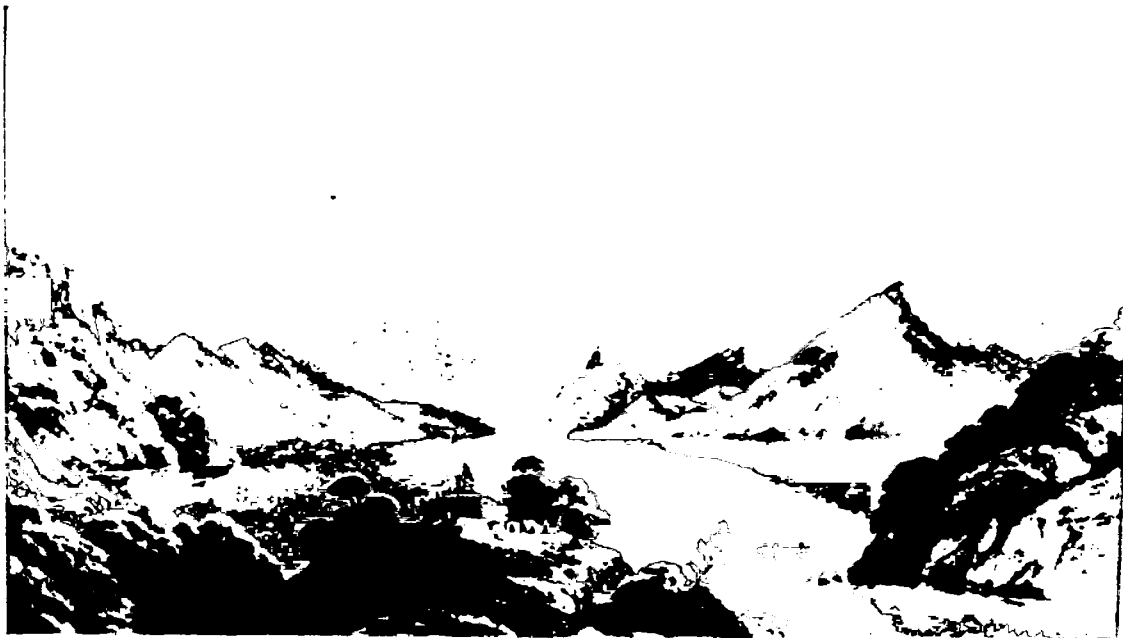
## DEED OF SETTLEMENT

*Strip away the sapwood to reveal the heartwood*

The solemn words and undertaking, expressed in this formal deed, made between Tūhoe, Te Uru Taumatua, and the Crown, strip away the sapwood of the wrongs and grievances of one and a half centuries and reveal the heartwood of resolution.

Resolving the past: witnessing a resolve for justice, respect and right dealings for the future:  
without which could there be trust and peace between us?

( On the historic date subscribed to this deed, and on our honour, we show willing.



*Whānau o Tūhoe*  
*Whānau o Te Uru Taumatua*  
*Whānau o Te Kaitiaki*

\*Photo 1

Whārani 7



## 1 TĀHŪHŪ

*"E waiho ana ēnei kupu hai tohu mō tātau ki tētahi tatau pounamu e tūtakina atu ai e ia o ā namata whakakitena mai, e tuwhera mai anō ai hoki ia ki nā kawena mai o ā muri nei."*

*"Let these words guide our way to a greenstone door - tatau pounamu - which looks back on the past and closes it, which looks forward to the future and opens it."*



\*Whakaahua 2

## TŪHOE DEED OF SETTLEMENT

### 1: TĀHŪHŪ

In *Nā Kōrero Ranatira ā Tūhoe me Te Karauna*, Tūhoe and the Crown committed to achieving just and honourable redress for the manifold wrongs inflicted on Tūhoe over centuries and many generations.

This deed of settlement reflects a mutual commitment, as recorded in *Nā Kōrero Ranatira ā Tūhoe me Te Karauna*, to walk and work together for our mutual honour, dignity, advantage and progress. The parties wish to acknowledge the past and look to the future.

The purpose of the deed of settlement is to celebrate a new relationship between Tūhoe and the Crown, based on truth, peace, justice and prosperity.

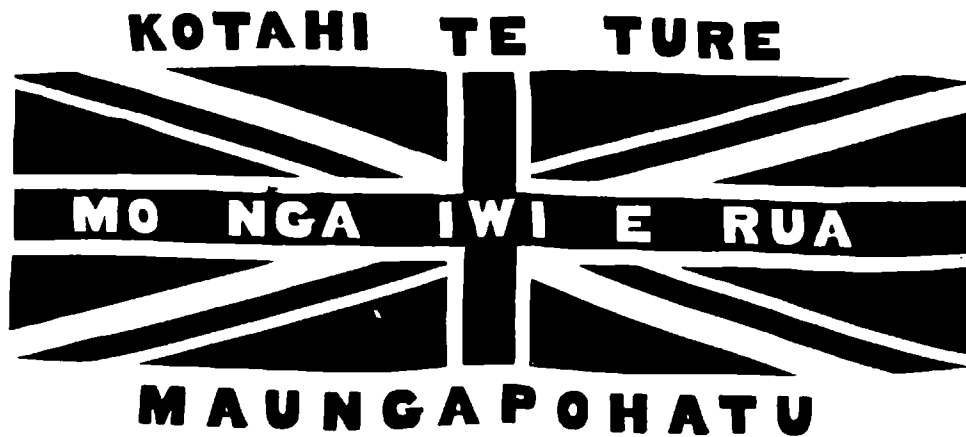
The Tāhūhū is the main ridgepole of the whareniui, and represents the backbone of this historic settlement and the strength of the transformed relationship between Tūhoe and the Crown.

- **Pou matāho** sets out the historical account and the Crown's acknowledgement of wrongdoing.
- **Pou tāhū** sets out:
  - the background to the Waitangi Tribunal claim and summary of the Waitangi Tribunal's findings;
  - the claims list;
  - the background to the negotiations; and
  - a summary of *Nā Kōrero Ranatira ā Tūhoe me Te Karauna*.
- **Pou toko manawa** sets out:
  - the heart of the settlement - Te Urewera;
  - the mana motuhake element of the settlement that is concerned with the special identity of Tūhoe, their autonomy and relationship with the Crown and its agents;
  - the financial, commercial and other cultural redress elements of the settlement that will help Tūhoe to achieve their goals; and
  - the ratification, approvals and agreement.
- **Pou tū a rongo** sets out:
  - the claims audit;
  - the Crown apology;
  - the Tūhoe requital; and
  - the Tūhoe aspirations.

2 POU MATĀHO

*"I nā wā ka taha, he nui rawa atu te pāmamae me te pōuri o nā honona a Tūhoe ki Te Karauna."*

*"Tūhoe's past relationship with the Crown has been grievous and filled with pain."*



\*Whakaahua 3

## TĀHŪ KŌRERO

Kai te pūtake o te tāhū kōrero nei ko te whakaaetana me te whakapāha a te Karauna ki a Tūhoe.

### Tūhoe me Te Urewera

Ko Tūhoe Pōtiki te tipuna Tūturu o te iwi o Tūhoe, he uri whakaheke a ia nō Toroa te tanata o runa i te waka o a Mātaatua, nō Te Tini o Toi me Nā Pōtiki hoki, arā, nā iwi taketake o Te Urewera. Ko te tipuna taketake o Nā Pōtiki, ko Pōtiki, te tamaiti a Hinepūkohurangi rāua ko Te Mauna. Waihoki, ka hau te rono mō Tūhoe, ko Nā Tamariki o Te Kohu. Ko nā whenua i Te Urewera i tuku iho i nā iwi taketake, heoi, nā Tūhoe ka whai pakiaka te mana o te iwi ki te whenua, inahoki te pepeha:

Nā Toi rāua ko Pōtiki te whenua, nā Tūhoe te mana me te ranatiratana

Ko Te Urewera te whenua tūroa o Tūhoe, nāwai ā, ka hōrapa te mana o te iwi ki Waikaremoana me Pūtere ki te tona, ki Kāinaroa i te uru, ki Nātapa i te rāwhiti. Ki te raki ka whaiwāhi a Tūhoe ki te taha i a iwi kē, ki nā kai me nā rawa o Te Moana-a-Tairono i Ōhiwa.

### Tūhoe ki te tau 1865

Ka piki ka nui haere te mana motuhake o Tūhoe i tēnā whakatipurana i tēnā whakatipurana. I te pueana ake o te rau tau 1800, mā te rina kaha me nā tatau pounamu i whakatūria i te mutuna o nā whawhai hei whakapūmau i nā moena ranatira, ka puta te ihu o Tūhoe i nā pakana ki nā iwi noho tata me nā iwi ki tawhiti.

Ko nā hapū o Tūhoe te kaipupuri i te mana o te iwi ki ōna whenua me nā rawa, he mana motuhake i hua mai i nā ranatira kaha, mā roto hoki i te whakapapa. I tua atu, herea ai aua hapū tētahi ki tētahi mā roto i te whakapapa, ka kīia e Tūhoe ko te matemateāone, te taura paihere i te tuakiri o te iwi. Nō te tōmuatana o te rau tau 1800 ka matika ake ko Te Huina o te Kāhu, he kāhui ranatira o nā hapū i tū ki te pupuri i te mana motuhake o Tūhoe. Koia te rōpū tuatahi i whakatūria e te iwi ki te pupuri i te mana motuhake.

Mai te tau 1820 ka taetae ake ki a Tūhoe nā tipu, nā kararehe me nā taputapu hou (pērā i te pū) a te Pākehā, he mea kua whiwhia kē ki ētahi atu rohe o Aotearoa. Nō nā tau 1830 ka tūtakitaki te iwi ki nā kaihokohoko Pākehā ki Whakatāne. Hei nā tau tōmua o te tekau tau 1840 ka haere torotika a Tūhoe ki te tauwhitiwhiti me nā kaihokohoko Pākehā i Ōhiwa, ā, nō muri i neke tata mai ki Puketī, ki Ruātoki tonu. Ka tauhokohoko i te harakeke, te kāna, te witi me te kau i tipuria i nā raora mōmona o Ōpōuriao, i Ruātoki me Te Waimana, mō nā taputapu a nā kaihokohoko. Haere rā anō a Tūhoe ki Tūrananui me Te Tai Tokerau ki te tauhokohoko. Ka tauhokohoko a Tūhoe me ētahi atu iwi; nā taonga o Te Urewera pērā i te huahua me te rākau hei tārai waka, mō nā taputapu a te Pākehā.

I te tekau tau 1820, i te hokina mai o ētahi o Tūhoe i ā rātou haerena i te motu, ka kawea mai te Ronopai ki Te Urewera. I te tau 1839 ka whakaaetia e Tūhoe te whakapono Karaitiana ki Te Urewera. Ka hou mai nā mihinare haere noa i te koraha, ki te kauhau i te whakapono puta noa i Te Urewera, ka tū he mīhana ki Ahikererū i nā tau atu i 1846 ki 1852. I whakatūria ētahi whare karakia i nā tau 1840. Whāia ka tipu te matatau ki te pānui me te tuhi (i te reo Māori) ki a Tūhoe. I te korena ake o nā mihinare tūturu, ka taka mai ki nā kaikauhau o Tūhoe ki te kawea i te Ronopai.

## TŪHOE DEED OF SETTLEMENT

### 2: POU MATĀHO

Kāore a Tūhoe i haina i te Tiriti o Waitani. I haria te Tiriti e ētahi kanohi o te Karauna ki Whakatāne i te tau 1840, heoi, kīhai i haria ki Te Urewera. Kāore tonu pea a Tūhoe i whai wāhi ki te whaiwhakaaro, te haina rānei i te Tiriti.

Hei mua i nā tau 1860 kāore te awena o te Karauna ki roto i Te Urewera, ko te ao Māori me āna tikana i raro i te mana whakahaere o Tūhoe. I roto rātou i "te whitu tekau", he rūnana motuhake o nā iwi o Mātaatua i tū ki Ōpōtiki; kāore he wāhi ki te kāwanatana i tōna waihanatana i te tau 1861.

I tēnei wa kāore anō a Tūhoe kia tuku i tētahi wāhi o ō rātou whenua ki tētahi atu, enari kua rono kē i nā tohetohe mai ētahi atu rohe mō te rirona atu ki te Karauna o nā whenua, me nā rōpū tōranapū whakaaratia ai e te Māori. I te tōmuatana o te tekau tau 1850 ka puea ake te kaupapa o te Kīnitana ki Waikato, he arona ake ki te whenua Māori kei te riro atu. I tua atu, ko te tūmanako o te Kīnitana kia ara ake te mana Māori ki Aotearoa. Ka tae ake ētahi o Tūhoe ki te hui nui i karanahia ki Pukawa i te tau 1856 ki te whiriwhiri me aha te kaupapa nei, heoi, ahakoa te pūkuaroha atu o te iwi ki te kaupapa, kāore a Tūhoe i kuhu ki te Kīnitana.

I te tau 1862 ka tono te Karauna i a Hunter Brown te kaiwhakawā takiwā o Te Wairoa kia kuhu ki Te Urewera ki te hāpai i te tūmanako o Kāwana Kerei ki te whakatū 'kaupapa hou' mā nā Māori i nā rohe, pērā i nā rūnana ōkawa, hei waka tauwhitiwhiti ki te kaiwhakawā takiwā me te kōmihana ā-iwi. Koinei te wā tuatahi ka tae tētahi kanohi a te Karauna ki te rohe.

Āta whakaarotia ai e Tūhoe ēnei kaupapa, me te noho wehe mai i te Karauna pērā i tana noho mai i te Kīnitana. I puta te whakaaro o ētahi ranatira ki te whakamātau i te kaupapa a te kāwanatana mō nā rūnana, heoi te kōrero a Te Mānihera o Tātāhoata e mea ai, mā tētahi hui o nā ranatira o te iwi hei whakaae te kaupapa. Heoi, kāore tonu ētahi i rata ki te Karauna, ko tā rātou kōrero ki a Brown kei te whai te Karauna i te "mana o te whenua", ka mutu, ki te riro ki te Karauna ō rātou whenua ka noho rātou hei "taurekareka nā te Kūini", ka "naro to rātou kotahitana". Nāwai, kāore tēnei kaupapa i kawea ki Te Urewera, me te aha, nō te tau 1865 ka unuhia i nā whaitua katoa o te motu.

Ka pakaru te riri i waenanui i te Karauna me te Māori i nā tau tōmua o te tekau tau 1860 ki Taranaki, whai iho ki Waikato. I te tau 1863 ka ara ake te Ture mō te Whakanoho i te Huna Mārire (New Zealand Settlements Act) e tareka ai e te Karauna te raupatu i nā whenua o te Māori mēnā ki tā te Kāwana i te Kaunihera, kei te whana "tētahi iwi, tētahi wāhana rānei o tētahi iwi" ki te mana o te Kuini. Waihoki, ko te tikana ko nā whenua raupatu ka tukua ki nā hōia me nā tātana whai hei aha, hei whakapūmau i te noho me te haumarutana ā nā rā kei te tū. Ka hokona nā whenua raupatu hei whakaae i nā utu a te Karauna i nā pakana ki te Māori.

I te urutomo kiko kore a te Karauna ki te puku o te Kīnitana i Waikato i te marama o Hūrae i te tau 1863, ka hui nā ranatira o Tūhoe ki Ōpūtao; heoi, i tauwehewehe rātou mō te āhua o te whakautu a te iwi ki tēnei urutomo. Ko ētahi i pūkuaroha atu ki te Kīnitana me te hiahia ki te tautoko i a Waikato ki te aukati i nā hōia a te Karauna, kei tata mai ka whiua taua kino ki Te Urewera. Heoi, ka whakahua a Te Whenuanui i te pepeha a te iwi, "Kia tāwharautia a Mātaatua", arā, me kua a Tūhoe e haere, me noho ki te tiaki i ōna ake whenua.

Waihoki, i taupatupatu nā ranatira o Tūhoe mō te tono āwhina ki te Kīnitana. I te mutuna iho kāore nā tātana o Ruātōki me Te Waimana i whakaae ki te haere, ā, tokoiti noa iho nā tātana o Ruatāhuna me ētahi atu mārūa i haere ki Waikato. Nō te taena atu o tēnei ope ki Waikato, ka uru ki te pakana ki Ōrākau i te marama o Āperira i te tau 1864. Te nui o rātou i mate ki reira. Nō te hokina o nā mōrehu o Tūhoe ki Te Urewera, ka whiua ki nā kupu tāunu a te iwi. Nō te pauna o taua marama o Āperira i te tau 1864 ka wehe atu tētahi ope iti mai Te Waimana me Ruātōki ki te pakana. Ka haumi rātou ki tētahi ope o Te Tai Rāwhiti, heoi i pākatia te huarahi ki

## TŪHOE DEED OF SETTLEMENT

### 2: POU MATĀHO

Waikato e iwi kē me nā waka taua me nā hōia a te Karauna. I roto tēnei ope iti o Tūhoe i nā pakana i te takiwā ki Matatā.

#### **Te riri me te raupatu - te raki o Te Urewera 1865 ki te 1867**

Nō te tau 1862 ka kitea mai tētahi tohuna nō Taranaki, a Te Ua Haumene, nāna ko te Pai Mārire, he whakapono i taketake i nā mātāpono mārire i te Paipera. Heoi, i te kuhuna ki te riri, ka hē te whakamāori me te whakahānai ā āna apataki i nā mātāpono nei. Nō te marama o Pēpuere i te tau 1865 ka tae ake ētahi kaikawe i te whakapono Te Pai Mārire, a Kereopa Te Rau rāua ko Pātara Raukauri, ki Tauaroa (i te uru o Te Urewera), e haere ana ki Tūrana. Nō te pauna o te marama ka hou rāua ki Whakatāne me Ōpōtiki, ā, nō te rā 2 o Maehe i te tau 1865 nā Kereopa i arataki i te rōpū nā rātou a Te Wākana (Reverend Volkner) i kōhuru i Ōpōtiki. Kāore te rina o Tūhoe i roto i tēnei kōhuru, inarā, i tētahi hui an nā iwi o te rohe ka kino te whakahē a Tūhoe i te mahi nei.

Kātahi ka huri te ara o nā kaikawe i te Pai Mārire ki Te Tai Rāwhiti, ki Tūrananui, he mea whakawehi i te hau kāina, he mea whakapakū i te riri ki aua rohe. I te tōmuritana o Mei i te tau 1865, ka rere a Pātara me nā Pai Mārire ki Te Urewera, i reira a Tūhoe ki te arataki i a rātou ki waho o te rohe kia tae ki nā raorao o Kāinara. Heoi, hei whakapūmau i te kupu ōhiti e mea ai kia kua Te Pai Mārire e takahi mā roto i to rātou rohe, ka katia te huarahi e tētahi iwi noho tata, ka tahuri taua iwi rā ki te whakakaha i nā maioro me nā tūwatawata o te pā ō Te Tāpiri. I te awhitana o te pā ka rere te iwi rā, ka whāia e Tūhoe, heoi, nō te kitena atu i nā hōia a te Karauna, ka hoki whakauta a Tūhoe, ka hanaa he pā, ko Te Hārema; kāore te ope taua a te Karauna i whai i a Tūhoe. Nō te Hūrae i te tau 1865, ka tae tētahi o nā kainārahu a te Karauna kia kite i a Tūhoe i Te Hārema, i te hokina ko tana kōrero e mea ai kua makere mai a Tūhoe i nā mahi a Kereopa.

Nō te 22 o nā rā o Hūrae i taua tau 1865 ka tae ake ki Whakatāne mā runa poti a Hēmi (James) Fulloon he āpiha nā te Karauna. Ka mate a Fulloon me nā heremana e toru i runa i te poti rā i te rina o nā kaihapai i te Pai Mārire. Ko te kōrero a nā iwi o te takiwā, kua ūhia kē he aukati ki runa i taua takiwā e te poropiti Horomona me nā Pai Mārire o te hau kāina, koinā te take i whakamatea a Fulloon, he takahi i te aukati. Kāore a Tūhoe i uru ki ēnei patuna, i te pōuri kē rātou nō te mea he uri tata a Fulloon ki te ranatira rā ki a Rakuraku.

Nō te marama o Ākuhata i te tau 1865 ka puta te pānui a te Karauna ki te mauhere i nā tātata e 33 nā rātou a Fulloon mā i patu. Kāore he tanata kotahi o Tūhoe i taua rārangi pānui. Nō muri, nō nā whawhai i te hopukana i aua tātata i pānuitia rā, ka takoto te kōrero a te kainārahu a te Karauna ki āna hōia e mea ai, mehemea ka tareka, kia kua e whawhai ki a Tūhoe.

Nō te rā 2 o Hepetema i te tau 1865 ka puta te pānui a te Karauna e mea ai ka tau te ranimārie ka mutu nā whawhai puta noa i Te Ika-a-Māui. I tua atu ka whakamutua te raupatu whenua, ā, kāore te huna i whawhai ki te Karauna e whiua mō nā mahi o mua. Heoi, ko tētahi atu kōrero i te pānui e whakaatu atu ana kei te haere nā hōia ki te taha rāwhiti o te Moana-a-Toi ki te mauhere i te huna nā rātou a Te Wākana rāua ko Fulloon i whakamate, me te kōrero tāpiri e mea ai, ki te kore aua tātata e piko ki te Karauna, ka raupatuhia he whenua o nā iwi nā rātou taua huna i āwhina rānei, i huna rānei. Nō te rā 4 o Hepetema ka tau te ture hōia ki runa i a Whakatāne me Ōpōtiki.

I whakaputania nā pānui mō tēnei mahi ki te Kahiti o Niu Tireni (New Zealand Gazette) i te rā 5 o Hepetema i te tau 1865, arā, te rā i whakahau te Karauna i nā hōia e 500 o te Ope Hōia ki te Rāwhiti (East Coast Expeditionary Force) kia takahi i te ara ki te rāwhiti o Te Moana-a-Toi. Kāore tonu i te mōhio mēnā i tae nā pānui nei ki Ōpōtiki, i te marama rānei a Tūhoe ki nā

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kōrero i aua pānui i te tauna o nā hōia a te Karauna ki Ōpōtiki i te rā 8 o Hepetema i te tau 1865.

Hei nā marama o Hepetema me Oketopa i te tau 1865, i te whawhai te Ope Hōia ki ētahi atu iwi i Ōpōtiki me te tona o Waioeka, he wāwāhi i nā pā i nā kāina, he muru i nā taonga me nā kararehe me nā kai te mahi. I tēnei wa i te taetae ake ētahi rōpū mai iwi kē ki te tūohu ki te maru o te Karauna, enari anō nā tātata nā rātou a Te Wākana rāua ko Fulloon i whakamate. Mai anō i te marama o Ākuhata i te tau 1865 kei Ranitāiki nā hōia me nā haumi a te Karauna, ā, nō te rā 20 o Oketopa i te tau 1865 ka horo te pā o Te Kupena (pātata ki Te Teko), ka mauherea te nuina o nā tātata i whakainoatia i te pānui i whakaputania i te Ākuhata.

Kāore te nuina o nā ranatira o Tūhoe i tautoko i te tokoiti o te iwi i kuhu ki nā whawhai i te taha o iwi kē. Ka tahuri ētahi ranatira o Tūhoe ki te āwhina i te Karauna ki te tohu kei hea a Kereopa, heoi, kāore i kitea. Kia tae ki tōmuatana o te marama o Nōema i te tau 1865, kua mau te nuina o te huna nā rātou a Te Wākana me Fulloon i whakamate.

Terā nā whenua i raupatuhia i Te Moana-a-Toi, he nui atu i te whenua e tika ai hei whakatutuki i te kaupapa i te Ture mō te Whakanoho i te Huna Mārire (New Zealand Settlements Act). Ehara i te mea ko te raupatu hei mea whakawhiu i a Tūhoe i te mea ruarua noa o te iwi i pakana ki te Karauna. Hei tā Tūhoe he pāna wō te iwi i roto i te e 124,300 eka o nā whenua i raupatuhia, ka mutu, ko ēnei ētahi o nā whenua mōmona rawa o Tūhoe, he tino pai mō te ahuhenua me te whakatipu kai, me nā kāina i Ōhiwa, nōhia tahitia ai me ētahi atu iwi.

Ka puta te Kōti Kāpeneheihana i te Ture mō te Whakanoho i te Huna Mārire o te tau 1863 hei aha, hei tuku paremata ki te huna i raupatuhia wō rātou whenua, hāuna te mea kāore rātou i te 'whana'. Kei runa i te huna tonu ki te whakatakoto i nā taunakitana e mea ai kāore rātou i te whana. Nō te Pēpuere i te tau 1866, i mua i te noho a te Kōti Kāpeneheihana i te tau 1867, ka tohunia e te Karauna he kai kōmihana motuhake ki te whakarite i te tohana o nā whenua i raupatuhia i Te Moana-a-Toi. Ka noho a ia ki te taha o ētahi hapū ki te whakarite me te whakatau i ētahi take ki waho ake o te kōti; heoi, hāuna te mea kotahi tana hui me Rakuraku, kāore i tatū he ritena me Tūhoe. Nō te tōmuatana o te marama o Tīhema i te tau 1866, ka tīmata te whakahokihoki atu i te rahi whenua ki ētahi hapū me ētahi iwi, enari anō ki a Tūhoe. Hāuna te mea kāore i ranahaua nā whakaritena a te Kōmihana, whakaaetia noatia e te Kōti Kāpeneheihana. Hei whakapūmau i ēnei whakaritena ka whakamanatia e te Pāremata ētahi atu ture pērā i te Ture mō nā Whenua Raupatu o te tau 1867 (Confiscated Lands Act 1867).

Kāore a Tūhoe i te mōhio kua kuhuna kētia ētahi o nā whenua i Te Waimana ki nā whenua raupatu, ka mutu, poto noa te wā ki te iwi ki te whai kerēme ki te Kōti Kāpeneheihana. Ka noho te Kōti ki Ōpōtiki mai te rā 7 o Maehe ki te rā 8 o Aperira, me te rā 9 o Hepetema ki te rā 1 o Oketopa i te tau 1867. E toru noa nā kerēme i tāpaea mai e Tūhoe, nā ētahi tātata takitahi noa. I hina te kerēme a Rakuraku ki nā whenua i Ōhiwa nā te whakapae i te taki a ia, hāuna te mea kāore he kiko i aua whakapae, ā, nō muri kē i te raupatu ka puta ēnei kōrero. Kāore i whakaaetia nā kerēme a Te Mākarini Tamarau rāua ko Ākuhata Te Hiko ki nā whenua i Ōpoōriao, kāore rawa i whakamāramatia te take i pēnei ai. Ko nā whenua o Tūhoe i Ōpoōriao he mea whakawhiwhi e te Karauna ki iwi kē, hāuna te mea kāore anō te Kōti Kāpeneheihana kia noho. I makaa ki waho nā kerēme a Tūhoe i runa i te whakapae i te whana te iwi. Ko te kōrero a ētahi atu āpiha a te Karauna mō Tūhoe, koia te "iwi taketake" o taua takiwā.

Whai muri i nā pakana i Te Urewera i whaiwhai tonu a Tūhoe kia whakahokia mai nā whenua i raupatuhia. I te tau 1872 ka takoto te kī taurani a Locke te Minita mō nā Take Māori ki a Nāti Haka Patuheuheu me tētahi atu iwi, ka whiwhia ki a rātou te 500 ki te 600 eka kei Te Pūtere i te taha moana, kei waho atu i ō rātou rohe. Nāwai ā, ka whakaheke te nui o te whenua nei ki te e 275 eka, ā, i te mutuna kāore i tukuna ki te hapū, ā, tatū ki tēnei rā kāore anō te hapū kia

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whai paremata i te kore whakamanatia o tēnei ritena. I te tau 1874 ka whiwhia ki a Rakuraku me nā tātana e 38 he whenua e 150 eka te rahi i te pā o Whakarae (Matakerepū), heoi, nō te tau 1905 rā anō ka tukua ki a rātou te taitara, me tēraka ki waho o ētahi atu o te iwi he kerēme tā rātou ki taua whenua, pērā i a Tamaikōhā. Nā te iti rawa o te whenua rā, kāore i tareka he orana mō te nui o te tanata i runa i te taitara me ō rātou whānau. Ka whakahokia mai he whenua raupatu, ka whakahokia mai ki te tanata takitahi, kāpā ki te hapū, ki te iwi rānei. Nā tēnei mahi ka waimeha nā tikana tūturu e pā ana ki te whenua, ka mama ake ki te hoko i te whenua.

Nō te Maehe i te tau 1866 ka whāki a Tūhoe kei hea te puni o Kereopa mā i Te Urewera, ka mutu, ki te hiahia te Karauna i a Kereopa ka haere ka tīkina ia e te iwi, heoi me mātua tae ake he reta tuhi i a Te Ua Haumene e tono ana ki a Tūhoe kia tīkina a Kereopa. I taua wā, kei raro a Te Ua i nā here a te Karauna, ā, mō te reta rā, hauwarea ake. Nō te rā 24 o Aperira i te tau 1866 ka kōrero a Tūhoe ki tētahi āpiha a te Karauna, kua mauherea a Kereopa e te iwi, heoi, ka hipa nā rā e whā ka tukua e Kererū Te Pukenui a Kereopa kia rere (i whakakeke a Kereru, i te tiaki kia tae ake he reta i a Te Ua). I reira ka puta atu a Kereopa i Te Urewera. Ka tau te ture hōia a te Karauna ki te rāwhiti o Te Moana-a-Toi mō tētahi wā, tae rawa ki te rā 25 o Hānuere i te tau 1867.

Nō te Tihema i te tau 1866, tata ki Te Waimana, ka tīmata te Karauna ki te rūri i te ripa tauārai whakatetona o te rohe o te raupatu. Kāore a Tūhoe i hāpai i te karana a tētahi iwi tata kia pakanatia te raupatu whenua, whakatūria kētia e Tūhoe nā aukati e rua. Ko tētahi o nā aukati ka whai i te awa o Waiōtahi ko Tūhoe i tētahi taha, ko taua iwi whakakeke rā ki te raupatu whenua i tētahi taha, ā, ko tētahi o nā aukati ka whai i te rāina raupatu i waenanui i a Tūhoe me nā hōia a te Karauna.

Hai waenanui i te Aperira me te Hepetema o te tau 1867 ka tukituki ētahi o Tūhoe me te Karauna ko nā whenua i raupatutia te take, ka he rawa atu te āhua i waenanui i a Tūhoe me te Karauna. Nō te Hepetema i te tau 1867 ka haere ētahi o Tūhoe ka nōhia nā whenua i raupatuhia i Ōpoōriao. Nō te rā 18 o Hepetema i te tau 1867, te rā i whiua ai nā kerēme a Te Mākarini ki waho e te Kōti Kāpeneheihana i noho rā ki Ōpōtiki, ka tōia a Te Mākarini me erā atu tātana o Tūhoe mai i Puketī ki Whakatāne, ki reira mauheretia ai tae noa ki te Māehe i te tau 1869, kāore he whakawākana. I mauherea rātou mō tētahi wā ki Te Ana o Muriwai.

#### **Te riri ki Waikaremoana, 1865 ki te 1867**

Nō te Tihema i te tau 1865 ka horo te riri i waenanui i te Karauna me te Māori ki Waikaremoana i te taena atu o nā kaihapai i te Pai Mārire mai i Tūrana-nui-a-Kiwa. Kāore he tanata tahi o Tūhoe i roto i taua ope, e rere mōrehu ana i te hinatana ki nā hōia me nā haumi a te Karauna ki Waerena-a-Hika kei waho paku atu o Kihipene. Nō te rā 2 o Hānuere i te tau 1866 ka tomo nā hōia me nā haumi a te Karauna ki te taha whakaruna o te takiwā o Waikaremoana. Ka rere nā tātana o Tūhoe ka whakawhiti i te moana o Waikaremoana.

Nō te rā 12 o Hānuere i te tau 1866 ka hoki atu ki Waikaremoana he ope taua a te Karauna, nui atu i te taua o mua. Ka kōkiri rātou i nā Pai Mārire me nā mea o Tūhoe e whawhai ana mō wō rātou whenua, ki Te Kōpani. Awhiwhi e 25 nā tātana i mate i a rātou, ko nā mōrehu ka whāia ki Onepoto kia rere ki te nahere, ki tērā taha hoki o Waikaremoana. I te mutuna o te pakana ka whakamatea te tokowhā o nā mauhere 14 i mau ki Onepoto, nā tētahi tanata a te Karauna i whakamate. Ki tā te Karauna titiro he "mahī kōhuru mauhere tēnei", arā, "he mahī kei waho o te ture, he mahī ka mōrikarika te tanata". Hāuna tērā, kāore he tanata i whiua mō tēnei hara.



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Ka neke nā hōia a te Karauna ki Onepoto ka wāwāhia ririkitia taua kāina, kātahi ka aruaru i te nahere ki te whai i te huna i rere atu i nā pakana i te tīmatana. Tokotoru nā tāne i mau i te nahere ka whakamatea.

Nō te wā o nā pakana i Waikaremoana i te Hānuere i te tau 1866 ka tahuri nā hōia a te Karauna ki te hāpai i te momo riri kīia ai te “riri orotā”. I raro i tēnei kawena o te riri, tekau nā kāina i whakanaromia, te nui mārika o te kai, te rahi o nā kau me nā hoiho o te iwi i murua, hāuna te mea i uru rātou ki nā pakana nā ētahi kē i kawea mai ki to rātou rohe.

Terā nā Māori i haumi ki te Karauna, ka mutu, he pāna wō rātou ki nā whenua i te tona o Waikaremoana, i hoki atu anō ki te rohe i te Maehe i te tau 1866 ka kōkiri i a Manarua, he kāina e rima kiromita te tawhiti i Waikaremoana. Ko te nuina o nā tātana o taua kāina i rere, tokoiti noa i noho ki te whawhai. Kotahi te kuia, tokowhā nā tāne i mate, ko tētahi ko Hakaraia Te Wharepapa. Terā hoki te koroua a Te Ranikumapuao, ka tuku i tana rākau ki raro, ka tūohu tana māhuna ki te ope a te Karauna, me te īnoi kia kaua a ia e patua; hauwarea ake, ka patua te koroua rā. Kāore he tanata i whiua mō te mahi nei. Nāwai, ā, katoa nā Pai Mārire huri āwhio i Waikaremoana, i tuku ki raro ki te maru o te Karauna, ko ētahi he Tūhoe. Nō te Āperira tae rawa ki te tōmuatana o Mei i te tau 1866 ka takahi anō nā waewae o nā haumi Māori a te Karauna nā whenua i te taha whakaruna o te takiwā ki Te Wairoa. E 260 nā tātana i tuku ki raro i te maru o te Karauna rānei, i mauherea rānei, tae rawa ki ētahi o Tūhoe, enari kāore i te mōhiotia tokohia ēnei tātana o te iwi o Tūhoe.

Ko ētahi o te huna i mauherea i te wā o nā riri i Te Tai Rāwhiti i kawea ki Wharekauri mō te wā roa rawa atu pea. Ko Ēria Raukura o Patuheuheu tētahi o ēnei manene, tae atu ki ētahi wāhine tokorua o Tūhoe. Kāore rātou i whiua i te ture. Nō te Tīhema i te tau 1867 ka kīia aua tātana e te pirimia he tātana “whakakeke”.

Whai muri i nā whawhai ka pānui te Karauna i te mea kua ūhia nā rohe o Wairoa me Waikaremoana ki te hana ture raupatu whenua, arā, te East Coast Land Titles Investigation Act o te tau 1866 hei aha, hei hahau i nā Māori i te “whana”. Ko tētahi o nā tikana o te ture nei, ka noho ko te Kōti Whenua Māori hei whakataū nō wai te mana i runa i te whenua. Kātahi ka huri te Karauna i te whakatakoto ki mua i te aroaro o te Kōti i nā taunakitana e whakaatu ai ko wai nā tātana i “whana”, kia unuhia ai wō rātou mana ki te whenua kia riro atu ai ki te Karauna.

Nō te Āperira i te tau 1867 ka hui nā āpiha a te Karauna ki nā Māori i Te Hātepe kāore i tawhiti atu i Te Wairoa. Hāuna te mea i āhei aua āpiha te nanao ki te Ture o te tau 1866, i taea e rātou te whakakiki i nā ranatira kia tukuna ki te Karauna tētahi whenua e 42,000 eka te nui, ko te poraka o Kauhouroa. Hei utu mō tēnei, ka unuhia e te Karauna āna kerēme ki nā whenua i tua atu o te poraka nei. Heoi, e mea ana kē te Karauna ki te tano i nā whenua o te huna whakapaetia ai i te “whana” ka tuku ki nā Māori ka “kūpapa” ki raro i te maru o te Karauna. Heoi kāore he kōrero i te whakaaetana mō te tuku i te poraka rā e mea ai, ka pēhea te tukuna o aua whenua a te huna whana rā.

Kāore a Tūhoe i te hui ki Te Hātepe, kāore hoki i haina i te whakamanatana o te tukuna. Āhakoā tērā, ka whakaurua tonutia to rātou pāna i nā whenua i te tona o Waikaremoana i waho o Kauhouroa, nā whenua e mea rā te Karauna ka tukuna ki nā kūpapa. Ka tāpaea e te Karauna te whakaaetana o te tau 1867 ki mua i te aroaro o te Kōti Whenua Māori i te Hepetema i te tau 1868, me tana kōrero tāpae e mea ai hei whai whakaarotana ki te tukuna whenua nei, kāore te Karauna e huri ki te kerēme i ētahi atu whenua i roto i te rohe o te raupatu i kōrerotia i te East Coast Land Titles Investigation Act. E ai ki te ture, ka noho ēnei whenua hei whenua māori, heoi, ka taka nā kerēme i te Kōti Whenua Māori mō ēnei whenua ki raro i te Ture East Coast o te tau 1868. Mā tēnei Ture ka āhei te Kōti Whenua Māori te tuku i nā pāna whenua o nā tātana whana ki nā kūpapa. Tae rawa ki nā whakawhitihitina kōrero i

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tū i te tekau tau 1870 i waenanui i a Tūhoe me te Karauna mō te mana whenua, ka kōrero nā āpiha a te Karauna anō nei kua raupatunia kētia te whenua.

*Nā tauwhitiwhitina kōrero kia hau ai te rono*

No te Nōema i te tau 1867 āhua e 400 nā Tūhoe i hui ki Waikaremoana, ka tohunia ko Paerau Te Ranikaitupuake hei tauwhitiwhitina kōrero ki te Karauna mō te whakamutu i te riri. Ko te hiahia o te hui kia kua nā whawhai e hōrapa ki roto ki te manawa o Te Urewera, kia kua hoki e mate ētahi o Tūhoe te whiua ki Wharekauri. Ko nā whakaritena a te Karauna kia nui atu nā mea o Tūhoe te kuhu mai ki te whakauta oati ki te Karauna me te tuku atu i a rātou pū, he tohu ki to rātou pūmau ki te taha mārire, me te hoatu i te huna kei te whāia e te Karauna mō te kōhuru te take. Hei utu, kāore te rina o te Karauna e pa ki era o Tūhoe i whana, kāore rānei e whiua he mea o te iwi kia manene ki hea rā

Ka hui a Tūhoe ki Ahikererū i te Tihema o te tau 1867, ka whakaae ētahi o te iwi ki nā ritena a te Karauna. Ka puta te kōrero a ēnei o te iwi e mea ai kei te huna tētahi rōpū iti i Te Urewera, ko tēnei rōpū iti i roto i nā patuna i te takiwā ki Ōpōtiki i te Mei o te tau 1867, ka whakaae kia kuhu nā hōia a te Karauna ki roto i Te Urewera ki te mauhere i te rōpū nei. Heoi, tērā anō ētahi o te iwi kīhai i whakaae te hōia kia kuhu ki te rohe mauhere ai i te rōpū iti rā. Ka tū anō he hui ki Ruatāhuna i te Hānuere o te tau 1868, ka noho tāwewē te take rā a te Karauna. Ko te whakapae a ētahi kāore a Paerau i tūtohu ki nā hiahia o te iwi. Kāore te Karauna i noho ki te kōrero kanohi ki te kanohi me Tūhoe mō te whakamutu i te riri. Hāuna tēnei he nui tonu i hiahia kia mau te rono, kia kua te iwi e kuhu ki nā raruraru tērā ka mura ake.

*Nā mautohe ki te raupatu i te taha rāwhiti o te Moana a Toi*

Mai te tōmuritana o te tau 1867 ka rere nā kōrero e mea ai kei te whakakeke ērā o Tūhoe e noho mai rā i te raki o Te Urewera. I te Hānuere i te tau 1868 ka tono te minita mō te whawhai ki te āpiha o nā hōia a te Karauna, mēnā kei te tau te iwi, kia kua e whakawhiti ki tērā taha o te manemanerau. I te tōmuatana o te Pēpuere i te tau 1868, ka arataki a Ēru Tamaikōhā rāua ko Te Puehu i nā mautohe i Te Waimana ki te take raupatu. Ka hūtia nā rāina rūri, ka murua nā hoiho me nā kararehe a nā tātana whai. Whāia, i te rā 10 o Pēpuere i te tau 1868 ka kōkiri nā hōia a te Karauna i te pā Nukutāhuhua i te awa o Taurana.

Nō te rā 8 o Maehe i te tau 1868 ka whakaeke tētahi ope taua o Tūhoe i te pā mahue o Rakuraku i te moutere o Hokiana i Ōhiwa. E rua nā Maori mate. Kātahi ka whakawhiti nā hōia a te Karauna i te manemanerau ka piki i te awa o Taurana ki Ōtara, ahakoa te kōrero anō te minita mō te whawhai i puta i te rā 6 o Maehe kia kua nā hōia e whakawhiti i te manemanerau. Nā te nui o nā maioro, ka hoki nā hōia ki tō rātou taha o te manemanerau. I a rātou e hoki ana, ka takahia nā mahina kai katoa i te huarahi. I pērā anō te mahi ki Whakarae me te moutere o Hokiana i Maehe i te tau 1868.

Nō te rā 29 o Āperira i te tau 1868 ka kōkiri a Tūhoe i te ope taua a te Karauna i Puketī, ka hoki ki tērā taha o te rāina o te manemanerau. I te Mei o te tau 1868 ka murua e nā hōia a te Karauna nā pātaka kai i Ruātoki me nā whārua o Whakatāne me Te Waimana.

*Te whai a te Karauna i a Te Kooti*

Ka tau te rono mō tētahi wā, heoi nō te Hānuere i te tau 1869 ka mura anō nā ahi o te riri ki Te Urewera. I te Hūrae i te tau 1868 ka rere a Te Kooti Arikirani me nā mauhere ka hia rau nei i te herehere whakawā kore i Wharekauri; ko ētahi o ēnei mauhere he Tūhoe. Ka tau a Te Kooti me Te Whakarau ki te tona o Tūrana, ko te hiahia kia haere ki Taupō taumarumarū ai. Ka

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haere nā hōia a te Karauna ki te pākati i te huarahi. Ka toa a Te Kooti i nā pakana i te Hūrae me Ākuhata i te tau 1868, nō muri ka haere ki Puketapu i te pito rāwhiti o Te Urewera.

Nō te Oketopa i te tau 1868, ka tono a Te Kooti ki a Tūhoe kia kuhu i Te Urewera. Waihoki, ko te hiahia o Tūhoe kia mau tonu te rono, koirā i meatia ai kia noho tonu a Te Kooti me te Whakarau ki te pā o Puketapu. Nō te rā 10 o Nōema i te tau 1868 ka kōkiri a Te Kooti i a Matawhero, he nui nā Maori me nā Pākehā i mate.

Ka mōrikarika nā tātana o te motu i tēnei mahi, ka tahuri te Karauna ki te whakatū i tētahi ope taua nui tonu. I tēnei wā kua kuhu ētahi o Tūhoe ki Te Whakarau. I te Nōema i te tau 1868 ka tū he pakana ki Te Kāretu, i reira ka mate a Ākuhata te tama a Tūtakanahau. I te Tihema i te tau 1868 ka neke Te Whakarau ki tētahi pā tata ki Tūrana, ko Nātapa. Ka awhitia te pā e nā hōia a te Karauna, enari nō te tōmuatana o Hānuere i te tau 1869 ka puta a Te Kooti me te rahi o Te Whakarau i te pā. E 15 pea nā toa o Tūhoe i mate i te whaiwhaitanahia i te nahere.

Ko te nuina o nā mea i mate i Nātapa, tae atu ki ētahi o Tūhoe, i patua i te hoputana. Ko tētahi he wahine, ko tētahi atu ko te ranatira rā a Nīkora Te Wakaunua, i taotū, ka mau ka patua. Ka poroa te kakī o te ranatira rā ka kawea te ūpoko ki te puni hōia, kia mōhio pai ai nā hōia ko wai tēnei. Ko tētahi atu o Tūhoe i whakamatea nā runa i te pōhēhē ko te ranatira rā a Raniaho. I whakamatea nā tātana ki Nātapa me te tūtohu whakaae atu o nā āpiha me nā Pākehā whai mana i reira i taua wā. Hāuna nā tuhituhina i nā nūpepa mō te nui tātana i whakamatea ki Nātapa, kāore te Karauna i whakatū ranahau ōkawa ki te tūhura he aha ia nā mahi i Nātapa.

Ka tono anō a Te Kooti me Te Whakarau kia whakaaetia te uru ki Te Urewera whakamarumaruru ai. Ka whakaae ētahi o nā ranatira o Tūhoe kia tūtaki ki a Te Kooti ki Maunapōhatu i te tōmuritana o Pēpuere i te tau 1869. I mōhio a Tūhoe ki te hāpaitia te tono a Te Whakarau ka tahuri mai te Karauna ki te whai. Heoi, he nui tonu nā mea o Tūhoe kua huri ki te whai i te whakapono Rinatū nā Te Kooti i whakaara i te wā i Wharekauri, i tua atu, i te mau tonu te riri a Tūhoe mō nā whenua i raupatutia. Tāpiri atu, ko te tautoko a Te Kooti i te ātete a Tūhoe ki nā mahi raupatu. Heoi, tērā ētahi ranatira pērā i a Tamaikōhā tino kore nei i tautoko i a Te Kooti.

Heoi anō, ka tautoko a Te Kooti i a Tūhoe e whakapau kaha ana kia hoki mai nā whenua raupatu. I te Maehe o te tau 1869 ka hono atu a Te Kooti ki te rahi o Tūhoe i te kōkiritana i Ōhiwa me Te Raupōroa. Nā ēnei mahi, ka hōrapa anō te mana o Tūhoe ki runa o Whakarae me Hokiana, ka unuhia nā mauhere o Tūhoe kua mau ki Whakatāne mai anō i te tau 1867. Ka patua tētahi kairūri, ka turakina he pā me tētahi mira nō tētahi atu iwi. Ka whai a Tūhoe i a Te Kooti i te whakaekena o Mōhaka, te wāhi i puritia ai nā mauhere o Tūhoe i muri i te whakaekena o nā ope taua a te Karauna i te kāina o Pūtere. He nui te paura a te kāwanatana i murua i Mōhaka. Neke atu i te 50 nā Māori me nā Pākehā tokowhitu i patua ki Mōhaka.

Whai muri i te pāhoru i Mōhaka, ka taka whakaaro te Karauna kia kuhu ki Te Urewera mā nā ara e toru ki te mau ki te patu rānei i a Te Kooti. I te Āperira ka tahuri te Karauna ki te rapu hoa Māori hei haumi mō rātou. E ai ki te ranatira o nā ope taua a te Karauna, ko te whāina ki te hahau me te patu ririki i te huna kei te tiaki i a Te Kooti. I te kuhuna tuatahi a te Karauna i Mei i te tau 1869, kāore i kaha te ātete i a rātou, kua whakawātea hoki a Te Kooti me Tūhoe. I te Mei i te tau 1869 ka mau i te ope a Te Karauna nā wāhine me nā tamariki e 50 ki Te Harema. He mea hōatu nā wāhine ki tētahi ope haumi Māori, ka heria e aua kūpapa ki waho o te rohe.

Nō taua rā anō, ka whakaeke tētahi atu ope taua e te Karauna i ētahi o Tūhoe e mahi kai ana i Omaruterani, pātata ai ki te pā o Te Whata-a-pona; tokotoru nā tāne, tokorua nā wāhine, tokorua nā tamariki i mate. Ka tūkinotia nā tinana o te huna mate. Nō muri, i te hipatana o te ope taua a te Karauna i Ōpūtao, ka keria ake ka tūhahuhahua nā tūpāpaku kua roa kē te

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tanumana ki tētahi uru pā. Kotahi te wahine, tokotoru nā tamariki i mau i a rātou e rere ana i te pā. Aoake, ka whakaekea te pā o Tahora ka tahuna, kātahi ka tūkinotia nā tūpāpaku i te uru pā. Kei Puhirake ko te whare whakairo miharo o Te Whenuanui, i tahuna. Nō muri tata, i te takiwā ki Ruatāhuna ka patua ētahi mauhere e te ope taua a te Karauna.

Ka tahuri nā ope a te Karauna ki te "takahi rikiriki" i nā tahua kai, nā māra me nā kararehe i te nuina o nā kāina. Ko te take i pēnei ai, kia kua e maru ai a Te Kooti me te Whakarau puta i te takiwā; heoi ko te mea kē, ko ētahi o nā tūkinotana ehara mō te rautaki pakana te take, mō te hahau kē i a Tūhoe. Hauwarea ake nā tātana kāore i te whawhai, i te mau rākau ki te Karauna. Nā ēnei mahi, ka mea atu a Tūhoe ki a Te Kooti kia wehe atu i te rohe. I tona wehena atu tokoono nā ranatira o Tūhoe me nā toa i haere hei apataki mōna.

Waihoki, mō hia nā marama ka aruaru nā ope taua a te Karauna i a Te Kooti i nā whenua i te puku o Te Ika-a-Māui. Ko te nuina o nā hōia i ēnei ope taua he Māori i haumi ki te Karauna. Nāwai ā, ka hoki kōmuri a Te Kooti mā Te Urewera kia tae ki Waiōweka i Pēpuere i te tau 1870. I tēnei wā kua kore te nuina o Tūhoe e tautoko i a Te Kooti.

#### *Te hohou i te rono*

Tae rawa ki Pēpuere i te tau 1870 kua kaha te hiahia o Tūhoe kia hohou i te rono. I te tōmuatana o Maehe i te tau 1870 ka takahi nā ope e toru a te Karauna ki roto i Te Urewera i runa i te pōhēhē kai reira tonu a Te Kooti. He ranatira a Tamaikōhā nō Tūhoe, he kainārahu hoki a ia o tētahi ope toa ka kūpapa ki te Karauna, nāna i hohou te rono. I te tīmatana kāore te Minita Mō Nā Take Māori i tūtohu ki te ronopai kua hohouia, heoi, i nana tonu a ia ki te hohou i te rono ki Te Urewera mā te tono i nā hōia ki Waiōweka ki te whai i a Te Kooti.

I te pokapū o te marama o Āperira, ka haere a Tamaikōhā me nā toa nahuru ki Whakarae, ki te aha, ki te whakamau kia tina i te aukati a Tūhoe i te Karauna me Te Kooti. Ko tā rātou i kōrero ki tētahi āpiha a te Karauna, e ai ki te "ture" a Tūhoe me whakamana te Karauna i nā pae o te rohe o Tūhoe, inarā kua kore e whai take te Karauna ki te tomo ki te rohe. Hāuna nā tohutohu e mea ai kai mau kia mau, i te rā 25 o Āperira i te tau 1870, ka arahina e te kainārahu o nā ope a te Karauna wāna hōia kia kōkiri i a Whakarae. I reira ka patua te mātua kēkē o Tamaikōhā, ka murua nā taonga. Ko te utu mō tēnei ko te panatana o te kainārahu rā e te minita mō te whawhai; ka puta te ihu o Tamaikōhā i tēnei tukina, ā, ka mau tonu ia ki te rono. Nō te tōmuritana o Mei i te tau 1870 ka pāhō te kōrero a te Minita mō Nā Take Māori e mea ai kua whakaae a ia ki te ronopai. Heoi, ko wāna ritena e mea ai me koropiko nā ranatira katoa o Tūhoe ki te mana o te Karauna, me whakawātea te iwi katoa i Te Urewera kia manene ki nā pihi whenua ki-tai he mea rāhui pupuri i a rātou.

I mau tonu ētahi o te iwi ki te ronopai i whakaritea, heoi, nā te kaha wehi kei patua, kāore i haere kia tūohu ki te Karauna, noho mārire kē ki wō rātou ake whenua. Hoki atu hoki atu, ko te kōrero a te Karauna kia puta mai a Tūhoe ki te whenua rāhui o Pūtere; nāwai ā, mai te rā 20 o Mei i te tau 1870, ka tīmata te putaputa mai o nā rōpū ririki noa i Te Urewera. Nō te rā 7 o Hune i te tau 1870 ka tuhi te kōmihana ā-iwi o Taurana ki nā ranatira o Tūhoe kāore anō kia puta, mō nā ritena a te Karauna e mau ai te rono. Ko ēnei ritena e mea ai ki te puta mai nā hapū katoa o Te Urewera i wō rātou whenua ka koropiko ki te mana o te Karauna, ka ū te Karauna ki te ronopai, ka mutu te raupatu whenua, ka mutu, ki te tūohu a Tamaikōhā ki te Karauna, ka unuhia nā whakaparahakotana i whiua ki runa ki a ia e mea ai he tātana kino ia.

Nō muri rawa i ētahi atu rohe i Te Urewera ka hohouia te rono ki Waikaremoana. Kāore te ope taua tuatoru a te Karauna i whakaae wawe ki te ronopai. Nō te Mei i te tau 1870 ka toro tēnei ope mai te tona, ā, nō te rā 7 o Hune ka whakaekea a Waikaremoana. Ahakoa kāore i tū te rina kaha ki a rātou, ka huri rātou ka wāhia ririkitia nā pā me nā kāina, ka moumou nā tahua

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kai huri āwhio i te moana. He mahi tūkinu noa tēnei mahi, kāore he rautaki, ka whiua kē ko te huna noho mārire o te rohe. I te hokina o Tūhoe ki Huiarau, ka nōhia te pā o Mātuhau e te ope taua a te Karauna. Ka whai tētahi āpiha a te Karauna kia koropiko te iwi rā, ka whai hoki taua āpiha kia whakarata i te iwi, kia kaua e wehi kei mauherea, kei patua rānei rātou. He mea whakapōrearea ēnei mahi a te Karauna i te hohounga o te rono ki Waikaremoana, heoi, ka noho a Te Mākarini o Tūhoe ki te whakawhitiwhiti kōrero me te kainārahu o te ope taua a te Karauna, me te aha, ka tūohu ki te Karauna te huna rā i rere ki Huiarau.

Tērā anō ētahi o Tūhoe pērā i a Te Whenuanui me Paerau i whakaae kia mau te rono, heoi kāore mō te whakarere i te whenua. Whai muri i ētahi hui nui i whakatūria ki Ruatāhuna i Hūrae i te tau 1870, i te murina o Hūrae me te marama o Ākuhata ka puta ake ētahi o te iwi kia noho ki raro i te mana o te Karauna. Nō te Hepetema i te tau 1870 ka 'puta' a Te Whenuanui, nō te Oketopa ka whai ko Paerau. Ko te tokomaha o te iwi kāore i puta i te pānia kē i te mate, ā, nā te pāhuatana a nā ope taua a te Karauna i nā kāina me nā mahina kai ka mate te iwi rā i te kore kai me te makariri. Kei te takiwā o te 200 nā tātata o Tūhoe i mate i te rewharewha.

Nō te Oketopa i te tau 1870 ka tae ake te kaiwhakawā takiwā o Ōpōtiki ki a Tamaikōhā i Te Waimana ki te whakapūmau anō i te ronopai i waenganui i te iwi me te Karauna. I oaitia ki a Tamaikōhā he whenua ki Whakarae (nō muri ka tapaina anō ko Matakerepū hei maumaharatana mō te whakaekena o taua pā), heoi, kāore i mana. Ka tonu, ka tonu a Tamaikōhā kia tutuki te oati rā, i te mutuna ka hōatu he tekiana hāwe eka te rahi ki a ia i Ōpōtiki i te tau 1877.

Nō te Tihema i te tau 1870 ka whakatahania e te Karauna tāna i mea ai kia puta kia mātua nuku katoa a Tūhoe ki raro i ōna parirau, ka tonu kē he ope taua ki Te Urewera ki te kohikohi i nā mōrehu o te iwi ki Ruatāhuna. I meatia ētahi o nā ranatira i tuohu ki te Karauna, ki te tautoko rātou i te arumana i a Te Kooti ka pai tā rātou hoki ki te kāina. I te Maehe i te tau 1971 ka whakaaetia a Te Whenuanui me Paerau me te iwi kia hoki ki Ruatāhuna nā tā rāua kī kāore a Te Kooti e manaakitia. Waihoki, i te taena atu o Te Kooti ki Maunapōhatu ka meatia ia kia haere atu, ka pērā anō i Waikaremoana. E ai ki te kōrero, ka tae ki te Maehe i te tau 1871 e 13 anake nā mea o Tūhoe i tōna taha, ka mimiti haere ka mimiti haere tēnei tokoiti.

Ka tae ki te takurua i te tau 1871 kei te pēhia a Tūhoe e nā ope taua a te Karauna kia āwhinatia atu. I te Oketopa ka kōkiri ētahi o Tūhoe i a Te Kooti ki Ahikereru; i reira ka maunu mai a Te Whiu Maraki i te ope o Te Kooti. Ka arahina e nā torotoro a Tūhoe te ope taua a te Karauna kia aru i te ara o Te Kooti i te rāwhiti o Te Urewera. Taro ake, ka arahina e Te Whiu te ope taua a te Karauna ki te puni huna o Kereopa i te rāwhiti o Te Urewera, ā, nāna tonu i hopu i a Kereopa, i te arumia mō te patuna i a Te Wākana. Kāore a Te Whiu me nā toa o Tūhoe i tōna taha i whiwhia i te kotahi mano pāuna a te Karauna mō te hopukana i a Kereopa.

Nō te Nōema i te tau 1871 ka whakatūria e te kainārahu o te ope taua a te Karauna ētahi pā whawhai ki Ruatāhuna me Maunapōhatu, hāuna te mea kāore i meatia a ia kia hana i aua pā, hāuna hoki te whakakeke a Tūhoe ki tēnei mahi. Ko te take i hanaa ēnei pā, kia tahuri mai a Tūhoe ki te whai i a Tūhoe; heoi, kāore i pau nā wiki ka unuhia nā ope taua a te Karauna, kia hoki anō ai te mana o Tūhoe ki runa i a Te Urewera. Tērā nā manene o Tūhoe i tuohu ki te Karauna i te tau 1870, nō te tau 1872 rā anō ka whakaaetia kia hoki ki wō rātou kāina. Nō te rerenga o Te Kooti ki Te Rohe Pōtae i te tau 1872 ka mutu te whai a te Karauna i a ia, a nō te tau 1883 ka unuhia nā whakapae i runa i a ia me ētahi atu mō wāna "hara i te taha tōranapū" i te wā o te riri.

Tino kino nā riri a te Karauna ki runa i a Tūhoe mō te wā roa. Neke atu i te e 12 ōrau o te iwi i mate i nā mahi a te Karauna. Ruarua noa nā mea i mate i te pakana, ko te nuina i mate i te

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kore kai, i te kore whakamarumarū, i te kore aro atu o nā ope taua a te Karauna ki nā mea o te iwi kāore i huri ki te whawhai.

**Te Raupatu – Nā Whenua ki te tona o Waikaremoana, 1872 ki te 1875**

I te hohouna anō o te rono ki Te Urewera ka tahuri te Karauna ki te whakaoti i nā ritena mō nā whenua i te tona o Waikaremoana. I te Ākuhata i te tau 1872, ka tūtaki tētahi āpiha a te Karauna kāore i roto i nā whitiwhitina kōrero o te tau 1867, ki nā Māori ki Te Wairoa, ka tutuki tētahi whakaritena mō te whenua e 172,500 eka te nui. Ka hainatia tētahi whakaaetana me nā Māori e 18, ko tētahi ko Te Mākarini o Tūhoe; ko te tikana ia ka noho ēnei tātata hai kaitiaki mō te maha o nā kaihiwhi i inoatia.

E ai ki nā kōrero i te whakaaetana ka wāhia te whenua nei kia whā nā poraka (ko Ruakituri, Tāramarama, Tukurani me Waiau) ka tukua ki nā Māori he 'kūpapa'. Ka tāpiritia he rārani o nā tātata e 206, kūpapa mai, tātata whana mai, i whakainoatia ki te karāti Karauna mō aua whenua. Ruarua noa nā mea o Tūhoe i taua rārani. Ka puritia e te Karauna ki a ia he whenua e 250 eka te rahi ki Onepoto, kai reira nā pā o Te Pou o Tumatawhero me Te Tukutuku o Heihei, e mea ana kia whakatū he pā hōia ki runa i tētahi urupā. Ka puritia hokitia e te Karauna te e 50 eka i nā tahatika o te awa o Waikaretaheke me te tika kia tope i nā rākau kai reira. Kāore a Tūhoe i whiwhi kāpeneheihana mō ēnei whenua ka riro.

Iti noa nā taunakitana mō te pai te kore pai rānei o nā whitiwhitina kōrero me Tūhoe i mua i te whakaaetana o te tau 1872. Ka tuhi kōrero ētahi o nā ranatira o Tūhoe ki nā āpiha a te Karauna e whakahē ana i te whakaaetana; ko te kōrero a tētahi o rātou e mea ai kāore a Te Urewera i te pai ki nā mahi nei a Te Mākarini. Kāore i te tino mārāma ka pēhea te whakamahina o te whakaaetana nei o te tau 1872, kāore hoki e taea he karāti Karauna mēnā kāore e whai wāhi mai te Kōti Whenua Māori. Heoi, hauwarea ake te whakaaetana nei i nā whitiwhitina kōrero ka whai i waenanui i a Tūhoe, i a iwi kē me te Karauna mō aua poraka e whā.

I te tau 1873 ka rīhitia aua whenua ki a tauwiwi e ētahi o te huna i whai wāhi ki te whakaaetana o te tau 1872. Ka tohea ēnei rīhi e Tūhoe, tae atu ki a Te Mākarini, ka werohia nā kerēme ki nā whenua nei. Nō te Nōema o te tau 1873 ka tīmataria e te Karauna he ranahau ōkawa meī kore ka whakaae a Tūhoe me nā iwi noho tata kai hea wō rātou paena i roto i nā poraka e whā i te tona. Kāore i whai hua, ā, nō te Maehe i te tau 1874 ka mea atu nā āpiha a te Karauna ki a Tūhoe kia kawea tahitia wā rātou kerēme me nā kerēme a iwi kē, ki te Kōti Whenua Māori hai whakatau.

Nō te Mei i te tau 1874 ka tono ētahi o Tūhoe ki te Kōti kia ranahaua he taitara ki tēnā me tēnā o nā poraka e whā. Hai tā tētahi o nā ranatira, ko te hiahia o Tūhoe kia whakataunia te paena o tō rātou rohe i te tona (arā, ko wō rātou pāna kai te pito whaka-te-raki o ēnei poraka), kia ārai i te rūri me te hokona i ēnei whenua.

I mua i te ranahautana a te Kōti Whenua Māori i ēnei kerēme, i te Nōema i te tau 1874 ka whai te Karauna kia hoko i nā poraka tohea nei. Ka tahuri a ia ki te utu i nā kai-rīhi i aua whenua te moni e 9,000 pāuna ki te whakakore i wā rātou rīhi. Kātahi ka tīmata te Karauna ki te tuku moni ki ētahi o te huna e mea ana he pāna wō rātou i nā poraka nei. Ka haere he āpiha nā te Karauna ki Waikaremoana i te Hune o te tau 1875 ki te kōrero ki a Tūhoe kia haere ki Te Wairoa ki te whitiwhiti kōrero mō te hoko i nā poraka. I te Hūrae o te tau 1875, i Āhuriri, ka werohia te Karauna e nā ranatira o Tūhoe, he whitiwhiti kōrero nā te Karauna ki iwi kē mō te hoko i nā poraka e whā nei, hāuna te mea kāore a Tūhoe i whai wāhi, i whakaae rānei kia hokona aua poraka.

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E mea ana te Kōti Whenua Māori ki te ranahau ko wai te mana tūturu i aua poraka e whā i te tona o Waikaremoana hai te rā 28 o Oketopa i te tau 1875. E rua wiki i mua i tēnei rā, ka tae ake te kōrero a tētahi āpiha a te Karauna e mea ai kua whakaae tētahi iwi kia hokona aua poraka e whā. Heoi, i taua wā, kāore he whakaaetana mai nā ranatira o Tūhoe. Ka huaki te ranahau a te Kōti i nā taitara ki nā poraka e whā nei i te rā 28 o Oketopa; heoi, ka hikina wawetia.

Āoake i te rā o muri mai ka hui te Karauna me nā Māori e 700 mai i Tūhoe me ētahi atu iwi ki te whitiwhiti kōrero mō nā whenua i te tona o Waikaremoana kai te tohenia. Ko te kōrero a te āpiha a te Karauna ki te minena kua raupatunia te whenua. Me tana kōrero e mea ai kua tanohia e te Karauna wāna here ki runa i aua whenua, taihoa nei ka whiwhia kētia ki nā Māori noho pūmau ki a ia; ko te hiahia o te Karauna ināianei ki te hoko mai i aua whenua, heoi, ko te pātai kē ki te minena, kai a wai te tika ki te whakawhiti i aua whenua ki te Karauna. Ka whakaae nā āpiha a te Karauna he nui nā pāna o Tūhoe ki ēnei whenua, me te whakakeke o Tūhoe ki te hoko i ēnei whenua.

Kōrero nuitia ai i te hui nā pāna tuku iho o Tūhoe me ētahi atu iwi ki te whenua. Heoi, i te otina o te hui, ka kī te āpiha a te Karauna "i nui te arona" ki a Tūhoe, inarā i whakaaetia kia takoto kerēme ki ēnei poraka e whā i te mea hai tā te Karauna i te whana a Tūhoe i te tau 1866.

I reira, i taua hui a Karaitiana Takamoana he mema paremata Māori, ka puta tana kōrero kāore he mana o te Karauna ki aua whenua, nā reira me mutu tana pēhi i nā Māori kia hoko. Ka whakahēnia te kōrero nei e te āpiha a te Karauna me te kī mēnā koinā te hiahia o te Karauna he aha te take i "whakahokia te nui whenua raupatu." Hai ko tāna, kai te whai noa te Karauna ki te whakatau i tētahi tautohetohena wā roa i waenanui i nā iwi, hai mua i te ranahau a te Kōti i te taitara me te hokona a te Karauna i nā whenua.

Kāore i taea i te hui te whakatau i nā kerēme whakataetae mō te whenua, ka hikina te take nei ki mua i te aroaro o te Kōti Whenua Māori. Nō te rā 4 o Nōema i te tau 1875 ka tīmata te ranahau a te Kōti Whenua Māori i te taitara ki nā poraka e whā. Ka pātai te Kaiwhakawā mēnā i taka ēnei poraka ki te raupatu. Ko te whakautu tuatahi a te āpiha a te Karauna ki te pātai a te Kaiwhakawā, he whenua raupatu ēnei poraka, heoi, i raro i te whakaaetana o te tau 1867 ka puritia e te Karauna ko te poraka o Kauhoroa noaiho, hauwarea atu ērā o nā whenua raupatu, whakarērea noatia ai.

Nō te whakatakotorana o tēnā kai-kerēme o tēnā kai-kerēme i tana kēhi mō te whenua ki mua i te aroaro o te Kōti, taupatupatu ana, waihoki, i te rā 6 o Nōema ka hiki te Kōti kia tiro tiro i te whenua; whāia, ka pērā te noho a te Kōti kia oti rawa te rūri i nā poraka e whā.

Ka hiki te Kōti i te rā 6 o Nōema, taihoa, ka tae ake he karere ki te āpiha a te Karauna, nā te Minita mō Nā Take Māori. Ko te kōrero i te karere e mea ana, te āhua nei ēhara aua whenua i te whenua i raupatutia, nā reira, ka āhei te Kōti i raro i te Ture mō Te Tai Rāwhiti o te tau 1868 (East Coast Act 1868) kia ranahau i nā taitara whenua me te whakatau he aha nā tika o tēnā kai-kerēme o tēnā kai-kerēme. I raro i taua Ture, ki te tūhura he taunakitana e mea ai i whana he tanata ki te Karauna ka āhei te unu i ōna pāna i te whenua. Ka whiwhi te Kaiwhakawā i nā kōrero i roto i te karere rā.

I te mōhio te Karauna ka pau te hia marama ki te whakaoti i te rūri, nō reira whāia ai e ia he whakatauna i waho kē o te kōti. Ka tāpaea ki a Tūhoe he moni me ētahi whenua rāhui i roto i nā poraka, hai utu, me unu wā rātou kerēme ki aua poraka. Ka whakaae a Tūhoe, nō te rā 12 o Nōema i te tau 1875 ka unuhia wā rātou kerēme kai mua i te aroaro o te Kōti. Kāore he tuhina kotahi i mahue mai ki a tātou e whakaatu ana he aha nā nekehana i waenanui i te rā 6 me te rā 12 o Nōema. Kia hipa rawa nā tau e whā tekau mā rua, ka puta te kōrero a Ēria

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Raukura he ranatira o Tūhoe i nā tau atu i 1870, i roto i tētahi kēhi mō nā whenua i Waikaremoana, “nā te Kāwanatana te kōrero, ki te kore mātou e whakaae kia hoko, ka raupatutia aua whenua”.

I taua rā anō, āhua e 60 nā mea o Tūhoe i haina i tētahi whakaaetana me te Karauna, kia whiwhia rātou ki te e 1,250 pāuna me nā whenua rāhui e 2,500 eka: ki Whareama (e 300 eka), ki Te Kopani (e 800 eka), ki Te Heiōtahoka (e 1,100 eka) me Nāpūtahi (e 298 eka). Ka tahuri te Kōti ki te whiwhi i nā taitara mō aua whenua ki ērā atu o nā kai-kerēme, ka hokona e rātou nā poraka ki te Karauna mō te e 12,000 pāuna me nā whenua rāhui e 8,400 eka.

Ka whiwhia nā taitara ki nā whenua rāhui e whā a Tūhoe ki nā tātata e 60 i haina i te whakaaetana o te tau 1875, kāpā ki te katoa o nā tātata whai pāna o Tūhoe. Nō te tau i muri mai ka taiepatia e te Karauna aua whenua rāhui, heoi nō te tau 1889 rā anō tukuna ai nā taitara i ēnei whenua ki te huna e tika ai. Kāore he huarahi i raro i te ture atu ki Whareama me Naputahi, ā, nō te tau 1921 ka tanohia e te Karauna i raro i te Urewera Consolidation Scheme. Kāore a Tūhoe i whakaae kia kuhuna rātou ki tēnei whakahuina whenua.

#### Te Whitu Tekau

Tae ana ki te tau 1871, kua rapu te Karauna kia māriri te noho tahi me Tūhoe. I te tau 1871 ka tū ētahi hui i waenanui i nā ranatira o Tūhoe me te Minita Mō Nā Take Māori ki te whitiwhiti kōrero mō te maunārono. Ka hua ake ko te “whakatau i te rono” e mea ana me whakawātea nā hōia whakamutuna a te Karauna i Te Urewera hai te Tīhema. I tua atu i tēnei ka whakaae te Karauna mā Tūhoe anō e whakahaere i āna kaupapa katoa. I te tau 1904 kōrero ai te Kāwana mō te whakatauna anō he “Tiriti mō te Rono”.

Nō te Hune o te tau 1872 ka hui nā ranatira o Tūhoe ki Ruatāhuna ka whakatūria Te Whitu Tekau, hai pupuri i te mana motuhake i Te Urewera. Ka whakatakotoria te rohe pōtae o Tūhoe me te whakaatu ki te Karauna ko te iwi tonu ka whakahaere i nā take katoa a Tūhoe. Ko te kōrero a Te Whitu Tekau, kia kua te hoko, te rīhi, te rūri, te Kōti Whenua Māori me āna mahi ki roto i te rohe.

Kōrerotia ai i te haka rā mai i nā tau 1890 e hakaina tonutia i ēnei rā, ko Te Waiata mō Ruatāhuna, te taketakena mai o Te Whitu Tekau, arā mai te “whakatauna i te rono” o te tau 1871:

Ehara taku mana i te mana hou

He mana tawhito tonu, taku mana

Rūrū rawa mai, ka rūrū mai

Ka mahora nā ture ki te mauna tapu

Whāia, ka titi nā pou whenua o Te Whitu Tekau ki nā huarahi kuhu ki Te Urewera, me te rere hoki o tana haki. I te tukutuku kōrero a Te Whitu Tekau ki te Karauna e whakamārama ana i wāna kaupapa me wāna whakatauna, i roto i nā tuhituhina i nā marama o Oketopa ki Tīhema o te tau 1872 ka tahi; i tētahi hui nui ka tū ki Ruatāhuna i te Maehe o te tau 1874 ka rua; me te maha atu o nā wā tae rawa ki nā tau o te tekau tau atu i 1890.



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Ka hui te Kaiwhakawā o Ōpōtiki me Te Whitu Tekau ki Ruatāhuna i Maehe i te tau 1874, hai ko tāna, ko te hiahia o Tūhoe kia mārire te noho ki te Karauna, me te “aukati i nā rori, nā Kaiwhakawā me nā tikana a te Kāwanatana ki waho o tō rātou rohe”. Heoi, hai ko tāna, i te tauwehewehe te iwi mō te kaupapa o te rīhi whenua.

Hāuna te mea kīhai te Karauna i aro atu ki te tūrana o Te Whitu Tekau me te rohe i whakatakatoria i te tau 1872, i te tīmatana i tūtohu a ia ki Te Whitu Tekau me tana kore whakaae kia takoto he rori ki roto i Te Urewera. Heoi, kāore te Karauna i pai ki te aukatina o te rūri, te Kōti Whenua Māori me nā whiriwhirina mō te whenua.

#### Tūhoe me te Kōti Whenua Māori

Ka whakatū e te Karauna te Kōti Whenua Māori i raro i nā Ture Whenua Māori o nā tau 1862 me 1865 ki te whakatau ko wai nā ranatira o nā whenua Māori “e ai ki nā tikana māori”, me te huri i nā taitara māori hai taitara i ahu mai i te Karauna. Nā ēnei ture ka whakatahania e te Karauna tōna tika hai kai-hoko whenua, e taea ai e nā Māori te rīhi te hoko rānei i wō rātou whenua ki tētahi atu, ki te Karauna rānei. Ko te whakaaro o te Karauna mā nā Ture Whenua Māori e māmā ai te huaki i nā whenua Māori ki te Pākehā. Kāore te Karauna i kōrero ki a Tūhoe mō ēnei ture whenua māori hou. Kāore he mema Māori i roto i te Paremata i te wā i whakamanatia ai ēnei Ture.

Nā ture whenua māori ka panoni nā tikana e pā ana ki te whenua māori tūturu. Ko te tikana a Tūhoe mai anō mō te whenua, kia aro ki nā pāna o nā hapū me nā whānau ki te whenua tahi. Kāore he wāhi mō ēnei tikana i raro i nā taitara whenua a te Kōti Whenua Māori. Ko nā taitara ka āhei i raro i nā ture mō te whenua māori, ka hānai ki te tanata takitahi; nā tēnei i pākarukaru ai nā pāna o te whānau, o te hapū, o te iwi ki te whenua. Ki tā te Karauna titiro, mā ēnei panonitana, nāwai, ka whakarerea e te Māori nā tikana tūturu e pā ana ki te whenua.

Hai ārai te iwi i nā kerēme a Māori kē ki te whenua, kīhai he hurina mō Tūhoe i tua atu i tētahi taitara ā-ture i ahu mai i te Kōti Whenua Māori. Mā ēnei momo taitara anake ka āhei te rīhi ā-ture rānei, te hoko rānei i te whenua, te whakamahi rānei i te whenua hai torona ki nā tahua moni mō nā kaupapa whakawhanake.

Ka taea e te tanata Māori kotahi te tono ki te Kōti kia ranahaua te taitara o tētahi whenua. Hauwarea ake te kōrero ki nā tātana katoa he pāna wō rātou i roto i taua whenua. Heoi, ka whakaae ana te Kōti ki tētahi tono, me kuhu atu te katoa o te huna he pāna o rātou, ki te kore e kuhu tērā ka riro wō rātou pāna. Me mātua rūri te whenua kai te ranahaua i mua i te whiwhina ki tētahi taitara. Hāuna te kore whakaae a Te Whitu Tekau, whakahaerehia ai he rūri, he ranahau taitara rānei ki runa i ētahi whenua e mea ai a Tūhoe he pāna wō rātou. I nā kēhi he mea kawe e tātana kē ki mua i te aroaro o te Kōti Whenua Māori enari i toa a Tūhoe, kāore tonu i taea te pupuri i aua whenua hai whenua māori tūturu, taka kē ki raro i te taitara nā te Kōti Whenua Māori.

Kāore rawa a Tūhoe arā, a Te Whitu Tekau i pai ki te Kōti Whenua Māori. Heoi, i roto i nā tau 1867 ki 1894, tē taea e nā ranatira o Tūhoe me Te Whitu Tekau te aukati i nā mahi rūri me te Kōti Whenua Māori i nā whenua e 1.1 miriona eka, me te aha, ko te nuina i hokona. I te nuina o ēnei poraka, ehara i te mea nō Tūhoe anake te mana, he pāna wō ētahi atu, ko te mate kē, kāore he kōrero ki a Tūhoe e whakamōhio ana i nā kerēme a iwi kē ki ēnei whenua.

He nui te utu ki te haere me te noho mō te wā roa ki nā nohoana a te Kōti Whenua Māori. Noho ai te Kōti Whenua Māori ki te ranahau i nā taitara mō nā whenua e mea ana a Tūhoe he pāna wōna, ki Taupō, ki Āhuriri, ki Te Wairoa, ki Tūrana, ki Rotorua me ētahi atu wāhi kai

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waho atu o Te Urewera, he nui te utu, he mea whakapōrearea ki a Tūhoe. Ka nama a Tūhoe mō te kai me nā wāhi noho, i tua atu i te tāima kāore i te mahi.

Kāore a Tūhoe i whakamōhiotia kai te whakahaerehia he kēhi i te Kōti Whenua Māori mō Kūhāwaeā, mō Waiohau me Waipaoa. I tua atu, kāore i eke nā tikana ā-ture mō te whakatikatika i nā noikoretana me nā hapana a te Kōti Whenua Māori. Kāore i whakaaetia te tono a Tūhoe kia whakawātia anōtia te take o Kūhāwaeā, nō muri ka kīia tēnei mahi e te Kaiwhakawā Matua o te Kōti Whenua Māori he mahi "kāore i te tika ā-ture nei". Puta rawa ake te kōrero i tētahi ranahau a te Karauna e mea ai kia ronohia anōtia te kēhi, kua hokona te whenua e iwi kē, whāia, kāore he hokina ki te ranahau anō i te take.

He rite nā wā ka whakaae te Kōti Whenua Māori ki nā whakaritena a nā kai-kerēme Māori mō nā taitara ki te whenua. Mō te poraka o Matahina, ka whakaae tahi a Tūhoe me tētahi atu iwi i waho atu o te Kōti mō nā pāna o tēnā o tēnā i roto i te poraka, heoi kāore te Kōti i pai ki tēnei whakaaetana ka whiua ki waho te tono a Tūhoe mō tētahi anō whakawākana. Whāia ka nanao te Karauna ki te Ture Aheina Motuhake me Nā Kirimana (Special Powers and Contracts Act) o te tau 1883 kia ronohia anōtia te kēhi; i reira ka whakaae te Kōti he pāna wō Tūhoe ki te whenua.

E ai ki te Ture Whenua Māori o te tau 1873 he kawena tō te Kōti ki te tohu ko wai katoa nā Māori he pāna wō rātou i roto i tētahi whenua kai te kōtitia. Ahakoa tērā, hai ētahi o nā whakaritena i waho o te Kōti, ruarua noa nā inoa kai runa i nā taitara, hauwarea ake ētahi atu o te huna he pāna wō rātou ki aua whenua. Heoi, nā te wāhi nui ki nā āpiha hoko whenua a te Karauna i roto i ēnei whakaritena i waho o te Kōti, ka riro noa atu a Kāinaroa 1 me nā tika o te tokomaha o te huna he pāna wō rātou ki taua whenua.

E whiwhi ai he taitara i te Kōti Whenua Māori, tērā nā utu mō te rūri i te whenua me ētahi atu utu, ka noho ki te pēhi i a Tūhoe. Ka noho te Karauna ki te whakahaere me te tātari i nā tikana mō te rūri whenua, ā, hai ētahi wā ka riro ki a ia ko te whenua hai utu i nā whakapauna mō te rūri. Hai taurira ake, mō te rūri i a Matahina, ka utu a Tūhoe i te e 1,334 eka o te e 2,000 eka i whakawhiwhia ki a ia. Ko te utu mō te rūri i a Tuarāranaiā 1, kotahi hauwhā o taua poraka; ko te utu ki te rūri i a Waipaoa, ko te e 15 ōrau o taua poraka. Iho iho te utu mō te rūri i a Heruiwi 1 ki te 3 me Heruiwi 4, heoi, nā nā rūri tāpiri ki te wehe i nā pāna i hokona e te Karauna, ka pau te e 5,000 eka ki te utu i aua rūri. He rūri huna te rūri i a Tahora 2, kāore i whakaaetia, kāore hoki i whakahaerehia i raro i nā ture ārahi i te mahi rūri. Nō muri rawa whakaaetia ai e te Kai-rūri Matua te rūri nei, hāuna te tino whakahē a Tūhoe me ētahi atu. E 16,658 eka te utu ki te huna whai pāna mō te rūri kore take o taua poraka. Nō te tau 1894 ka amuamu a Tūhoe ki te Karauna mō te "kino o nā utu" mō te rūri me te Kōti Whenua Māori, he utu "tino kino...ka pau te whenua ki nā utu."

#### Te māmina ki Waiohau

*That they [Nāti Haka Patuheuheu] have suffered a grievous wrong is, in my opinion, plain. It is doubly hard that this wrong should have resulted from a miscarriage, which certainly ought to have been avoided, in the very Court which was especially charged with the duty of protecting them in such matters.*

Justice Edwards, 1905

*Ki ahau nei, mārama te kite atu i te kino i whiua ki a rātou (a Nāti Haka Patuheuheu). Ka whiua rātou ki te kino nā te mahi hē a te Kōti, hāuna tōna kawena kia tiaki i a rātou i ēnei nekenekahana. He kino, kātahi ka kino rawa atu.*

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Ko Kaiwhakawā Edwards, 1905.

Kāore te Kōti Whenua Māori i kite i te mahi whānako i te hokona me te wāwāhitana i a Waiōhau 1B (e 7,000 eka) e te huna hoko i te tau 1886. Nā te kore o te whakahau ā-ture e mea ai kia whai mānai ture tōtika a Nāti Haka Patuheuheu, i taea noatia ai te mahi whānako.

Kāore te Kai-kōmihana i ranahau mehemea he mahi whānako te hokona i Waiōhau. Ka tono a Nāti Haka Patuheuheu kia kōtitia anōtia te take nei; kāore i whakaaetia tā rātou tono e te Kaiwhakawā Matua, kāore i whakaaetia wā rātou kōrero kia ronohia. I raro i nā ture whenua māori o aua wā, kāore he wāhi ki nā kaitono kia whakatakoto kōrero, kāore hoki rātou i āhei ki te pīra. Nō muri ka puta te kōrero a te Kōti Matua, mehemea i whakaaetia te tono kia kōtitia anōtia te kēhi, ka haukotia i koneki te wāwāhi me te hokona o Waiōhau 1B.

I te tau 1889 ka hiahia nā ranatira hou kia noho i te whenua. Whāia, ka tukuna te pitihana a Nāti Haka Patuheuheu ki mua i te aroaro o te Paremata. E ai ki te pūrono a te komiti mō Nā Take Māori, i whiua rātou ki te “kino nui whakaharahara”. Nā tētahi ranahau a te Karauna i tūhura i te mahi whānako. Ka tohunia a Nāti Haka Patuheuheu e te Minita mō Nā Take Māori kia kawea te take ki te Kōti Matua kia huripoki i te taitara, me te mea atu kia tiki i te rōia a te Karauna māna hai whakahaere i tā rātou kēhi hai rōia tūmataiti.

Taea rawa ki tēnei wā, kua hokona anōtia te hāwhe o te poraka. Ka ūtaina e te Karauna nā here ki runa i te hāwhe o nā whenua o Waiōhau e toe ana kia kore e āhei te hoko atu, enari kāore i kōrero atu ki a Nāti Haka Patuheuheu i te mea ka pā tēnei here ki te hāwhe o te poraka anake.

Ka whakarite a Nāti Haka Patuheuheu i tētahi rōia mōna; whāia, ka mea atu te Kāwanatana ki te noho rātou me taua rōia, kāore te Kāwanatana e āwhina i tā rātou take. Kātahi ka kite te iwi, nā te nui o te utu kāore e taea te kawē i te kēhi ki te aroaro o te Kōti Matua, kātahi ka tono ki te Karauna kia awahi mai; tē manaakitia tā rātou tono. I te korena ake o tētahi kēhi ā-ture, ka unuhia e te Kāwanatana nā here e mea ai kia kua e hokona te whenua rā, heoi, kāore i kōrero ki a Nāti Haka Patuheuheu mō tēnei. I te tau 1891 me nā tau 1894 ki 1896 ka tono rātou i nā āwhina a te Kāwanatana, hauwarea ake.

I te tau 1905 ka nanao te ranatira hou o te whenua rā ki te ture ki te pana i a Nāti Haka Patuheuheu. Ka puta te kōrero a te Kōti Matua mō Nāti Haka Patuheuheu, “kua whiua ki te kino nā te Kōti Whenua Māori, ā, me tahuri te koroni ki te whakatikatika i taua hara.” Kua pau te kaha me te pūtea a Nāti Haka Patuheuheu ki te waha i te kēhi, nā reira ka tono anō rātou ki te Kāwanatana kia āwhina mai rātou. Ka nana te Kāwanatana ki te hoko i te whenua mō Nāti Haka Patuheuheu, heoi kāore nā ranatira o te whenua i whakaae kia hoko. Kātahi ka whiriwhiri te Kāwanatana ki te hana ture motuhake ki te hoko i te whenua, enari i te mutuna, kāore i tutuki.

I te tau 1907 ka panaia a Nāti Haka Patuheuheu i wō rātou kāina i Te Houhi ka tūkinotia nā mahina kai. Ka hahu rātou i wō rātou mate i takoto ki taua whenua. Ka whakamahia tō rātou tipuna whare a Tama-ki-Hikurangi hai hēte pupuri otaota whānai kararehe. I te tau 1908, ka hokona e te Karauna te tipuna whare mai te ranatira hou o te whenua. Kātahi ka turaki a Nāti Haka Patuheuheu i tōna tipuna whare ka nekehia ki Waiōhau 1A. Ka tanohia e te Karauna te whenua e 300 eka te rahi hai paremata mō te e 7,000 eka i whānakotia. Kāore a Nāti Haka Patuheuheu i pīrani ki te whenua hou, he tawhiti rawa i tō rātou rohe. I te tau 1908 ka tukuna e te Karauna te whenua nei ki te Poari Whenua Māori kia puritia mō Nāti Haka Patuheuheu, heoi, nō te tau 1920 rā anō ka tohunia ko wai nā tātana he pāna o rātou ki tēnei whenua.

2: POU MATĀHO

**Nā whāwhā whenua a te Karauna**

Nō te tau 1873 ka tīmata nā whiriwhirina a nā āpiha a te Karauna ki nā iwi noho tata he pāna tahi wō rātou me Tūhoe i roto i ētahi poraka ki te uru o te rohe o Tūhoe. I te Tīhema i taua tau ka tohunia e te Karauna he āpiha hoko whenua i Te Urewera, ko te whāina ia kia whakakore i te rohe pōtae he mea whakatakoto nā Te Whitu Tekau. Ka hāpai e te āpiha rā nā hokona ki Raunaehe (Tuarāranaiā) i te mea "koia nei te wāhi pai rawa atu ki te unu i te rohe pōtae. "Kia tīmata rawa nā whiriwhirina me ētahi atu iwi mō ēnei poraka, kātahi anō ka whakaae te Karauna he pāna o Tūhoe ki ēnei whenua.

Ko te hiahia kē o Tūhoe me ētahi atu, kia rīhi i te whenua, hai aha te hoko. I te tau 1873 ka rīhi a Tūhoe me tētahi atu iwi i a Kuhawaea ki tētahi rōpū tūmataiti. I taua tau ka whakaae a Tūhoe kia rīhi i tētahi wāhana nui o te poraka o Pokohu ki te Karauna. I te tau 1874 ka tīmata nā whiriwhirina a te Karauna mō te rīhi whenua i Ruātoki, ka utua ētahi tātana o Tūhoe ki te e 50 pāuna mō te rīhi i nā whenua e 30,000 eka. Taihoa, nā runa i te whakahē a ētahi o nā ranatira o Te Urewera, ka whakahokia e te huna rā te e 30 pāuna o te e 50 pāuna. Ka utu te Karauna i ētahi atu iwi mō Pūkahunui me Heruiwi i te Maehe i te tau 1874 me Kāinaroa i te Pēpuere i te tau 1875. E ai ki a Tūhoe he pāna wō rātou i ēnei poraka.

Ko te rautaki a te Karauna, mā te rīhi ka taea te hoko wawe i te whenua. Kai roto i nā ritena mō te rīhi whenua he kōrero e mea ai me kua rawa te Māori e whiriwhiri ki tētahi atu i tua atu i te Karauna. Nāwai ā, ka whakaaro te Māori mō te rīhi anō ko te "mounu", ko te hoko, nā, ko te "matau" tērā.

I te tekau tau atu i 1870 ka whakamanahia e te Paremata he ture e taea ai e te Karauna te aukati i nā rōpū tūmataiti mai nā whenua kai te pīrani te Karauna ki te hoko mai. Hai nā tau o te 1880 me te 1890 ka hora ēnei momo ture aukati a te Karauna ki runa i nā whenua Māori, otirā, tērā ētahi wā i whakakāhore te Karauna i nā momo hokona whenua tūmataiti katoa. Hai ētahi wā ka nui atu te utu ka tāpaea e nā kai-hoko whenua tūmataiti me nā kai-wāriu motuhake ki tētahi pihī whenua, tērā i te utu ka tāpaea e te Karauna.

Hai ētahi wā ka tōmua te utu a te Karauna mō nā poraka e whakapae ana a Tūhoe he pāna wōna, i mua i te whakatauna a te Kōti Whenua Māori nō wai taua whenua. I te tau 1879 ka whakamutua tēnei mahi e te Minita mō Nā Take Māori. Kāore nā ranatira o Tūhoe i pai ki te mahi nei te utu tōmua, kīia ai he tamana, kai herea noatia te huna ka whiwhia ki te tamana ki te hoko i te whenua, hai mua i te whakatauna nō wai te whenua, pēhea te rahi o te whenua, te utu rānei mō te hoko i te whenua. Kai te maha o nā whakaaetana rīhi te kōrero e mea ai ka āhei te Karauna te pupuri i te utu mō te rīhi kia oti rawa he taitara mō aua whenua. I nā tau 1873-1877 ka whakairia e te Karauna nā mahi a te Kōti Whenua Māori ki ētahi o nā whenua he pāna o Tūhoe, me te aha, kāore nā Māori nō rātou aua whenua i whiwhi taitara me te moni rīhi e tika ana.

I tohunia nā āpiha hoko whenua a te Karauna kia noho tuwhera wā rātou whiriwhirina, kia whiriwhiri hoki me nā ranatira. Ātu i te tau 1877 i āhei te Karauna te tonu ki te Kōti Whenua Māori mō nā hua mai i nā pāna i riro mai. Nō konei ka nui atu nā whiriwhirina me nā tātana takitahi, tae rawa atu ki nā tau o te 1880 me te 1890, koirā nā tau i whakaritea te nuina o nā hokona o nā whenua o Tūhoe.

Ka haere tonu nā hokohoko whenua a te Karauna i roto i Te Urewera i te tekau tau o 1890 me nā tau tōmua o te tekau tau atu i 1900, aromātai ana ki nā whenua he pāna whakataetae. Kāore te Karauna i noho ki te tātari mēnā ka rahi nā whenua e toe ana ki a Tūhoe e tutuki ai ōna hiahia, ka kaha kē ake tana hoko i te whenua, hai tāna, koia nei te "puarena" ki te manawa o te whenua o Tūhoe.

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I haere nā hokona o te rau tau 1900 i raro i te Ture Native Land i te tau 1909, e tareka ai te Karauna te hoko whenua mēnā ka takoto he whakatauna nā tētahi hui o te huna whai pāna kai reira, e whakaae ana kia hoko i te whenua. Ki te tutuki te ritena o te Ture e mea ai me kua i raro iho i te tokorima nā tātata whai pāna ka tae ki ēnei momo hui, ka taea e te iti i te hui te here i te maha kīhai i te hui, ki tētahi hokona. I pēnei mō Wāipaoa 5 me nā wāwāhina o Heruiwi 4C he mea riro i te Karauna i te tekau tau 1910. Nō raro mai i te Ture 1909 ka riro anō ko Tāhora 2A3 i te takiwā atu i te tau 1909 ki te tau 1922. Whai muri i te whakahēna o nā kaipupuri ki aua hoko, ka hoko takitahi te Karauna i nā hea, ā, koia anake te kaihoko.

**Te Rūri me te Mautohe**

I kaha tonu te Karauna ki te hāpai i te rūri i nā whenua o Tūhoe hāuna nā mautohe a Te Whitu Tekau ki te ātete i nā rūri o te whenua. Nō te tau 1891 ka tonu ētahi o Tūhoe kia rūritia nā whenua o Ruātoki, ahakoa te whakahē a Te Whitu Tekau: heoi, nō te mārama o Āperira i te tau 1892 ka unuhia e Tūhoe nā tautokohana mō te rūri. Heoi, kua tīmata kē te rūri i raro i nā whakahaere a te Minita Mō Nā Take Māori, hāuna tērā, ka tāpuhia māiretia e Tūhoe te rūri. Ka hipa nā rā, ka puta te kōrero a Timi Kara ki a Tūhoe e mea ai “nā te mea nā Tūhoe i tīmata te take i te tonu kia rūritia te whenua”, me haere tonu te rūri o nā whenua o Ruātoki.

Nāwai, ka taea tētahi whakaaetana pēnei; ka whakaae a Timi Kara kia whāiti te rūri ki tētahi wāhi anake o te poraka, ā, ki te mutu te mautohe a Tūhoe ka pākati e te Karauna nā rūri katoa me nā mahi a te Kōti Whenua Māori i roto i Te Urewera kāore i te pai ki te iwi. Ka nana te kai-rūri kia tīmata anō te rūri, ka whakapōrearea a Tūhoe i āna mahi, me te tohe mehemea kei te rūri a ia i nā wāhi e whakaaetia ai kia rūritia. Ka whakairia nā mahi rūri e te Karauna kia whai wā ai te Minita Mō Nā Take Māori kia kōrero ki te iwi – ka tōia kia ono mārama te roa e tiaki ana, ka puta te kōrero a Timi Kara e mea ai ki te kore e tatū he whakaaetana i roto i te mārama ka rūritia te katoa o te poraka, hauwarea ake te whakaritena o mua a Timi Kara. Kāore a Tūhoe i whakaae ki te rūri, whāia, ka tonu e te Minita Mō Nā Take Māori he ope pirihiimana mau pū me nā hōia whakahaere pūrepo mai Ākarana (Auckland Permanent Artillery) hei whakamarumarutana mō nā mahi rūri. Ka mautohe tonu te iwi, i te mutuna tokowhā nā tāne, nahuru mā tahi nā wāhine i mauherea ki whare herehere.

Nō te tau 1894 ka uru te tira a te Pirimia a Te Hetana ki Te Urewera kia kite ā-kanohi i nā nekenekehana i nā takiwā māori. Ko te hiahia o Te Hē tana kia rono he aha nā whakaaro o nā iwi o Te Urewera mō nā take pēnei i te rūri, me te whakamārama ki nā Māori he aha nā kaupapa here a te Karauna e pā ana ki nā whenua o te Māori. Ko tana kupu tuatahi he whakatūpatō i a Tūhoe pēnei; ki te kore te iwi e tuku i ōna whenua ki raro i nā whakahaere a te Kōti Whenua Māori tērā ka haramai te Karauna mā āna ture ki te whakahau kia pēnei, i runa i te whakapono koinā te huarahi hei whai mā nā Māori. Tino kore nei a Tūhoe i whakaae ki tēnei kōrero. Nō muri ka puta anō he kōrero i te Pirimia e mea ai kāore he rūri i nā whenua o Te Urewera hei mua i te kuhuna ki te Kōti Whenua Māori, kia whakaaetia rawatia e nā ranatira katoa.

Hai whakapūmau i te mau i te rono i waenanui i a Tūhoe me te Karauna, ka tukua e Numia te taiaha a Ronokarae ki te Pirimia. Nā te tipuna rawa nā Ronokārae te taonga rā.

Nō te Hānuere i te tau 1895 ka tae te kupu a Tūhoe ki te Kairūri Tumuaki (Surveyor-General) e mea ai kia mutu te rūri i nā whenua o Te Urewera, ko te wehi i te iwi kai riro te whenua. Ko te whakapae a te Kairūri Matua ka huri nā whakaaro o Tūhoe, whāia, ka whakaritea he rūri i te whenua me nā wāhi paraa he rori; nō te Āperira i te tau 1895 ka tīmata. I kohimu a Tūhoe kīhai rātou i whakamōhiotia mō nā rūri; ka whakakeke tonu a Tūhoe i te rūri. Ka tonu wawe te Pirimia i tētahi ranahau, ka kitea kua tukua kētia he “pānui” i Karatia (Galatea), Te Whāiti me Ruātoki; nā nā mautohe ka mutu te tuku i nā pānui. Nā nā whakapōrearea ki te mahi a nā

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kairūri, ka tonoa a Timi Kara ki te whitiwhiti kōrero me nā ranatira. Ka whakahaua e te Karauna tētahi ope hōia ki Te Urewera hai mau i te rono kia mutu rawa nā mahi rūri. I tēnei mahi a te Karauna ka mutu te mautohe a Tūhoe.

#### Te rohe Māori rāhui o Te Urewera

Ka noho ēnei hai take whakatū hui ki Pōneke i Hepetema i te Ka noho ēnei hai take whakatū hui ki Pōneke i Hepetema i te au 1895 i waenanui nui i tētahi tira ranatira o Tūhoe me Timi Kara rāua ko te Pirimia me te Kāwana Tianara me ētahi mema paremata Māori. Ka whakamaharatia te Pirimia e nā mea i Ruatāhuna mō te whakaae a Te Mākarini i te tau 1872 i te tapu o te rohe o Te Whitu Tekau, kua rawa mō te takahi i te rohe whenua kua whakaaetia tahitia. Ka tūtohu te Pirimia ki te oati he mea tuku nā Te Mākarini ki a Tūhoe ki te whakahaere i wō rātou whenua, me te mea kīhai taua oati i whakamanatia.

Ko te take nui i puta i nā hui i karanatia ki te whitiwhiti kōrero mō nā ritena motuhake mō te whakahaere i Te Urewera, ko te takoto mai o tētahi ritena tūturu e whakahounia ai e Tūhoe tana whakaaetana ki te mana o te Karauna, e tūtohu ai e aro atu ai te Karauna ki te mana motuhake o Tūhoe. Kapi ai ēnei whakaaro ki nā haki e rua ka tare ki nā wāhi o Te Urewera, ko tā Tūhoe haki ko te Union Jack me te kōrero Kotahi Te Ture Mo Na Iwi E Rua, ko tā te Kōmihana o Te Urewera haki e mau ana te kōrero Te Ture Motuhake o Tūhoe.

Ko te kawenata o te tau 1895, e whitu nā mātāpono kai tōna pūtake:

- Ka whakatūria a Te Urewera hai whenua rāhui mō ake tonu, hai rākau whakamarumarū i tana iwi me wō rātou whenua, te wao, nā manu, nā taonga, nā tikana me te āhua o tā rātou noho;
- Ka noho te Kōti Whenua Māori ki waho o te rāhui, ka whakahiatotia he tikana anō mō te taitara whenua ka ahu mai te Karauna;
- Ka whiwhia nā taitara whenua ki nā hapū mā tētahi tikana ka hiki ake i te mana o nā hapū me te iwi;
- Ka noho ko nā iwi o Te Urewera hai whakahaere i a rātou anō mā roto i nā komiti a nā hapū, ko rātou ka whakahaere i nā whenua me nā kaupapa ka pā ai ki te iwi, me tētahi Komiti Nui hai mānai i nā take ki ka pā ai ki nā kāwanatana ā-rohe;
- Ka whakaae nā iwi o Te Urewera ki te Kūini me te Kāwanatana, ka whai hoki rātou i te ture;
- Ka tiaki te Kāwanatana i te iwi, hai nā wā katoa ka hāpaitia tō rātou orana i roto i nā mea katoa, ka tāpaea hokitia nā āwhina ki te hapori me te ōhana;
- Me haere tonu nā kaupapa ki te whakatipu i te ōhana i te rāhui (pērā i te hana rori, nā kaupapa wae tāpoi, te ahuhenua, te kerī i te kōura), heoi, kia mau tonu ki te pūtake o tēnei mea te rāhui.

Ko te kawenata o te tau 1895 i te pūtake o te pire te Rāhui Māori o te Takiwā o Te Urewera i te tau 1895 (Urewera District Native Reserves Bill 1895). I te rapu nā ranatira o Tūhoe mā rātou anō rātou hai whakahaere i a rātou i roto i Te Urewera, i te whai hoki kia kua wō rātou whenua e hokona. Ka tāpaea e te Pirimia ki mua i a Tūhoe me ētahi atu Māori o Te Urewera:

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- te Rāhui Māori o te Takiwā o Te Urewera;
- te āheina ki te pōti i nā Komiti Nui me nā Komiti poraka mai nā hapū;
- tētahi tikana ki te ranahau i nā taitara, ko tētahi kai-kōmihana ka mahi me nā ranatira o nā iwi ki te whakamārama i nā paena whakawaho o te rāhui me nā paena whenua o tēnā hapū o tēnā hapū;
- he āwhina ki te kerī mō te kōura me ētahi atu manawa whenua
- kia whakaae rawa te iwi hai mua i te kerina mō te manawa whenua;
- he kura me nā kaiwhakaako;
- ka tiakina nā manu me te wao, ka takaa he taraute ki nā wai māori; ā,
- ko nā whakatauna mō te whakamahina me te rirona atu o nā whenua ka whakataunia tahitia i raro i nā tikana Māori.

Ka whakamanatia e te Paremata te Ture Urewera District Native Reserve i te tau 1896 ki te whakamana i ēnei ritena. Nā tēnei ture ka horahia he huarahi i tua atu i te Kōti Whenua Māori ki te whakatau ā-ture ko wai nā ranatira o nā whenua Māori i roto i te e 656,000 eka o te Urewera Native Reserve. Ko te tikana ka noho nā taitara whenua ki nā hapū, ā, ka whakataunia tēnei e te Kōmihana o Te Urewera, he rōpū tokorima nā Tūhoe, tokorua nā Pākehā. Ko te Karauna ka utu mō nā rūri me ērā atu whakapauna o te mahi whakatau nō wai te whenua. I tua atu, ka whakatūria nā komiti poraka ki te whakahaere i nā whenua, me te Komiti Nui i whakatūria mō nā take kāwanatana ā-rohe pērā i nā whakatauna mō te hoko i te whenua (ko te Karauna anake te kai-hoko).

He roa rawa te wā o te Kōmihana o Te Urewera ki te whakatau i nā taitara ki te whenua; he wā uaua tēnei ki a Tūhoe. Ka tīmata nā hui a te Kōmihana ki te whakatau i nā taitara whenua i te tau 1900. I whakatakotoria nā tikana a te Kōmihana kia karo i tētahi o nā raruraru i te Kōti Whenua Māori. Ahakoa te nuina o nā mema i te Kōmihana tuatahi he Tūhoe, i nā wā katoa ko te tiamana he mema Pākehā. I tua atu ka whāiti te wāhi ki a Tūhoe i te whakatauna 'me kua nā kai-kōmihana o Tūhoe e whai wāhi ki nā whakatauna mō te whenua mēnā he pāna wō rātou i aua whenua. Hāuna te mea i whakatakotoria nā tikana a te Kōmihana kia whai wāhi mai ai nā kai-kerēme, kīhai i puta pērā. Kāore te āhua o te tohatoha a te Kōmihana i nā hea i pai i raro i nā tikana a Tūhoe.

He maha nā pīra i nā whiwhina a te Kōmihana i nā tau 1900 – 1902. He wāhi nui tō te takaroatana ki te tahuritana i ēnei pīra ki te paheketana o te hātepe hou. Kei te Minita Mō Nā Take Māori te mana tautoko i nā pīra, ā, i konei ka ronohia aua pīra e tētahi anō Kōmihana tokotoru āna mema i tohunia e te Karauna i nā tau 1906 me 1907. Kīhai he tanata o Tūhoe i runa i taua kōmihana.

E 3 o ngā nōhanga e 4 o te Komihana tuarua o Te Urewera i noho ki waho o te Rāhui. I tohutohua rātou kia wawe te tutuki i ngā pīra. Hāunga te whakaaetia o ētahi o āna whiwhinga taitara, he maha ngā kēhi i noho tāwewē tonu. Nā te Kōmihana tuarua anō i whakawhiwhi i te 73,667 eka o te poraka o Waikaremoana ki a Tūhoe me te hunga 117 te tokomaha o iwi kē. Kāore tonu ērā hunga i whakatakoto i wō rātou kerēme ki te Kōmihana tuatahi (i whakawhiwhia ngā pānga katoa ki a Tūhoe). Atu i te tai 1908 ki 1913, ka tuku a Tūhoe i ngā

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pitihana e toru mō te taitara ki Waikaremoana te take, e mea ana ko rātou ngā kaupupuri tūturu. Kīhai te Karauna i titiro ki aua pitihana.

Mō nā poraka o Maunapōhatu me Taurana, ka whakatūria e te kōmihana nā poraka hou e rua (Manuoha me Pāharakeke) e 37,925 eka te rahi. Ka whiwhia ēnei poraka ki nā tātana takitahi nō iwi kē. He tokomaha rātou i noho tonu ki nā rārani o te huna whai pāna ki nā poraka o Maunapōhatu me Taurana, ahakoa te tohu a te kōmihana tuatahi kia nekehia aua pāna ki Manuoha me Pāharakeke. Ko te otina ka iti rawa iho nā pāna o Tūhoe. Ka aukatia e te kōmihana tuarua a Tūhoe mai te taitara o te poraka o Te Whāiti. I nā tau 1912 me 1913 he maha nā pīra i tāpaea ki mua i te aroaro o te Native Appellate Court.

Nō te Hānuere i te tau 1908 ka whakaara e te Karauna ki a Tūhoe te e 7000 pāuna hai utu i nā rūri me te kōmihana o Te Urewera. I āta kōrerohia te kōrero ki a Tūhoe he kawena tō te iwi ki te utu i te Karauna mō nā rūri, heoi nō muri ka whakaae te Karauna hai tā te ritena o te UDRNA kāore ēnei utu e pā ki a Tūhoe. Nāwai, tokomaha nā kaihoko o Tūhoe i mea nā ēnei utu i kaha ai te whai kia hoko te whenua.

I panonitia te Ture mō Te Rāhui Māori o Te Takiwā o Te Urewera kia kuhuna ai nā taitara i te Rāhui ki nā tikana a te Kōti Whenua Māori pērā i te rūri, te rīwhi me te wehe.

Hāuna te whāina mātua o te UDNRA ki te whakatū i tētahi kāwanatana Māori ki te rohe, ka pau te tekau tau kāore anō tēnei kia tutuki. I takaroa hoki te whakatū i nā komiti poraka pakari. I whai wāhi te takaroa o nā whakatauna o nā pīra me nā kerēme whakataetae ki te raruraru nei. I te pūmāutana o nā whakahau a te kōmihana tuarua i te tau 1907 ka whakatūria nā komiti poraka. I te tau 1906 me te tau 1908 ka pōtitia e Tūhoe nā Komiti Nui e rua; tē aronia e te Karauna. I te tau 1908 ka whai mana te Karauna ki te tohu me te pana i nā mema o te komiti. Tāpiri ki ētahi atu panonitana, ka kore te hana manapori o te Rāhui. E 20 nā tātana i tohunia e te Karauna i te tau 1908 ki te komiti, he iti iho i te komiti i pōtitia e Tūhoe i mua rā, ka mutu kāore i tika te noho hai mānai mō te iwi. Kāore te Karauna i noho ki te āwhina i te komiti ki te whakahiato ture ārahi mō te kāwanatana ā-rohe.

I te hui tuatahi a te Komiti Nui i te tau 1909 ka whakarahia e te Karauna nā mema mā te e 14. I tīkina nā mema tāpiri nei mai tētahi rōpū hoko whenua o Tūhoe. Ko te whāina o te rōpū nei kia mahi pūtea ki te whakapakari i ētahi whenua kāore i hokona kai Maunapōhatu, i raro te rōpū nei i a Rua Kēnana. I te tau 1910 ka tohunia anōtia e te Karauna he mema tāpiri ki te Komiti Nui ki te hāpai i te hoko whenua i roto i te Rāhui. Ka hui anō te Komiti Nui i te tau 1910, ko te take nui ki te whitiwhiti kōrero mō nā hiahia o te Karauna ki te hoko whenua. I te tau 1914 ka tū te hui mutuna o te Komiti Nui, ka whakakāhoretia e te Ture Mō Nā Whenua o Te Urewera i te tau 1922; i unuhia hokitia e te ture nei te Ture Urewera District Native Reserve o te tau 1896, ko te mutuna tēnei o te Rāhui.

#### **Te hukapapa me te mate kai**

I raupatunia, i wehea te nuina o nā whenua haumako o Tūhoe ka pai mō te ahuwheua, ā, tatū rawa ki te tekau tau atu i 1890, kāore e rahi nā whenua hai tipu kai hai whānai i te iwi. Tērā nā mahi ka tuwhera i nā kaupeka o te tau ki nā rohe tata me nā mahi hana rori i Te Urewera, hāuna tērā, kāore tonu i rahi ēnei mō te whānai i a rātou.

Ka mōrearea te noho a Tūhoe ki te pā he raruraru ki nā mahina kai. Ka kitea tēnei i nā hukapapa kino o nā tau 1898 me 1901, te waipuke ki Ruātoki i te tau 1900 me te paraite ki nā mahina rīwai i te tau 1905 me te tau 1910. Whāia, mō nā tau tekau ka pānia a Tūhoe ki te matekaitana, nā tahumaero, te matemate o nā tātana me te tūpuhitana. I nā tau 1896 ki 1901



## TŪHOE DEED OF SETTLEMENT

### 2: POU MATĀHO

ka taka te taupori o Tūhoe mā te hauwhā, ka nui atu te matemate o nā tamariki nohinohi, he tohu ki te pōuriuri kenekene o te wā mō Tūhoe. Paku noa nā āwhina a te Karauna i te wā kino rawa atu nei. Kāore he utu mō nā kai i tohatohania i te tīmatana, heoi i whakahau te Karauna i te huna e kaha ana kia mahi i runa i nā rori kia whiwhi kai anō. He pai ake ki ētahi te mahi ki te utu i wā rātou kai, i te wehi kai tanohia e te Kāwanatana o rātou whenua hai utu i nā tohana kai.

#### **Ngā hokohokonga a te Karauna i roto i te Rāhui Māori o te Takiwā o Te Urewera (Urewera District Native Reserve)**

I te tau 1910 ka tīmata te Karauna ki te hoko i nā pāna takitahi i te Rāhui kāore anō kia wāwāhia, whai muri anō i te whakaae o te Komiti Nui (nānā anō i kōwhiri) ki nā hoko o nā wāhana o ētahi poraka. Ka hoko anō ia i nā pāna takitahi i ētahi atu poraka i mua tonu i te whakaae o te kōmihana. I te marama o Mahuru i te tau 1912 ka whakatārewahia e te Minita Mō Nā Take Māori nā hoko katoa i roto o Te Urewera kia ronohia anōtia nā pīra taitara whakamutuna. I Nōema o te tau 1914 ka tīmata te Poari Hoko Whenua Māori (Native Land Purchase Board) ki te hoko anō i nā pāna takitahi o te Rāhui kāore anō kia wāwāhia. He takahi tēnei i te ture Rāhui Māori o te Takiwā o Te Urewera, ā, i whakahauhia ēnei hoko me te kore aro ki nā mana whakahaere o Tūhoe me tana Komiti Nui. Kāore hoki ēnei hoko i piripono ki nā tukana wawao e pā ana ki nā whenua Māori ka hokona e te Karauna, pērā i tētahi utu tika mō te wāriu o te whenua me te whakaae hoki o tētahi hui kaupupuri.

Ko ērā kaupupuri i wāhi kē e noho ana te huna i kakama ki te hoko. I runa i te rautaki a te Karauna, ka kaha ake te hoko o nā pāna o Te Urewera. Nā te Karauna hoki i aukati i nā kainoho kia whiwhi rawa mai i nā papa rākau kei runa i wō rātou whenua. Ka mūrere anō te Karauna ki te aukati i nā tono Kōti Whenua Māori a ērā kaupupuri i kino ki te hoko. Ko tā te huna rā kia whakawehe mai i o rātou whenua kia pai ai ki tā rātou whakamahi i te whenua.

Ko te utu toharite puta noa i te Rāhui e 11 hereni i te eka. I tauratia nā utu i nā whakatau tata a te Karauna, kua i nā whakatau a ētahi tātana motuhake. I te tau 1910 me te tau 1915 ka toka ēnei utu ā tae rawa ki te tekau tau 1920. Kāore i tukuna a Tūhoe kia hoko i o rātou whenua ki te māketete whānui, i te wā tonu e piki ana te utu mō te whenua. Kīhai anō te Karauna i matapaki ki nā tohe a Tūhoe ki nā utu mō o rātou whenua. Whāia kīhai i uru nā utu papa rākau o tētahi whenua ki te uara whānui o taua whenua. I kapi katoa i te utu nā whakapauna mō te rūri, te hana rori me nā utu whakawhanake i manakohia e te Karauna. Enari he whāiti nā mahi hana rori me nā paina ka ahu mai i te whakatuwheratana o tētahi rori.

Atu i te tau 1914 ki te tau 1921 ka haere tonu te mahi a te Karauna kia hoko i nā pāna o nā tātana takitahi, kīhai i whakaaetia e te Komiti Nui. Nā te Ture Native Land Amendment me te Ture Native Claims Adjustment aua hokona hē i whakamana i raro i te ture. I tua atu, ka unuhia e taua ture te mana whakaae me te mana whakahē a te Komiti Nui ki nā hokona ki te Karauna. Kāore te Karauna i kōrero ki a Tūhoe mō tēnei. Ka tohea e Tūhoe nā hokona kīhai i whakaaetia e te Komiti Nui, tē aronia.

Nā runa i tana hoko i nā pāna takitahi o nā poraka o te Rāhui mai i te tau 1910 ki te tau 1921, ka riro i te Karauna te 53 ōrau o nā hea ki te Rāhui (e 345,000 eka). I whakahauhia ēnei hoko me te kore aro ki nā ture i ārahi i nā kaihoko whenua Māori. Nā nā hoko Karauna ka noho kore whenua ētahi o Tūhoe, tae atu ki nā mōrehu o te Pakana Tuatahi o te Ao. I tono nā mōrehu i tētahi kanohi Karauna kia kimihia mai he whenua mō rātou, hauwarea ake.

**Te pāhuatana o Maunapōhatu, i te tau 1916**

Atu i te tau 1906, ka āta mātai ake te Karauna me nā Minita ki nā mahi o te ranatira o Tūhoe a Rua Kēnana ki Maunapōhatu. I whakapaehia ia mō nā mahi tohuna, ā, nō raro mai i te Ture Whakamutu Tohuna i te tau 1907 (Tohuna Suppression Act 1907) ka tāketehia ia. Ko tā Rua Kēnana he hiki ake i tā Tūhoe i kī ai, kia kotahi te ture mō nā iwi e rua. Tae rawa ki te hoko waipiro ki Maunapōhatu. Kore rawa te Karauna i tuku raihana hoko waipiro ki a ia. I te tau 1911 me 1915 ka tau ki runa i a ia te hara mō te hoko waipiro, i riro herehere rawa ai ia i te tau 191.

I te tau 1916 ka hoki mai anō nā whakapae a te ture ki runa i a Rua mō te waipiro, whai muri iho i tana puta i te whare herehere me nā take tōranapū i whiua ki a ia mō tōna tūrana i roto i Te Urewera. I te Hānuere i te tau 1916 hāuna e mea kīhai a Rua i reira, ka whainahia ia ka meatia kia mauherea anōtia. I te Āperira i te tau 1916 ka whakaekea a Maunapōhatu e nā pirihihana mau pū e 70, i haere ki te mauhere i a Rua. Nā te mea he Rātapu te rā o te mauheretana, kāore i whai kiko i raro i te ture.

Nui rawa te ope pirihihana mau pū i haere ki Maunapōhatu mō te whakapae hoko waipiro te take, ka mōrearea nā tātata o Maunapōhatu i a rātou. Kāore i roa i muri i tō rātou taena ka pakū nā pū mō te wā poto, ka mate a Toko tama a Rua, rāua ko Te Maipi Te Whiu, ka whara ētahi Māori me nā pirihihana tokowhā. Whakapae ana a Tūhoe nō muri kē i tana hopuna i whakamatea a Toko. Mō tētahi wā ka meatia e nā pirihihana nā wāhine o Maunapōhatu kia noho ki raro i te maru o ō rātou pū. E ai ki a Tūhoe i pāwheratia ētahi o nā wāhine e nā pirihihana. I te wā o tana mauheretana ka titoa e Rua te waiata Taura Whiri Kau hai whakamaharatana mō te mahi nei. I tāhaetia ētahi taonga i te wā i reira nā pirihihana.

Ka mauherea nā tāne e 31 mō nā rā e toru, tae atu ki a Rua me tana tama a Whatu. I tua atu i te whiuna kotahi, i makaa e te Kōti ki waho, i unuhia rānei e te Karauna nā whakapae katoa i runa i nā tātata tokorima. Hāuna tērā ka mauherea nā tāne tae rawa ki Hepetema i te tau 1916 i te unuhana o nā whakapae. I tua atu i a Rua, kotahi te tanata i whakawānia mō te whakapae kotahi, ka whiua e te kōti ki rahaki. Kāore tahi te huna i mauherea, i whakapaetia, i whakawākia i whiwhi āwhina i te kāwanatana mō wā rātou utuna rōia e kotahi mano e toru rau pāuna te nui. He taunakitana e tohu ana, hāuna te hara kore o nā tātata o Maunapōhatu, i ūtaina ki runa i a rātou te utu neke atu i te kotahi mano pāuna hei whakaea i te utu mō nā pirihihana i takahi ki Maunapōhatu.

Whai rawa iho i nā rā e 47 i Tāmaki-makau-rau i te whakawākana i a Rua, ka unuhia nā whakapae e waru tae atu ki tētahi mō te tutū i pā ki a ia i tana mauheretana i Maunapōhatu. Kotahi anake te whiu i mau ki a Rua, mō te “ātete matatika” i Te Whāiti i te Pēpuere 1916 i te wā tōmua i nana te ture ki te mauhere i a ia. Ka whiua a ia kia mauherea taumahatia mō te kotahi tau, ka mutu tēnā kia 18 mārāma ki te whare herehere. Ka tanohia e nā pirihihana nā kupu i te haki o Maunapōhatu, “Kotahi Te Ture Mō Nā Iwi E Rua” hai tautoko i tā rātou i whakapae mō Rua he tanata tutū ki te Kāwanatana. Hāuna te mea kāore i tautokona nā whakapae i a Rua, ka tanohia e te Kōmihana Pirihihana te haki rā. Kai Tāmaki Paena Hira te taonga rā i tēnei wā.

Nō te rā 4 o Ākuhata ka tuhi nā tātata tokowaru o te hūri ki e nūpepa Auckland Star ki te whakahē i te whiuna a te ture ki a Rua, whakapae ai rātou i te pēhia a Rua. Ka tūtohu rātou kia hahua nā tūpāpaku o Toko Rua rāua ko Te Maipi kia tareka ai te ranahau a te kaitiro tiro tūpāpaku; i tō rāua matena nehua wawetia ai a Toko rāua ko Te Maipi ki Maunapōhatu. Kāore i hāpaitia tēnei tūtohutana.

2: POU MATĀHO

Ka noho te iwi o Maunapōhatu ka pitihana i te Pirimia i te Ākuhata i te tau 1916 kia ranahaua nā mahi i mahia i Maunapōhatu, kia tirohia he kāpeneheihana, kia tukua a Rua mā i te whare herehere. Ko te whakautu a te Minita Mō Nā Pirihimana, ka whai te ture i tōna anō huarahi.

Nā te pātaitana a tētahi kaiwhakawā i te Kōti Whenua Māori, i te Hepetema i te tau 1916 ka ranahaua e te Waiariki District Māori Land Board Register te uaua o te noho o nā tātana i Maunapōhatu, hauwarea, tē paku āwhina mai te Karauna ki a rātou me te whānau o Rua. Ka mate nā tātana o Maunapōhatu te hoko i nā kau me nā hoiho tae au ki wētahi pihi whenua hai whakaea i nā whakapauna ki nā whakawākana i Tāmaki-makau-rau. I Hepetema i te tau 1916 ka kōrero te Waiariki Māori Land Board ki te Karauna pēnei, ko te mahi tino pai ki te āwhina i nā tātana o Maunapōhatu, me 'te hāpai i te noho mai a nā Pākehā', ko te tono i te Land Purchasin Officer ki taua takiwā ki te hoko haere i te whenua. Koianeī ka tīmata te paheketana o te kāina i Maunapōhatu. Ka whakaorania anōtia i nā tau tōmuri o te tekau tau atu i 1920, enari he tūpuhi te ōhana i aua wā, korekau hoki he taputapu he taonga rānei o te ao tauwhitiwhiti hai whakamāmā ake i te noho ki Maunapōhatu, kāore hoki i mana te kupu oati a te Karauna ki te hana rori kia tuwhera ai te tuawhenua. I te tekau tau atu i 1930 ka wehe atu te nuina o nā tātana, ka iti haere te hāpori. Kāore anō te orana kia hoki mai.

**Te Whakamoanatana o Te Urewera**

*Tūtohina*

Tae rawa ki te tau 1919 kua kaha heke nā hokohokona o nā pāna i te whenua o nā tātana takitahi. Nā te kaupapa here a te Karauna kia hokohoko i nā pāna a nā tātana takitahi i roto i nā poraka whenua, kua kore e mārama kai te Karauna te taitara ki te poraka, kai te Māori rānei (enari anō te poraka o Waikaremoana, kāore anō kia tīmata te hokohoko). Whāia, ka pau te nui moni me nā whakawākana roa i te Kōti ki te wehe mai aua pāna. I tua atu, i te āwanawana te Minita Mō Nā Take Māori nō te mea, e pai ai te haere o te whāina kia whakanoho i nā tātana whai, me mātua hānai te wehena a te Kōti i nā pāna whenua o te Karauna ki te whāina nei. Whāia, ka aukatia a Tūhoe te tono ki te Kōti Whenua Māori kia wehea wō rātou pāna whenua.

Tae rawa ki te tau 1920 kua hiahia te Karauna kia whakahuihui i nā pāna whenua o te huna kīhāi e hiahia ki te hoko, ki roto i nā poraka kaitā. Ko te wawata ka huihuia nā pāna meroiti kai te noho marara, kia taea ai nā mahi ahuwahenua. Ko nā pāna whenua kua whakahuia ki tēnā hapū ki tēnā hapū, ka whakakorea kia noho he taitara hou ko nā whānau me wō rātou pāna. Ka tareka i tēnei huarahi e te Karauna nā whenua mō te whakanoho tātana hou, nā whenua hoki ka wehea hai whenua mō te tiaki i te oneone, hai whenua rāhui mātakitaki.

Ka hui te Minita Mō Nā Take Māori me te Minita Mō Nā Whenua ki nā Māori o Te Urewera ki Ruātoki i te rā 22 o Mei i te tau 1921 ki te kōrero mō te kaupapa nei. Ka whakaae nā Māori o Te Urewera ki te whakamoana i wō rātou whenua, kia mōhio pai ai rātou ko hea wō rātou pāna whenua, kia whakamutua ai te hoko whenua. Waihoki, ka haere tonu te hoko whenua a te Karauna – e 16,394 eka i waenanui i Āperira me Hūrae i te tau 1921. Ka tāpaea e te Karauna te kaupapa o te whakamoana i nā whenua ki nā Māori o Te Urewera i te Ākuhata 1921, nō te pokapū o Hepetema ka oti te whakataua, he paina ki roto mō te Karauna me nā Māori o Te Urewera. Ka hari a Tūhoe i nā oati mātua e toru a te Karauna i roto i te Urewera Consolidation Scheme: tuatahi, ka mutu te hoko i nā pāna o nā tātana takitahi i te whakamahina o te Scheme; tuarua, ka whiwhi rātou ki nā taitara whenua kua oti te rūri; tuatoru, ka hanaa nā rori mātua e rua me ētahi rori ririki kia tareka ai nā whenua i nā taitara whakamoana hou. Nō te Pēpuere i te tau 1922 ka mana te Ture mō nā Whenua o Te Urewera. Nō te tau 1923 kātahi anō ka pānuitia nā whakamārama mō te ture nei ki te reo Māori.

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### 2: POU MATĀHO

#### *Whakatinanatana*

Nō te hiahia ki te whakatū i te kaupapa whakamoana i te tau 1922 ki te tau 1924 ka whakatuma a Tūhoe, ka hua ake ko te rōpū Apitihana. Nō te tau 1926 ka tau te kaupapa whakamoana, i hana ai nā taitara hou e 216 mō nā Māori o Te Urewera, otirā e 16 ōrau o te Rāhui tūturu. Kātahi ka whakakapi nā taitara hou i nā poraka tūturu e 44 te rahi, i whakatūhia e te Kōmihana o Te Urewera. Nō kona i te tau 1927 ka taunaha te Karauna i tōna mana ki nā toena whenua. Ka mutu ko ērā whenua i tīnaohia e te Karauna he whenua i tokia, i keria, i nōhia hoki e Tūhoe. Heoi ka mau tonu i a Tūhoe ētahi o ōna whenua mōmona. I whakaarotia mā te whakamoana ka tareka e rātou te whakamahi i nā toena whenua i te Rāhui i whakatūhia i te tau 1896.

He rāwaho katoa nā Kaikōmihana Whakamoana nā rātou nā whenua Karauna me nā whenua o Tūhoe i whakawehe. Otirā kāore tētahi rōpū motuhake hei whakawā i nā tohe i waenanui i nā kaupupuri o Tūhoe me te Kōmihana, kāore hoki tētahi huarahi pīra i nā whakatauna a te Kōmihana. He nui nā whakataritari a Tūhoe ki te Kōmihana me āna whakatau.

Atu i te Ākuhata i te tau 1921 ka haere tonu nā hokohoko a te Karauna. Ka tahuri hoki tētahi o nā Kaikōmihana ki te hoko i nā pāna whenua o te Rāhui i te wā e whakamahia ana te kaupapa whakamoana, hāuna anō rā nā tohutohu kia whakamutua tērā mahi. I kōrero anōtia a Tūhoe ka whakamutua hoki te mahi hoki. Whai muri i te whakahē a Tūhoe, ka whakakaha ake te Karauna i tōna tukana hoko. Enari kāore tonu te tukana i eke ki te taumata i hiahia. Mai i te tau 1921 ki te tau 1925, ka hokona te 10,000 eka i runa i nā whakatau tata ō mua.

#### *Te utu rūri, hana rori*

Ko tētahi take nui o te whakaae a Tūhoe ki te whakamoanatana ko te oati a te Karauna kia hana rori matua ki nā whenua Karauna me nā whenua Māori i roto o Te Urewera, me te whakarato i te whanaketana whenua Māori. Ahakoa wana māharahara, ka whakaae a Tūhoe kia tuku ōna whenua ki te kaupapa hana rori mō te kaupapa whakamoana. Nā runa i tōna whakataruna e te Karauna me tuku rawa rātou i wō rātou whenua mō te kaupapa nei. Heoi ko nā rori matua katoa o Aotearoa he mea whakarato ki nā pūtea ka ahu mai i nā tāke me nā reiti kaunihera.

Kāore te Karauna i whakaoti i te hana o nā rori, otirā e 40,000 eka (uara e £20,000) nā whenua o Tūhoe ka riro i taua kaupapa. Nā whai hoki ko nā poraka kāore he rori, kāore he whanaketana, kāore he ahi kā. Ka warea te iwi i nā kāina o Te Urewera i te kore tareka hoki o nā ratona i te kore huarahi, me te kino o nā rori.

I te tau 1949 ko te pitihana a Tūhoe mō te korena o te rori i oatitia e te Karauna, ā, ka tīmata nā whiriwhirina kia whakahokia ko te 40,000 eka, kia whiwhi kāpeneheihana rānei a Tūhoe. I te tau 1958 ka whakatūhia te Poari Māori o Tūhoe kia whiwhi ki te utu kāpeneheihana e £100,000. I roto i tēnei utu ko te uara toharite tūturu mō te whenua i tukuna mō te hana rori (£20,000) tae atu ki te huamoni. Heoi kāore a Tūhoe i utua mō nā pāna ōhana i pā ki a Tūhoe i te kore huarahi atu ki wō rātou whenua.

Ka tohe hoki a Tūhoe ki te £14,000 utu rūri ki runa ki a rātou; ko te nuina he mea utu ki te whenua. Nō te hapana i tēnei o nā utu ka riro hē ko te 4,000 eka ki te Karauna. Nō muri ka hurahia tēnei hapana, enari kāore i whakatika, ā, ka mau tonu te whenua i nā rina o te Karauna. Ko tōna tikana hai whakapūmau kē nā rūri i te oati a te Karauna kia whitikina nā taitara whenua ki a Tūhoe, enari he koretake ērā rūritana, ā, kāore tonu i whakaputa ērā taitara ki nā kaupupuri whenua o Tūhoe. E 31,500 eka te rahi o nā whenua katoa ka riro i nā

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mahi rūri, tōpū e haurima o nā whenua katoa i a Tūhoe i mua i te kaupapa whakamoana. Kāti he iti rawa te uara o ēnei whenua me te whenua 40,000 eka mō nā rori i tō te utu toharite mō nā whenua o te Rāhui. Ko Tūhoe tonu te kaiutu i nā utu rūri, ā, ko te Karauna tonu te kaiwhiwhi.

I taua wā kāore i whakamōhiotia te rahina whenua i riro i te kaupapa whakamoana, enari iti iho i te rohe o te Rāhui (e 656,000 eka), arā e 600,000 eka. I te otina o te whakamoanatana, ka riro i te Karauna te 482,000 eka i te taitara kotahi; e 345,000 eka i riro i nā hoko takitahi; e 71,500 eka i riro i nā rūri me nā utu hana rori; e 65,500 eka ka riro i nā hoko ki Waikaremoana. Nāwai ko te nuina o ēnei whenua ka taka ki raro i te rohe pāka o Te Urewera (Urewera National Park). E 106,000 eka whenua ka toe mai ki te iwi, e 16 ōrau rānei o te Rāhui. Ka mutu e 210 nā wāwāhina taitara. E 94,000 eka o ērā whenua (e 14 ōrau o te Rāhui) i mau tonu i a Tūhoe.

Ko te nuina o te 94,000 eka ka toe ki a Tūhoe kāore i pai mō te whakatipu. Ko tōna hua kino kāore i rahi nā whenua hai nōhana mō te iwi e tipu haere tonu ana. Kāore i ōrite te tohana o nā whenua, nā reira ka iti rawa iho nā whenua o ētahi. Whai muri i te whakamahi o te kaupapa whakamoana, ko te katoa o te poraka o Waikaremoana atu i te 607 eka ka whiwhi ki te Karauna. Ko tā te ahi kā kia riro mai ko te 3,220 eka o nā rāhui whai muri i te kore tuku o te Karauna i nā whenua kei te tona o Waikaremoana. Ka noho kore whenua rātou.

I mau tonu i ētahi rōpū kaipupuri o Tūhoe i ētahi whenua haumako, ā, ka whakaaro rātou ki te whakawhanake i ēnei whenua. Heoi ara tonu nā kaupapa ārai atu i ō rātou hiahia. Kāore i whakaotioti nā taitara whenua takimaha kia tau rā anō te kaupapa whakamoana i te tau 1927, nā reira kāore i tareka te whakamahi i ērā whenua hei haumarū pūtea. I huri koaro hoki nā pūtahi tuku pūtea tārewa ki nā kaipupuri Māori tokomaha. Nā te kore rori kāore a Tūhoe i whai wāhi nui ki nā ōhana whakatipu kararehe o Aotearoa. I te tekau tau 1970 ka whakakotahi a Tūhoe i ētahi o ōna taitara whenua e whai hua ai i nā mahi ahuwahenua.

I te wā o te whakamoana whenua, ka whai a Tūhoe kia rāhuitia ētahi pihī whenua pērā i nā puta manu, nā wai ariki o Waikokopu me nā urupā, heoi i tukua kētia ēnei ki nā rinarina o te Karauna. Hoki atu hoki atu nā tonu a Tūhoe kia rāhuitia tō rātou mauna tapu a Maunapōhatu me te urupā nui ki reira. I te tau 1899 ka tonu nā Māori ki te Kōmihana o Te Urewera kia rāhuitia tētahi wāhana o Maunapōhatu hai urupā; kāore i tutuki, nō te Hānuere i te tau 1922 ka ara anō te take nei. Ka tūtohu nā Kai-kōmihana mō te Whakamoana mō tētahi rāhui mō ake tonu, kia t 500 eka te rahi; ka hōatu e Tūhoe he rārangi Kaitiaki. Ka rūri te Karauna i tētahi rāhui e 86 eka mai ana whiwhina.

Ka tūkinotia nā urupā e nā wae tāpoi ki te rohe pāka o Te Urewera; ka kakī mārō a Tūhoe kia whakahokia te mauna ki a rātou i te tekau tau atu i 1960. Nō te tau 1977 ka whakaae te Karauna kāore i tika te mahi kia kuhu i te mauna me te urupā ki nā whenua i whiwhia ki te Karauna. Waihoki ka purua te rāhui ki raro i te Poari Kaitiaki o Tūhoe-Waikaremoana, heoi i taka tētahi wāhi o te urupā ki waho.

#### Nā Kaupapa Ahuwahenua

Ko te Ture Native Land Amendment me te Native Land Claims Adjustment o te tau 1929 kia tareka ai te Karauna te tuku pūtea taurewa ki nā Māori ki te ahu i wō rātou whenua. Hai mua i tēnei kāore te Karauna i te hiahia te tuku moni taurewa ki te Māori. Nā te Karauna ka tīmataria ka whakahaerehia nā kaupapa ahuwahenua e toru ki Te Urewera, ki Ruātoki, ki Waiohau me Ruatāhuna i nā tau o te 1930. I whakatūria nā kaupapa ahuwahenua hai whakatika i nā raruraru te pā ai ki nā taitara whenua. I tua atu ka whai mahi ētahi, ka whai wāhi hoki te Māori ki te

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ōhana o te whenua mā te whakamahi i wō rātou whenua. Ka mutu, he āwhina nā whare i hanaa mō te huna ahuwheua, nā te karukaru o nā whare ki te rohe o Tūhoe.

E hua ai te kaupapa ahuwheua, me tika ētahi mea, pērā i te tokomaha kai runa i nā poraka, te pai o te whenua, te āhua o te taiao me te tūmomo ahuwheua. Tae rawa iho ki te tau 1929 kua kore e rahi te whenua haumako o Tūhoe hai whenua ahuwheua mō te huna whai pāna. Ka hānai pū nā kaupapa ahuwheua ki te whakatū pāmu rīhi roa mō nā whānau takitahi i runa i nā whenua o te whānau. Kāore i ora nā whānau ririki ki Ruatāhuna, heoi i pai atu nā pāmu teihana nui atu i runa i nā whenua o te tokomaha.

Ka tiaki i te Karauna ōna whakapauna pūtea ki nā whenua mā te tano ki a ia anake te mana whakahaere i nā kaupapa ahuwheua, kaua nā ranatira nō rātou te whenua. Kore rawa te Karauna me Tūhoe i mahara take ka riro te mana whakahaere i taua whenua mō nā tau e 40 ki te 60 tau, kia ea rā anō te wāhi ki nā kaupapa ahuwheua o Te Urewera. I te whakahokina o nā whenua ki nā ranatira o te whenua i te whai hua taua whenua, heoi ko nā nama mai te ahuna i te whenua i te piri ki aua whenua. Ka ūkuia e te Karauna tētahi wāhana o te nama i runa i te kaupapa ahuwheua i Ruatāhuna i mua i te whakahokina ki nā ranatira o te whenua.

Ka tahuri ētahi atu o te iwi ki te whakapai i wō rātou whenua. Mō tētahi wā ka marana take he pāmu ririki ki Waimana me nā riu o Taurana me Whakatāne. Ko te kaupapa ahuwheua nui rawa atu ka tū ki Maunapōhatu. Ka paheke haere te kaupapa nei i muri i te whakaekena o Maunapōhatu i te tau 1916, i nā raruraru me nā whakapauna moni ka pā. Nā te kore rori ka uaua rawa atu.

#### **Te poraka o Waikaremoana**

Ko te rirona o te poraka o Waikaremoana i te Karauna te wāhana o te Urewera Consolidation Scheme i tohea nuitia rawatia. I nā tau 1913 ki 1921 ka nana te Karauna kia riro ki a ia te poraka o Waikaremoana. Ki tā te Karauna kāore he take o nā whenua hai ahuwheua, he pai ake te whenua hai whenua rāhui mātakitaki, i te hiahia hoki te Karauna ki nā wai ka rere ki Waikaremoana mō te mahi hiko. Kāore anō kia mutu nā tohetohena a nā Māori ki te Karauna e whai nei ki te tano i tētahi wāhana o te poraka, ka whakaae rātou ki te kuhuna o te whenua ki te kaupapa o te whakamoana whenua, ahakoa te mea kāore anō te Karauna kia tīmata te hokohoko i nā pāna o nā tātana takitahi. He pai ake tēnei ki a Tūhoe tērā i te hokona noatia o te whenua e te Karauna, te hokohoko rānei a te Karauna i nā pāna o nā tātana takitahi.

Kāore rawa te poraka o Waikaremoana i wāriuhia motuhaketia. Ka riro ki te Karauna te e 90 ōrau o nā pāna o Tūhoe i roto i te poraka mō te e 6 hereni mō te eka, ka whakawhitia mō whenua kē i hokona kētia e te Karauna kai tētahi atu o nā poraka i roto i te Rāhui. Mā tēnei mahi ka āhei a Tūhoe te whakarahi ake o wō rātou taitara i nā kāina kai roto i te Rāhui.

Mō ētahi o te huna whai pāna, kāore ō rātou pāna i tua atu, kāore rānei rātou i hiahia kia tuku i wō rātou pāna i Waikaremoana mō ētahi atu whenua. Nā reira kāore he hurina mō rātou i tua atu i te hoko i wō rātou pāna. Ka whiwhi rātou i te e ono hereni mō te eka, ahakoa te kōrero a te Karauna e mea ai ka utua rātou ki te 15 hereni mō te eka kotahi.

Ko ērā o nā pāna a Tūhoe i hokona e te Karauna mō te 15 hereni mō te eka kotahi, i utua mā te nama kīia ai he debenture. Hai tā nā ranatira o te poraka he iti rawa tēnei, heoi kāore he hurina i tua atu i tēnei, ko te hiahia o te Karauna kia kuhuna te poraka o Waikaremoana ki raro i te Ture mō Nā Whenua o Te Urewera (Urewera Lands Act).

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I Pēpuere i te tau 1921 ka tonu a Tūhoe me wāna whanauna te tano i wō rātou whenua i Waikaremoana i te kaupapa whakamoana whenua. I te tau 1923 i taea e te Karauna te whakawhere i te tokomaha kia unu i wō rātou kupu whakahē, hai utu mō tēnei me rūri nā whenua rāhui mō te kore utu, me unu i te utu reiti, me tāpiri kia rua nā pihi whenua rāhui ki te taha tonu o nā wai. Kāore tonu te iwi whānui o Tūhoe i whakaae ki te kaupapa whakamoana i nā whenua ki Waikaremoana. Nā te whakamoana i te whenua ka riro i te Karauna te e 73,000 eka o te poraka, ka mahue ki nā Māori te e 607 eka kai nā pihi whenua rāhui i te taha o te roto. Kāore nā Māori o te hau kāina i whiwhi i nā whenua i oatitia pātata ki Te Kopani i te pito tona o Waikaremoana.

I te wā o te Tūpuhi (Depression) ka whakahekeka e te Karauna te itareti, me te aha, kāore nā Māori o te hau kāina i whiwhi i te itareti e tika ai mō nā utu namaa i hokona ai nā whenua ki Waikaremoana. Kātahi ka uaua rawa atu te wā o te Tūpuhi, tāpiri atu ko te takaroa o nā utuna itareti mai te Kaitiaki Māori i te tekau tau atu i te tau 1920, me te Tairawhiti District Māori Land Board i te tekau tau atu i 1930. Kia tae ki te tau 1932 kāore anō kia utua te haupū rawa tata ki te e 30,000 pāuna, hāuna te mea i whakaaetia tahitia, i whakanaotia anōtia e te Karauna mō te tekau tau. Hāuna nā tonu kia utua te haupū rawa rā, nō te tau 1957 rā anō utua ai.

Kāore i tareka te huna nō rātou nā pihi whenua rāhui i te taha o te roto te ahu i wō rātou whenua nā te tikana e mea ai ko te Karauna anake te kaihoko, nā nā here e tohu ana he aha nā ahu whenua ka whakaaetia, nā nā tāmīna hoki ki te tapahi rākau te whakanau poaka me te hana whare. Mō hia nā tau ka nana te Karauna kia hoko i aua pito whenua rāhui; i te mutuna ka tohunia hai whenua ka tāpiri ki te Urewera National Park. Nāwai, ka tūkinotia nā whare nā taonga me nā urupā e te huna wae tāpoi.

I ūtaina te reiti ki runa i nā whenua rāhui, ka wehi te huna whai pāna kai tanohia te whenua hei utu i nā reiti. Whāia, i te tau 1974 ka tukuna aua whenua rāhui rā ki raro i te Tūhoe-Waikaremoana Trust Board.

**Te Roto o Waikaremoana**

Kāore te Karauna i kuhu i a Waikaremoana ki te Urewera District Native Reserve, he rohe ka whai tika tonu a Tūhoe ki te wai. I te tau 1913 ka ranahau te Karauna i nā mahi hiko ki Waikaremoana. I nā tau 1913 me 1916 ka tonu nā Māori o te hau kāina kia tirohia te pae whenua o te Rāhui ki Waikaremoana, i runa i te hiahia kia hoki te Roto ki te Rāhui. Whāia, ka nekehia te paena kia uru ai nā whenua i te tona o Waikaremoana ki te Rāhui enari ka mahue te Roto ki waho i te Rāhui.

Nā nā tonu i te tau 1913 a Tūhoe me ētahi atu, ka ranahaua e te Kōti Whenua Māori te taitara ki te takere o Waikaremoana i waenanui i nā tau 1915 me 1918. Nō te Hune i te tau 1918 ka whiwhia e te Kōti ki nā kai-kerēme 194 o Tūhoe me ōna whanauna, e 72 ōrau o nā hea i te takere o te roto, ko te e 28 ōrau o nā hea ki nā kai-kerēme e 160 nō tētahi atu iwi. Ka wawe te pīra a te Karauna i te whakatauna nei i te mea ehara te takere o te Roto i te whenua Māori tūturu nā reira kīhai e tika mā te Kōti Whenua Māori hai whakawā ki a wai nā pāna o te taitara. Heoi, kua takoto kē te kōrero i te Kōti Pīra e mea ai kai te Kōti Whenua Māori te mana ki te ranahau i nā takere o nā roto puta noa.

Nā te takaroa o te hātepe me ētahi atu pōreareatana, nō te tau 1944 rā anō ka ronohia ai te Pīra a te Karauna. I te tau 1921 ka tonu te huna i tohunia kai a rātou te taitara, kia whitiwhiti kōrero me te Karauna mō wā rātou kerēme ki te Roto, heoi, kīhai nā whitiwhitina kōrero tīmata. Ka puta te whakataua a te Native Appellate Court i tautoko i te whakataua i te tau 1918. Ka tohe tonu te Karauna i te whakataua a te Kōti Whenua Māori, ka puta te kōrero i ētahi o nā āpiha mātua mō te whakataua a te Kōti i te tau 1944 "he korena" i raro i te ture. I te tau 1947 ka

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kī te Pirimia kāore te whakatau i te mea tika. I te tau 1954 ka whakatau te Karauna ka mutu wāna pīra mō te taitara ki te Roto, i reira ka rūria te Roto. I taua tau anō ka kuhuna e te Karauna te Roto o Waikaremoana ki te rohe pāka o Te Urewera, korekau he kōrero whakamōhio atu i a Tūhoe.

Hai nā tekau tau o 1940 me 1950 ka oti te wāhana tuatoru o te pā hiko o Waikaremoana, arā, te teihana hiko i Kaitawa. I keria ētahi wāhi o te Roto, ka whakahekeka te hōhonu o te wai i te Roto mā te e 5 mita; ka kāina haerehia nā wāhi o te takere o te Roto i marewa ki runa, ka kore haere nā mātaitai me nā ika, ka tāmia hoki te puta o nā tuna heke. Kāore te huna nō rātou te Roto i whakaae ki te kerina o te takere, ka puta wā rātou āwanawana mō ēnei mahina. I te tau 1959 ka tīmata te Karauna ki te whitiwhiti kōrero me nā ranatira o te Roto e pā ai ki te Kāpeneheihana mō nā mahi me te whakahaerena a te Karauna i te Roto.

Mō ētahi tau ā muri i te tau 1959 ka whai te Karauna kia hoko i te Roto, nā moutere me nā pihi whenua rāhui i te taha. Kāore nā ranatira i pai ki te hoko i te Roto, pai kē ki a rātou kia whiwhi he utuna ā-tau. Tino rerekē te wāriu o te Roto hai tā nā ranatira tērā ki tā te Karauna. I te tau 1967 ka whakaae te Karauna kia wāriutia te takere o te roto. Ka puta te wāriu, e \$143,000, kapea te wāriu o te hiko ka puta i te teihana hiko o Kaitawa, nā moni mai nā raihana hī ika, me te wāriu o nā mahi i mahia e te Karauna ki te takere o te roto. Ka whakaae te Karauna me nā ranatira o te Roto ki te wāriu hai tīmatana mō te utuna tuatahi, i raro i tētahi rīhi wā roa o te Roto ki te Karauna, he kōrero i kuhuna ki te Ture o Waikaremoana i te tau 1971.

Ka hanaa e te Karauna he rori, he punina motukā, he hōtera me te tari mātua o te National Park ki runa i nā wāhi o te takere o te roto i marewa ki runa ake i te hekena o te wai. Kāore nā ranatira o te Roto i whakaae ki ēnei mahi i runa i ō rātou whenua. Nā te whanaketana o nā mahi wae tāpoi ka paru nā wai o te Roto i te para tanata; he mea tapu ki a Tūhoe te wai. Mai te tau 1980 ka pai ake nā tikana mō te haupū me te pana i te para. Whai muri i nā mautohe a Tūhoe i te tau 1998 i mahia nā mahi kia pai ake te pūnaha pana i te para, kai te haere tonu nā mahi ki te whakatutuki i tēnei kaupapa.

#### **Te rohe pāka me te taiao**

I nā whitiwhitina kōrero hai mua i te whakamanatana o te Urewera District Native Reserves Act, ka tonu nā Māori kia whakatūria he hanana mō te penapena i nā ika me nā manu, kia whakaakona nā Māori o te hau kāina ki te whakahaere i aua hanana. Ko te whakautu a te Pirimia ka āwhina a Tūhoe ki te rauora i nā ika me nā manu i tō rātou rohe. Hāuna nā here o te Animals Protection Amendment Act i te tau 1895, i whai rīwhi a Tūhoe i taua ture kia āhei tonu te iwi te hopu manu me te kararehe. He ritena tēnei i pai ki a Tūhoe, i haere nātahi me te Ture mō te Rāhui Māori o te Takiwā o Te Urewera (UDNR) e mea ai ka tiakina nā whenua, nā wai me te taiao o te Rāhui i raro i nā whakahaerena me nā tikana a Tūhoe. Nāwai ā, ka neke te mana whakahaere i ēnei rawa ki raro i nā whakahaere o nā pokapū a te Kāwanatana.

I te tau 1898 ka whakatūria e te Karauna he wildlife reserve huri i te Roto o Waikaremoana. Tae ki te tau 1903 kua aukatia te puhipuhi manu (nā manu katoa), poaka, aha atu i roto i te Rāhui. I whakaae te Minita Mō Nā Take Māori ehara tēnei i te tika i raro i nā ritena i te pūtaka o te Urewera District Native Reserves Act, heoi, kāore i mau nā kōrero mō te ritena motuhake me Tūhoe ki te pukapuka whakatū i te Rāhui. I te tau 1910 ka whakaaetia a Tūhoe te hopu kereru, heoi, ā te tau 1911 haere ake, kāore e whakaaetia te hopu kererū puta noa i Te Urewera. Kāore te Karauna i kōrero ki a Tūhoe i mua i te hōrapatana o te ritena nei, waihoki, ka tohe tonu a Tūhoe ki te Karauna mō te take nei. Hai tā te Animal Protection and Game Act i te tau 1921 ka pau te kaha ki te tiaki i te kererū, kāore i aronia nā tikana a Tūhoe mō te penapena me te manaaki i te manu pērā i te kererū. Kua hāmenetia kua whainahia ētahi o te iwi mō te mahi kererū.



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Hāuna tērā, mai te tau 1906 ka whakatenatena te Karauna te puhipuhina o te kawau, he whakapae ka kai te kawau i te taraute. He wāhi nui ki a Tūhoe nā rāhui kawau i Waikareiti me Waikaremoana, he kai hoki ki a Tūhoe nā punua a te kawau kai ētahi atu nohoana o te manu rā. Nō te tau 1896 ka tukuna te taraute kia tipu ki Waikaremoana hai kai mā Tūhoe, e ai ki te Urewera District Native Reserves Act. Kāore te Karauna i whakaae mā Tūhoe e whakahaere i te hopu taraute mai te Roto, ā, tae rawa ki te tōmuatana o te tekau tau atu i 1930, me whai raihana rawa a Tūhoe ki te tano ika i te Roto.

Atu i te tau 1910 ka tau nā ritena a te Karauna mō nā rākau a Tūhoe, he rawa ōhana hai tāpiri ki nā moni whiwhi mai nā mahi ahuwheua. Mō te taha ki a Tahora 2G2, i uaua ake nā te mea kīhai a Tūhoe i āhei te whai wāhi ki nā whakahaerena o wō rātou whenua, i tukua e te Karauna ki nā rinarina o te East Coast Trust i te tau 1902, kāore i whai whakaaetana i a Tūhoe mō tēnei. Ka noho aua whenua ki roto i te Trust mō te neke atu i te rima tekau tau, me te mea kāore rawa te Trust i tahuri ki te whakapaipai ake i te whenua. I te tau 1958 ka whai te Karauna kia hoko i te whenua hai mira rākau me te tiaki i te awa me te whenua i te horo whenua. Whāia, ka whakatakaa e te Karauna aua whenua ki raro i nā ture mō te atawhai i te wai me te oneone kia kore ai e tareka e Tūhoe te mira i nā rākau. I te tau 1973 ka whakaae a Tūhoe kia whakawhiti i tērā whenua a Tahora 2G2 mō tētahi atu pito whenua i Te Urewera.

I whakatūria te rohe pāka o Te Urewera i te tau 1954, i te tīmatana e 117,000 eka te nui. Kāore i kuhuna he whenua Māori ki te rohe pāka enari i reira nā whenua Māori kua karapotia. Kāore he kōrero ki a Tūhoe mō te whakatū rohe pāka; hāuna te mea i kōrero tētahi o nā mānai o te iwi ki te Karauna i te tau 1953 me tana mea atu kai te tautoko nā ranatira o te whenua kia penapena he whenua hai rohe pāka, i whai anō rātou kia whanaketia te whenua hai orana mō te hau kāina. Mai anō i te whakatūna o te pāka, i tāmia e nā kāwanatana ā-rohe te ahuwheua me te whanaketana o nā whenua o Tūhoe i te taha o te pāka, kua karapotia rānei e te pāka.

I te whakatūna o te pāka ka tāmia tonutia te whāwhā ki nā rākau i nā whenua o Tūhoe, mā roto i nā pokapū pērā i te Urewera Land Use Committee o nā tau 1954 ki te 1958 me te Soil Conservation and Rivers Control Council. Ka ūtaina nā utu ki runa i a Tūhoe ka haere ai ki ō rātou whenua mā nā whenua o te pāka. I te pai a Tūhoe ki te whakawhiti i ō rātou whenua ka tipuria ki te rākau enari kai te horohoro ka tahi, ka nui rānei te wāriu mō te mātakitaki, mō nā whenua o te Karauna ka taea te mira me te ahuwheua. I te tīmatana ka whakaae mai te Karauna, nāwai ā, ka huri ki te aukati i te mira rākau i roto i te takiwā whānui o te pāka. Hāuna he ritena e mea ai ka whai kāpeneheihana mai taua Kaunihera nā ranatira o nā whenua mō te kore āheina ki nā hua i te mira rākau, kāore anō he kāpeneheihana ki a Tūhoe.

I runa i nā kaupapa here mō nā rohe pāka puta i te motu, ka tāmia nā mahi tuku iho a Tūhoe i Te Urewera, ka tāmia hoki te whāwhā ki nā rawa. I te tīmatana ka tāmia te kato pikopiko me te kato pūhā, ahakoa he kai noa iho. I te tau 1962 ka whakaaetia te katokato i ēnei kai mō te wā poto noa, enari ko te whāina kia whakakāhore i tēnei mahi i roto te pāka. Ko te kaupapa here i te pāka i te wā nei e mea ai, ki te pai ki te Karauna, ka tareka te kato pūhā me ētahi atu tipu, kararehe hoki.

Tatū rawa iho ki te tekau tau atu i 1980, kāore te Karauna i whakaae he honona motuhake tō Tūhoe i roto o te pāka, he wāhi rānei tō Tūhoe ki nā whakahaerena o te pāka. Kāore i tutuki nā tonono o te tau 1973 me te tau 1980 a Tūhoe mō tētahi wāhi motuhake ki runa i te poari o te rohe pāka o Te Urewera (Te Urewera National Park Board); kai te tātari tonu te iwi. Mai i te tau 1962 ki te tau 1981 ka tirohia tētahi o nā mema tokoīwa ka tohunia ki te Poari (me te East Coast National Parks and Reserves Board o muri mai) anō nei ko te mānai ka tiaki i nā pāna o Tūhoe. He wāhana kai te Conservation Act i te tau 1987 me te National Parks Act i te tau 1980 e mea ai me kōrerorero ki a Tūhoe mō nā kaupapa here ka pā ki te pāka, ka mahue te whakanoho i a Tūhoe ki waenanui pū i te ārahi me te whakahaere i te pāka, ia rā, ia rā.

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#### He Huruhuru Te Manu Ka Rere: Te Tāmi i a Tūhoe

Nā te raupatu i nā whenua i te tau 1866 me nā rirona ka whai, tatū rawa ki te tekau tau i 1890 kāore e rahi te whenua e ora ai a Tūhoe. Nā te kino hukapapa me te mate urutā ka heke te nui o te tanata i Te Urewera puta noa.

Ka haere tonu nā mahi a te Karauna i te tōmuatana o te rau tau kia riro mai nā whenua o Tūhoe i roto i waho hoki o te Urewera District Native Reserve. Hai mua i te pakana tuatahi o te ao, kua hokona kētia neke atu i te whitu tekau ōrau o nā whenua whakapaea ai e Tūhoe he pāna ō rātou kai waho i te Urewera District Native Reserve. Ka riro ki te Karauna te 530,000 eka, ki nā kai-hoko motuhake e 290,000 eka. Ka haere tonu nā hokona ririki, kia tae rawa ki te rā nei, ruarua noa nā whenua i ēnei wāhi kai roto tonu i nā rinarina o Tūhoe. Ka nui hoki te whenua i taka ki te Karauna i te Urewera Consolidation Scheme.

Ko te nuina o nā whenua i toe ki a Tūhoe kāore i pai mō te whakanoho tānata mō te ahuwahenua rānei; kāore i rahi nā whenua ki te whānau i te iwi e kaha ana te tipu. E rua atu nā take tāmi i te ahuwahenua a Tūhoe, te kore pūtea me te uaua o te haere ki ētahi wāhi i Te Urewera nā te kore rori. Ka hāua te ōhana o Tūhoe. Nā te kore rori me te tawhiti, ka uaua te whiwhi i nā ratona (hei tauira, te mātaurana, nā ratona hauora, te tuku me te whiwhi reta.

Mai te tekau tau atu i 1930 ka wehe atu te nuina o Tūhoe i Te Urewera ki te whai mahi me te orana. Kāore anō te heke nei kia hiki i te whanaketana o Tūhoe kia ōrite ki ērā atu tānata o Aotearoa; mārama te kite i tēnei raruraru i te tau 1900. Nā nā mahi ahuwahenua i whakatūria i nā tau o 1930 ka hiki te ōhana o Tūhoe. I te rā nei e 85 ōrau o te taupori o Tūhoe kai te noho ki waho atu o Te Urewera. E toru whakarau te nui atu o te reiti kore mahi o nā Tūhoe ka noho ki waho atu o Te Urewera tērā i te reiti kore mahi o nā tānata katoa ki Aotearoa. Me uaua ka whai orana nā Tūhoe kai te kāina tonu e noho ana, nā nā tāmitana kai runa i nā rawa whenua o te rohe. E whā whakarau te nui atu o te kore mahi a te hau kāina tērā i te kore mahi ka pā ki nā tānata katoa o Aotearoa. He rahi nā tānata o te hau kāina kai te rono i nā whiu kino rawa o te tūpuhitana.

HISTORICAL ACCOUNT

- 2.1 The Crown's acknowledgement and apology to Tūhoe are based on this historical account.

**Tūhoe and Te Urewera**

- 2.2 Tūhoe descend from the tipuna Tūhoe or Pōtiki who, in turn, descended both from Toroa, the principal chief of the Mātaatua waka and from the ancient peoples of Te Urewera, Te Tini o Toi and Ngā Pōtiki. Pōtiki, the founding ancestor of Ngā Pōtiki, was the result of a union between Hinepukohurangi, the mist woman, and Te Maunga, the mountain man, giving rise to the description of Tūhoe as nā tamariki o te kohu ('children of the mist'). From the ancient peoples came the land of Te Urewera, and from the struggles of Tūhoe and his descendants came the authority over that land; origins that are remembered in the pepeha:

*Nā Toi rāua ko Pōtiki te whenua, nā Tūhoe te mana me te ranatiratana  
From Toi and Pōtiki our land, from Tūhoe our authority*

- 2.3 The traditional lands of Tūhoe centred on Te Urewera, but over time their influence extended to Waikaremoana and Pūtere in the south and from Kaingaroa in the west to Ngātapa in the east. In the north Tūhoe and other iwi used the resources of Ōhiwa Harbour.

**Tūhoe to 1865**

- 2.4 The mana motuhake of Tūhoe evolved over many generations. The iwi emerged from a period of conflict in the early nineteenth century having resolved historic rivalries and grievances with neighbouring iwi and distant tribes through a combination of military engagements and a series of tatau pounamu (peace agreements), which were often accompanied by chiefly marriages.
- 2.5 The many hapū of Tūhoe exercised customary control over their collectively-owned lands and resources; each exercising an independent mana born out of strong leadership and distinct whakapapa. At the same time, those hapū are linked by whakapapa connections, by what Tūhoe call matemateaone; the internal relationships that maintain their tribal identity. The collective leadership known as Te Huinga o te Kahu - a group of hapū leaders - was established in the early nineteenth century to maintain the mana motuhake of Tūhoe. This was the first of several institutions the iwi have adopted throughout their history to give effect to tribal autonomy.
- 2.6 From 1820, Tūhoe began acquiring from other iwi the new Pākehā crops, livestock and technologies (including, from 1830, muskets) that had already been brought to other parts of New Zealand. Contact with Pākehā traders based around Whakatāne began in the 1830s. From the early 1840s Tūhoe commenced dealing directly with resident Pākehā traders at Ōhiwa and later, at Pukefī and Ruātoki. Traders provided goods in exchange for the flax, corn, wheat and cattle produced on the fertile river flats around Ōpōuriāo, Ruātoki and Waimana. Tūhoe also traded as far afield as Tūranganui and Northland. Tūhoe traded with iwi; exchanging valued Te Urewera resources, such as huahua (preserved birds) and timber suited to waka building, for sought-after trade goods.
- 2.7 Tūhoe travellers returning from other districts introduced the Christian faith to the district in the 1820s. In 1839 Tūhoe leadership formally agreed to allow Christianity in Te Urewera. Several itinerant missionaries ministered throughout Te Urewera, as well

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as a resident missionary, based at Ahikererū from 1846 to 1852. A number churches were built during the 1840s. This quickly led to widespread literacy (in Māori) amongst Tūhoe. In the absence of permanent missionaries, Tūhoe lay preachers took responsibility for the Christian ministry.

- 2.8 Tūhoe did not sign the Treaty of Waitangi. Crown representatives took the Treaty to Whakatāne in June 1840, but did not take it to Te Urewera. Tūhoe were unlikely to have had the opportunity to consider or sign the Treaty.
- 2.9 Prior to the 1860s the Crown had no official presence in Te Urewera, and Māori customary law and practice continued to prevail. Tūhoe remained in control of their own affairs. They were involved in "the great council of seventy"; a self-governing Mātaatua runanga based at Ōpōtiki that was initiated independently of the government in 1861.
- 2.10 Tūhoe had not alienated any of their lands at this time, but were aware of the tensions arising from Crown acquisitions of land in other areas, and of related Māori political movements. In the early 1850s, a movement to establish a Māori king developed in the Waikato in response to the rapid loss of Māori land. The Kīngitanga also hoped to promote Māori authority in New Zealand. Tūhoe representatives attended the great hui at Pūkawa in 1856 to discuss the kingship but despite later sympathy on the part of some hapū leaders for aspects of the movement's aspirations, the iwi did not join the Kīngitanga.
- 2.11 In 1862 the Crown sent its Wairoa Resident Magistrate Hunter Brown to visit Te Urewera to promote Governor Grey's attempts to establish 'new institutions' for Māori local self-government, such as an official runanga to liaise with a resident magistrate and civil commissioner. This was the first time a Crown representative visited the district.
- 2.12 Tūhoe received these proposals with caution, maintaining a stance of avowed neutrality towards the Crown as they did towards Kīngitanga. Some hapū leaders expressed guarded interest in trying out the government's runanga system although Te Mānihera of Tātāhoata noted that, as with any decision affecting the iwi, the tribal leadership would need to meet and agree to it. Others were more suspicious of the Crown, telling Brown they feared that the Crown sought "the mana of the land", that if it secured their land they would "become slaves to the Queen" and that they "fear for their nationality". This policy was not introduced in Te Urewera and the Crown withdrew it nationally in 1865.
- 2.13 War broke out between the Crown and Māori in the early 1860s in Taranaki and later in the Waikato. In 1863, the Crown enacted the New Zealand Settlements Act which provided for the confiscation of Māori land when the Governor in Council was satisfied that "any native tribe, or section of tribe or any considerable number thereof" had been engaged in rebellion against the authority of the Queen. Confiscated land was to be allocated to military and other settlers with a view to provide for future peace and security. Sales of confiscated land were intended to recoup the Crown's costs for the warfare with Māori.
- 2.14 After the Crown's unjust invasion of the Kīngitanga's Waikato heartland in July 1863, the Tūhoe leadership met at Ōpūtao but were divided as to how to respond. There was some sympathy for the Kīngitanga and a desire to support Waikato in halting the Crown's troops, lest Te Urewera eventually suffer a similar fate. Te Whenuanui however recalled the Tūhoe whakataukī, "Kia tāwharautia a Mātaatua (Let Mātaatua be sheltered)" and urged Tūhoe to stay and defend their own borders.

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- 2.15 Tūhoe leadership disagreed over whether they should send their men to support the Kīngitanga. In the end, the people of Ruātoki and Waimana chose not to go, while small numbers from Ruatāhuna and elsewhere were dispatched to Waikato. The taua joined in the unsuccessful defence of Ōrākau in April 1864, and the small Tūhoe contingent suffered significant loss of life. When Tūhoe survivors returned to Te Urewera, they were strongly criticised by the iwi. Later in April 1864 a small contingent from Waimana and Ruātoki was despatched to join the fighting. They combined with others from Tai Rāwhiti but their passage to Waikato was blocked by other iwi who were supported by Crown warships and military personnel. This second Tūhoe contingent was involved in the resulting fighting in the Matatā area.

**War and Confiscation Northern Te Urewera, 1865-1867**

- 2.16 In 1862, the Taranaki spiritual leader Te Ua Haumēne developed the peaceful, biblically based doctrines of the Pāi Marire faith. In the context of warfare his doctrines were misinterpreted and misapplied by some of his emissaries. In February 1865 the Pai Mārire emissaries Kereopa Te Rau and Pātara Raukatauri arrived at Tauaroa (western Te Urewera) en route to Tūranga. They proceeded to Whakātane and Ōpōtiki later that month and, on 2 March 1865, Kereopa led the group involved in the murder of Reverend Volkner at Ōpōtiki. Tūhoe played no part in this killing and joined other iwi at a hui where it was condemned.
- 2.17 The Pai Mārire emissaries travelled on to Tairāwhiti and Tūranganui which raised fears amongst local residents and led to conflict in that area. Pātara and his Pai Mārire emissaries fled to Te Urewera in late May 1865, whereupon Tūhoe undertook to escort them out of the district via the Kaingaroa plains. This was prevented when a neighbouring iwi, who had previously warned Pai Mārire not to enter their rohe, fortified Te Tāpiri pā. The Tūhoe party besieged the pā and, after forcing those within to withdraw, began to pursue them but, when Crown forces were sighted Tūhoe withdrew inland and built a new defensive pā at Te Hārema. Crown forces did not pursue them there. In July 1865, a Crown commander visited Tūhoe at Te Hārema and reported that they were not taking any further role in Kereopa's campaign.
- 2.18 On 22 July 1865, Crown official James Fulloon arrived by ship at Whakatāne. Fulloon and three of the crew were killed onboard the ship by Pai Mārire supporters. Local iwi often attribute these killings to a breach of an aukati previously imposed on the district by the Pai Mārire prophet Horomona and local adherents. Tūhoe played no part in these killings and were upset at the death of Fulloon, who was close kin to the Tūhoe rangatira Rakuraku.
- 2.19 In August 1865, the Crown issued a warrant for the arrest of 33 men alleged to have been responsible for killing Fulloon and others. No Tūhoe were among those named on the arrest warrant. During the subsequent fighting involved in executing the warrants the Crown commander advised his men to avoid engaging with Tūhoe.
- 2.20 On 2 September 1865, the Crown issued a peace proclamation, announcing the end of the wars across the North Island. It declared that no further land would be confiscated and those who had been in arms against the Crown would not be prosecuted for past offences. However, it also stated that an expedition was being sent to the eastern Bay of Plenty to arrest those responsible for the killings of Volkner and Fulloon. The Crown warned that if the killers were not given up, the Crown would take parts of the lands of those tribes who concealed them. On 4 September martial law was proclaimed in the Whakatāne and Ōpōtiki areas.

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- 2.21 Both proclamations were published in the *New Zealand Gazette* on 5 September 1865, the same day the Crown despatched the 560-strong East Coast Expeditionary Force (ECEF) to the eastern Bay of Plenty. There is no evidence that the proclamations reached Ōpōtiki, or that Tūhoe were aware of them, when the Crown force landed at Ōpōtiki on 8 September 1865.
- 2.22 The ECEF was engaged in fighting with other iwi around Ōpōtiki and the lower Waiōweka gorge in September and October 1865, destroying pā and kāinga and taking property, livestock and food supplies. During this campaign, several groups belonging to other iwi surrendered to Crown forces, but the killers of Volkner and Fulloon were not among them. On 20 October 1865, Crown forces, who had been in the Rangitāiki district since August, took Te Kupenga pā (near Te Teko) where they captured most of the men named in the August arrest warrant.
- 2.23 The majority of Tūhoe's leaders did not support the few Tūhoe individuals or the other iwi involved in the fighting. Some leaders co-operated and gave assistance to Crown forces by providing information about the location of Kereopa, but he was not captured. Most of those wanted for the killings of Volkner and Fulloon were arrested by early November 1865.
- 2.24 The lands taken in the Bay of Plenty greatly exceeded the minimum necessary for achieving the purposes of the New Zealand Settlements Act. The confiscation was not intended to punish Tūhoe as few had been involved in conflict with the Crown. Tūhoe maintain they have interests in 124,300 acres of the confiscated land. The confiscated land included the bulk of Tūhoe's most productive cropping and agricultural lands, as well as the kāinga they occupied at Ōhiwa. Other iwi shared interests in this land.
- 2.25 The Compensation Court was established by the New Zealand Settlements Act 1863 to compensate anyone who had suffered land confiscation when they had not been in 'rebellion'. Claimants were required to prove they had not been in rebellion. In February 1866, prior to the sitting of the Compensation Court in 1867, the Crown appointed a special commissioner to deal with the allocation of confiscated lands in the Bay of Plenty. He made out-of-court arrangements with various hapū but, despite having one meeting with Rakuraku, he did not enter into any arrangements with Tūhoe. Beginning in December 1866, large areas of land were returned to several hapū and iwi, but none to Tūhoe. The Commissioner's arrangements were confirmed by the Compensation Court without inquiry. In order to validate his arrangements, Parliament enacted further legislation, including the Confiscated Lands Act 1867.
- 2.26 Tūhoe had only limited opportunity to make claims to the Compensation Court as they were initially unaware that the lower Waimana lands had been included in the confiscation district. The Court sat at Ōpōtiki from 7 March to 8 April 1867 and from 9 September to 1 October 1867. Only three claims were filed by individual Tūhoe. The claim of Rakuraku to land at Ōhiwa was dismissed on the grounds that he had been in rebellion even though evidence of this was slight and unsubstantiated and referred to events after the confiscation. The claims of Te Mākarīni Tamarau and Ākuhata Te Hiko to Ōpōuriao lands were dismissed without cause being given. Lands that Tūhoe claimed at Ōpōuriao were allocated to another iwi by the Crown before the Compensation Court sat. Tūhoe's claim was dismissed because of allegations that they had been in rebellion. Tūhoe were described by other Crown officials as the "original inhabitants" of this area.
- 2.27 Tūhoe continued to pursue the matter of the return of confiscated land following the establishment of peace in Te Urewera. In 1872, the Native Minister promised Ngāti Haka Patuheuheu and another iwi 500-600 acres of land near the coast at Te Pūtere,

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- away from their customary lands. The reserve was later reduced to 275 acres but was not granted to the hapū, nor has compensation been paid for this failing. In 1874, the rangatira Rakuraku and 38 individuals were allocated 150 acres around Whakarae (Matakerepū) pā, but title was not awarded until 1905 and excluded other Tūhoe claimants to the land, notably Tamaikōhā. The land was insufficient to support the numbers on the title and their whānau. When confiscated land was restored it was returned to individuals rather than to the hapū and iwi. The awards did not reflect customary forms of land tenure and the land became more susceptible to sale.
- 2.28 In March 1866, Tūhoe confirmed that Kereopa and his party were sheltering within Te Urewera and offered to hand him over to the Crown, if Te Ua Haumēne sent a letter asking Tūhoe to do this. Te Ua was then in Crown custody but the letter never eventuated. On 24 April 1866, Tūhoe informed a Crown official that Kereopa had been detained by Tūhoe, however four days later Kererū Te Pukenui (who continued to insist on receipt of the letter from Te Ua) allowed Kereopa to escape. Kereopa then left Te Urewera. Martial law remained in place in the eastern Bay of Plenty until 25 January 1867.
- 2.29 The Crown began surveying the southern boundary of the confiscation district near Waimana in December 1866. Tūhoe rejected a neighbouring iwi's call for assistance in militarily contesting the confiscation, and established two defensive aukati. One was along the Waiotāhi River between Tūhoe and their neighbours, who proposed armed resistance to confiscation, and the other was along the confiscation boundary between Tūhoe and Crown forces.
- 2.30 Between April and September 1867 clashes between some Tūhoe and the Crown over the confiscation of land worsened an already poor relationship. Groups of Tūhoe reoccupied their confiscated Ōpōuriāo lands in September 1867. On 18 September 1867, the day Mākarini's claim was dismissed by the Compensation Court at Ōpōtiki, he and other Tūhoe were "deported" by the army from their confiscated land at Puketī to Whakatāne, where they were held captive without trial until March 1869. Part of their captivity was spent in the cave, Te Ana o Muriwai.

**War - Waikaremoana, 1865-1867**

- 2.31 In December 1865, fighting between the Crown and Māori on the East Coast spread to Waikaremoana when Pai Mārire adherents arrived from Tūranga. The group, which did not include Tūhoe, were fleeing after being defeated by Crown forces at Waerenga-a-Hika near Gisborne. On 2 January 1866 Crown forces entered the lower Waikaremoana district, leading its Tūhoe occupants to flee without a fight across Lake Waikaremoana.
- 2.32 A larger Crown force, which included troops from iwi who decided to fight with the Crown, returned to the lower Waikaremoana district on 12 January 1866. They attacked Pai Mārire forces as well as Tūhoe defending their lands at Te Kōpani. They killed at least 25 people and drove the survivors back to Onepoto, before forcing them to retreat across the lake or flee into the forest. After the fighting had ended, four of the 14 prisoners taken at Onepoto were summarily executed by a Crown agent. The Crown considered this "murder of prisoners in cold blood" to be an "unlawful act, repugnant to the feelings and customs of civilised people". However, no-one was punished for this crime.
- 2.33 The Crown force proceeded to destroy the settlement at Onepoto before searching the bush for those who had managed to escape early fighting. Three more men were killed after being found in the bush.

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- 2.34 During fighting at Waikaremoana in January 1866, Crown forces instigated a 'scorched earth' policy. The measures employed included destroying 10 kāinga and taking large amounts of food stores, cattle and horses from Tūhoe, whether or not they were involved in the fighting that others had brought to their district.
- 2.35 Crown-allied Māori forces, who also asserted interests in southern Waikaremoana lands, returned to the region again in March 1866, attacking Mangarua, a village about five kilometres from Waikaremoana. Most of the village's occupants fled, but some sought to defend themselves. An elderly women and four men were killed, including the Tūhoe rangatira Hakarāia Te Wharepapa. The old rangatira Rangikūmapuao, who surrendered, was summarily executed despite praying for his life to be spared. This act also went unpunished. All Pai Mārire at Waikaremoana subsequently surrendered including some Tūhoe. Crown-allied Māori forces returned to the upper Wairoa district in April and early May 1866, leading to the capture or surrender of 260 other people, including an unknown number of Tūhoe.
- 2.36 Some of those taken captive during the East Coast Wars were exiled to the Chatham Islands for an indeterminate period. Among the group were Ēria Raukura of Patuheuheu and two Tūhoe women. They were never tried for any offence. In December 1867 the premier referred to the prisoners as "political offenders".
- 2.37 This conflict was followed by the Crown declaring a "district" in the Wairoa - Waikaremoana area over which confiscatory legislation, the East Coast Land Titles Investigation Act 1866, could be used to punish 'rebel' Māori. Under this legislation, the Native Land Court would determine the ownership of the land. The Crown would then have to provide evidence of those owners who had been in "rebellion" to the Court, and their land interests would be forfeited to the Crown.
- 2.38 In April 1867, Crown officials met with Māori at Te Hātepe near Wairoa. Rather than use the 1866 Act, the Crown convinced Māori chiefs to cede over 42,000 acres of land, called the Kauhoroa block, to the Crown. In exchange, the Crown would withdraw its claims to lands outside this ceded block. It intended, however, that the interests of allegedly rebel Māori in those lands would be forfeited to 'loyal' Māori. The deed of cession did not state how this would occur.
- 2.39 Tūhoe did not participate in the hui at Te Hātepe, or sign the resulting deed of cession. Their southern Waikaremoana interests were, however, included in the lands outside the Kauhoroa block that the Crown intended would be owned by loyal Māori. The Crown presented the 1867 deed to the Native Land Court in September 1868, and advised that, in consideration for this cession of land, it would not claim any other land within the confiscation boundary outlined in the East Coast Land Titles Investigation Act. Legally this other land remained Māori customary land, but Native Land Court claims to it would be subject to the East Coast Act 1868. That Act gave the Native Land Court discretion to award the interests of rebels to loyal Māori. In discussions with Tūhoe in the 1870s about the ownership of the land Crown officials often referred to it as having been confiscated.

### **"Scorched Earth" and the Pursuit of Te Kooti, 1867-1872**

#### *Peace negotiations*

- 2.40 In November 1867, about 400 Tūhoe met at Waikaremoana and deputed Paerau Te Rangikaitupuake to negotiate a peace settlement with the Crown. Those at the meeting wanted to prevent war spreading into the interior of Te Urewera and to ensure no more Tūhoe would be sent to the Chatham Islands. The terms of peace offered by



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the Crown were for Tūhoe to come in and take the oath of allegiance, hand over some arms as a token of submission, and hand in those wanted for specific killings. In return, the Crown would not punish those involved in previous hostilities or exile any more Tūhoe.

- 2.41 Tūhoe met at Ahikererū in December 1867, and some agreed to the Crown's terms. They identified a small group sheltering in Te Urewera who were linked to the killings in the Ōpōtiki district in May 1867 and agreed to allow Crown forces into Te Urewera to capture the men. However, others would not allow soldiers into Te Urewera to capture these men. A subsequent hui at Ruatāhuna in January 1868 neither accepted nor rejected the Crown's peace terms. Some believed that Paerau acted in opposition to the wish of the people. The Crown did not hold face-to-face discussions with Tūhoe leadership to further discuss peace terms. Despite this, many Tūhoe continued to advocate peace and neutrality.

*Resistance to the Eastern Bay of Plenty Confiscation*

- 2.42 From late 1867, there were rumours of a rise of dissent amongst some Tūhoe resident in the northern parts of Te Urewera. In January 1868, the Minister of Defence instructed the commander of the Crown forces not to proceed beyond the confiscation boundary, except in self-defence. In early February 1868, Ērū Tamaikōhā and Te Pūehu led protests in the Waimana district against the confiscation. Survey pegs were pulled up, and the horses and stock of military settlers were seized. Crown forces responded by attacking Nukutāhuahua pā on the Waimana River on 10 February 1868.
- 2.43 On 8 March 1868, a Tūhoe party attacked and destroyed Rakuraku's abandoned pā on Hokianga Island in the Ōhiwa Harbour, killing two Māori. In response, Crown forces went up the Tauranga River valley beyond the confiscation line to Ōtara, despite the Minister of Defence repeating on 6 March his instruction not to proceed beyond the confiscation boundary. After encountering strongly defended Tūhoe positions, the Crown forces withdrew behind the confiscation line. As they retreated they used the "scorched earth" tactic of destroying all the cultivations along the road. Crown forces also destroyed crops and food stores at Whakarāe and on Hokianga Island in March 1868.
- 2.44 On 29 April 1868, Tūhoe fighters attacked a contingent stationed on confiscated land at Puketi, before withdrawing back behind the confiscation boundary. In May 1868, Crown forces destroyed food stores in the Ruātōki district and Whakatāne and Tauranga River valleys.

*Crown Pursuit of Te Kooti*

- 2.45 There was a period of relative peace but, in January 1869, conflict returned to Te Urewera. In July 1868, Te Kooti ārikirangi had led the escape of several hundred Māori, including some Tūhoe, from their imprisonment without trial on the Chatham Islands. Te Kooti and his followers (known as the Whakarāu) landed south of Tūranga and hoped to find sanctuary in Taupō. Crown forces set out to apprehend them and blocked their route. Te Kooti defeated these forces in several engagements in July and August 1868 and then took shelter inland at Puketapu on the eastern boundary of Te Urewera.
- 2.46 In October 1868, Te Kooti sought permission from Tūhoe to enter Te Urewera. Tūhoe sought to maintain peace and decided that Te Kooti and the Whakarāu should remain at Puketapu. On 10 November 1868, Te Kooti led an attack on Matawhero in which many Pākehā and Māori were killed.

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- 2.47 The Crown responded to the attack, and the public horror it generated, by assembling a large military force. By this time a small number of Tūhoe had joined the Whakarau. In November 1868 they were involved in an engagement at Te Kāretu at which Ākuhata, the son of Tūhoe rangatira Tūtakangahau, was killed. In December the Whakarau withdrew to Ngātapa pā near Tūranga. Te Kooti and many of the Whakarau escaped the besieged pā in early January 1869. About 15 Tūhoe men were killed in subsequent bush fighting.
- 2.48 A large number of those killed at Ngātapa, including several Tūhoe, were summarily executed after they were captured. They included a young Tūhoe woman, and the Tūhoe rangatira, Nīkora Te Whakaūnua who, being wounded and unable to flee far, was killed. His body was decapitated and his head brought back to camp, an action said to have been taken in order to confirm his identity. Another Tūhoe man, mistakenly identified as the rangatira Rangiaho, was among those summarily executed. The executions at Ngātapa took place with the acquiescence of senior military and civilian representatives. Despite descriptions of the large number of executions appearing in newspapers, the Crown never held an official inquiry into the events at Ngātapa.
- 2.49 Te Kooti and the Whakarau again requested sanctuary in Te Urewera, and some Tūhoe leaders agreed to meet with him at Maungapōhatu in late February 1869. Tūhoe knew that the Crown would pursue the Whakarau but some leaders chose to shelter them. There were religious elements to this commitment to Te Kooti, as many Tūhoe converted to the Ringatū faith, which Te Kooti founded while on the Chatham Islands. Resentment over land confiscation and Te Kooti's willingness to support Tūhoe resistance to confiscation was also a factor. Others, including notable leaders such as Tamaikōhā, remained opposed to Te Kooti.
- 2.50 For his part, Te Kooti agreed to support Tūhoe in their struggle to redeem their confiscated lands. In March 1869, he joined a Tūhoe attack on Ōhiwa and Te Raupōroa in which Whakarāe and Hokianga were reclaimed, and Tūhoe prisoners held at Whakatāne since 1867 were freed. A surveyor involved in surveying confiscated land was killed, and the pā and mill of another iwi on confiscated land were destroyed. Tūhoe also joined Te Kooti's attack on Mōhaka, where Tūhoe prisoners had been held after an earlier attack by Crown-allied forces on a Tūhoe kāinga at Pūtere. There was also a large store of government ammunition at Mōhaka. More than 50 local Māori and 7 Pākehā settlers were killed in this attack.
- 2.51 Following the attack on Mōhaka, the Crown planned a three-pronged military operation into Te Urewera in an effort to capture or kill Te Kooti. In April it sought support from some Māori allies. The commander of the Crown forces is recorded as declaring an intention to punish and exterminate those shielding Te Kooti. During the Crown's first expedition in May 1869, they met little resistance as Te Kooti and Tūhoe retreated. Crown forces captured 50 women and children, possibly including some Tūhoe, at Te Hārema in May 1869. The women were given to a Māori contingent and taken out of their rohe.
- 2.52 On the same day, another Crown force attacked Tūhoe collecting food near Te Whata-a-pona pā at Ōmaruterangi, killing three men, two women and two children. The bodies of the slain were desecrated and, when the Crown forces later passed through Ōpūtao, bodies long since buried were disinterred from an urupā. One woman and three children were captured while trying to escape from the pā. The following day the expedition attacked Tahora pā, desecrating an urupā before the pā was burnt down. At Puhirake, Te Whenuanui's great whare whakairo was burned. In a subsequent engagement near Ruatāhuna, Crown forces executed several prisoners.

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- 2.53 During the Crown's expeditions they employed "scorched earth" tactics of destroying food stores, crops and livestock at almost every village of note. Some of this destruction was intended to deny Te Kooti and the Whakarau sanctuary in the district, but aspects of it served no military purpose and were meant to punish all of Tūhoe. No provision was made for non-combatants. These tactics led Tūhoe to induce Te Kooti to leave the district. He was accompanied out of Te Urewera by about six Tūhoe rangatira and a small number of fighters who continued to support him.
- 2.54 Te Kooti and others were pursued across the central North Island by Crown forces, comprised predominantly of Crown allied Māori forces, for some months and fled back through Te Urewera to the Waiōweka area in February 1870. By this time Te Kooti was no longer offered support by most Tūhoe.

*Peace agreement - Rongopai*

- 2.55 By February 1870, the desire among Tūhoe for peace was gathering momentum. In early March 1870, Crown forces mounted a fresh three-pronged military expedition into Te Urewera wrongly believing Te Kooti was still in the region. Tamaikōhā, for Tūhoe, and a Māori leader of the Crown-allied forces brokered a peace agreement (rongopai). The other Māori leader of Crown-allied forces agreed to abide by the rongopai. The rongopai was not immediately accepted by the Native Minister but he did try to bring peace to the Urewera by focussing military activities on pursuing Te Kooti in the Waiōweka area.
- 2.56 In mid-April, Tamaikōhā and about ten of his men went to Whakarae. They wanted to protect their people and land from further conflict by maintaining Tūhoe's aukati against both the Crown and Te Kooti. They informed a Crown official that Tūhoe "law" was that the Crown should respect Tūhoe boundaries, and now it had no cause to breach them. On 25 April 1870, the leader of the Crown forces breached his orders and led an attack on Whakarae, killing Tamaikōhā's uncle and seizing property. For this, the Defence Minister dismissed him from his command. Tamaikōhā had escaped the Crown attack and continued to hold to the peace agreement. In late May 1870, the Native Minister publicly accepted the rongopai. His terms, however, included the unconditional surrender of all Te Urewera leaders and the exile of all Urewera communities to coastal reserves.
- 2.57 Other Tūhoe also held to the peace agreement but, fearing for their safety, they were reluctant to come in and surrender to the Crown, preferring to remain at peace on their lands. The Crown continued to insist that Tūhoe come in to the coastal reserve at Pūtere and, from 20 May 1870, small groups began to do so. On 7 June 1870, the Tauranga Civil Commissioner wrote to Tūhoe rangatira who had not yet come in, setting out the Crown's terms of peace. They were that, if all Urewera hapū left their land and surrendered, the Crown would uphold the peace, not confiscate any more land, and not treat Tamaikōhā as a criminal if he surrendered.
- 2.58 Peace came to Waikaremoana later than the rest of Te Urewera. The third branch of the Crown's expedition did not immediately accept the rongopai. They entered the district from the south in May 1870 and, on 7 June, they attacked Waikaremoana and despite meeting almost no resistance, destroyed all pā, kāinga and food supplies in the lake region. This destruction served no useful strategic purpose and impacted on the non-combatants in the area. Crown forces occupied Mātuahu pā when Tūhoe withdrew to the Huiarau ranges. A Crown official sought to obtain their surrender and assuage the fears they held for their liberty and lives if they surrendered. The Crown's actions hindered peace-making at Waikaremoana but, after intensive negotiation between the

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Tūhoe rangatira Te Makārini and the commander of the Crown forces, those in the Huiarau range surrendered.

- 2.59 Other Tūhoe, represented by Te Whenuanui and Paerau, agreed to uphold the peace agreement, but initially declined to leave their lands. Following large hui at Ruatāhuna in July 1870, several groups of Tūhoe did 'come in' and surrender in late July and early August 1870. Te Whenuanui 'came in' in September 1870 and Te Paerau followed in October 1870. Many of those who remained within Te Urewera that winter were too ill to surrender. The destruction of crops and villages in the "scorched earth" campaigns meant many were short of food and lacked adequate clothing and shelter. Approximately 200 hungry and poorly clad Tūhoe succumbed to an influenza epidemic.
- 2.60 In October 1870, Tamaikōhā hosted Ōpōtiki's Resident Magistrate at Waimana where peace was again confirmed with the Crown. Tamaikōhā was promised some land at Whakarae (renamed Matakerepū to remember the attack) but this arrangement was not completed. In response to renewed requests for his recompense, Tamaikōhā was granted half an acre of land at Ōpōtiki in 1877.
- 2.61 In December 1870, the Crown abandoned its requirement for the remaining Tūhoe to 'come in' and surrender. Instead, the Crown sent a force of its Māori allies back into Te Urewera to gather up the remnant of Tūhoe and to concentrate them at Ruatāhuna. A few rangatira who had already surrendered were told that they could return home if they assisted with the capture of Te Kooti. In March 1871, Te Whenuanui and Paerau were allowed to return to Ruatāhuna with their people as they agreed to provide no assistance to Te Kooti. Te Kooti was subsequently sent away when he arrived at Maungapōhatu and was also driven away from Waikaremoana by Tūhoe. Only 13 Tūhoe were believed to be with Te Kooti in March 1871 and the numbers dwindled after that.
- 2.62 Under pressure from Crown forces, Tūhoe increased their assistance to the Crown in the winter of 1871. In October some Tūhoe attacked Te Kooti near Ahikererū and Te Whiu Maraki of Tūhoe, who had long been a supporter of Te Kooti, surrendered. Tūhoe trackers later guided Armed Constabulary trailing Te Kooti to the east of Te Urewera. Te Whiu subsequently guided Crown forces to Kereopa's hiding place east of Te Urewera, and personally captured Kereopa who was still wanted in relation to the killing of Volkner. Te Whiu and other Tūhoe who assisted did not receive any of the £1,000 Crown reward for Kereopa.
- 2.63 In November 1871, a leader of the Crown's Māori forces built redoubts at Ruatāhuna and Maungapōhatu, despite receiving no official instruction and despite Tūhoe objection. This was done to induce Tūhoe to provide greater assistance in the hunt for Te Kooti but, within weeks, the Crown's forces were withdrawn in favour of a policy of returning authority within Te Urewera to Tūhoe. Those Tūhoe who had surrendered in 1870 were not permitted to return home until 1872. The Crown ceased its pursuit of Te Kooti in 1872, when he fled into the King Country and, in 1883, pardoned him and others for offences "of various kinds, more or less of a political character" committed during the fighting.
- 2.64 The Crown's military campaigns had severe and lasting impacts on Tūhoe. At least 12 percent of the population died as a direct or indirect result of the Crown's conduct of its expeditions. Relatively few died in battle but many more died as a result of lack of food and shelter, and the lack of provision made by Crown forces for non-combatants.

**The Threat of Confiscation - Southern Waikaremoana Lands, 1872-1875**

- 2.65 With peace re-established in Te Urewera, the Crown moved to complete arrangements for the southern Waikaremoana lands. In August 1872, a Crown agent who had not been involved in the 1867 negotiations met with Māori at Wairoa and negotiated an agreement over approximately 172,500 acres of land. This agreement was recorded in a deed signed by 18 Māori including one Tūhoe rangatira, Te Mākarīni, who were intended to act as trustees for the a larger group of named grantees.
- 2.66 The deed recorded that the land was to be divided into four blocks (Ruakituri, Taramarama, Tukurangi and Waiau) and granted to 'loyal' Māori. A schedule was attached to the deed which listed 206 people, including both loyalists and rebels, who were to be named in the Crown grants for the lands. The list included a very small number of Tūhoe people. The Crown was to retain 250 acres at Onepoto, the location of Te Pou o Tūmatawhero and Te Tukutuku o Heihei two strategic pā and planned to construct a redoubt on an urupā. The Crown also retained 50 acres on the Waikaretāaheke river and felling rights to timber on the land. Tūhoe never received any compensation the taking of this land.
- 2.67 There is limited evidence regarding the adequacy of the consultation with Tūhoe leading to the 1872 agreement. Some Tūhoe rangatira subsequently wrote to Crown officials objecting to the agreement; one warned that 'Urewera' were dissatisfied with Te Mākarīni's actions. It was unclear how this 1872 agreement was to be implemented, as no Crown grant could be issued for the land without involving the Native Land Court. The agreement was effectively superseded by later negotiations between Tūhoe, other iwi and the Crown over the four blocks.
- 2.68 In 1873, the four blocks were leased to settlers by some of those involved in the 1872 agreement. This drew protest from Tūhoe, including Te Mākarīni, who challenged their claim to the land and asserted Tūhoe's interests. In November 1873, the Crown initiated an informal inquiry to try to get agreement with Tūhoe and other iwi on their boundaries within the four southern blocks. This was unsuccessful and in March 1874 Crown officials advised Tūhoe to take their claims to the Native Land Court, jointly with other iwi, to settle the disputed title.
- 2.69 In May 1874, some Tūhoe lodged applications with the Court for an investigation of title for each of the four blocks. One rangatira later stated that, by doing so, Tūhoe intended to establish their southern boundary (taking in their interests in the northern part of these blocks) and protect these lands from being surveyed or sold.
- 2.70 Before the Native Land Court considered these applications, the Crown sought in November 1874 to purchase the disputed blocks. It started by paying the settler lessees of the land a total of £9,000 to surrender their void leases. The Crown proceeded to make cash advances to some of those asserting interests in the blocks. A Crown agent subsequently went to Waikaremoana in June 1875 to try to persuade Tūhoe to travel to Wairoa to discuss the proposed transaction. At Napier in July 1875, a group of Tūhoe chiefs challenged the Crown for dealing with other iwi over the four blocks without their presence or assent.
- 2.71 The Native Land Court was due to investigate the customary ownership of the four southern Waikaremoana blocks on 28 October 1875. Two weeks before that, a Crown agent reported that he had agreed arrangements for purchasing the four blocks from one iwi. However, no agreements had been reached with Tūhoe chiefs. The Court opened on 28 October, but its investigation of title to the four southern blocks was immediately adjourned.

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- 2.72 The following day, the Crown met with about 700 Māori from Tūhoe and other iwi to discuss the disputed claims to the southern Waikaremoana lands. The Crown agent told the gathering that the land had been confiscated. He added that the Crown had relinquished its hold on the land in favour of 'loyal' Māori shortly thereafter and that the Crown now sought to purchase the lands but the question for the hui was who had the right to convey these lands to the Crown. Tūhoe were acknowledged by Crown officials to have considerable rights to this land, and expressed opposition to the sale of these lands.
- 2.73 Much of the discussion at the meeting focussed on the respective customary rights to the lands of Tūhoe and the other iwi. At the conclusion of the meeting, however, the Crown agent stated that the Government was "evinced no small consideration" for Tūhoe in allowing them to assert claims to these four blocks because it had considered them to have been in rebellion in 1866.
- 2.74 The Māori Member of Parliament Karaitiana Takamoana was present and stated that he was of the opinion that the Government had no claim on the four blocks. He also stated that Government ought not to intimidate Māori when it had no power over the land. The Crown agent denied that the Government was intimidating Māori and questioned why it had 'returned such a large quantity of land once confiscated' if that was its intention. He added that the Crown was trying to amicably settle a long-standing dispute between contending tribes prior to the Court's investigation of title and the Crown concluding its purchase of the lands.
- 2.75 The meeting did not make any progress on resolving the competing customary claims to the lands and it adjourned to put the matter before the Native Land Court. The Native Land Court began investigating title to the four blocks on 4 November 1875. The Judge questioned whether the blocks were confiscated land. There was some confusion, with the Crown agent initially responding that they were but that under the 1867 deed the Crown had only retained the Kauhoroa block and abandoned the remainder of the land.
- 2.76 The evidence presented to the Court by the competing claimants about their customary claims to the land was contradictory and the Court adjourned on 6 November to inspect the land. It noted that the hearings would remain adjourned until the four blocks were surveyed.
- 2.77 Following the Court's adjournment on 6 November, the Crown agent received a telegram from the Native Minister. It stated that it appeared that the lands had not been confiscated, and the Court had jurisdiction under the East Coast Act 1868 to inquire into titles to the land and determine the rights of the parties claiming interests. That Act provided for those who had been found to be engaged in rebellion against the Crown to be deprived of their interests in the lands. The information in the telegram was conveyed to the judge.
- 2.78 The Crown was aware that the surveys would take several months to complete and continued to try to arrange an out-of-court settlement of the issue. It offered Tūhoe a payment and some reserves in the blocks in exchange for withdrawing their claims. Tūhoe agreed and withdrew their claims from the Court on 12 November 1875. No record of what transpired between 6 and 12 November has been located. Forty-two years later Ēria Raukura, a Tūhoe leader in the 1870s referred to these lands, testifying in a hearing regarding Waikaremoana lands that the "Govt. told us we would have to sell or else it would be taken from us".

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- 2.79 On the same day about 60 Tūhoe and their whanaunga signed a deed with the Crown, accepting £1,250 and 2,500 acres of reserves: Whareama (300 acres), Te Kōpani (800 acres), Te Heiōtāhoka (1,100 acres) and Ngāpūtahi (298 acres). The Court then issued title to the remaining claimants of the land, and they sold the blocks to the Crown for more than £12,000, retaining 8,400 acres of reserves.
- 2.80 Title to the four reserves was granted to the 60 signatories of the 1875 deed rather than all owners. The reserves were set aside by the Crown the following year, but title was not awarded until 1889. There was no legal access to Whareama and Ngāpūtahi and in 1921 they were acquired by the Crown as part of the Urewera Consolidation Scheme. Tūhoe opposed their inclusion in the Scheme.

#### Te Whitu Tekau

- 2.81 From 1871 the Crown sought to repair its relationship with Tūhoe. During 1871, Tūhoe rangatira met with the Native Minister on several occasions to discuss peace proposals. The result was a "peace compact" under which the Crown withdrew the last of its forces from Te Urewera in December, having agreed with Tūhoe proposals that they be left to manage their own affairs. In 1904 the Governor referred to this as "the Treaty of peace".
- 2.82 In June 1872, a hui of Tūhoe leaders at Ruatāhuna established Te Whitu Tekau (the Union of Seventy) to assert their mana motuhake in Te Urewera. They defined the boundaries of their district and advised the Crown that Te Whitu Tekau would conduct Tūhoe's affairs. Te Whitu Tekau objected to land dealings, roads, surveys and the Native Land Court within these boundaries.
- 2.83 The origins of Te Whitu Tekau in the 1871 "peace compact" are recalled in Te Waiata mo Ruatāhuna, a haka of the 1890s that is still performed today:

*Ehara taku mana i te mana hou  
He mana tawhito tonu, taku mana  
Ruru rawa mai, ka ruru mai  
Ka mahora nga ture ki te maunga tapu*

*My authority is not of recent times  
It is an ancient power, my sovereignty  
When the compact was made  
Our laws spread out across our whole region*

- 2.84 Te Whitu Tekau's boundaries were subsequently marked by pou (carved posts) placed on the tracks leading into Te Urewera, and they adopted a flag. Te Whitu Tekau communicated their policies and resolutions to the Crown in correspondence from October to December 1872, at a large pan-tribal hui at Ruatāhuna in March 1874, and on other occasions through to the 1890s.
- 2.85 Ōpōtiki's Resident Magistrate met with Te Whitu Tekau in Ruatāhuna in March 1874 and reported that while Tūhoe wanted to maintain friendly relations with the Crown they also wanted to "keep roads, Magistrates, and other Government measures out of their boundary". However, he stated that Tūhoe appeared divided over issues related to the leasing of land.
- 2.86 Although the Crown avoided formally recognising Te Whitu Tekau and did not officially respond to the boundaries presented in 1872, it initially respected Te Whitu Tekau's

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opposition to roads within Te Urewera. However, the Crown had little sympathy for its repeated opposition to surveys, the Native Land Court and land dealings.

**Tūhoe and the Native Land Court**

- 2.87 The Crown established the Native Land Court under the Native Land Acts 1862 and 1865, to determine the owners of Māori land "according to native custom" and to convert customary title into title derived from the Crown. Through these laws the Crown also set aside its pre-emptive right of purchase, allowing Māori owners to lease and sell their lands to private parties or to the Crown. The Crown intended that the Native Land Act would facilitate the opening up of Māori customary lands to Pākehā settlement. The Crown did not consult with Tūhoe about the new native land laws. Māori were not represented in Parliament when the Acts were enacted.
- 2.88 The native land laws introduced a significant change to customary land tenure. Customary tenure among Tūhoe hapū and whānau was flexible and generally able to accommodate multiple and overlapping interests to the same land. The forms of title available to the Native Land Court were not designed to accommodate the fluid customary land usages of Māori. The titles available under the native land legislation were awarded to individuals and allowed for fragmentation of communal interests. The Crown expected that land title reform would eventually lead Māori to abandon the tribal and communal structures of traditional land holdings.
- 2.89 Tūhoe had no alternative but to use the Native Land Court if they wanted a title that would be legally recognised and protected from claims by other Māori. A freehold title was also necessary if they wished to legally lease or sell their land, or use it as security to raise development finance.
- 2.90 The Court's investigation of title for land could be initiated by an application from individual Māori. There was no requirement to obtain consent from the wider group of customary owners, but once an application was accepted by the Court all those with customary interest were obliged to participate in the investigation of title or risk losing their interests. A registered survey of the land being investigated was required before title could be issued. Surveys or investigations of title for lands in which Tūhoe asserted customary interests proceeded in some instances despite the opposition of Te Whitu Tekau. Where Tūhoe successfully upheld their customary rights in cases brought to the Native Land Court by others, they were not able to continue holding those lands under customary title, but had to accept a Native Land Court title.
- 2.91 Tūhoe, through Te Whitu Tekau, were opposed to the Native Land Court. Yet from 1867 to 1894 Tūhoe leadership including Te Whitu Tekau were unable to prevent more than 1.1m acres of land in which Tūhoe claimed interests being surveyed and put through the Native Land Court, the bulk of which was sold within a few decades. In most of these blocks, Tūhoe's interests were not exclusive but were shared with other customary right-holders. Tūhoe were not always advised of the claims being made by other iwi to these lands.
- 2.92 Attending and participating in often protracted Native Land Court hearings could be expensive for Māori. The Native Land Court sat at Taupō, Napier, Wairoa, Gisborne, Rotorua, and other venues outside Te Urewera to hold investigations into land in which Tūhoe claimed interests, which was costly and inconvenient to Tūhoe. Tūhoe incurred expenses for food and accommodation, in addition to the opportunity costs of lost working time.



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- 2.93 Tūhoe were not informed that land in which they had interests was going through the Native Land Court in the cases of Waiōhau, Waipāoa and Kūhāwāea. Statutory processes for addressing failures or errors in Native Land Court actions were not always adequate. Tūhoe's application for rehearing of Kūhāwāea was refused, an action later described by the Chief Judge of the Native Land Court as "illegal". By the time a Crown inquiry reported that the rehearing should have been heard the land had been sold by another iwi, so no further inquiry was held.
- 2.94 The Native Land Court often accepted out-of-court arrangements between Māori claimants regarding land titles. In the Matahina block Tūhoe reached an out of court agreement with another iwi about respective land interests but the Court did not accept this agreement and dismissed Tūhoe's application for a rehearing. The Crown subsequently enacted the Special Powers and Contracts Act 1883 to allow a rehearing where Tūhoe interests were acknowledged by the Court.
- 2.95 Under the Native Land Act 1873 the Court was charged with identifying all individuals with customary rights in the lands being investigated. However, out-of-court arrangements sometimes included only a small number of individuals on titles, to the exclusion of other right-holders. Crown land purchase officials influenced out-of-court agreements to facilitate alienation of Kaingaroa 1, in a way that led to large numbers of right-holders being excluded from titles.
- 2.96 Survey charges and other costs involved in securing title through the Native Land Court varied but were sometimes excessive and could be a burden on Tūhoe. The Crown played a role in regulating and monitoring surveying processes and sometimes acquired land to discharge survey costs. For example, the survey and related charges for Matahina cost Tūhoe 1,334 acres of the 2,000 acres awarded to them, Tuararangaia 1 surveys cost one-quarter of the block, and the survey of Waipāoa cost 15 percent of the block. The survey costs for Heuriwi 1-3 and Heuriwi 4 were lower in relative terms but, with the added costs of subdivisional surveys arising from Crown purchasing, equated to over 5,000 acres. The survey of Tahora 2 was conducted in secret, without authorisation and contrary to survey regulations. It was then approved by the Surveyor General despite significant opposition from Tūhoe and other right holders. The unwanted survey cost the owners 16,658 acres of the block. In 1894 Tūhoe complained to the Crown about the "terrible expense" of surveys and Native Land Courts, costs that had proved "disastrous... land has been swallowed up in expenses."

#### The Waiōhau Fraud

*That they (Ngāti Haka Patuheuheu) have suffered a grievous wrong is, in my opinion, plain. It is doubly hard that this wrong should have resulted from a miscarriage, which certainly ought to have been avoided, in the very Court which was especially charged with the duty of protecting them in such matters.*

*Justice Edwards, 1905*

- 2.97 The Native Land Court failed to detect the illegal purchase and the fraud leading to the partitioning and acquisition of Waiōhau 1B (7,000 acres) by private parties in 1886. The lack of a legal requirement to ensure proper representation of Ngāti Haka Patuheuheu owners at the partition hearing facilitated the fraud.
- 2.98 The Trust Commissioner did not investigate the Waiōhau transaction with a view of determining whether it was fraudulent. Ngāti Haka Patuheuheu applied for a rehearing of the partition but the Chief Judge denied this request without giving Ngāti Haka

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Patuheuheu an opportunity to be heard. Native land laws at the time did not entitle applicants to be heard and nor was there then a right of appeal. The Supreme Court later found that the partition and acquisition of Waiōhau 1B would have been overturned at this point, if the rehearing had been granted.

- 2.99 Ngāti Haka Patuheuheu petitioned Parliament in 1889, when the new owners tried to occupy the land. The Native Affairs select committee reported that a "great injustice" had been inflicted on them. A Crown inquiry then exposed the fraudulent partition and the illegal transactions behind it. The Native Minister advised Ngāti Haka Patuheuheu to take action in the Supreme Court to overturn the title and suggested they employ the Crown solicitor in his private capacity to take the case.
- 2.100 By this time the private purchaser had on-sold half of the block. The Crown put a caveat on the other half of Waiōhau to prevent any further transactions, but did not advise Ngāti Haka Patuheuheu that this applied to only half of the land.
- 2.101 Ngāti Haka Patuheuheu sought their own legal advice, but were warned that the Government would not help them if they retained the lawyer they had chosen. They then found they could not afford to go to the Supreme Court and asked for the Crown's assistance which was declined. In the absence of any legal action being instigated, the Crown removed the caveat but did not inform Ngāti Haka Patuheuheu of this. In 1891 and again from 1894 to 1896, they sought the assistance of the Government but it did not act.
- 2.102 In 1905 a new owner took legal action to evict Ngāti Haka Patuheuheu. The Supreme Court observed that Ngāti Haka Patuheuheu had suffered a "grievous wrong at the hands of the Native Land court, which it was the duty of the colony to rectify". Ngāti Haka Patuheuheu were impoverished by the costs of the case, and again sought help from the Government. The Crown offered to purchase the land for Ngāti Haka Patuheuheu, but the owners refused to sell. The Crown then considered drafting special legislation to compulsorily acquire the land, but did not do so.
- 2.103 Ngāti Haka Patuheuheu owners and occupants of Te Houhū kūinga were evicted from their homes in 1907, and their crops were destroyed. They were obliged to disinter and remove their dead from the land. Their wharenuī, Tama-ki-Hikurangi, was used as a hay barn until 1908 when the Crown purchased it from the land's new owner. Ngāti Haka Patuheuheu dismantled the wharenuī and moved it to Waiōhau 1A. The Crown selected 300 acres of land for Ngāti Haka Patuheuheu in compensation for the 7,000 acres taken by fraud. Ngāti Haka Patuheuheu did not want the new land, which was some distance from their rohe. In 1908 the Crown vested this land in the Māori Land Board on their behalf, but the beneficial owners were not identified until 1920.

**Crown Land Dealings**

- 2.104 From 1873, Crown purchasing agents began dealings in several blocks in the west of Tūhoe's rohe with neighbouring groups who shared interests in the land. In December that year the Crown appointed another land purchasing agent for Te Urewera who expected to engage in transactions that would lead to the setting aside of the "ring-boundary - the rohe pōtae" established by Te Whitu Tekau. The agent promoted dealings in the Raungaehe (Tuararangaia) block on the basis that it was "the best ground on which to ignore the rohe pōtae". The Crown only acknowledged Tūhoe had some interests in these blocks after they began dealings with other iwi.
- 2.105 Tūhoe and other right-holders preferred to lease rather than sell their lands. In 1873, Tūhoe and a neighbouring iwi leased the Kūhāwāea block to a private party. That year

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some Tūhoe agreed to lease a large part of the Pōkohu block to the Crown. In 1874, when the Crown began lease negotiations in Ruātoki, some Tūhoe individuals received a £50 advance to lease 30,000 acres. They later refunded £30 due to opposition from certain Urewera chiefs. The Crown also made advance payments to other iwi for Pūkahunui and Heruiwi in March 1874 and Kaingaroa 1 in February 1875.

- 2.106 The Crown sought to use leases to advance its land purchases. Lease agreements usually included clauses prohibiting Māori from dealing with anyone but the Crown. Māori came to view the lease as the "bait" whereas "the hook is the purchase".
- 2.107 In the 1870s, Parliament enacted legislation to allow the Crown to prohibit private parties from dealing in land that it sought to purchase. Through the 1880s and 1890s, varying degrees of Crown pre-emption were imposed on Māori land, including several periods during which private purchasing was completely barred. The exclusion of private competition prevented Māori from selling their land in a free market. Private purchasers and independent valuers sometimes ascribed considerably higher prices to land than the Crown was willing to pay.
- 2.108 In some instances, the Crown made payments on blocks in which Tūhoe claimed interests before the Native Land Court had determined ownership. The Native Minister ordered this practice to stop in 1879. Tūhoe leaders opposed the use of advances, or tamana, to secure their land. Advances could bind the recipients into the sale of the land before ownership was established or the area or price of the land to be sold was agreed. Leases often contained clauses allowing the Crown to withhold rental payments until titles were completed. When the Crown suspended the operations of the Native Land Court over parts of the Tūhoe area of interest from 1873-1877, Māori lessors were unable to obtain titles and the rentals due to them.
- 2.109 The Crown's purchase agents were instructed to negotiate openly and with tribal leaders. From 1877, the Crown could apply to the Native Land Court for awards of any interests it had acquired. Negotiations with individuals became more common after this point, particularly in the 1880s and 1890s when most of the purchases of Tūhoe lands were arranged.
- 2.110 Crown purchasing of Te Urewera lands continued through the 1890s and into the early twentieth century particularly in respect of lands subject to competing interests. The Crown made no assessment of whether its previous purchases had left Tūhoe with sufficient lands for their needs and continued pursuing the acquisition of further land because it saw this as the "the key" to the opening up of the Tūhoe heartland.
- 2.111 Twentieth century purchases were effected under the Native Land Act 1909, under which the Crown could purchase land as a result of the consent of the resolutions of meetings of assembled owners. Provided such meetings satisfied the Act's minimal quorum requirement of five owners, the minority attending the meeting could bind the absent majority to a sale. This occurred in the Waipāoa 5 and Heruiwi 4C subdivisions acquired in the 1910s by the Crown. It also acquired Tahora 2A3 under the 1909 Act from 1910 to 1922, doing so through individual purchasing under pre-emption after meetings of assembled owners had rejected Crown purchase offers.

#### Surveying and Protests

- 2.112 The Crown actively fostered the surveying of Tūhoe land despite the continued opposition to surveys by Te Whitu Tekau. In 1891, in response to Native Land Court claims by other iwi, some in Tūhoe applied for a survey of land at Ruātoki. In support of Te Whitu Tekau opposition Tūhoe collectively withdrew support for the survey in April

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1892. The survey, which had already commenced under the direction of the Native Minister, was peacefully halted by Tūhoe. A few days later James Carroll, a member of the Executive Council, told Tūhoe that as "they had started the law in motion by sending in the application", the Ruātoki survey had to proceed.

- 2.113 A compromise was reached; Carroll agreed to limit the survey to part of the block, and undertook to Tūhoe that if opposition was withdrawn the Crown would prevent any other surveys and the hearing of Native Land Court claims within Te Urewera that they did not support. Tūhoe obstructed the surveyor when he resumed work, disputing whether he was operating within the agreed area. The Crown halted the survey work until the Native Minister could meet with them - this extended to six months when he insisted the original full survey be agreed to within a month, effectively setting aside Carroll's earlier agreement. Tūhoe still opposed the survey, whereupon the Native Minister despatched armed police and a contingent of the Auckland Permanent Artillery to ensure that the survey proceeded. Four Tūhoe men and 11 women who obstructed the survey were arrested and imprisoned.
- 2.114 In 1894 a delegation led by Premier Seddon travelled through Te Urewera as part of a 'fact-finding' tour of native districts. The Premier wanted to hear Urewera groups' views on a range of issues including surveying, and to explain Crown policy on Māori land issues. At first he warned Tūhoe that if they did not utilise the Native Land Court to determine titles to their land, the Crown might use its power to do so, as it believed this was in their interests. Tūhoe rejected this argument. The Premier subsequently agreed there would be no further surveys carried out in preparation for Native Land Court title determination until all chiefs agreed on that course of action.
- 2.115 As part of reaffirming Tūhoe's 1871 peace compact with the Crown, Nūmia Kererū gifted the taiaha Rongokārae to the Premier. This taonga had belonged to Ngāti Rongo's tipuna Rongokārae.
- 2.116 In January 1895, Tūhoe told the Surveyor-General they did not want any kind of survey carried out in Te Urewera, as they feared that surveys would lead to land loss. The Surveyor-General believed they would change their mind and arranged trigonometrical and road line surveys, which commenced in April 1895. Tūhoe complained they had not been notified of the surveys, which they continued to oppose. The Premier ordered an immediate inquiry which found that some notices had been 'served' in Galatea, Te Whāaiti and Ruātoki, before protests stopped further delivery. Following the obstruction of survey parties Carroll was sent to discuss the surveys with the chiefs. The Crown sent armed forces to Te Urewera to keep the peace until the surveys were completed. The show of force ensured that Tūhoe opposition was withdrawn.

#### Urewera District Native Reserve

- 2.117 These events served as a catalyst for meetings in Wellington in September 1895 between a delegation of Urewera chiefs and Carroll and the Premier in Wellington, as well as the Governor and other Māori MPs. Those at Ruatāhuna recalled to the Premier that it had been agreed with McLean in 1872 that Te Whitu Tekau's district should be kept inviolate; that there was a protectorate put in place for Tūhoe. The Premier acknowledged that a pledge had been given by McLean to allow Tūhoe to administer their own lands, and that this pledge had not been honoured.
- 2.118 The result of these meetings, which discussed special arrangements for the governance of Te Urewera, was a solemn compact by which Tūhoe renewed their acknowledgement of the authority of the Crown, and the Crown acknowledged and agreed to respect the mana motuhake of Tūhoe. This was encapsulated in two flags

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subsequently flown in Te Urewera: a Tūhoe flag featuring a Union Jack with the words Kotahi Te Ture Mo Nga Iwi E Rua ("one law for both peoples"), and the official Urewera Commission flag bearing the words Te Ture Motuhake o Tūhoe ("the independent law of Tūhoe").

2.119 The 1895 compact comprised seven core principles:

- Te Urewera would be established as an inalienable reserve to provide permanent protection for its people, their lands, forests, birds, taonga, and their customs and way of life;
- the Native Land Court would be excluded from the reserve and an alternative process developed to create Crown-derived land titles;
- land titles would be awarded at a hapū level, in a form that facilitated hapū and tribal control;
- the peoples of Te Urewera would be self-governing through hapū committees, to manage their lands and tribal affairs, and a General Committee having powers of local government;
- the peoples of Te Urewera acknowledged the Queen and the Government and would obey the law;
- the Government would protect the people and promote their welfare in all matters, and provide a package of social and economic assistance; and
- development should occur in the reserve, in a manner in keeping with the primary nature of the reserve (including roads, tourism, farming and gold mining).

2.120 The 1895 compact formed the basis for the Urewera District Native Reserves Bill 1895. Tūhoe leaders sought self-government in Te Urewera and protection of their land from sale. The Premier offered Tūhoe and other Urewera Māori:

- a specially constituted Urewera District Native Reserve;
- provisions for the election of General Committees and local hapū-based block Committees as governance structures;
- a process of title investigation with a government-appointed commissioner working with owners to assist in defining the outer boundary of the reserve and hapū boundaries;
- assistance to prospect for gold and other minerals with a promise of royalties;
- a requirement for tribal consent to mining;
- the provision of schools and teachers;
- protection of birds and forests and the provision of trout to stock waterways; and
- decisions for the use and alienation of land would be made collectively and according to Māori custom.

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- 2.121 Parliament enacted the Urewera District Native Reserve Act in 1896 to give effect to these agreements. This provided for an alternative to the Native Land Court to legally determine ownership of Māori customary lands in a 656,000 acre Urewera Native Reserve. Title was to be held at hapū level although the Act required individual owners and their relative interests to be defined. Title would be determined by an Urewera Commission, a body comprising five Tūhoe and two Pākehā commissioners. The Crown would pay the survey and other costs involved in determining title. In addition, local block committees would be set up to administer land and a General Committee established to deal with local governance including making decisions about the alienation of land (which could only be to the Crown).
- 2.122 The determination of land titles by the Urewera Commission was a drawn out process and proved difficult for Tūhoe and the Commissioners. The Crown appointed the Commissioners only in 1898, and they began holding hearings to determine title in 1899. The Commission's procedures were designed to avoid some of the problems associated with the Native Land Court. Even though Tūhoe had a majority on the First Urewera Commission, the Chair was always a Pākehā Commissioner. Tūhoe's role was also limited when it was decided that Tūhoe Commissioners' should not take part in decisions affecting land where they had interests. Although the process was intended to allow for the inclusion of all claimant communities it failed to do so. The Commission's approach to the apportionment of shares was not in accordance with Tūhoe custom.
- 2.123 There were many appeals against the awards made by the Commission in 1900-1902. The delays in dealing with these appeals contributed to the eventual failure of the new system. Appeals were allowed at the discretion of the Native Minister and were heard by a second Commission comprising three men appointed by the Crown in 1906 and 1907. None of the appointments were from Tūhoe.
- 2.124 The second Urewera Commission, which sat outside of the Reserve for 3 of its 4 sittings, was directed to work through the appeals quickly. While a number of its title awards were accepted by the parties, there were a significant number of cases where disputes were ongoing. The second Commission awarded interests in the 73,667 acre Waikaremoana block to Tūhoe and 117 individuals from another iwi who had not put their claims to the first Commission (which had awarded all interests to Tūhoe). From 1908 to 1913 Tūhoe submitted three petitions regarding the title to Waikaremoana insisting that they were the rightful owners. The Crown did not inquire into the petitions.
- 2.125 With regard to the Maungapōhatu and Tauranga blocks, the second Commission established two new blocks (Manuoha and Pāharakeke) comprising 37,925 acres. The new blocks were awarded to individuals linked to neighbouring iwi. A large number of individuals remained on the ownership lists of the Maungapōhatu and Tauranga blocks even though the first Commission stated that upon partition of the original Maungapōhatu and Tauranga blocks those interests should be located in the areas awarded as Manuoha and Pāharakeke. The result was a significant reduction in Tūhoe's interests. Rulings from the second Commission also excluded Tūhoe from the ownership of the Te Whāiti block. Numerous further appeals were heard by the Native Appellate Court from 1912 to 1913.
- 2.126 In January 1908 the Crown raised the £7000 survey and Urewera Commission costs with Tūhoe. It was made explicit that Tūhoe were under an obligation to compensate the Crown for survey costs, but the Crown later acknowledged that the Urewera District Native Reserve Act exempted Tūhoe from these costs. Many Tūhoe land sellers subsequently cited these costs as a motivation for sales.

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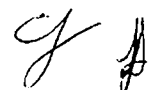
- 2.127 Amendments to the Urewera District Native Reserve Act were made without the consent of Tūhoe hapū and brought Reserve titles within mainstream Native Land Court processes, including surveying, succession and partitioning.
- 2.128 Although the key aim of the Urewera District Native Reserve Act was to establish local Māori governance, no formal body was established for more than a decade, and the local self-government promised under the 1895 compact and envisaged under the Act was not realised. The delays in instigating and progressing the work of the Commission after 1896 and then in dealing with title appeals and completing titles were critical factors in this failing. There was considerable delay in establishing functioning Local (or block) Committees. Provisional Committees were established following confirmation of the second Commission's orders in 1907. Tūhoe also elected two different General Committees in 1906 and 1908, but the Crown did not recognise either. The Māori Land Laws Amendment Act 1908 and the Urewera District Native Reserve Act 1909 empowered the Crown to appoint and dismiss members of the Committee. Coupled with other amendments, this undermined the original democratic structure of the Reserve. The 20-strong Committee selected by the Crown in 1908, was smaller and less representative than that earlier elected by Tūhoe. The Crown did not move to assist the Committee to prepare regulations for local governance.
- 2.129 At the first General Committee meeting in 1909, the Crown extended the Committee's membership by 14. The additional members it appointed were from a land-selling group of Tūhoe. This group planned to raise funds from the sale of land to develop unsold land at Maungapōhatu, acting under the leadership of Rua Kēnana. In 1910 the Crown made further appointments to the General Committee with a view to promoting land purchasing in the Reserve. The General Committee met again in 1910, principally to consider Crown proposals for land dealings. It did not meet again until its final meeting in 1914, and was formally extinguished by the Urewera Lands Act 1922, an Act that also repealed the Urewera District Native Reserve Act 1896 and confirmed the end of the Reserve.

**Frosts and famine**

- 2.130 The confiscation and alienation of the bulk of Tūhoe's most productive cropping and agricultural lands, had by the 1890s left Tūhoe with insufficient land for the food production required to reliably support them. Seasonal employment in the surrounding areas, and limited employment on road works within and around Te Urewera, proved to be inadequate sources of income to support the iwi.
- 2.131 Tūhoe were rendered vulnerable to any interruption to their food supplies. Unseasonal frosts in 1898 and 1901, a flood in the Ruātoki district in 1900, and outbreaks of potato blight of 1905 and 1910, exposed this vulnerability. As a result Tūhoe suffered a decade of almost constant famine, related outbreaks of disease and illness, high mortality and deprivation in Te Urewera. The Tūhoe population dropped by one-quarter between 1896 and 1901, while child and infant mortality increased, indicating a population in crisis. The Crown provided limited relief during the worst of the famine. The initial distributions of food, particularly for the old and young, were provided for free but the Crown required anyone capable to work on the roads for further supplies. Some Tūhoe preferred to be given work so they could buy food, fearing that the Government would take their land as payment for any aid provided.

**Crown purchasing within the Urewera District Native Reserve**

- 2.132 In 1910, the Crown began purchasing undivided individual interests in the Reserve after the General Committee it had appointed consented to the sale of parts of some blocks.



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It also commenced the purchase of undivided individual interests in other blocks before such consent was obtained. In September 1912 the Minister of Native Affairs discontinued all purchases in Te Urewera until the final title appeals were heard. In November 1914, the Native Land Purchase Board recommenced purchasing individual interests in the Reserve. This was illegal under the Urewera District Native Reserve Act and was done without ensuring Tūhoe's collective control of land dealings through the General Committee. These purchases did not adhere to the usual protective mechanisms applying to Crown purchases of Māori land, such as a price based on a current valuation and consent by meetings of owners.

- 2.133 Some of those who sold land did so because of their marginal economic circumstances. Lack of development capital was a key factor behind some sales. Absentee owners were more likely to sell their interests. Crown strategies also maximised sales of Urewera interests. The Crown restrained resident owners from obtaining economic benefit from the timber on their lands. The Crown also worked to prevent hearing of Native Land Court applications by non-selling owners seeking to partition out their interests so they could utilise their land as they saw fit.
- 2.134 The average price paid across the Reserve was just over 11s. per acre. Prices were based on Crown estimates of unimproved value, not independent valuations. These prices were fixed in 1910 and 1915 and applied to purchases through to the 1920s. Tūhoe were not able to sell their land on the open market during a period of rapidly rising land prices. The Crown did not inquire into Tūhoe protests about the prices paid for their land. The prices paid did not include the value of timber on Tūhoe's Reserve lands. The prices paid took account of the anticipated costs of survey, roading, and development costs envisaged by the Crown. However, subsequently the roading provided and associated development was very limited.
- 2.135 From 1914 until 1921 the Crown continued to acquire individual undivided interests in Reserve blocks without the consent of the General Committee. These illegal purchases were validated by the Native Land Amendment and Native Claims Adjustment Act 1916. That Act also removed the power of the General Committee to consent to or refuse sales to the Crown. The Crown did not consult with Tūhoe over this change to the Act. Tūhoe protest at purchases proceeding without the consent of the General Committee was not heeded.
- 2.136 Through its purchasing of individual interests in the Reserve blocks from 1910 until 1921, the Crown acquired 53 percent of the shares in the Reserve, equal to 345,000 acres. The purchases were undertaken without recourse to statutory protections that applied outside the Reserve to prevent Māori land vendors being rendered landless. Crown purchasing rendered numerous Tūhoe landless, including World War One veterans, who later asked the Crown representative to find them land but none was made available.

**Invasion of Maungapōhatu, 1916**

- 2.137 From 1906, Crown officials and some Ministers maintained a close interest in the Tūhoe leader Rua Kēnana and his community at Maungapōhatu. He was suspected of acting as a tohunga and much of the debate surrounding the Tohunga Suppression Act 1907 focused on his alleged activities. Rua sought to uphold the Tūhoe principle of kotahi te ture mo nga iwi e rua (one law for both peoples), especially regarding control of the liquor trade at Maungapōhatu. The Crown would not issue him a liquor licence. In 1911 and 1915 he was convicted of charges relating to the sale of liquor, convictions that resulted in fines and, in 1915, imprisonment.



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- 2.138 Rua's suspended liquor charges were reactivated in 1916, after his release from prison and amidst political tensions over his role in Te Urewera. He was fined and sentenced in absentia to a further prison term in January 1916. In April 1916, a contingent of 70 armed police arrived at Maungapōhatu to arrest Rua. The arrest was not lawfully executed, being on a Sunday.
- 2.139 The presence of a large contingent of heavily armed police at Maungapōhatu was out of proportion to the liquor charges involved, and posed a danger to the Maungapōhatu community. Shortly after their arrival, there was a brief period of gun fire that resulted in the fatal shootings of Rua's son, Toko Rua and Te Maipi Te Whiu, and the injuring of other Māori and of four policemen. Tūhoe believe that Toko Rua was summarily executed after being captured. Police kept the women of Maungapōhatu under armed guard for a time. Tūhoe recollections of these events are that some of the women were raped by police. A waiata composed by Rua while in prison, Taura Whiri Kau, refers to these rapes. Possessions were also stolen during the police occupation.
- 2.140 The police also arrested and detained 31 men for three days, including Rua and another son, Whatu. All charges except one against five men were dismissed by the Court or withdrawn by the Crown. The men remained in detention until the charges were withdrawn in September 1916. The one man other than Rua eventually tried on a single charge was acquitted. None of those arrested, charged, or tried received a contribution from the government towards their total legal costs of £1,300. There is some evidence that despite their innocence the Maungapōhatu people were held liable for costs in excess of £1,000 incurred by police for the Maungapōhatu expedition.
- 2.141 After a trial in Auckland lasting 47 days, Rua was cleared of the charge of sedition and seven other charges relating to his arrest at Maungapōhatu. He was found guilty only of "moral resistance" to an earlier attempt to arrest him at Te Whāiti in February 1916. He was sentenced to one year's hard labour and 18 months imprisonment. Police used the Maungapōhatu flag, 'Kotahi Te Ture Mo Ngai Iwi E Rua' ("one law for two peoples") as evidence of sedition in the case against Rua. Despite this charge not being upheld, the flag was appropriated by the Police Commissioner. It is now in the Auckland War Memorial Museum.
- 2.142 On 4 August, eight members of the jury wrote to the Auckland Star protesting against the severity of the Rua's sentence and what they believed to be the persecution of Rua. They also recommended that the bodies of Toko Rua and Te Maipi, which had been hurriedly buried at Maungapōhatu, be exhumed to enable a coroner's inquest to be completed. This did not occur.
- 2.143 The people of Maungapōhatu petitioned the Prime Minister in August 1916 requesting an investigation into the events at Maungapōhatu, compensation and the release of Rua and the other accused. The Minister of Police responded that the law would take its course.
- 2.144 In response to a request by a Native Land Court Judge, the Waiariki District Māori Land Board Registrar did investigate the plight of the Maungapōhatu people in September 1916, but the Crown did not assist them or Rua's whānau. In order to meet the costs of the Auckland trials most sheep and cattle as well as land interests were sold by the people of Maungapōhatu. In September 1916 the Waiariki Māori Land Board told the Crown that the best method of assisting the people of Maungapōhatu and "to help European settlement at the same time" was to send the Land Purchasing Officer into the district to continue the purchase of their lands. The Maungapōhatu community went into decline after these events. It was re-established in the late 1920s but struggled in the face of economic pressures, a lack of "the ordinary amenities of life"

and the Crown's failure to construct promised roads to provide proper access. Most people moved away and the community went into decline in the 1930s. It has not yet recovered.

### **Urewera Consolidation Scheme**

#### *Proposal*

- 2.145 By 1919, the rate of purchase of individual interests in the Urewera District Native Reserve had decreased considerably. The Crown's policy of acquiring individual interests in blocks had left the Crown and Māori without clear title to any block (except Waikaremoana block in which no interests had been purchased) and unable to define or develop their respective interests. They faced expensive and extended Native Land Court processes to partition out those interests. The Native Minister was also concerned the Crown's interests might be partitioned out by the Court in a way which did not support its settlement plans. As a result, Tūhoe owners were denied the right to partition out their interests through the Native Land Court.
- 2.146 By 1920, the Crown favoured a consolidation scheme that would consolidate unsold interests into fewer but larger blocks. It was anticipated that often small and scattered interests would be grouped together to form more economic units. Existing titles, based on customary hapū connections to the land, were to be extinguished and substituted for new titles owned by compact family groups. A consolidation scheme would also give the Crown the land it wanted for settlement, as well as large areas it wished to set aside for soil conservation and scenic reserves.
- 2.147 The Native Minister and Minister of Lands met with Urewera Māori on 22 May 1921 at Ruātoki to propose and discuss a scheme. In the absence of any alternative, Urewera Māori accepted consolidation in principle, seeking to define their interests and bring an end to purchasing. The Crown continued purchasing - acquiring interests equal to 16,394 acres between April and July 1921. The Crown put a consolidation proposal to Urewera Māori in August 1921 and by mid September the basic structure had been settled with mutual benefits for the Crown and Te Urewera Māori envisaged. Tūhoe welcomed three key Crown promises under the Urewera Consolidation Scheme: firstly, that no more individual interests would be purchased during the scheme's implementation; secondly, that they would receive surveyed land transfer titles; and, thirdly, two arterial roads and side roads would be built to provide access to their new consolidated titles. The Urewera Lands Act was passed in February 1922 enabling the scheme to be implemented. Details of the scheme were not published in Māori until 1923.

#### *Implementation*

- 2.148 Attempts to bring the consolidation scheme into effect between 1922 and 1924 led to significant protest from Tūhoe, including the formation of the Apitihana (Opposition) movement. The scheme was finalised in 1926. It created 216 new titles for Urewera Māori over 16 percent of the original Reserve area. The new titles replaced the original 44 blocks established by the Urewera Commission for the entire Reserve. The Crown proclaimed ownership of the remainder in 1927. The area awarded to the Crown included a number of areas improved, cultivated and occupied by Tūhoe. Tūhoe retained other land suited to farming. It was anticipated the completion of consolidation would enable them to utilise the resources on the land remaining from the Reserve established in 1896.

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- 2.149 The Consolidation Commissioners who arranged the division of Crown and Tūhoe land were not Tūhoe. There was no provision for independent arbitration of any disputes between Tūhoe owners and the Commissioners or a right of appeal from the decisions of the Commissioners. There were numerous Tūhoe protests against the Commissioners' decisions.
- 2.150 From August 1921 the Crown continued making small purchases. One of the Commissioners also recommenced purchasing undivided interests in the Reserve during the implementation of the consolidation scheme despite instructions to desist and an undertaking to Tūhoe that purchasing would cease. Following complaints from Tūhoe, rather than stop the purchasing, the Crown implemented a process to oversee the purchases. However, this process was not as rigorous as it should have been. From 1921 to 1925, interests equal to about 10,000 acres were purchased at old valuations.

#### *Roading and survey costs*

- 2.151 An important factor in Tūhoe's original acceptance of the consolidation scheme was the promise of arterial roading for Crown and Māori land in Te Urewera, and state assistance for Māori land development. Tūhoe were concerned about, but agreed to, pay in land for the costs of the roading associated with the consolidation scheme, having been misled by the Crown into believing they were under an obligation to make this contribution. Arterial roads in other parts of New Zealand were not paid for in this way, being funded through a mix of central government taxation and local body rates.
- 2.152 The Crown did not complete the roads for which Tūhoe had contributed 40,000 acres of land valued at £20,000. The many blocks left without road access were unable to be developed or practicably occupied by their owners which disrupted settlement patterns. The provision of services to Urewera communities was also affected by lack of road access and by the failure to maintain partially built roads.
- 2.153 A Tūhoe petition in 1949 protesting the failure to build the promised roads led to negotiations with the Crown for the return of the 40,000 acres or compensation. In 1958 the Tūhoe Māori Trust Board was established to receive a payment of £100,000 as compensation. This sum represented the original estimated value of the land contributed for roading (£20,000) plus interest. It did not compensate Tūhoe for the severe and long-standing economic impact of the lack of road access to their lands.
- 2.154 Tūhoe also objected to the imposition of about £14,000 in survey costs, the majority of which were paid for in land. An error in charging these costs led to the Crown acquiring 4,000 acres more land than it was entitled to. The error was discovered in time to be corrected but it was not corrected and the Crown retained the additional land. The surveys were intended to ensure the Crown's promise to Tūhoe of land transfer titles was honoured, but the surveys were inadequate for this purpose and no such titles were issued to Tūhoe land owners. The approximately 31,500 acres of land taken for survey costs represented one-fifth of the land retained by Tūhoe before consolidation. This land and the 40,000 acres taken for roads were valued at less than the average price paid for Reserve land. Tūhoe owners largely paid the costs of surveys which also benefited the Crown.
- 2.155 The exact area included in the consolidation scheme was not disclosed at the time but it was less than the total area of the Reserve (656,000 acres), affecting about 600,000 acres. At the end of consolidation, the Crown was awarded 482,000 acres in a single title, comprising the 345,000 acres it had acquired through individual purchasing plus 71,500 acres for survey and roading costs, and about 65,500 acres arising from further

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purchasing, Waikaremoana block transactions and transfers of interests between high and low value land. Most of this land later formed the bulk of Te Urewera National Park. Māori were left with 106,000 acres or 16 percent of the Reserve, fragmented into 210 titles. Of this area, 94,000 acres, or about 14 percent of the Reserve was retained by Tūhoe.

- 2.156 Much of the 94,000 acres Tūhoe retained within the Reserve was unsuited to settlement or economic development. As a result, Tūhoe were left with insufficient land to support an increasing iwi population. The remaining land was unevenly distributed, so some Tūhoe retained considerably less than others. Following the implementation of the consolidation scheme the entire Waikaremoana block, apart from 607 acres of lakeside reserves, was awarded to the Crown. The resident owners had sought 3,220 acres of reserves after the Crown failed to provide them with land promised south of Lake Waikaremoana. The award left them practically landless.
- 2.157 Some groups of Tūhoe owners did retain productive lands and sought to develop and farm them. However, their efforts were constrained by factors beyond their control. Titles to multiply-owned Reserve land were not finalised until the consolidation was concluded in 1927, so the land could not be used as security for finance prior to that. Private lending institutions remained reluctant to loan money to Māori on the security of multiply-owned land. The lack of road access severely impeded Tūhoe's ability to fully participate in New Zealand's pastoral economy. During the 1970s Tūhoe amalgamated many of their titles in an attempt to form land blocks capable of more rational management and economic use.
- 2.158 During the consolidation, Tūhoe sought to reserve a number of significant areas including pua manu, Waikokopu hot springs and urupā but most of these were instead vested in the Crown. There were repeated Tūhoe efforts to reserve their sacred maunga, Maungapōhatu and the extensive urupā associated with it. In 1899, Māori requested the Urewera Commission reserve part of Maungapōhatu Mountain as a burial site. This did not happen and, in January 1922, the issue was raised again. The Consolidation Commissioners recommended a permanent reserve of approximately 500 acres and Tūhoe provided a list of representative trustees. The Crown surveyed a 586 acre reserve within its award.
- 2.159 The urupā were subsequently interfered with by visitors to the Urewera National Park, leading to renewed efforts by Tūhoe to obtain the return of the maunga in the 1960s. In 1977 the Crown acknowledged the maunga and urupā had been wrongly included in the Crown award. The reserve was vested in the Tūhoe Waikaremoana Māori Trust Board for all Tūhoe, but this did not include all of the urupā.

#### Land Development Schemes

- 2.160 The Native Land Amendment and Native Land Claims Adjustment Act 1929 was enacted to enable the Crown lend to Māori the funds needed for land development. Prior to this the Crown has been reluctant to loan money to Māori. The Crown instigated and managed three Māori land development schemes in Te Urewera, at Ruātoki, Waiōhau and Ruatāhuna during the 1930s. The land development schemes were an attempt to alleviate title problems. They also provided employment relief and aimed to increase Māori participation in the national economy by increasing the productive capacity of their lands. The provision of housing for farmers also ameliorated Tūhoe's very poor housing conditions.
- 2.161 A number of variables impacted on the level of benefit from the schemes, including the number of people in blocks, the quality of the land, environmental issues and the type

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of farming undertaken. By 1929 Tūhoe retained insufficient productive land to enable land development to provide for all land owners. The development schemes often focused on establishing individual family farms based on long-term leases of family-owned titles. Small farms failed at Ruatāhuna, but the development scheme was more successful when run as large stations on collectively owned land.

- 2.162 The Crown protected its substantial investment in the lands by taking complete control of the land development schemes from the land owners. Neither Tūhoe nor the Crown anticipated that Tūhoe would lose control over their lands for the 40 to 60 year life of the Urewera development schemes. When the developed land was returned to its owners it represented a productive asset, which came with debts arising from development. The Crown wrote off some of the development debt on the Ruatāhuna scheme land before it was returned.
- 2.163 Other Tūhoe also sought to improve their lands. For a time, a few operated small farms at Waimana, and along the Tauranga and Whakatāne valleys. The most substantial and collective effort at farming development was at Maungapōhatu. This effort foundered after the invasion of Maungapōhatu in 1916, with the disruption and costs this imposed on the community there. Maungapōhatu was further hindered by a lack of road access.

**Waikaremoana**

- 2.164 The Crown's acquisition of the Waikaremoana block was the most disputed aspect of the Urewera Consolidation Scheme. From 1913 to 1921 the Crown tried, to acquire the Waikaremoana block. It considered the land unfit for settlement and wanted to make a scenic reserve and protect the watershed of Lake Waikaremoana, which it intended to utilise for hydro-electric purposes. In 1921 after Māori opposition to Crown proposals to compulsorily acquire some of the block, it was agreed to include the land in the consolidation scheme even though the Crown had not then acquired any individual interests in the block. This was a more palatable option for Tūhoe than compulsory acquisition or individual purchasing.
- 2.165 The Waikaremoana block was never independently valued. The Crown acquired ninety percent of Tūhoe's interests in the block by paying six shillings an acre in the form of exchanges for other land the Crown had previously purchased in other Reserve blocks. This enabled Tūhoe to enlarge their consolidation titles around existing kāinga elsewhere in the Reserve.
- 2.166 Other owners did not have other land interests or were not willing to exchange their Waikaremoana interests for land elsewhere. Those owners had little choice but to sell their interests. These owners received cash payments of six shillings an acre despite the Crown previously agreeing to pay 15 shillings.
- 2.167 Other Tūhoe interests were purchased outright by the Crown for 15 shillings an acre by way of debenture. This was less than the owners had initially sought, but they had little choice but to accept, it was part of the Crown's 1921 proposals for Waikaremoana block incorporated into the Urewera Lands Act.
- 2.168 In February 1922, Tūhoe and their whānaunga sought to withdraw their Waikaremoana land from the consolidation scheme, because the price of 15 shillings per acre was not what they had agreed to. The Crown persuaded many to accept that price and withdraw their opposition in 1923, provided that the reserves be surveyed free of charge, be exempt from rates, and two small additional lakeside reserves were made. Other Tūhoe remained opposed to the implementation of consolidation at

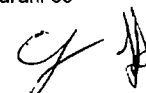
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Waikaremoana. As a result of the consolidation scheme the Crown acquired 73,000 acres of the block, leaving Māori with 607 acres in 14 small lakeside reserves. Land promised to local Māori near Te Kōpani on the southern shore of Lake Waikaremoana was not provided.

- 2.169 The Crown reduced all interest rates during the Depression which meant local Māori failed to receive the full interest owing on the Waikaremoana debentures with which the land was purchased. This caused considerable hardship at the height of the Depression, as had earlier delays in payment of interest in the 1920s and, later delays in the 1930s. In 1932 the principal of almost £30,000 was not paid out as agreed in 1922, but was reinvested by the Crown for a further 10 years at a reduced interest rate, without the consent of the Māori debenture holders. Despite repeated requests the capital was not paid to the debenture holders until 1957.
- 2.170 The owners of the lakeside reserves were not able to fully utilise their lands due to the imposition of Crown pre-emption and restrictions on land use, timber extraction, hunting and housing. The Crown unsuccessfully sought to acquire the reserves for many years before designating them as proposed additions to the Urewera National Park, which severely restricts use of the reserves by their owners. Whare, taonga and urupā on the reserves were subsequently damaged or destroyed by Park visitors.
- 2.171 The reserves did not remain exempt from rates, and the owners feared that their lands would be taken to recover rates arrears. As a result the reserves were vested in the Tūhoe-Waikaremoana Trust Board in 1974.

**Lake Waikaremoana**

- 2.172 Lake Waikaremoana was excluded by the Crown from the Urewera District Native Reserve, an area within which Tūhoe understood their customary rights to manage their waterways were to be preserved. In 1911, the Crown began to investigate the hydro-electric power potential of the Lake. In 1913 and 1916, local Māori unsuccessfully sought an inquiry into the boundary of the Reserve at Waikaremoana, seeking to return the Lake to the Reserve. The consolidation scheme was extended to include land south of Lake Waikaremoana, but the Lake itself remained excluded from the Reserve.
- 2.173 As a result of applications in 1913 by Tūhoe and other right-holders, the Native Land Court investigated the title to the bed of Lake Waikaremoana between 1915 and 1918. In June 1918 the Court awarded 72 percent of the shares in the lakebed to 194 owners of Tūhoe and their whanaunga, and 28 percent of the shares to 160 owners from another iwi. The Crown immediately appealed the 1918 award on the basis that the bed of the Lake was not customary Māori land so the Native Land Court could not determine title to it. The Court of Appeal, however, had previously established that the Native Land Court was able to determine title to lakebeds.
- 2.174 Procedural and other delays meant the Crown's appeal was not heard until 1944. In 1921, those provisionally awarded title offered to negotiate with the Crown over their claim to the Lake, however, negotiations did not proceed. The Native Appellate Court upheld the 1918 award. The Crown continued to oppose the Native Land Court's award and senior officials insisted the 1944 Court decision was "a nullity". In 1947, the Prime Minister said the decision was wrong. In 1954, the Crown decided not to further appeal the title to the Lake and the Lake was surveyed. In the same year the Crown included Lake Waikaremoana in the Urewera National Park, without consulting Tūhoe .



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- 2.175 During the 1940s and 1950s, the third stage of the Waikaremoana power scheme was completed, the Kaitawa power station. This involved use and modification of the lakebed and lowering of the Lake level by 5 metres, leading to erosion of exposed lakebed, destruction of shellfish, reduction in fish stocks and restriction of the migration of tuna (eels) to the lake. The Lake's owners did not consent to the use or modification of the lakebed and raised concerns about a number of these impacts. In 1959 the Crown commenced negotiating with the Lake's owners over compensation sought for the Crown's use and management of the Lake.
- 2.176 For some years after 1959, the Crown sought to purchase the Lake, its islands and the reserves adjacent to it. The Lake's owners declined to sell, seeking instead an annual payment. The owners and the Crown ascribed widely divergent economic values to the Lake. In 1967 the Crown agreed to have the lakebed formally valued. It was valued at \$143,000; but this did not include the value of the electricity generated by the Kaitawa power station, income from fishing licenses, nor the value of other past uses made of the lakebed by the Crown. The Crown and the Lake's owners accepted the valuation as the basis for the initial rental to be paid under a long-term lease of the Lake to the Crown, an agreement that was provided for by the Lake Waikaremoana Act 1971.
- 2.177 The Crown constructed roads, a motor camp, a hotel and the National Park headquarters on the exposed lakebed. The Lake's owners did not consent to these developments on their land. Tourism developments around the Lake led to the pollution of its waters, considered sacred by Tūhoe, by human waste. Improved systems for the treatment and disposal of sewerage were introduced from 1980. Following protests by Tūhoe in 1998, improvements were made to these systems and further improvements are currently being completed.

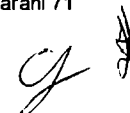
**National Park and Environmental Issues**

- 2.178 In the discussions that preceded the Urewera District Native Reserve Act Māori suggested that fish and bird breeding structures be established and that local Māori be taught how to manage them. In response the Premier stated he would assist Tūhoe in regard to the acclimatisation of fish and birds in their country. Tūhoe's customary harvests were provided for through an exemption in the Animals Protection Amendment Act 1895. This was in accord with Tūhoe's understanding that the Urewera District Native Reserve Act would preserve and reserve the lands, waters, and environment of the Reserve under Tūhoe's management and local self-government, in accordance with customary ways. However, management and use of these resources was gradually brought under the control of various Crown agencies and bodies.
- 2.179 In 1898 the Crown established a wildlife reserve around Lake Waikaremoana. By 1903 hunting both imported and native game was prohibited within the Reserve. The Native Minister acknowledged this was inconsistent with the agreement underlying the Urewera District Native Reserve Act, but the final proclamation establishing the Reserve did not contain his recommended exemption for Tūhoe. In 1910 Tūhoe were permitted to harvest kererū, but from 1911 the customary harvest was permanently prohibited throughout Te Urewera. This restriction was imposed without reference to Tūhoe and maintained despite their opposition. The Animal Protection and Game Act 1921 provided for absolute protection of kererū. It did not provide for Tūhoe's sustainable and flexible customary use of fauna such as kererū. Some Tūhoe were subsequently prosecuted and fined for taking kererū.
- 2.180 In contrast, from 1906 the Crown encouraged the shooting of kawau (shags), believing they were preying on trout. Colonies of kawau at Waikareiti and Waikaremoana were spiritually significant to Tūhoe, while young kawau at other colonies were a customary

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food source. Trout were introduced to Lake Waikaremoana in 1896 with a view to supplementing Tūhoe's food supplies, as provided for in the Urewera District Native Reserve Act. The Crown rejected Tūhoe's attempts to regulate the taking of trout from the Lake and by the early 1930s Tūhoe had to have fishing licences if they wanted to take trout from the Lake.

- 2.181 From the 1910s onwards, the Crown imposed a variety of restrictions on the use of Tūhoe's timber resources, which were an economic resource that could otherwise have supplemented farming income. In the case of Tahora 2G2, these restrictions compounded the long-standing exclusion of Tūhoe from the management of this land, which was vested by the Crown in the East Coast Trust in 1902, without their consent. It remained under the control of the Trust for more than 50 years, despite the Trust taking no steps to develop it. In 1958, the Crown sought to purchase it for a mix of milling and river protection and erosion control purposes. Tūhoe declined to sell as they wished to utilise the land and its timber resources. The Crown subsequently proclaimed the land under water and soil conservation legislation which prevented Tūhoe from milling their timber. In 1973, Tūhoe agreed to exchange Tahora 2G2 for Crown land elsewhere in Te Urewera.
- 2.182 The Urewera National Park was established in 1954, initially comprising 117,000 acres before expansion in 1957 and in later years increased its area to 526,000 acres. Most of the Park comprises the land awarded to the Crown under the Urewera Consolidation Scheme, as well as the bed of Lake Waikaremoana, land on the southern shore of the Lake, and the Urewera District Native Reserve blocks Manuoha and Pāharakeke. The Park did not include Māori land but remaining Tūhoe lands were located in enclaves surrounded by the Park. The Park was established and later expanded without Tūhoe being consulted. From the inception of the Park its governing bodies restricted the use and development of Tūhoe-owned lands adjoining or surrounded by the Park.
- 2.183 Restrictions on the use of forested Tūhoe land continued after the establishment of the Park, through bodies such as the Urewera Land Use Committee of 1954-1958 and Soil Conservation and Rivers Control Council. Access through the Park to Tūhoe forests was also regulated to Tūhoe's cost. Tūhoe were willing to exchange forested land that was erosion prone or of high scenic value for Crown land that was capable of milling and farm development. The Crown initially agreed but subsequently changed its policy and acted to prevent any milling within the wider Park boundaries. There was provision for land owners to be compensated for the economic impact of land use restrictions imposed by that Council, but no such compensation has been paid to Tūhoe.
- 2.184 National Park policy led to restrictions on Tūhoe's customary use of Te Urewera and its resources. The customary collection of pikopiko (and pūhā), a harmless traditional practice, was initially made an offence. In 1962, controlled and limited harvesting was permitted on a temporary basis and with a view to eliminating the practice within the Park. Current Park policy provides, at the Crown's discretion, for customary uses of pikopiko and other indigenous plant and animal species that are not otherwise restricted.
- 2.185 The Crown did not recognise Tūhoe as having any special interest in the Park or its management prior to the 1980s. Tūhoe requests for a statutory right of representation on Te Urewera National Park Board were not agreed to in 1973 and in 1980 and remain unfulfilled. From 1962 to 1981 one of the nine appointed members of the Board (and its successor, the East Coast National Parks and Reserves Board) was deemed to represent the interests of Tūhoe. The Conservation Act 1987 and National Parks Act 1980 have formal provisions to consult Tūhoe over Park policy documents, rather than





actively involve them in the governance, management, and day to day running of the Park.

**He Huruhuru Te Manu Ka Rere: The Under-Development of Tūhoe**

- 2.186 Land loss through the 1866 confiscation and subsequent alienation had by the 1890s left Tūhoe with insufficient land to reliably support themselves. Unseasonal frosts and outbreaks of disease and illness resulted in a significant population decline and severe hardship throughout Te Urewera.
- 2.187 The Crown continued to acquire substantial areas of land from Tūhoe in the early twentieth century purchasing in and around the Urewera District Native Reserve. Prior to World War One more than three-quarters of the land Tūhoe claimed some interests in outside the Urewera District Native Reserve had been purchased. The Crown had acquired 530,000 acres and private purchasers another 290,000 acres. Further smaller scale purchases followed and today very little land in these areas remains in Tūhoe ownership. The Crown also acquired large amounts of land within the Reserve through the Urewera Consolidation Scheme.
- 2.188 Much of the land Tūhoe retained was unsuited to settlement or economic development, leaving them with insufficient land to support an increasing population. Furthermore there were two major impediments to Tūhoe's ability to farm their land: the lack of access to finance and the inaccessibility of parts of Te Urewera due to a lack of roading. Tūhoe's economic development suffered as a result. Lack of roading also impeded the provision of an array of services (for example, education, health services, housing and mail deliveries), which were made more difficult by relative inaccessibility.
- 2.189 From the 1930s most Tūhoe left Te Urewera in search of employment and other opportunities. This outward migration has yet to close the 'development gap' between Tūhoe and other New Zealanders that was evident by 1900, and which the land development schemes of the 1930s began to narrow. Today, around 85 percent of Tūhoe live outside Te Urewera. The unemployment rate for those living outside Te Urewera is three times greater than for New Zealand as whole. Those Tūhoe who remain within Te Urewera have struggled to make a living due to various restrictions placed on the land and resources in the area. Their unemployment rate is more than four times greater than for New Zealand as a whole. Many suffer from socio-economic deprivation of a severe nature.

NĀ WHAKAAETANA A TE KARAUNA

- 2.190 Ka whakaae te Karauna kāre a Tūhoe i haina i te Tiriti o Waitani i te tau 1840. Ko te Tiriti o Waitani tētahi o nā take nui i whai mana ai te Karauna ki Aotearoa, me te aha, ka hānai ōna kawena i raro i te Tiriti, tae atu ki nā kawena ki te tiaki, ki a Tūhoe. Ka whakaae te Karauna kāre i tutuki te maha o ōna kawena i raro i te Tiriti ki a Tūhoe. Ahakoa i pau te kaha o Tūhoe i roto i te wā roa ki te whai putana, kāre te Karauna i tahuri ki te whakaae i nā hē ki a Tūhoe, ahakoa te tika o nā whakapae. Kua roa rawa te wā, me tūtohu te Karauna mō aua hēna. Tatū ki wēnei rā, kei te rono tonu a Tūhoe i te pōuri me te mamae i nā tūpuhitana o te Karauna.
- 2.191 Ka whakaae te Karauna:
- 2.191.1 hei mua i te tau 1865, ko Tūhoe te mana whakahaere i ōna whenua me āna rawa, i te pūaotana o te ao hou;
- 2.191.2 hei te wā i mua i te raupatu whenua i te rāwhiti o te Moana a Toi i te tau 1866, kāre anō te Karauna kia whakapakari i tētahi honona me Tūhoe;
- 2.191.3 he pokanoa te hōrapa me te whiuna o nā ture raupatu whenua, inarā i raupatuhia nā whenua o Tūhoe, ahakoa te mea kāre te iwi i te whana;
- 2.191.4 ka riro ōna whenua i raro i te ture raupatu, ko te aukati tērā i a Tūhoe mai nā wāhi tapu, mahina kai me ērā atu rawa, ka momotu nā here o te iwi ki ōna whenua;
- 2.191.5 ehara te raupatu i te mahi tōtika, he kino rawa te hao whenua, ā, pākia kinotia te mana, te orana, te ōhana me te whanaketana o Tūhoe, he takahi i te Tiriti o Waitani me ōna mātāpono.
- 2.192 Ka whakaae te Karauna ko te whakatohihara tētahi o nā putana kētana o te raupatu, ā, nā te kore take o te Kōti Kāpeneheihana kātahi ka hē rawa atu, arā:
- 2.192.1 he nui nā wā ka whakamana e te Kōti Kāpeneheihana nā whakaritena kua oti kē te whiriwhiri e tētahi āpiha a te Karauna ki tētahi iwi ki te tuku whenua i roto i te rohe o te raupatu, tē aro ki nā pāna tuku iho a Tūhoe;
- 2.192.2 nā nā whakahaerena a te Kōti Kāpeneheihana i aukati a Tūhoe i ōna whenua tipu i roto i te poraka o nā whenua raupatu;
- 2.192.3 kāre te Karauna i tiaki i nā pāna o Tūhoe i roto i te poraka o nā whenua i raupatutia, he takahitana ēnei o te Tiriti o Waitani me nā mātāpono.
- 2.193 Ka whakaae te Karauna i awhi wētahi o Tūhoe i te Karauna ki te whai i a Te Kooti me Kereopa, me te mea anō i pēhia te tokomaha o ēnei tānata kia uru ki te whai i te huna rā.
- 2.194 Ka whakaae te Karauna mō wētahi o āna mahi i te whakaekena o Te Urewera me nā rohe tata hei nā tau 1865 ki te 1871:
- 2.194.1 te kore āta mātaki, āta whakahaere i nā ope taua, ko te mutuna iho ko:
- (a) te whakamatena o nā mauhere rākau kore o Tūhoe i Manarua (takiwā ki Waikaremoana) i te tau 1866 me Nātapa i te tau 1869;

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- (b) te whakamatena o nā mauhere o Tūhoe i Ruatāhuna i te tau 1869;
- (c) te patupatu i nā tāne, wāhine, tamariki kāre i te whawhai ki te Karauna, te tūkinu tūpāpaku i nā urupā i Te Whata-a-pona, Ōpūtao, Tahora me Ruatāhuna;
- 2.194.2 te kaupapa o te "scorched earth", arā, te whakahoro i ngā kāina me nā pā, te tukituki i nā māra me nā pātaka kai, te patu kararehe, te takahi i nā wāhi tapu me te tūkinu i nā taonga.
- 2.195 Ka whakaae te Karauna ko te hua o wētahi o āna mahi ki a Tūhoe ko te kore kai me te nui tanata i mate. Nā wēnei mahi a te Karauna i whakaiti te mana, i whakararu rawa i te noho, i pēhi hoki i te orana o te iwi. Ka whakaae te Karauna i roto i āna mahi, kāre ia i paku aro ake ki a Tūhoe, me te mea kino rawa atu āna mahi, i takahi i te Tiriti o Waitangi.
- 2.196 Ka whakaae te Karauna:
- 2.196.1 mō te roa rawa atu o te mau i nā herehere i Te Pūtere me Wharekauri, kāre i tika;
- 2.196.2 kāre i tiakina e ia te huna kāre i te mau rākau, pērā i ngā manene, ko te mutuna iho ka kino rawa atu ngā taumahatana i rutua ki runa ki a rātou;
- 2.196.3 ko tana kupu ōati e mea ai ka tukua ki a Tūhoe te whenua rāhui i whakarohea ki Te Pūtere, tē whakamanatia;
- 2.196.4 wēnei mahi i takahi i te Tiriti o Waitani me ōna mātāpono.
- 2.197 Ka whakaae te Karauna i takahia e ia te ronopai me Tūhoe i te tau 1870 i te ekena o Whakarae e nā ope taua, me te horo o nā pā, nā kāinga me nā pātaka kai i Waikaremoana, he takahi i te Tiriti o Waitani me ōna mātāpono.
- 2.198 Ka whakaae te Karauna ko te raupatu i wētahi o nā whenua o Tūhoe me te āhua o tana kawē i te riri, i nau kino ki te mana motuhake o Tūhoe i ōatitia i raro i te Tiriti. Nā wēnei mahi a te Karauna i whakararu i te mana o nā ranatira, ā, tatū rawa iho ki wēnei rā kei te ronohia tonutia nā putana kētana.
- 2.199 Ka whakaae te Karauna kāre a Tūhoe i whiwhi paremata mō nā mahi kino rawa atu a te Karauna ki a rātou, i whiua wawetia ai nā iwi o Te Urewera ki te whakatoihara mōrearea, i pākia hokitia ai nā whakatipurana o Tūhoe, ā, haere ake nei.
- 2.200 Ka whakaae te Karauna kāre a Tūhoe i whiwhi paremata i te rirona atu o Onepoto me wētahi atu whenua me nā rākau tipu ana ki runa, i nā tahatika o te awa o Waikaretāheke i te tau 1872, he takatahitana o te Tiriti o Waitani me nā mātāpono.
- 2.201 Ka whakaae te Karauna i te tau 1875 ka puta tana kupu whakawehi ki a Tūhoe e mea ai ka raupatuhia nā pāna o te iwi, taro kau iho ka riro i te Karauna nā pāna katoa o Tūhoe tae atu ki Onepoto, i roto i te e 172,500 eka i nā poraka whakatetona e whā i te tona o Waikaremoana. Ko wēnei mahi tinihana kia riro ai te whenua i nau kino ki nā pāna o Tūhoe ki Waikaremoana, he takahi i te Tiriti o Waitani me ōna mātāpono.

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2.202 Ka whakaae te Karauna:

- 2.202.1 ko nā taitara mō nā whenua rāhui i Whareama, Te Kōpani, Te Hei-o-tāhoka me Nāpūtahi, i tukua kētia ki nā tātata takitahi e 60, kua ki te katoa o Tūhoe he pāna o rātou ki aua whenua;
- 2.202.2 nō te tau 1889 kātahi anō ka whakawhiwhia aua whenua rāhui e whā, heoi, kāre he huarahi ā-ture kia kuhu ki Whareama me Nāpūtahi.
- 2.202.3 Ahakoa te whakahē a Tūhoe, ka kūmea a Whareama me Nāpūtahi ki roto i te whakamoanatana o Te Urewera, ā, nō te tau 1921 ka riro i te Karauna.

2.203 Ka whakaae te Karauna:

- 2.203.1 kāre i whitiwhiti kōrero me Tūhoe mō te kuhuna mai o nā ture whenua māori;
- 2.203.2 kō atu i te e 1.1 miriona eka te whenua he pāna o Nāi Tūhoe kei roto, i heria ki te Kōti Whenua Māori i nā tau 1867 ki 1894, tē aro ki nā māharahara a Tūhoe;
- 2.203.3 tino kino nā utu, he nui nā taumahatana i wahaina e Nāi Tūhoe kia tae atu ai ki nā nōhana o te Kōti Whenua Māori i waho atu o tō rātou rohe.

2.204 Ka whakaae te Karauna:

- 2.204.1 kāre ia i whakamana i Te Whitu Tekau hei rōpū whai mana i 1872 i te whakatūna e nā ranatira o Te Urewera i taua rōpū hei kaunihera hāpai i te mana motuhake i roto i Te Urewera i muri iho i te ronomau ("peace compact");
- 2.204.2 i whakahē Te Whitu Tekau i nā hokohoko whenua, i nā rori, i te rūri me te Kōti Whenua Māori i roto i te rohe;
- 2.204.3 Ahakoa nā kaupapa a Te Whitu Tekau, nāwai ā, ka pēhi te Karauna kia tuwhera Te Urewera kia āhei ai te rūri, nā nōhana o te Kōti Whenua Māori me nā rori.

2.205 Ka whakaae te Karauna i kūmea e ia te Kōti Whenua Māori ki nā whenua o Nāi Tūhoe, ahakoa te whakahē a Te Whitu Tekau, ā, nā te āhua o nā mahi me ngā putana kētana o nā ture whenua Māori, pērā i te tuku taitara ki te tanata kotahi kua ki te hapū, te iwi rānei, i noho mōrearea nā whenua o Tūhoe, e taea noatia ai te whawhati, te wāwāhi me te tano. Koinei tētahi o nā take whakararuraru i te noho a te iwi, nō te mea e ai ki nā tikanga, kei te iwi, kei te hapū te mana i te whenua. Kāre te Karauna i noho ki te tiaki i nā hapū me nā iwi, i takahi i te Tiriti o Waitani me ōna mātāpono.

2.206 Ka whakaae te Karauna:

- 2.206.1 nā te kore whai i ngā tikana mō nā ture whenua māori e mea ai, kia whakamōhiotia nā tātata katoa tērā he pāna o rātou ki tētahi whenua kei te kōtitia, kāre a Tūhoe i whai wāhi ki nā taitara i nā poraka o Kūhāwāea me Waipaoa;
- 2.206.2 nā te kore whai i te tikana mō nā ture whenua māori e mea ai kia whakamōhiotia ai nā tātata whai pāna o Nāi Haka Patuheuheu mō tētahi hui ki te wehe i Waiōhau 1B, kāre i taea te tiaki o rātou pāna i roto i te poraka;

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- 2.206.3 kāre he take o nā kōtitana āpiti, nā pitihana me nā ranahau a te Karauna ki te whakaea i te raruraru i hua nā te mea kāre i whakamōhiotia te huna i tika ai kia whakamōhiotia, waihoki, kāre i tiakina nā pāna o Tūhoe i roto i nā poraka o Kūhāwāea me Waipāoa, me nā pāna o Nāti Haka Patuheuheu i roto i a Waiōhau 1B, he takahitana o te Tiriti o Waitani me ōna mātāpono.
- 2.207 Ka whakaae te Karauna ko tētahi whāina i te tau 1873 i te timatana o tana hokohoko mai i nā whenua i nā paena o te rohe o Tūhoe, ko te wāwāhi i te rohe pōtae i whakatūria e Te Whitu Tekau. Mō hia nā tau ka noho te huakitana o nā whenua o Te Urewera hei whāina o te Karauna.
- 2.208 Ka whakaae te Karauna i tanohia he whenua i te tau 1907 hei whakaea i nā utu mō te rūri, enari kāre i pātai mēnā he tika ēnei utu, ā, i te mutuna iho he nui nā whenua o Nāti Haka Patuheuheu i nā poraka o Matahina me Tuararanaia i riro atu. Ka whakaae te Karauna i tana kore ārai i a Tūhoe i wēnei utu nui rawa atu, i takahi e ia te Tiriti o Waitani me ōna mātāpono.
- 2.209 Ka whakaae te Karauna:
- 2.209.1 i whakamanatia tōmuritia e ia te rūri huna i a Tahora 2, he rūri tēnei kāre i whakaaetia, kāre hoki i whakahaerehia i raro i nā ture ārahi i te mahi rūri;
- 2.209.2 i te mārama a ia ki nā whakahē a Tūhoe ki te rūri, te whakamanatana o te rūri me nā whakawākana i te kōti;
- 2.209.3 ka mate a Tūhoe te hoko whenua i pirani ia kia puritia, hei utu i te rūri;
- 2.209.4 nā tana kore mahi i runa i te nākau tapatahi me te pono, me te kore āta tiaki i nā pāna o Tūhoe i pirani rātou te pupuri, he takahi i te Tiriti o Waitani me ōna mātāpono.
- 2.210 Ka whakaae te Karauna:
- 2.210.1 i te tau 1892, ka tū nā mautohe a Nāti Tūhoe kia whāiti noa iho te rūri i te poraka o Ruātoki, kia kua nā rūri me nā nōhana o te Kōti Whenua Māori ki roto i Te Urewera mehemea kore i whakaaetia;
- 2.210.2 ahakoa te whakaaetana nei, whai muri hoki i nā tautohetohe mō te nui o te rūri te take, i te tau 1893 ka mea te Karauna me mātua rūri te katoa o te poraka o Rūatoki;
- 2.210.3 me kore ake nā pirihimana mau pū me te ope taua hei parepare mo te rūri, heoi, ka ara ake anō a Tūhoe ki te mautohe, i te mutuna, tokowhā nā tāne, tekau mā tahi nā wāhine o Tūhoe i mau hereheretia;
- 2.210.4 mehemea i hiahia te Karauna kia whitiwhiti kōrero mō tētahi whakatauna e pai ana ki nā taha e rua, terā pea kua kore i pupu he raruraru;
- 2.210.5 i tana kore rapu i tētahi whakatauna mārie i tēnei tohena, i takahi ia i te Tiriti o Waitani me ōna mātāpono.
- 2.211 Ka whakaae te Karauna, i te rirona atu o te poraka Waiōhau 1B nā tētahi hokona tinihana, ka tau te pōuri nui me te mamae kino ki runa ki a Nāti Haka Patuheuheu, i panaa i ō rātou kāina i te tau 1907, ā, tatū noa ki wēnei rā kei te rono tonu a Nāti Haka Patuheuheu i te whakatoihara i te korena ake o aua whenua.

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2.212 Ka whakaae anō te Karauna:

- 2.212.1 hāuna tana kupu awahi atu i te hurakana o te hokona tinihana nei i te tau 1889, i te mutuna kāre he paku āwhina a te Karauna ki a Nāti Haka Patuheuheu kia kawea ai he kēhi ki te Kōti Matua, tē aro ake ki nā tonu kia āwhina atu;
- 2.212.2 i tonu ia kia unuhia ng here o te ture i runa o Waiōhau 1B, kāre i whakawhitiwhiti kōrero i whakamōhio rānei i a Nāti Haka Patuheuheu mō tēnei;
- 2.212.3 i te mārama ia mō te hē terā ka whiua ai a Nāti Haka Patuheuheu i te panatana i ō rātou kāina i te tau 1906, heoi, kāre i kimi huarahi ki te kaupare i tēnei panatana;
- 2.212.4 nō muri ka tapaea he pihi whenua hei paremata, ko te mate kē, ko taua whenua i roto i te rohe o iwi kē, ka mutu, he pakupaku rawa, ēhara hoki i te ronoā tika mō te mate rutua ai a Nāti Haka Patuheuheu.
- 2.212.5 ko ēnei mahi i mahia, me nā mahi kāre i mahia e te Karauna, i takahi i te Tiriti o Waitani me ōna mātāpono.

2.213 Ka whakaae te Karauna i ngā tau 1894 me 1895 i whakawhitiwhiti kōrero a Tūhoe i runa i te nākau tapatahi me te Karauna kia puawai he whakaaetana kura e aro ana ki te mana motuhake o Tūhoe, heoi nā te Karauna taua mana motuhake i takahi, ka rongo a Tūhoe i te kino o te whakahāweatanga i marana ake nā te Karauna me tana Ture mō Te Taiwhenua Rāhui o Te Urewera o te tau 1896 (Urewera District Native Reserve Act 1896).

2.214 Ka whakaae te Karauna:

- 2.214.1 nāna ka takaroa te whakatūrana o te kāwanatana ā-rohe e ai ki te Ture. Nā te whakaroaroa ki te whakatū i tētahi rōpū hai whakarongo ki nā pīra o nā whakatauna a te Kōmihana o Te Urewera (Urewera Commission), kātahi ka hē rawa atu;
- 2.214.2 kāore i whakawātea he huarahi e tareka ai te rahi o nā Māori o Te Urewera te whai wāhi ki nā nohoana a te Kōmihana o Te Urewera;
- 2.214.3 nāna, kāore i whakawātea he tūrana ki nā Māori o Te Urewera i roto i te rōpū o te Kōmihana o Te Urewera;
- 2.214.4 kāore i whakamanatia e ia te whakaaetanga e mea ai ka tukuna nā taitara ki nā whenua i roto i te Taiwhenua Rāhui o Te Urewera (Urewera District Native Reserve) ki nā hapū; ā,
- 2.214.5 nāna i whakanoikore te mātāpono taketake o te Ture e mea ai mā te iwi anō te iwi e whakahaere, i tana whakapanoni i te tau 1909 i nā tikana mō te whakaeke ki runa i te Komiti Nui (General Committee), inahoki i mea te Ture mā te pōti ka eke te tanata ki runa i te Komiti Nui;
- 2.214.6 i te mutuna kāore ia i whakatū i tētahi tikana pakari mō te whakahaere i te whenua, he takahitana o te Tiriti o Waitani me ōna mātāpono.

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- 2.215 Ka whakaae te Karauna nāna i takahi i te whakaaetana me Tūhoe i a ia ka hāpai i nā panonitana ki te Ture o te tau 1896, he takahitana tēnei o te Tiriti o Waitani me ōna mātāpono.
- 2.216 Ka whakaae te Karauna:
- 2.216.1 i te tau 1910 ka tīmata tana hokohoko i nā pāna o te tanata takitahi i roto i te Reserve ahakoa te mea kāore i whai whakaaetana mai te Komiti Nui, ā, i te tau 1916 i whāia e ia kia whakaturehia aua hokonga i mua i te tahuritaga ki te whai anō i te hokohokona o aua pāna o ngā tānata takitahi; ā,
- 2.216.2 nā te āhua o tana hoko whenua i whakararu i nā whakahaere o te Rāhui, i karo hoki i nā whakataunga a nā whānau, nā hapū, nā iwi, he takahitana tēnei o te Tiriti o Waitani me ōna mātāpono.
- 2.216.3 Ka whakaae te Karauna i taiepatia e ia te Rāhui i nā ture kaupare i te whenuakoretana, me te aha, tatū rawa ki te tau 1921 kua hokona e ia te hāwhe o te Rāhui, ka noho whenua kore te tokomaha, tae rawa ki nā hōia i hoki mai i te Pakana Tuatahi o te Ao.
- 2.217 Ka whakaae te Karauna:
- 2.217.1 i taiepatia e ia te Reserve mai nā ture ārahi e mea ai kia kaua e taka ki raro i te wāriu he mea ine e te Kāwanatanga mō te hoko i nā pāna whenua o te Māori;
- 2.217.2 koia anake te kai-hoko i te whenua, me te aha, ka tohe a Tūhoe mō te iti rawa o te utu mō aua whenua;
- 2.217.3 kāore i kuhuna te wāriu o nā rākau i te wā ka whiriwhiri te utu mō te hoko i nā whenua i te Rāhui.
- 2.218 Ka whakaae te Karauna:
- 2.218.1 i whai wāhi a ia ki te whakamahere me te whakatauna kia tonu i tētahi ope pirihihana e 70 te rahi ki te mauhere i a Rua Kēnana i Maunapōhatu mō nā whakapae e pā ana ki te hoko waipiro i te Āperira i te tau 1916, ā, kāore i paku aro ake ki te orana me te pai o nā tanata o Maunapōhatu, i tua atu, kāore te Karauna i whakapau kaha kia tau te take nei i runa i te ranimārie;
- 2.218.2 he Rātapu te rā o te mauheretanga, he takahitanga i te ture;
- 2.218.3 mō te wā roa ka pāoro te kino i te mauheretana i a Rua Kēnana ki runa i te kāina o Maunapōhatu. Ko ētahi o nā putana kētana i ūtaina ki runa i a Rua Kēnana me te hapori o Maunapōhatu:
- 2.218.4 nā wharahanga, nā tāne e rua i mate i te puhipuhitana, te noho mōrearea o te iwi, wāhine mai tamariki mai i tēnei mahi;
- 2.218.5 ika tau te pōuri ki runa i nā wāhine me nā tamariki, nō te tāhaetana o ngā taonga i te wā i whakaekea a Maunapōhatu e nā pirihihana kātahi ka pōuri kenekene;
- 2.218.6 i te mauheretana o nā tāne e 31;

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- 2.218.7 ka mate ngā tanata o Maunapōhatu te hoko i nā kararehe me ētahi whenua kia ea ai nā utu i te kēhi a Rua Kēnana mā i mauherea i kāhākina ki Ākarana. Tē aro ake te Karauna ki te āwhina i nā tātana o taua kāina;
- 2.218.8 mō te kino o wāna mahi ki a Rua Kēnana me nā tātana i Maunapōhatu, he takahitana kino rawa atu o te Tiriti o Waitani me ōna mātāpono.
- 2.219 Ka whakaae te Karauna nā wāna mahi i tāmi i te whanaketana o te ōhanga o Tūhoe; i aukatia te hoko i nā rākau, i aukatia nā tātana o te Reserve ki wehe i wō rātou whenua mai nā whenua o te Karauna i mua i te Whakamoana Whenua (Consolidation Scheme) i whakatūria i te tau 1921, he takahitana tēnei o te Tiriti o Waitangi me ōna mātāpono.
- 2.220 Ka whakaae te Karauna i puea ake te whakakotahitana o nā taitara nā te mahi hokohoko i nā pāna whenua o nā tātana takitahi i roto i nā poraka o te Rāhui o Te Urewera i nā tau 1910 ki 1921, ā, i tana whakatenatena i a Tūhoe kia whakakotahinia ngā taitara i te tau 1921, kāore i whakatakotoria ki a rātou tētahi atu ronoā mō nā raruraru i puta i te hokona o ngā pāna o ngā tātana takitahi.
- 2.221 Ka whakaae te Karauna:
- 2.221.1 nā te whakamanatana i te Ture mō Nā Whenua o Te Urewera i te tau 1921-22 (Urewera Lands Act 1921-22), kāore te Karauna i rapu kia tika te whakamahina o te kaupapa Whakamoana Whenua;
- 2.221.2 i karohia e ia nā mea whakahē i te Whakamoana Whenua mā te hokohoko mai i ngā pāna o nā tātana takitahi i roto i ētahi poraka, hāuna te mea i oati a ia kua mutu tana hoki i ēnei momo pāna;
- 2.221.3 ka takahi ia i tana kī taurani ki te mahi rori ki Te Urewera, koinei tētahi o nā tino take i whakaae a Tūhoe ki tēnei take;
- 2.221.4 i whakakūaretia a Tūhoe kia tipu te pōhēhē i te iwi me tuku te e 40,000 eka hai mahi i nā rori, me te aha, kāore ēnei whenua i hoki ki a Tūhoe, hāuna ngā tono, ka hipa rawa te e 37 tau kātahi anō ka whiwahi te iwi i tētahi wāhanga o nā moni paremata e tika ai;
- 2.221.5 i meatia a Tūhoe kia utu i te utu nui mō nā rūri kia tīmataria ai te tūmahi, whāia, ka tanohia neke atu i te e 30,000 eka o nā whenua o Tūhoe mō tēnei, heoi, kāore i tika nā rūri e tareka ai te whakawhitinga o nā taitara whenua, he mea oatitia i te kaupapa o te whakamoana whenua;
- 2.221.6 i roto i ngā utu mō te rūri ko te e 4,000 eka mō tētahi rūri hē, kāore he paremata ki te iwi mō tēnei;
- 2.221.7 kāore i wehea ngā rāhui pērā i ērā i te puia o Waikokopu me Maunapōhatu, ko te tikana ka puritia ēnei ka wehea rānei ki a Tūhoe, e ai ki te whakakotahitana o nā pāna o te Karauna; ā
- 2.221.8 nā ēnei mahi me nā mahi kīhai i mahia, ka whakararua te tūrana o te Whakamoana Whenua ki Te Urewera, ka whiua a Tūhoe ki te whakatoihara, he takahitana ēnei o te Tiriti o Waitani me ōna mātāpono.



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2.222 Ka whakaae te Karauna:

- 2.222.1 ka pēhia a Tūhoe kia tukuna ōna pāna i te poraka o Waikaremoana kia kuhuna ai ki te Whakamoana Whenua ki Te Urewera, ki te kore, ka tanohia noatia aua whenua;
- 2.222.2 ka taea e ia te iwa tekau ōrau o ngā pānga o Tūhoe i roto i te poraka o Waikaremoana he ono hereni te utu mō ia eka, ka utua mā te whakawhiti whenua kē mō aua whenua i Waikaremoana;
- 2.222.3 ka riro mai ngā pāng o Tūhoe i Waikaremoana e toe ana mā te utu i te ono hereni mō ia eka hāuna te mea i whakaaetia te utu e 15 hereni mō ia eka ki te huna nō rātou te whenua;
- 2.222.4 ka nui te pōuri me te taumahatana ki a Tūhoe i unuhia o rātou pāna mutuna, i te korena ake o te itareti mō nā hua i whakaaetia e rātou, kātahi ka pōuri rawa atu;
- 2.222.5 kāore i oti te utu i te wāriu e tika ai kia tohipa te e 25 tau whai muri i te wā e tika ai kia utua katoatia;
- 2.222.6 kāore i puritia he whenua mō nā hapū o Waikaremoana e ora ai rātou i te wā me te wā kei te tū;
- 2.222.7 ko ēnei mahi me ngā mahi kīhai i mahia e te Karauna he takahitana katoa o te Tiriti o Waitani me ōna mātāpono.

2.223 Ka whakaae te Karauna:

- 2.223.1 i tanohia te nui whenua o Tūhoe pai mō te ahuwahenua i roto i nā tekau tau o te rau tau 1900 mā roto i te whakahaere o ana tūmahi whakawhanake;
- 2.223.2 ka puritia rawatia mō te wā roa rawa ngā whenua i raro i wāna whakahaere mai te wā tīmataria ai nā tūmahi whakawhanake;
- 2.223.3 ka nui haere te utu mō ēnei schemes, ko ētahi o ēnei utuna ka taka ki a Tūhoe ina tukuna ai e te Karauna nā whenua i te mutuna o aua tūmahi whakawhanake.

2.224 Ka whakaae te Karauna, mō hia nā tau whai muri i te whakataunga a te Kōti Whenua Māori i te tau 1918, kāore te Karauna i aro atu ki nā tika o Tūhoe i te takere o Waikaremoana, i te mutuga ka whiua te whakatoihara nui ki a Tūhoe i te whakahaerena o te takere o te moana anō nō te Karauna te takere. I tua atu ka whakaae te Karauna:

- 2.224.1 hāuna nā pāna o Tūhoe i te takere o te roto kīhai te Karauna i whiriwhiri me Tūhoe i mua i tana hanatana o te teihana hiko i Kaitawa, i te mutuna ka maroke ētahi pito o te roto me te matemate o nā ika ki roto;
- 2.224.2 ka hanaa he rori me ētahi atu hanatana ki nā wāhi o te takere o te roto i maroke, kīhai i tono ki te huna nō rātou te whenua mēnā ka pai tēnei;
- 2.224.3 kāore i utua he reti ki a Tūhoe mō tēnei whenua tae rawa ki te tau 1971, ā, kāore rawa a Tūhoe i utua mō nā mahi i mahia i runa i te takere o te roto i mua i taua tau;

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- 2.224.4 i a ia ka whakahaere i nā take o te takere o te roto kīhai te Karauna i aro atu ki te mana motuhake o Tūhoe, he takahitana o te Tiriti o Waitani me ōna mātāpono.
- 2.225 Ka whakaae te Karauna ki te whanaunatana o Tūhoe ki te Urewera national Park, nā rawa, nā wāhi tapu me nā taonga kei roto.
- 2.226 I tua atu ka whakaae te Karauna:
- 2.226.1 kāore ia i whitiwhiti kōrero me Tūhoe mō te whakatūna o te Park i te tau 1954 me te whakawhānui i te Park i te tau 1957;
- 2.226.2 ka tāmia e ngā whakahaerena o te park te āheinga o Tūhoe ki te whakapakari i nā rawa i ō rātou whenua kei te taha o te park, kua karapotia rānei e te park;
- 2.226.3 ka kuhuna nā pāna o Tūhoe i Waikaremoana ki roto i te park, kāore i whai mēnā kei te pai tēnei ki a Tūhoe;
- 2.226.4 i te kore aro ake ki te mana motuhake o Tūhoe me te kore whai wāhi o ngā pāna o Tūhoe i whakatūrana me nā whakahaerena o te rohe pāka o Te Urewera (Urewera National Park), ka takahia te Tiriti o Waitani me ōna mātāpono.
- 2.227 Ka whakaae te Karauna:
- 2.227.1 nā ngā kaupapa here a te Karauna, mai i te tau 1930 kāore i rahi nā whenua o Tūhoe hei orana mō te taupori i ora ake ana, whāia, ka wehe ētahi o te iwi i Te Urewera kia haere ki te kimi mahi; ā,
- 2.227.2 i hāua anō te ōhanga o Tūhoe i te kore āhei kia whātoro atu ki nā tahua pūtea me te kore rori hai whakatuwhera i ngā toena whenua kei roto tonu i nā rinarina o te iwi.
- 2.228 Ka whakaae te Karauna kei te pēhia ngā Tūhoe kei te noho tonu i Te Urewera nā ngā here e mau nei ki wō rātou whenua me wō rātou rawa, pā, kua roa rawa te tini e pēhia ana nā te tūpuhitana o te āhua noho me te ōhana.
- 2.229 Ka whakaae te Karauna, hāuna te kore eke o nā oati a te Karauna i raro i te Tiriti, i whawhai ngā tāne o Tūhoe i ngā pakana e rua o te ao. Ka āwhina e Tūhoe te tahua pūtea i whakatūria i te Pakana Tuatahi o Te Ao, ka whai wāhi hoki ki Ngā Tautokona a te Māori i te Pakana Tuarua o Te Ao. Ka tūtohu te Karauna ki te whakapauna kaha a Tūhoe.



## ACKNOWLEDGEMENTS

- 2.230 The Crown acknowledges that Tūhoe did not sign the Treaty of Waitangi in 1840. The Crown's authority over New Zealand rested in part on the Treaty and the Crown's Treaty obligations, including its protective guarantees, applied to Tūhoe. The Crown acknowledges that it has failed to meet many of its Treaty obligations to Tūhoe. Despite the previous efforts of Tūhoe, the Crown has failed to deal with the long standing and legitimately held grievances of Tūhoe in an appropriate way, and recognition of those grievances is long overdue. The sense of grief and loss suffered by Tūhoe and the impact of the Crown's failings endures today.
- 2.231 The Crown acknowledges that:
- 2.231.1 prior to 1865, Tūhoe retained full control over their customary lands and resources while engaging with te ao hou;
  - 2.231.2 prior to the 1866 eastern Bay of Plenty confiscation, the Crown had not established a meaningful relationship with Tūhoe;
  - 2.231.3 the confiscation was indiscriminate in extent and application and included Tūhoe lands even though as an iwi they were not in rebellion;
  - 2.231.4 the confiscation deprived Tūhoe of access to their wāhi tapu, traditional sources of food and other resources, and severed their ties to much of the land; and
  - 2.231.5 the confiscation was unjust and excessive, and had a devastating effect on the mana, welfare, economy and development of Tūhoe and was a breach of the Treaty of Waitangi and its principles.
- 2.232 The Crown acknowledges that the prejudice created by the confiscation was compounded by the inadequacies of the Compensation Court in that:
- 2.232.1 in many cases the Compensation Court validated prior arrangements made by a Crown official with other tribal groups for the distribution of land in the confiscation district which did not take account of Tūhoe customary interests;
  - 2.232.2 the Compensation Court process excluded Tūhoe from all the land they had traditionally occupied and cultivated in the confiscated block; and
  - 2.232.3 the Crown's failure to ensure that Tūhoe's interests in the confiscated land were protected was in breach of the Treaty of Waitangi and its principles.
- 2.233 The Crown acknowledges that some Tūhoe assisted the Crown in its hunt for Te Kooti and Kereopa and that many felt pressured to do so.
- 2.234 The Crown acknowledges that its conduct during its attacks on Te Urewera and its surrounds between 1865 and 1871 included:
- 2.234.1 the failure to properly monitor and control the actions of the armed forces resulting in:
    - (a) the execution of unarmed Tūhoe prisoners at Mangarua (near Waikaremoana) in 1866 and at Ngātapa 1869;

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- (b) the execution of Tūhoe prisoners at Ruatāhuna in 1869; and
  - (c) the killing of non-combatants including men, women and children, and the desecration of bodies, human remains and urupā at Te Whata-aponā, Ōpūtao, Tahora and in the Ruatāhuna district; and
- 2.234.2 the use of the 'scorched earth' policy which resulted in the widespread destruction of kāinga, pā, cultivations, food stores, animals, wāhi tapu and taonga.
- 2.235 The Crown acknowledges that the impacts of these actions on Tūhoe included widespread starvation and extensive loss of life. The Crown's actions had an enduring and devastating effect on the mana, social structure and well-being of the iwi. The Crown acknowledges that its conduct showed reckless disregard for Tūhoe, went far beyond what was necessary or appropriate in the circumstances and was in breach of the Treaty of Waitangi and its principles.
- 2.236 The Crown acknowledges that:
- 2.236.1 the length of time those who were kept in detention at Te Pūtere and on the Chatham Islands went beyond what was necessary and appropriate;
  - 2.236.2 its failure to provide for all non-combatants including those kept in exile inflicted unwarranted hardship on them;
  - 2.236.3 it failed to grant to Tūhoe the reserve established at Te Pūtere and promised to them; and
  - 2.236.4 these actions were in breach of the Treaty of Waitangi and its principles.
- 2.237 The Crown acknowledges that it breached the rongopai with Tūhoe in 1870 when its armed forces attacked Whakarāe and when they destroyed all pā, kāinga and food supplies around Lake Waikaremoana, and that this was in breach of the Treaty of Waitangi and its principles.
- 2.238 The Crown acknowledges that its confiscation of part of the rohe of Tūhoe and its subsequent conduct in warfare began to erode Tūhoe's mana motuhake, which was guaranteed to them under the Treaty. These Crown actions undermined chiefly authority and the political impacts resonate today.
- 2.239 The Crown acknowledges that Tūhoe were not compensated for the excessive Crown actions which caused catastrophic and immediate prejudice to the people of Te Urewera and that Tūhoe have had to endure the lasting impacts for many generations.
- 2.240 The Crown acknowledges that in 1872 Tūhoe did not receive any compensation following the acquisition of Onepoto and other land beside the Waikaretāheke river including its timber resources, and that this was in breach of the Treaty of Waitangi and its principles.
- 2.241 The Crown acknowledges that in 1875 it acquired all of Tūhoe interests in 172,500 acres in the four southern blocks in southern Waikaremoana including Onepoto after threatening to confiscate Tūhoe interests in this land. The aggressive measures undertaken to acquire land in this district had lasting and detrimental effects on Tūhoe's

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customary interests at Waikaremoana and breached the Treaty of Waitangi and its principles.

2.242 The Crown acknowledges that:

2.242.1 the titles Tūhoe received for four reserves at Whareama, Te Kōpani, Te Heiōtahoka and Ngāpūtahi were granted to 60 individuals rather than all Tūhoe owners;

2.242.2 title to the four reserves was not awarded until 1889 and Whareama and Ngāpūtahi remained with no legal access; and

2.242.3 Whareama and Ngāpūtahi were subsequently included in the Urewera Consolidation Scheme against Tūhoe's wishes and were acquired by the Crown in 1921.

2.243 The Crown acknowledges that:

2.243.1 it did not consult Tūhoe about the introduction of native land laws;

2.243.2 more than 1.1 million acres of land in which Tūhoe claimed interests was surveyed and put through the Native Land Court between 1867 and 1894, despite Tūhoe opposition to the Native Land Court; and

2.243.3 Tūhoe incurred heavy costs and endured great inconvenience attending Native Land Court hearings outside their rohe.

2.244 The Crown acknowledges that:

2.244.1 it did not formally recognise Te Whitu Tekau as a political institution after the leaders of Te Urewera established it in 1872 as a governing council to uphold mana motuhake in Te Urewera following the "peace compact";

2.244.2 Te Whitu Tekau objected to land dealings, roads, surveys and the Native Land Court operating within the boundaries it had established; and

2.244.3 despite Te Whitu Tekau policies, the Crown eventually exerted pressure to open up Te Urewera to surveying, Native Land Court sittings and roads.

2.245 The Crown acknowledges that it introduced the Native Land Court to Tūhoe lands despite the opposition of Te Whitu Tekau and that the operation and impact of the Native land laws, in particular the awarding of titles to individuals rather than to hapū or iwi, made Tūhoe lands more susceptible to partition, fragmentation and alienation. This contributed to the undermining of their tribal structures which were based on collective tribal and hapū custodianship. The Crown failed to protect these structures and this was a breach of the Treaty of Waitangi and its principles.

2.246 The Crown acknowledges that:

2.246.1 failures to implement the requirement of native land legislation to notify all potential claimants of upcoming title investigations led to Tūhoe being excluded from titles for the Kūhāwāea and Waipāoa blocks;

2: POU MATĀHO

- 2.246.2 failures to implement the requirement of native land legislation to notify the Ngāti Haka Patuheuheu owners of a partition hearing for Waiōhau 1B meant that they were unable to protect their interests in the block; and
- 2.246.3 processes of rehearing, petition and Crown inquiry were ineffective in remedying the previous notification failures and protecting Tūhoe interests in the Kūhāwāea and Waipāoa blocks and Ngāti Haka Patuheuheu interests in Waiōhau 1B, breaching the Treaty of Waitangi and its principles.
- 2.247 The Crown acknowledges that one of its objectives in 1873, when it began purchasing land on the edges of the Tūhoe rohe, was to undermine the “ring-boundary - the rohe pōtae” established by Te Whitu Tekau. The opening up of Te Urewera remained a Crown objective for many years.
- 2.248 The Crown acknowledges that its acquisition of land for unpaid survey costs in 1907, without inquiry into the appropriateness of these costs, resulted in Ngāti Haka Patuheuheu losing large quantities of land in the Matahina and Tuararangāia blocks. The Crown acknowledges that its failure to protect Tūhoe from the burden of these excessive costs was a breach of the Treaty of Waitangi and its principles.
- 2.249 The Crown acknowledges that:
- 2.249.1 it retrospectively authorised the secret survey of Tahora 2, which had been conducted without approval and contrary to survey regulations;
- 2.249.2 it was aware of significant Tūhoe opposition to the survey, its authorisation and subsequent court hearings;
- 2.249.3 Tūhoe then had to sell land they wished to retain to meet the resulting survey costs;
- 2.249.4 its failure to act with utmost good faith and honesty, and actively protect Tūhoe interests in land they wished to retain was in breach of the Treaty of Waitangi and its principles.
- 2.250 The Crown acknowledges that:
- 2.250.1 in 1892, due to Tūhoe opposition, it agreed to limit the survey of the Ruātoki block, prevent further surveys and hearing of Native Land Court claims within Te Urewera in the absence of consent;
- 2.250.2 despite this agreement, following further obstruction due to disagreement over the agreed boundary of the survey, in 1893 the Crown insisted the entire Ruātoki block was surveyed;
- 2.250.3 the presence of armed police and a contingent of armed forces ensured the survey proceeded, an action that resulted in further opposition from Tūhoe and ended in the arrest and imprisonment of four Tūhoe men and eleven Tūhoe women;
- 2.250.4 this may have been avoided if the Crown had continued to be willing to negotiate a compromise; and
- 2.250.5 its failure to pursue a peaceful resolution of the dispute was in breach of the Treaty of Waitangi and its principles.

## TŪHOE DEED OF SETTLEMENT

### 2: POU MATĀHO

- 2.251 The Crown acknowledges that the loss of the Waiōhau 1B block in a fraudulent transaction caused great suffering to those Ngāti Haka Patuheuheu who were evicted from their homes in 1907 and that the loss of this land continues to cause prejudice to Ngāti Haka Patuheuheu today.
- 2.252 The Crown further acknowledges that:
- 2.252.1 despite offering its assistance following the fraud's exposure in 1889, the Crown ultimately gave no assistance to Ngāti Haka Patuheuheu to take their case to the Supreme Court, despite repeated requests;
  - 2.252.2 it requested the removal of the caveat placed on Waiōhau 1B without consulting with or informing Ngāti Haka Patuheuheu;
  - 2.252.3 it recognised the wrong which could be done to Ngāti Haka Patuheuheu when steps were taken to evict them from their homes in 1906, but did not take adequate steps to prevent this wrong from occurring;
  - 2.252.4 compensation later provided in the form of a small grant of land in another iwi's rohe was an inadequate and inappropriate remedy for the prejudice suffered by Ngāti Haka Patuheuheu; and
  - 2.252.5 these acts and omissions meant that the Crown breached the Treaty of Waitangi and its principles.
- 2.253 The Crown acknowledges that in 1894 through 1895 Tūhoe negotiated in good faith to secure Crown agreement to a solemn compact respecting their mana motuhake, but that the Crown undermined their mana motuhake and caused Tūhoe severe prejudice by the manner in which it implemented the Urewera District Native Reserve Act 1896.
- 2.254 The Crown acknowledges that:
- 2.254.1 it caused significant delays in the establishment of the local government provided for under the Act. This was compounded by unreasonable delays in the establishment of a body to hear appeals from decisions of the Urewera Commission;
  - 2.254.2 it failed to provide options to ensure majority Te Urewera Māori participation in the Urewera Commission when it sat;
  - 2.254.3 it failed to provide any role for Te Urewera Māori on the Urewera Commission appellate body;
  - 2.254.4 it failed to uphold the agreement in the compact that land titles in the Urewera District Native Reserve would be awarded to hapū;
  - 2.254.5 it undermined the Act's core principle of self government by intervening in 1909 to change the membership of the General Committee, which the Act had provided would be elected; and
  - 2.254.6 it ultimately failed to establish an effective system of local land administration and governance and this was a breach of the Treaty of Waitangi and its principles.

## TŪHOE DEED OF SETTLEMENT

### 2: POU MATĀHO

2.255 The Crown acknowledges that it breached its compact with Tūhoe by promoting unilateral changes to the 1896 Act and that this breached the Treaty of Waitangi and its principles.

2.256 The Crown acknowledges that:

2.256.1 it began to illegally purchase individual interests in the Reserve in 1910 without the consent of the General Committee and in 1916 promoted legislation to validate these purchases before continuing to purchase individual interests; and

2.256.2 the manner in which its land purchasing undermined the governance of the Reserve and circumvented protection mechanisms of communal decision making breached the Treaty of Waitangi and its principles.

2.257 The Crown acknowledges that it exempted the Reserve from statutory provisions intended to prevent landlessness and its purchase of more than half of the Reserve by 1921 resulted in many individuals, including World War One veterans, being left landless.

2.258 The Crown acknowledges that:

2.258.1 it exempted the Reserve from statutory provisions intended to ensure Māori were paid a minimum of Government valuation for their land interests;

2.258.2 it was a monopoly purchaser and paid prices for Reserve land which Tūhoe protested were too low; and

2.258.3 it excluded the value of timber when calculating prices for Reserve lands.

2.259 The Crown acknowledges that:

2.259.1 it was involved in the planning and decision to send a well-armed yet ill-prepared contingent of 70 police to arrest Rua Kēnana at Maungapōhatu on minor liquor charges in April 1916, and that this decision was taken without proper regard to the well-being of the community at Maungapōhatu, nor with sufficient effort by the Crown to promote a peaceful resolution;

2.259.2 the arrest was effected on a Sunday which was illegal;

2.259.3 the excessive force used in the arrest of Rua Kēnana caused the community of Maungapōhatu lasting harm. Among the impacts upon Rua Kēnana and the community of Maungapōhatu were:

- (a) injuries and the deaths of two young men resulting from the exchange of gunfire that exposed many people including women and children to danger;
- (b) further distress and discomfort for women and children and the theft of possessions during the police occupation of Maungapōhatu;
- (c) the arrest and detention of 31 men;



## TŪHOE DEED OF SETTLEMENT

### 2: POU MATĀHO

- (d) the loss of livestock and land interests which the Maungapōhatu people were forced to sell to meet the crippling costs of the trial of Rua Kēnana and the others who were arrested and taken to Auckland; and
  - (e) the Crown refused to provide assistance to the community; and
- 2.259.4 the unreasonable manner in which it acted towards Rua Kēnana and the Maungapōhatu community caused them serious prejudice and was a breach of the Treaty of Waitangi and its principles.
- 2.260 The Crown acknowledges that its actions restricted Tūhoe economic development opportunities by preventing timber sales and preventing Reserve owners from partitioning their interests from those of the Crown prior to the introduction of the Consolidation Scheme in 1921 and this breached the Treaty of Waitangi and its principles.
- 2.261 The Crown acknowledges that the need for title consolidation arose as a result of its purchasing of individual interests in Urewera Reserve blocks between 1910 and 1921, and that in promoting title consolidation to Tūhoe in 1921 it did not offer them any alternative solution to the title difficulties caused by the purchasing of undefined individual interests.
- 2.262 The Crown acknowledges that:
- 2.262.1 in enacting the Urewera Lands Act 1921-22 the Crown, as co-owner in the Urewera Reserve, did not ensure there were sufficient safeguards to ensure a fair implementation of the Consolidation Scheme;
  - 2.262.2 it weakened opposition to the Consolidation Scheme by purchasing individual interests in several blocks despite having promised not to purchase any further individual interests;
  - 2.262.3 it broke a promise to construct arterial roads in Te Urewera which had been the key reason for Tūhoe consenting to this scheme;
  - 2.262.4 it misled Tūhoe into thinking they were obligated to contribute nearly 40,000 acres for construction of the roads, land which was not returned despite Tūhoe requests, and for which they were only belatedly and partly compensated for 37 years later;
  - 2.262.5 it required Tūhoe to pay excessive costs for the surveys required to implement the scheme, and took more than 30,000 acres from Tūhoe for this purpose, but the surveys were not sufficient for the issuing of the land transfer titles promised as part of the Scheme;
  - 2.262.6 the survey costs included 4,000 acres acquired through an unrectified survey error for which no compensation was paid;
  - 2.262.7 it did not create some of the reserves such as at Waikopu hot springs and Maungapōhatu which were to be retained or allocated to Tūhoe as part of the consolidation of the Crown's interests ; and
  - 2.262.8 these actions and omissions undermined the integrity of the Urewera Consolidation Scheme and caused significant prejudice to Tūhoe, and breached the Treaty of Waitangi and its principles.

## TŪHOE DEED OF SETTLEMENT

### 2: POU MATĀHO

2.263 The Crown acknowledges that:

- 2.263.1 it pressured Tūhoe into allowing their interests in the Waikaremoana block to be included in the Urewera consolidation scheme by threatening to compulsorily acquire the land;
- 2.263.2 it acquired ninety per cent of Tūhoe interests in the Waikaremoana block by paying six shillings an acre in the form of other land which was exchanged for their Waikaremoana land;
- 2.263.3 it acquired some of the remaining Tūhoe interests in Waikaremoana for cash payments of six shillings an acre despite previously agreeing to pay the owners 15 shillings;
- 2.263.4 it caused considerable hardship to those Tūhoe from whom it acquired the remaining interests by not ensuring that they were paid the interest due on the debentures they accepted;
- 2.263.5 it did not finally pay off the capital value of the debentures until 25 years after it first became due;
- 2.263.6 it failed to ensure that Waikaremoana hapū retained sufficient land for their present and future needs; and
- 2.263.7 by these acts and omissions the Crown breached the Treaty of Waitangi and its principles.

2.264 The Crown acknowledges that:

- 2.264.1 it deprived Tūhoe of control of large areas of their remaining farming land over a number of decades in the twentieth century through its administration of development schemes;
- 2.264.2 it kept land under its control much longer than Tūhoe expected when the development schemes were first established; and
- 2.264.3 the costs of these schemes grew into large debts some of which were passed on to Tūhoe land owners when their lands were released from Crown control at the conclusion of development schemes.

2.265 The Crown acknowledges that, for many years following the 1918 Native Land Court decision, the Crown did not recognise Tūhoe rights in the bed of Lake Waikaremoana, and caused great prejudice to Tūhoe by administering the lakebed as if it were Crown property. In particular the Crown acknowledges that:

- 2.265.1 notwithstanding Tūhoe's interest in the lakebed the Crown did not consult Tūhoe before commencing the construction of Kaitawa power station which ultimately led to some of the lakebed becoming dry land and the degradation of fishing stocks; and
- 2.265.2 it constructed roads and significant structures on the exposed lakebed without the consent of its owners;
- 2.265.3 it did not pay Tūhoe rent for this land until 1971, and has never paid Tūhoe for its use of the lakebed before this time; and

## TŪHOE DEED OF SETTLEMENT

### 2: POU MATĀHO

- 2.265.4 in its administration of the lakebed the Crown failed for many years to respect Tūhoe's mana motuhake and breached the Treaty of Waitangi and its principles.
- 2.266 The Crown acknowledges that Tūhoe have a special relationship with Te Urewera National Park, and the resources, wāhi tapu and taonga that lie within.
- 2.267 The Crown further acknowledges that:
- 2.267.1 it neither consulted Tūhoe about the establishment of the Park in 1954, nor about the expansion of the Park in 1957;
  - 2.267.2 the governance of the park severely restricted Tūhoe's ability to use and develop the resources of their land adjoining or enclosed by the Park;
  - 2.267.3 Tūhoe interests in Lake Waikaremoana were included in the Park in 1954 without their consent; and
  - 2.267.4 its failure to respect Tūhoe mana motuhake and adequately provide for the interests of Tūhoe in the establishment and governance of Te Urewera National Park breached the Treaty of Waitangi and its principles.
- 2.268 The Crown acknowledges that:
- 2.268.1 due to Crown policies, from 1930 Tūhoe retained insufficient land to support their recovering population and that many iwi members had to leave Te Urewera in search of employment; and
  - 2.268.2 Tūhoe economic development was further hindered by lack of access to finance and the inaccessibility of some of their remaining land due to lack of roads.
- 2.269 The Crown acknowledges that Tūhoe who remain within Te Urewera suffer economically due to restrictions placed on their land and resources and that for too long many have suffered from severe socio-economic deprivation.
- 2.270 The Crown acknowledges that despite the Crown's failures to honour its obligations under the Treaty, Tūhoe men served New Zealand overseas in both world wars. Tūhoe donated to the war fund established during the First World War and participated in the Māori War Effort Organisation in the Second World War. The Crown acknowledges the contribution made by Tūhoe.

### 3 POU TĀHU

*"Tērā ētahi wawata, ētahi he nana pono tonu ki te whakapai ake i aua honona. Heoi, i te mutuna i rehurehu noa atu ērā kia tāromaroma pērā anō me nā kohu o Te Urewera."*

*"Some hopeful and genuine attempts to improve it occurred in the past, but they swirled and faded away like the mists of Te Urewera."*



\*Whakaahua 4

*Mai waho ki roto mai i te marae ātea o tūmatauena ki te wharenui o tāne whakaupiripiri.*

### Claims

- 3.1 Generations of Tūhoe have sought to hold the Crown accountable for its many breaches of the Treaty of Waitangi. From the 1860s, Tūhoe has made claims, petitions, submissions and taken action to seek redress, peace and restoration.
- 3.2 Consistent with that approach, Tūhoe filed claims with the Waitangi Tribunal, to have their grievances heard, reported on, and acknowledged. In 1987, Wharehuia Milroy and Hirini Melbourne lodged the Tūhoe lands claim, Wai 36, on behalf of the iwi, later supported by Tamaroa Nīkora. The claim covered the Eastern Bay of Plenty confiscation / raupatu, the loss of and degradation of wāhi tapu, rivers, forests, Ōhiwa Harbour and Lake Waikaremoana.
- 3.3 Many more claimants followed, outlining their grievances to the Waitangi Tribunal (see claims audit for more information on each claim).
- 3.4 Tūhoe's claims were heard in two Waitangi Tribunal district inquiries:
  - 3.4.1 the Central North Island District Inquiry (Wai 1200); and
  - 3.4.2 Te Urewera District Inquiry (Wai 894).

### The Central North Island District Inquiry

- 3.5 The Waitangi Tribunal Inquiry into the Central North Island took place in 2005 during which Tūhoe's claims relating to Kaingaroa were heard.
- 3.6 The Tribunal found that Tūhoe were not properly recognised in the titles that resulted from the Native Land Court in the Kaingaroa district. The post-war political opposition of Tūhoe kept many of them away from the court at crucial times as a result of which Tūhoe lost their Kaingaroa interests without consent or compensation. The Waitangi Tribunal concluded this loss was, for Tūhoe, one of the most serious prejudicial effects of the wars.

### Te Urewera District Inquiry

- 3.7 The Urewera Tribunal held fifteen hearings between November 2003 and February 2005. These were held at Waimana, Waiōhau, Ruatāhuna, Murupara, Te Whāiti, Waikaremoana, Rangiahua, Ruātoki, Tāneatua and Maungapōhatu. The hearings were completed with closing submissions by claimant and Crown counsel in June 2005.
- 3.8 To date, the Waitangi Tribunal has released four parts of its Te Urewera report - they make for grim reading. The Tribunal reports outline the Crown's conduct against Tūhoe and show the severe and ongoing prejudice that Tūhoe suffered for generations and continue to endure today.

### CLAIMS LIST

- 3.9 The claims and claims issues attached in part 3 of the documents schedule formed the foundation for the negotiations that followed with the Crown and, ultimately, this settlement.

**NEGOTIATIONS**

- 3.10 Tūhoe gave Te Kotahi ā Tūhoe the mandate to negotiate a deed of settlement with the Crown.
- 3.11 The Crown recognised the mandate on 27 September 2007.
- 3.12 The mandated entity and the Crown:
- 3.12.1 by terms of negotiation dated 31 July 2008, agreed the scope, objectives, and general procedures for the negotiations; and
  - 3.12.2 since the terms of negotiation, have:
    - (a) had extensive negotiations conducted in good faith; and
    - (b) negotiated and initialled a deed of settlement.
- 3.13 Tūhoe and the Crown acknowledge that:
- 3.13.1 Tūhoe is a member of the CNI (Central North Island) Forests Iwi Collective (the "**Collective**");
  - 3.13.2 on 25 June 2008, the Collective and the Crown entered into a deed of settlement (the "**CNI deed**") that records the terms on which all historical CNI forest land claims are settled;
  - 3.13.3 the CNI Settlement Act was enacted on 30 September 2008 to enable the settlement referred to in clause 3.13.2 to be implemented;
  - 3.13.4 the CNI deed sets out acknowledgments that affect the future comprehensive settlements of the Collective member iwi;
  - 3.13.5 to avoid doubt, reference to Collective member iwi under this clause includes Tūhoe; and
  - 3.13.6 nothing in this deed is intended to impact on:
    - (a) the redress provided under the CNI deed; or
    - (b) the rights of Tūhoe in relation to the CNI deed, CNI Settlement Act or the shareholders' agreement and trust deed for CNI Iwi Holdings Limited; or
    - (c) the tikanga based resolution process agreed under the CNI deed and CNI Settlement Act.

**NĀ KŌRERO RANATIRA Ā TŪHOE ME TE KARAUNA**

- 3.14 On 2 July 2011, Tūhoe and the Crown signed a high-level relationship statement, *Nā Kōrero Ranatira ā Tūhoe me Te Karauna*.
- 3.15 That statement, which is a commitment to a constructive future relationship, was the first between Tūhoe and the Crown in over 100 years. *Nā Kōrero Ranatira ā Tūhoe me Te Karauna* enabled the Crown to commence redress discussions with Tūhoe for the wrongs arising from previous disengagement and past actions of the Crown and to

TŪHOE DEED OF SETTLEMENT

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3: POU TĀHU

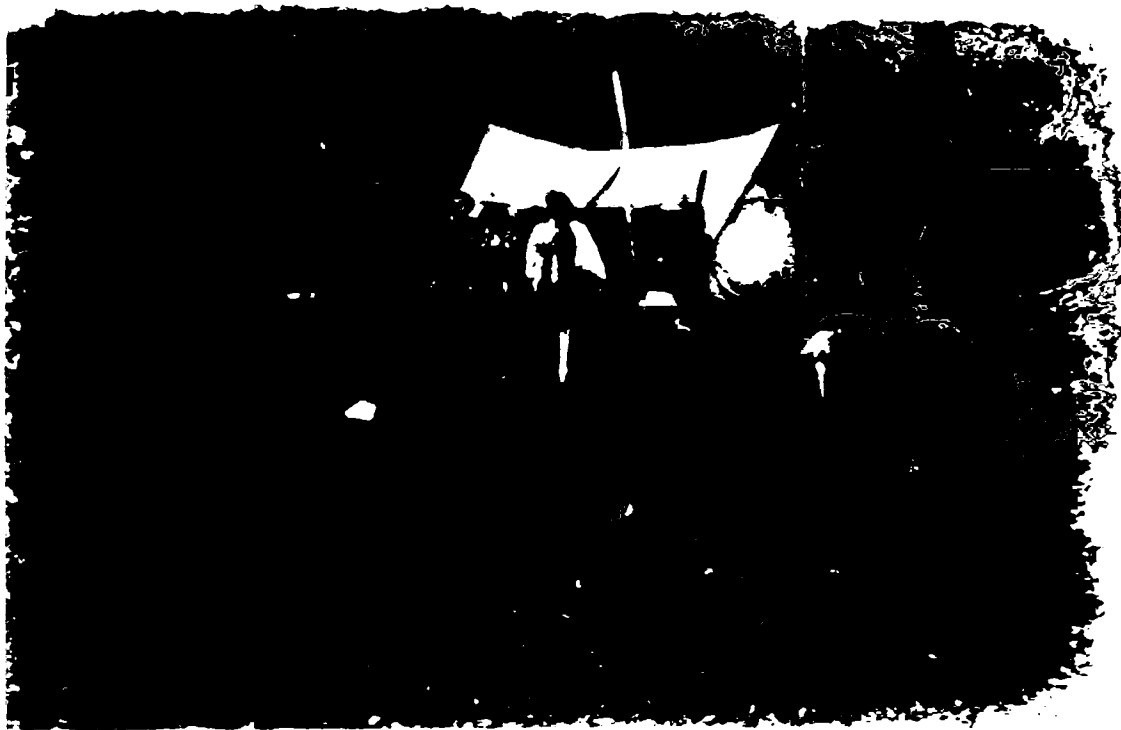
learn new and sustained ways to substantially improve the social condition of Tūhoe to equality with other New Zealanders.

- 3.16 *Nā Kōrero Ranatira ā Tūhoe me Te Karauna* is set out in part 1 of the documents schedule.

#### 4 POU TOKO MANAWA

*"Tatū mai ke tēnei wā, kua herea a Tūhoe me Te Karauna kia rite tētahi puretumu e whakatikaina ai nā tini hē i whakawhiua poka noatia ai a Tūhoe i roto i nā rau tau, otiia, ki tēnā whakatipurana ki tēnā whakatipurana."*

*"Now, however Tūhoe and the Crown have committed themselves to achieving a just and honourable redress for the manifold wrongs inflicted on Tūhoe over centuries and many generations."*



\*Whakaahua 5



## PART A: TE UREWERA

### BACKGROUND

- 4.1 *Nā Kōrero Ranatira ā Tūhoe me Te Karauna*, signed on 2 July 2011, is a commitment to a constructive future relationship.
- 4.2 *Nā Kōrero Ranatira ā Tūhoe me Te Karauna* is the basis for the Pou Toko Manawa (Te Urewera) redress set out in this part.

### Te Urewera

- 4.3 Te Urewera is ancient and enduring, a fortress of nature, alive with history. Its scenery is abundant with mystery, adventure and remote beauty.
- 4.4 Te Urewera is a place of spiritual value, with its own mana and mauri.
- 4.5 Te Urewera has an identity in and of itself, inspiring people to commit to its care.

### Te Urewera and Tūhoe

- 4.6 For Tūhoe, Te Urewera is te Manawa o te Ika a Māui, it is the heart of the great fish of Māui. The name is derived from Murakareke, the son of the ancestor Tūhoe.
- 4.7 For Tūhoe, Te Urewera is their ewe whenua, their place of origin and return, indeed their homeland.
- 4.8 Te Urewera expresses and gives meaning to Tūhoe culture, language, customs and identity. There, they hold mana by ahikāroa, they are tangata whenua and kaitiaki of Te Urewera.

### Te Urewera and all New Zealanders

- 4.9 Te Urewera is prized by other iwi and hapū who have acknowledged special associations with, and customary interests in, parts of Te Urewera.
- 4.10 Te Urewera is also prized by all New Zealanders as a place of outstanding national value and intrinsic worth. It is treasured by all for the distinctive natural values of its vast and rugged primeval forest and the integrity of those values; for its indigenous ecological systems and biodiversity, its historical and cultural heritage, its scientific importance, and as a place for outdoor recreation and spiritual reflection.

### Tūhoe and the Crown: shared views and intentions

- 4.11 Tūhoe and the Crown share the view that Te Urewera should have legal recognition in its own right, with the responsibilities for its care and conservation set out in the law of New Zealand. To this end Tūhoe and the Crown have together taken a unique approach to protecting Te Urewera in a way that reflects New Zealand's culture and values.
- 4.12 The Crown and Tūhoe intend for Te Urewera Act to contribute to resolving the grief of Tūhoe and to strengthening and maintaining the connection between Tūhoe and Te Urewera.

**TE UREWERA ACT**

- 4.13 Te Urewera will, from settlement date, be held under a specific Act to be called Te Urewera Act ("Te Urewera Act").
- 4.14 The draft Te Urewera bill will address the matters set out in this part of the deed (Pou Toko Manawa).

**Purpose of Te Urewera Act**

- 4.15 The purpose of Te Urewera Act is to establish and preserve in perpetuity a legal identity and protected status for Te Urewera for its intrinsic worth, distinctive natural and cultural values, and for its national importance, and in particular to:
- 4.15.1 strengthen and maintain the connection between Tūhoe and Te Urewera;
  - 4.15.2 preserve as far as possible the natural features and beauty of Te Urewera, the integrity of its indigenous ecological systems and biodiversity, and its historical and cultural heritage; and
  - 4.15.3 provide for Te Urewera as a place for public use and enjoyment; for recreation, learning and spiritual reflection; and as an inspiration for all.

**Principles for implementing Te Urewera Act**

- 4.16 In achieving the purpose of Te Urewera Act, all persons exercising functions and powers under that Act must act so that, as far as possible:
- 4.16.1 Te Urewera is preserved in its natural state;
  - 4.16.2 the indigenous ecological systems and biodiversity of Te Urewera are preserved and introduced plants and animals are exterminated;
  - 4.16.3 Tūhoetana, which gives expression to Te Urewera, is valued and respected;
  - 4.16.4 the relationship of other iwi and hapū with parts of Te Urewera is recognised, valued and respected;
  - 4.16.5 the historical and cultural heritage of Te Urewera is preserved;
  - 4.16.6 the value of Te Urewera for soil, water, and forest conservation is maintained; and
  - 4.16.7 the contribution that Te Urewera can make to conservation nationally is recognised.
- 4.17 In achieving the purpose of Te Urewera Act, all persons exercising functions and powers under that Act must act so that the public has freedom of entry and access to Te Urewera, subject to any conditions and restrictions as may be necessary to achieve the purpose of that Act or for public safety.

**TE UREWERA AS A LEGAL ENTITY**

- 4.18 Te Urewera will be recognised as a legal personality and therefore will be established as a legal entity in Te Urewera Act.

## TŪHOE DEED OF SETTLEMENT

### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- 4.19 The rights, powers, duties and liabilities of Te Urewera will be exercised by and will be the responsibility of Te Urewera Board in the manner set out in Te Urewera Act.

#### VESTING OF TE UREWERA LAND IN TE UREWERA

- 4.20 From settlement date:

4.20.1 Te Urewera land will no longer be vested in the Crown; and

4.20.2 Te Urewera land will be vested in Te Urewera.

- 4.21 Te Urewera Board will undertake the land owner functions on behalf and in the name of Te Urewera.

- 4.22 Te Urewera land may not be alienated, mortgaged, charged or otherwise disposed of.

#### GOVERNANCE AND MANAGEMENT OF TE UREWERA

- 4.23 From settlement date:

4.23.1 Te Urewera will no longer be held and administered under the National Parks Act 1980, Conservation Act 1987, Reserves Act 1977 or Land Act 1948;

4.23.2 Te Urewera will be held under Te Urewera Act; and

4.23.3 the governance and management of Te Urewera will be undertaken in accordance with Te Urewera Act.

#### COMMITMENT TO TE UREWERA

- 4.24 Tūhoe and the Crown confirm their commitment to:

4.24.1 the purpose of Te Urewera Act; and

4.24.2 each contributing support and resourcing to Te Urewera and Te Urewera Board towards the achievement of the purpose of Te Urewera Act.

#### TE UREWERA BOARD

- 4.25 A board will be established for Te Urewera as a statutory body ("Te Urewera Board" or "Board").

##### Purpose of Te Urewera Board

- 4.26 The purpose of Te Urewera Board will be to:

4.26.1 act on behalf and in the name of Te Urewera; and

4.26.2 provide governance for Te Urewera in accordance with and to achieve the purpose of Te Urewera Act.

##### Functions of Te Urewera Board

- 4.27 The functions of Te Urewera Board will be to:

4.27.1 prepare and approve Te Urewera management plan;

## TŪHOE DEED OF SETTLEMENT

### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- 4.27.2 advise those persons managing Te Urewera on the implementation of Te Urewera management plan including by:
- (a) issuing an annual statement of priorities for the implementation of Te Urewera management plan;
  - (b) engaging with Te Uru Taumatua and the Director-General on the annual operational plan for Te Urewera; and
  - (c) monitoring the implementation of the annual operational plan for Te Urewera;
- 4.27.3 initiate proposals and make recommendations on:
- (a) the addition of land to or removal of land from Te Urewera; and
  - (b) the establishment of specially protected areas, wilderness areas or amenity areas within Te Urewera;
- 4.27.4 make bylaws for Te Urewera;
- 4.27.5 make decisions on applications for concessions or activity permits to undertake activities in Te Urewera;
- 4.27.6 prepare or commission reports, advice or recommendations on matters relevant to the purpose of the Board;
- 4.27.7 promote or advocate for the interests of Te Urewera including at any public forum or in any statutory process;
- 4.27.8 liaise with, advise or seek advice from any agency, local authority or other entity on matters relevant to the purpose of the Board;
- 4.27.9 exercise any other function specified in Te Urewera Act or any other enactment as a function of the Board; and
- 4.27.10 take any other action that is considered by the Board to be relevant and appropriate to achieve its purpose.
- 4.28 In exercising its functions Te Urewera Board may in its discretion consider and give expression to:
- 4.28.1 Tūhoetana; and
- 4.28.2 in particular, Tūhoe management concepts such as:
- (a) Rāhui  
*Proscribing or limiting use for an appropriate reason.*
  - (b) Tapu me Noa  
*Tapu is a state or condition that requires certain respectful human behaviour, with connotations of raising awareness or knowledge of the spiritual qualities which warrant such respect.*

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*Suppose, for example, that a Huia was thought to be extant in a particular valley. Then the valley would be recognised as tapu, and a rāhui announced about entering it. But then, sadly, the perception was proved wrong. Then the tapu and rāhui would be lifted, and the valley would become normal, or noa.*

(c) Mana me Mauri

*Mana and mauri should likewise be conjoined. In a conservation context "mana" resonates with the apprehension of the five senses: feel, sight, smell, taste, hearing. One may feel the moss in the bush; see the coursing waves of Waikaremoana; smell the burst of buds on harakeke; taste the water; thrill to the sound of birdsong at the dawn.*

*But then there is mauri, the living and spiritual force and context of mana. Why has the moss flourished or perished? Why are the waves so ragged? Why is the flax bush barren? Why do the birds sing, or not? Why is the water sour?*

(d) Tohu

*Tohu connotes the metaphysical or symbolic depiction of things. In a sense, the term implies concepts which may be anthropomorphic, investing things, including ideas, with human qualities or associations. Thus, ahikāroa, which invokes the image and comfort of a fire. The associations are manifold: that it is safe to light a fire because one is at home; stalking through the bush one sees the fire of one's whānau and knows that it assures comfort, companionship, sustenance, albeit that it may also mark the frontier of darkness. The ethos is conservation.*

#### General powers of Te Urewera Board

4.29 Te Urewera Board will have full capacity and all powers that are reasonably necessary to:

4.29.1 achieve its purpose and exercise its functions; and

4.29.2 act on behalf and in the name of Te Urewera.

4.30 In exercising its functions Te Urewera Board must act in a manner consistent with:

4.30.1 Te Urewera Act;

4.30.2 Te Urewera management plan; and

4.30.3 any other lawful requirement including as set out in any other enactment.

#### Membership of Te Urewera Board

4.31 For the first three years following settlement date Te Urewera Board will consist of eight members appointed as follows:

4.31.1 four members appointed by Te Uru Taumatua; and

4.31.2 four members appointed jointly by the Minister of Conservation and Minister for Treaty of Waitangi Negotiations;

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(each appointing entity being an "appointer").

4.32 From the third anniversary of the settlement date Te Urewera Board will consist of nine members appointed as follows:

4.32.1 six members appointed by Te Uru Taumatua; and

4.32.2 three members appointed by the Minister of Conservation;

(each appointing entity being an "appointer").

4.33 Prior to making appointments the Minister of Conservation must seek a recommendation from the New Zealand Conservation Authority in relation to the appointment of one of the members to be appointed by the Minister (or Ministers as the case may be) to Te Urewera Board.

4.34 To avoid doubt:

4.34.1 the Minister must consider any recommendation from the New Zealand Conservation Authority;

4.34.2 the Minister is not obliged to appoint on the basis of any recommendation from the New Zealand Conservation Authority; and

4.34.3 clause 4.33 does not prevent the Minister from considering a recommendation from any other person.

4.35 A disqualified person may not be appointed as a member of the Board.

#### **Proposed appointments of members**

4.36 In appointing members to Te Urewera Board, appointers must consider whether a potential appointee has the mana, standing in the community, skills, knowledge or experience to participate effectively in the Board and contribute to the achievement of the purpose of the Board.

4.37 Prior to making an appointment each appointer must:

4.37.1 notify the other appointer of a proposed appointment;

4.37.2 seek any views from the other appointer as to whether the proposed member satisfies the criteria set out in clause 4.36; and

4.37.3 consider any views expressed by the other appointer.

#### **Declaration for proposed members**

4.38 Before an appointment to Te Urewera Board takes effect a proposed appointee must sign a declaration confirming that the member must:

4.38.1 act in a manner that achieves the purpose of the Board and for no other purpose;

4.38.2 act in good faith and not pursue his or her own interests at the expense of the interests of Te Urewera or the Board;

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- 4.38.3 commit to working with other members to assist the Board to strive for unanimity or consensus in decision making (as the context requires);
- 4.38.4 promote the highest level of good faith engagement and collaboration among members of the Board;
- 4.38.5 act with honesty and integrity as a member of the Board;
- 4.38.6 exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances; and
- 4.38.7 not contravene, or cause the contravention of, or agree to the Board contravening, Te Urewera Act.

**Chair of Te Urewera Board**

4.39 The members of Te Urewera Board:

- 4.39.1 must appoint one of its members as the Chair of the Board; but
- 4.39.2 that member must have been nominated for appointment by the members of the Board appointed by Te Uru Taumatua.

4.40 The Chair:

- 4.40.1 is appointed for the same three year term as the members of the Board, unless the Chair resigns, is removed from that office by the Board or otherwise vacates that office;
- 4.40.2 may be reappointed as Chair, but for no more than a total of three consecutive terms; and
- 4.40.3 to avoid doubt, may be appointed for more than three terms provided that there is no appointment for more than three consecutive terms.

**Deputy Chair of Te Urewera Board**

4.41 The members of Te Urewera Board must appoint one of its members as the Deputy Chair of the Board.

4.42 The Deputy Chair:

- 4.42.1 is appointed for the same three year term as the members of the Board, unless the Deputy Chair resigns, is removed from that office by the Board or otherwise vacates that office;
- 4.42.2 may be reappointed as Deputy Chair, but for no more than a total of three consecutive terms; and
- 4.42.3 to avoid doubt, may be appointed for more than three terms provided that there is no appointment for more than three consecutive terms.

**Terms**

4.43 Members of Te Urewera Board:

- 4.43.1 are appointed for a term of three years from the commencement date of the Board, unless the member resigns, is removed by that member's appointer or otherwise vacates that office;
- 4.43.2 may be reappointed, but for no more than a total of three consecutive terms; and
- 4.43.3 to avoid doubt, may be appointed for more than three terms provided that there is no appointment for more than three consecutive terms.

4.44 The first term of Te Urewera Board:

- 4.44.1 commences on settlement date; and
- 4.44.2 terminates at the end of the day preceding the third anniversary of the settlement date.

4.45 Each subsequent term:

- 4.45.1 commences on the third anniversary of the previous commencement date; and
- 4.45.2 terminates at the end of the day preceding the third anniversary of the commencement date of that term.

**Removal, resignation or other vacancy**

- 4.46 A member of Te Urewera Board may be removed by and at the sole discretion of that member's appointer.
- 4.47 Where a member is removed, the relevant appointer must give notice to that member, Te Urewera Board and the other appointer.
- 4.48 A member may resign by notice to that member's appointer and to Te Urewera Board.
- 4.49 Where a member is removed or resigns, or that office otherwise becomes vacant, the vacancy is an extraordinary vacancy.
- 4.50 An extraordinary vacancy must be filled in the manner in which the appointment was originally made.
- 4.51 A person appointed to fill an extraordinary vacancy must be appointed for the residue of the term for which the vacating member was appointed.
- 4.52 The ability of Te Urewera Board to exercise its functions is not affected by:
  - 4.52.1 an extraordinary vacancy; or
  - 4.52.2 a failure by an appointer to make an appointment.



**Liability of members**

- 4.53 A member of Te Urewera Board who has acted in good faith in the course of the Board exercising its functions will not be personally liable for any act or default of the Board or any member of the Board.

**Meetings of Te Urewera Board**

- 4.54 Te Urewera Board will hold its first meeting no later than 20 business days after settlement date.

- 4.55 Te Urewera Board will:

4.55.1 at its first meeting of each year of the term agree a meeting schedule for the following year; and

4.55.2 review that meeting schedule on a regular basis to ensure that it is sufficient to allow the Board to achieve its purpose and exercise its functions.

- 4.56 The quorum for a meeting of Te Urewera Board is no fewer than six members, including:

4.56.1 at least two of the members appointed by Te Uru Taumatua;

4.56.2 at least two of the members appointed by the Ministers or Minister (as the case may be); and

4.56.3 the Chair or Deputy Chair.

- 4.57 The Chair will preside over meetings of Te Urewera Board.

- 4.58 If the Chair is not able to attend a meeting, the Deputy Chair will preside over that meeting.

- 4.59 The Chief Executive of Te Uru Taumatua (or delegate) and Director-General (or delegate):

4.59.1 may attend any meeting of Te Urewera Board; but

4.59.2 may not attend all or part of a meeting if the Chair of Te Urewera Board so decides on reasonable grounds.

- 4.60 Te Urewera Act will provide for:

4.60.1 how notices of meetings are to be given;

4.60.2 the agenda to be made publicly available at least two business days in advance of any meeting of the Board;

4.60.3 minutes of meetings to be kept and made publicly available as soon as is practicable following a meeting of the Board;

4.60.4 members of the public to attend meetings; and

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4.60.5 the exclusion of members of the public from all or part of a meeting if in the reasonable opinion of the Chair:

- (a) the attendance of the public would result in disclosure of information and there is good reason for withholding that information; or
- (b) the behaviour of a member of the public is likely to prejudice or continue to prejudice the orderly or efficient conduct of the meeting.

4.61 In clause 4.60 a reference to "member of the public" includes members of the news media.

#### Decision making

4.62 Reflecting the commitment in *Nā Kōrero Ranatira ā Tūhoe me Te Karauna* to walk and work together for mutual honour, dignity, advantage, and progress, a member of Te Urewera Board in participating in any decision making process must:

- 4.62.1 act in a manner that achieves the purpose of the Board and for no other purpose;
- 4.62.2 promote unanimity or consensus decision making (as the context requires); and
- 4.62.3 promote the highest level of good faith engagement and collaboration among Board members.

4.63 Te Urewera Board must strive to make:

- 4.63.1 the decisions referred to in clause 4.70 by unanimous agreement; and
- 4.63.2 other decisions by consensus.

4.64 In this part "consensus" means the absence of any formally recorded dissent from a member present at a meeting of Te Urewera Board.

4.65 The decisions of Te Urewera Board must be made at a meeting of the Board.

#### Role of the Chair in decision making process

4.66 The role of the Chair in the decision making process includes:

- 4.66.1 to provide leadership;
- 4.66.2 to promote unanimity or consensus decision making (as the context requires);
- 4.66.3 to promote the highest level of good faith engagement and collaboration among members of the Board; and
- 4.66.4 in the Chair's sole discretion:
  - (a) to initiate mediation or any other process to assist the Board to make a decision; and
  - (b) to initiate the process referred to in clause 4.75.

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- 4.67 To avoid doubt, the decisions referred to in clause 4.66.4 may only be made by the Chair.
- 4.68 If the Chair is absent for three consecutive meetings:
- 4.68.1 the Board must appoint an Acting Chair to act in place of the Chair for the next three meetings; and
  - 4.68.2 that appointment must be made in accordance with clause 4.39.
- 4.69 If the Chair is absent for six consecutive meetings:
- 4.69.1 the office of the Chair is vacated; and
  - 4.69.2 the Board must appoint a new Chair in accordance with clause 4.39.

#### Board decisions

- 4.70 The Board must strive to make the following decisions by unanimous agreement:
- 4.70.1 the appointment of the Chair and Deputy Chair;
  - 4.70.2 the approval of or amendment to Te Urewera management plan;
  - 4.70.3 the delegation of the Board's functions and powers;
  - 4.70.4 the adoption of the Board's annual statement of priorities;
  - 4.70.5 the acceptance by the Board of the annual operational plan;
  - 4.70.6 a recommendation by the Board to add land to Te Urewera;
  - 4.70.7 a recommendation by the Board to remove land from Te Urewera;
  - 4.70.8 a recommendation by the Board that a specially protected area, wilderness area or amenity area be established in Te Urewera;
  - 4.70.9 the appointment or revocation of a committee;
  - 4.70.10 the replacement or amendment of the terms of any appointment of a committee; and
  - 4.70.11 the making of bylaws.
- 4.71 If the Chair considers that after reasonable discussion it is not practicable for the Board to reach unanimous agreement on a decision referred to in clause 4.70, the Chair may in his or her sole discretion declare that the Board will make that decision by consensus.
- 4.72 The Board must strive to make the following decisions by consensus:
- 4.72.1 a decision that is not referred to in clause 4.70; and
  - 4.72.2 a decision referred to in clause 4.71.

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- 4.73 The Chair may at any stage in the decision making process and in his or her sole discretion:
- 4.73.1 appoint a mediator to assist the Board to make a decision; and
  - 4.73.2 initiate any other process or take any other action to assist the Board to make a decision.
- 4.74 If a mediator is engaged the Chair must notify the Board and the mediator of:
- 4.74.1 the mediation process; and
  - 4.74.2 the timeframes for the mediation process.
- 4.75 If the Chair considers that it is not practicable for the Board to reach consensus on a decision after reasonable discussion, the Chair may, in his or her sole discretion, declare that the Board will make that decision by vote.
- 4.76 A decision may be made by vote under clause 4.75 with:
- 4.76.1 the support of a minimum of 80% of those members present and voting at a meeting of the Board; and
  - 4.76.2 the support of no fewer than two members appointed by the Minister (or Ministers as the case may be).

#### Decisions by committees

- 4.77 Te Urewera Board may delegate decisions to a committee of the Board in accordance with this part.
- 4.78 In appointing a committee, the Board must specify in the terms of appointment whether, and in what circumstances, the committee must refer a decision to the Board for confirmation or final decision.

#### Standing orders

- 4.79 At its first meeting Te Urewera Board will adopt a set of standing orders and may amend those standing orders from time to time.
- 4.80 The standing orders must not contravene Te Urewera Act.
- 4.81 A member of Te Urewera Board must comply with the standing orders as amended from time to time.
- 4.82 Te Urewera Board may decide to temporarily suspend standing orders during a meeting.

#### Committees

- 4.83 Te Urewera Board may appoint committees.
- 4.84 Within six months after the first meeting the Board will:
- 4.84.1 establish any initial committee or committees;

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- 4.84.2 appoint members of the Board as members of each committee;
  - 4.84.3 appoint a member of the Board as Chair for each committee;
  - 4.84.4 determine the functions and decisions to be delegated to each committee; and
  - 4.84.5 determine the procedures of each committee including standing orders and decision making processes.
- 4.85 Te Urewera Board may establish committees to deal with matters such as (without limitation):
- 4.85.1 rāhui and the taking of cultural materials; and
  - 4.85.2 granting of concessions and other authorisations.
- 4.86 Te Urewera Board may:
- 4.86.1 appoint additional committees at any time;
  - 4.86.2 revoke the appointment of a committee;
  - 4.86.3 reappoint or reconstitute a committee; or
  - 4.86.4 replace or amend the terms of appointment of a committee.
- 4.87 A committee is:
- 4.87.1 subject to the direction and control of the Board; and
  - 4.87.2 must carry out all directions of the Board.

#### **Conflict of interest**

- 4.88 A member of Te Urewera Board is required to disclose any actual or potential interest in a matter to the Board.
- 4.89 The Board will maintain an interests register and will record any actual or potential interests that are disclosed to the Board.
- 4.90 The Board must consider and, if necessary, address any actual or potential conflict of interest.
- 4.91 A member of the Board is not precluded from discussing or voting on a matter:
- 4.91.1 by virtue only of the member being affiliated to an iwi or hapū with interests in Te Urewera; or
  - 4.91.2 by virtue only of the economic, social, cultural, and spiritual values of an iwi or hapū with interests in Te Urewera and their relationships with Te Urewera being advanced by or reflected in:
    - (a) the subject matter under consideration;
    - (b) any decision by or recommendation of the Board; or
    - (c) participation in the matter by the member.

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- 4.92 To avoid doubt, the affiliation of a member of the Board to an iwi or hapū with interests in Te Urewera, or the fact that a member of the Board is also a member of the Board of Te Uru Taumatua, is not in and of itself an interest that must be disclosed or recorded.
- 4.93 In clauses 4.88 to 4.92 “**matter**” means:
- 4.93.1 the Board's exercise of its functions and powers; or
  - 4.93.2 an arrangement, agreement, contract, concession or permit made, entered into or granted (or any consideration of or proposal to do so), by the Board.
- 4.94 A member of Te Urewera Board has an actual or potential interest in a matter if that member:
- 4.94.1 may derive a financial benefit from the matter;
  - 4.94.2 is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter;
  - 4.94.3 may have a financial interest in a person to whom the matter relates;
  - 4.94.4 is a partner, director, officer, Board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
  - 4.94.5 is otherwise directly or indirectly interested in the matter.
- 4.95 However, a person is not interested in a matter if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities as a member of the Board.

**Power of delegation**

- 4.96 The Board may delegate any of its functions, either generally or specifically and subject to any conditions, by written notice to:
- 4.96.1 Te Uru Taumatua;
  - 4.96.2 the Director-General;
  - 4.96.3 a member or members of the Board; or
  - 4.96.4 a committee or subcommittee of the Board.
- 4.97 Despite clause 4.96, the Board must not delegate:
- 4.97.1 the approval of or amendment to Te Urewera management plan;
  - 4.97.2 the adoption of the Board's annual statement of priorities;
  - 4.97.3 the acceptance by the Board of the annual operational plan;
  - 4.97.4 a recommendation by the Board to add land to Te Urewera;
  - 4.97.5 a recommendation by the Board to remove land from Te Urewera;

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- 4.97.6 a recommendation by the Board that a specially protected area, wilderness area or amenity area be established in Te Urewera;
  - 4.97.7 the appointment or revocation of a committee;
  - 4.97.8 the replacement or amendment of the terms of any appointment of a committee;
  - 4.97.9 the making of bylaws by the Board; or
  - 4.97.10 this power of delegation.
- 4.98 Subject to the terms of delegation from the Board, a delegate to whom any function or power of the Board is delegated may, unless the delegation provides otherwise, exercise the function or power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the Board.
- 4.99 A delegate who purports to exercise a function or power under a delegation:
- 4.99.1 is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
  - 4.99.2 must produce evidence of his or her authority to do so, if reasonably requested to do so.
- 4.100 No delegation:
- 4.100.1 affects or prevents the exercise of any function or power by the Board;
  - 4.100.2 affects the responsibility of the Board for the actions of any delegate acting under the delegation; or
  - 4.100.3 is affected by any change in the membership of the Board or of any committee.
- 4.101 A delegation may be revoked at will by the Board by:
- 4.101.1 decision and written notice to the delegate; or
  - 4.101.2 any other method provided for in the delegation.

#### **Reporting and accountability**

- 4.102 Te Urewera Board must each year adopt and publish an annual report.
- 4.103 That annual report must contain:
- 4.103.1 a report on the Board's operations and progress in achieving its purpose;
  - 4.103.2 a financial report prepared in accordance with generally accepted accounting practice;
  - 4.103.3 a statement of responsibility for the financial report; and
  - 4.103.4 an audit report.
- 4.104 The annual report must be audited by the Auditor-General.

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4.105 Te Urewera Board, Te Uru Taumatua and the Ministers of Conservation and Finance may agree to any further reporting requirements necessary to reflect any changes to the financial relationship between the Crown and the Board.

4.106 The annual report must be:

4.106.1 provided by the Board to the Chair of Te Uru Taumatua and the Minister of Conservation; and

4.106.2 tabled in Parliament by the Minister of Conservation.

4.107 Following the receipt of any report from the Board the appointers may seek further information from and make comments to the Board on any relevant matter arising out of the report.

**Application of other Acts**

4.108 The following Acts will apply to Te Urewera Board:

4.108.1 the Official Information Act 1982;

4.108.2 the Ombudsmen Act 1975; and

4.108.3 the Public Audit Act 2001.

**TE UREWERA MANAGEMENT PLAN**

4.109 Te Urewera Board must prepare and approve a management plan for Te Urewera ("**Te Urewera management plan**") for the purpose of:

4.109.1 setting objectives and policies for Te Urewera; and

4.109.2 identifying how the purpose of Te Urewera Act is to be achieved through the management of Te Urewera.

4.110 Te Urewera management plan must:

4.110.1 identify any relevant values at places within Te Urewera;

4.110.2 identify the range of planned outcomes for places within Te Urewera;

4.110.3 identify the effects of different uses and explain how these effects will be minimised;

4.110.4 explain how potential conflicts between desired outcomes will be resolved;

4.110.5 state objectives and policies for the integrated management of Te Urewera;

4.110.6 identify any places in Te Urewera that have been given international recognition and provide for their management accordingly;

4.110.7 identify the need for any new specially protected, wilderness or amenities areas;

4.110.8 identify criteria for decisions regarding Te Urewera including on applications for activity permits or concessions;



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4.110.9 identify matters proposed to be regulated by bylaws; and

4.110.10 identify what regular monitoring and evaluation should be undertaken.

4.111 Te Urewera management plan may also address any other matters relevant to achieving the purpose of Te Urewera Act.

#### **Relationship with conservation planning documents**

4.112 Any person or entity preparing, approving or reviewing Te Urewera management plan may have regard to any relevant conservation planning document.

4.113 Any person or entity preparing, approving or reviewing a conservation management strategy that is relevant to Te Urewera, must have regard to Te Urewera management plan.

#### **Preparation of draft Te Urewera management plan**

4.114 The Board may appoint a committee of the Board to prepare the draft Te Urewera management plan.

4.115 The Board may make a reasonable request that Te Uru Taumatua and/or the Director-General prepare the draft Te Urewera management plan and for other assistance in the plan process.

#### **Preparation of draft Te Urewera management plan**

4.116 Prior to commencing the preparation of the draft Te Urewera management plan the Board must:

4.116.1 engage with Te Uru Taumatua and the Director-General on:

- (a) the principal matters to be addressed in Te Urewera management plan; and
- (b) the manner in which those matters should be addressed;

4.116.2 prepare a statement of priorities to be addressed in Te Urewera management plan;

4.116.3 give public notice:

- (a) that a draft Te Urewera management plan is to be prepared;
- (b) that a statement of priorities for the plan has been prepared and where that statement may be viewed; and
- (c) by such means as the Board considers appropriate; and

4.116.4 invite written comment by a specified date on the matters that should be addressed by Te Urewera management plan.

4.117 The Board must give public notice under clause 4.116.3 no later than one year after settlement date.

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4.118 The Board must:

4.118.1 consider any written comments made by the specified date; and

4.118.2 prepare a draft Te Urewera management plan.

**Notification of and submissions on draft plan**

4.119 Te Urewera Board must as soon as is practicable after commencing the preparation of the draft Te Urewera management plan:

4.119.1 give public notice of the draft Te Urewera management plan; and

4.119.2 provide the draft Te Urewera management plan to:

- (a) the Chair and Chief Executive of Te Uru Taumatua;
- (b) the Minister of Conservation and Director-General;
- (c) any person who or organisation that provided comment on matters that should be addressed by the management plan;
- (d) the New Zealand Conservation Authority;
- (e) relevant conservation boards;
- (f) relevant local authorities; and
- (g) any other parties that the Board considers should be provided with the draft Te Urewera management plan.

4.120 The public notice must:

4.120.1 state that the draft Te Urewera management plan is available at the times and places specified in the notice;

4.120.2 invite persons to make a submission on the draft Te Urewera management plan;

4.120.3 specify a date, not fewer than 40 business days after the date of the notice, and means by which a submission may be made;

4.120.4 invite persons who make a written submission to indicate whether they wish to be heard in support of that submission; and

4.120.5 be given by such means as the Board considers appropriate.

4.121 Any person may make a written submission on the draft Te Urewera management plan in accordance with the conditions set out in the public notice.

**Consideration and summary of submissions**

4.122 The Board must:

4.122.1 provide persons who wish to be heard on their submission with a reasonable opportunity to appear and be heard before the Board;

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4.122.2 consider all written and oral submissions that:

- (a) are relevant to the purpose of Te Urewera management plan; and
- (b) comply with the conditions for making a submission as set out in the public notice; and

4.122.3 prepare and publish a summary of submissions together with a statement of the Board's response to those submissions.

4.123 Having considered the submissions the Board may amend the draft Te Urewera management plan in the manner that the Board considers appropriate.

**Approval of Te Urewera management plan**

4.124 Following the consideration of submissions and the making of any amendments to the draft Te Urewera management plan, the Board must:

- 4.124.1 provide the draft Te Urewera management plan to the New Zealand Conservation Authority for comment; and
- 4.124.2 request comment no later than six weeks after providing the plan to the New Zealand Conservation Authority.

4.125 The Board:

- 4.125.1 must have regard to any comments from the New Zealand Conservation Authority that:
  - (a) are relevant to the purpose of Te Urewera management plan; and
  - (b) comply with the timeframe for comments to be provided; and
- 4.125.2 may, in response to those comments, amend the draft Te Urewera management plan in the manner that the Board considers appropriate.

4.126 The Board must then:

- 4.126.1 provide to the Chair of Te Uru Taumatua and the Minister of Conservation:
  - (a) the draft Te Urewera management plan;
  - (b) the summary of submissions and statement referred to in clause 4.122.3;
  - (c) any comments made by the New Zealand Conservation Authority; and
  - (d) a statement of how those comments have been addressed;
- 4.126.2 request that the Chair of Te Uru Taumatua and the Minister of Conservation:
  - (a) recommend that the Board approves the draft Te Urewera management; or

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- (b) advise the Board of any matters that the Chair of Te Uru Taumatua or the Minister of Conservation consider require further consideration or revision.

**4.127 To avoid doubt:**

4.127.1 the agreement of both the Chair of Te Uru Taumatua and the Minister of Conservation is required before a recommendation for approval may be made under clause 4.126.2(a); and

4.127.2 if there is disagreement between the Chair of Te Uru Taumatua and the Minister of Conservation then any matter of disagreement must be put to the Board by way of advice under clause 4.126.2(b);

**4.128 If the Chair of Te Uru Taumatua and the Minister of Conservation provide advice under clause 4.126.2(b) the Board:**

4.128.1 must consider that advice;

4.128.2 may, in response to that advice, amend the draft Te Urewera management plan in the manner that the Board considers appropriate; and

4.128.3 must provide the draft Te Urewera management plan to the Chair of Te Uru Taumatua and the Minister of Conservation:

- (a) with an explanation of how the advice has been addressed;

- (b) with a further request for a recommendation under clause 4.126.2(a); and

- (c) clauses 4.126.2 to 4.128 apply to that further request.

**4.129 The Board:**

4.129.1 may approve Te Urewera management plan; but

4.129.2 may do so only following a recommendation from the Chair of Te Uru Taumatua and the Minister of Conservation under clause 4.126.2(a); and

4.129.3 at the time Te Urewera management plan is approved, must issue a report identifying how the Board has considered and responded to any submissions and comments.

**4.130 The Board:**

4.130.1 must notify the approved Te Urewera management plan by giving public notice; and

4.130.2 must state in that public notice the date upon which that plan comes into force.

**4.131 In addition to clause 4.130, the Board may notify Te Urewera management plan by any other means that the Board considers appropriate.**

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**Review and amendment of management plan**

- 4.132 The Board may at any time, where it considers it necessary or desirable to do so, undertake a review of and make any amendments to Te Urewera management plan to ensure that the plan takes account of increased knowledge or changing circumstances.
- 4.133 The Board must commence a review of Te Urewera management plan no later than 10 years after the previous approval of that plan.
- 4.134 Any amendment to Te Urewera management plan must be made in accordance with clauses 4.112 to 4.131.
- 4.135 Where any amendment is of such a nature that the Board considers that it will not materially affect the objectives and policies expressed in the plan or the public interest in Te Urewera, the amendment may be dealt with under clauses 4.126.2 to 4.131 (subject to any necessary modifications).

**FUNDING AND SUPPORT**

- 4.136 Funding for operational management of Te Urewera is provided for from clause 4.138.
- 4.137 Funding for Te Urewera Board service and support is provided for from clause 4.154.

**OPERATIONAL MANAGEMENT OF TE UREWERA**

- 4.138 The operational management of Te Urewera will be undertaken by Te Uru Taumatua and the Director-General.
- 4.139 The operational management of Te Urewera will be undertaken in accordance with:
- 4.139.1 Te Urewera Act;
  - 4.139.2 Te Urewera management plan;
  - 4.139.3 the statement of priorities to implement Te Urewera management plan issued by the Board for the relevant year; and
  - 4.139.4 the annual operational plan for the relevant year to implement Te Urewera management plan and the statement of priorities.

**Board's statement of priorities for Te Urewera**

- 4.140 The Board must each year adopt and issue a statement of priorities for the implementation of Te Urewera management plan for the following year.
- 4.141 The Board will:
- 4.141.1 give public notice of the adoption of the statement of priorities; and
  - 4.141.2 provide a copy of that statement to:
    - (a) Te Uru Taumatua; and
    - (b) the Director-General.

**Operational plan for Te Urewera**

4.142 Te Uru Taumatua and the Director-General must each year prepare an annual operational plan for Te Urewera for the management of Te Urewera for the following year.

4.143 The annual operational plan must:

4.143.1 reflect the purpose of Te Urewera Act;

4.143.2 implement, as far as practicable, Te Urewera management plan;

4.143.3 implement, as far as practicable, the Board's statement of priorities for the relevant year;

4.143.4 identify the funding that is available from Te Uru Taumatua and the Director-General for the management of Te Urewera for the relevant year;

4.143.5 describe the intended management activities for Te Urewera including:

(a) capital and operational projects;

(b) policy and planning projects;

(c) projects that span more than one financial year;

(d) restoration and maintenance activities;

(e) contracts for management activities;

(f) processing of concession and activity permit applications; and

(g) monitoring of concessions and activity permits;

4.143.6 identify Te Uru Taumatua, the Director-General (or both) as being responsible for particular management activities;

4.143.7 identify opportunities for members of Tūhoe to carry out or participate in management activities;

4.143.8 identify priorities and actions for building Tūhoe management capability; and

4.143.9 include any other information that is relevant to the operational management of Te Urewera.

4.144 The annual operational plan may refer to funding that extends to more than one year.

4.145 To avoid doubt:

4.145.1 the nature and extent of any funding provided under clause 4.143.4 is entirely at the discretion of the party providing that funding; and

4.145.2 the matters referred to in clauses 4.143.2, 4.143.3 and 4.143.5 are only required to be implemented to the extent that funding and other resources make that practicable.

**Process for annual operational plan**

4.146 Te Uru Taumatua and the Director-General must present a draft annual operational plan to the Board each year.

4.147 The Board:

4.147.1 must consider the draft annual operational plan;

4.147.2 must determine whether the draft annual operational plan is consistent with Te Urewera management plan and the statement of priorities; and

4.147.3 may:

(a) accept the draft annual operational plan in its entirety as being consistent with Te Urewera management plan and the statement of priorities;

(b) accept part of the draft annual operational plan as being consistent with Te Urewera management plan and the statement of priorities; or

(c) reject the draft annual operational plan in its entirety.

4.148 The Board must notify Te Uru Taumatua and the Director-General of its decision as soon as practicable after receiving the draft annual operational plan.

4.149 If the Board accepts only part of, or rejects, the draft annual operational plan, the Board must:

4.149.1 notify Te Uru Taumatua and the Director-General of those parts of the plan that are accepted;

4.149.2 refer those parts of the plan that are not accepted to Te Uru Taumatua and the Director-General for further consideration; and

4.149.3 meet with Te Uru Taumatua and the Director-General to discuss the Board's decision.

4.150 The Board, Te Uru Taumatua and the Director-General will work together in an open and constructive manner to seek to resolve any disagreement over the draft annual operational plan with the intention that the whole plan will be in a form acceptable to the Board as soon as possible.

4.151 To avoid doubt, from the commencement of the relevant year, Te Uru Taumatua and the Director-General:

4.151.1 must undertake management activities in accordance with the accepted parts of the operational plan;

4.151.2 may, in emergency circumstances, undertake such other management activities considered necessary for the safety of Te Urewera or any person in Te Urewera; and

4.151.3 each retain discretion over how their respective funds are spent in order to implement the annual operational plan.

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4.152 At the end of each year Te Uru Taumatua and the Director-General will report to Te Urewera Board on the implementation of the annual operational plan for that year.

#### Director-General's obligations in relation to Te Urewera

4.153 In exercising functions under Te Urewera Act the Director-General (who has all powers necessary or expedient to enable the Department of Conservation to perform its functions) and any other person who exercises functions under the Conservation Act 1987:

4.153.1 will act in accordance with Te Urewera Act; and

4.153.2 subject to clause 4.153.1, and with any necessary modification, will act in accordance with the Conservation Act 1987 as if Te Urewera Act were listed in Schedule 1 to that Act.

#### BOARD FUNDING AND REVENUE

4.154 Tūhoe and the Crown agree that each will contribute to the funding required each year to:

4.154.1 cover meeting fees and expenses for members of Te Urewera Board;

4.154.2 provide a secretariat for the Board; and

4.154.3 provide the Board with a sum for expenditure, at the Board's discretion, to support the exercise of the Board's functions for purposes including:

(a) obtaining professional, expert or scientific advice;

(b) holding meetings or events;

(c) communications; and

(d) contingency, insurance and risk management.

4.155 Prior to the commencement of each year:

4.155.1 the Board, Te Uru Taumatua and the Director-General will develop and agree a budget for the administrative support of Te Urewera Board for that year; and

4.155.2 Te Uru Taumatua and the Director-General will contribute equally to the costs provided for in that budget unless both parties agree to a different cost sharing arrangement.

4.156 Te Urewera Board:

4.156.1 will receive any revenue from concessions and activity permits in Te Urewera;

4.156.2 may receive other revenue, donations, whakaaro or other gifts, koha or other bequests; and

4.156.3 must expend or use any funds or other property held so as to achieve the purpose of Te Urewera Act.



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4.157 To avoid doubt, funding for operational management of Te Urewera:

4.157.1 is not provided through the budget referred to in clause 4.155.1; but

4.157.2 is provided for through the annual operational plan process referred to in clause 4.143.4.

**ACTIVITIES WITHIN TE UREWERA**

4.158 There are four categories of activities that may be undertaken in Te Urewera:

4.158.1 activities for which no authorisation is required;

4.158.2 activities that are authorised by an activity permit granted by Te Urewera Board;

4.158.3 activities that are authorised by a concession granted by Te Urewera Board; and

4.158.4 activities that are otherwise authorised under Te Urewera Act.

**No authorisation required**

4.159 An activity may be undertaken in Te Urewera without further authorisation from Te Urewera Board if that activity:

4.159.1 is a cultural, recreational or educational activity:

(a) being undertaken by an individual or group without any gain or reward for that activity (whether pecuniary or otherwise); and

(b) which otherwise complies with Te Urewera Act;

4.159.2 is carried out by or on behalf of the Board, Te Uru Taumatua or the Director-General in relation to the management of Te Urewera under Te Urewera Act, Te Urewera management plan and the annual operational plan; or

4.159.3 is necessary for the purposes of:

(a) saving or protecting life or health;

(b) preventing serious damage to property; or

(c) avoiding an actual or likely adverse effect on the environment within Te Urewera.

4.160 To avoid doubt, a group to which clause 4.159.1 applies may impose a reasonable charge in order to recover the reasonable expenses of organising the activity.

**Activities requiring an activity permit**

4.161 The following activities may only be undertaken in Te Urewera if authorised by an activity permit issued by Te Urewera Board:

4.161.1 taking, cutting or destroying an indigenous plant within Te Urewera;

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- 4.161.2 taking, cutting or destroying a non-indigenous plant within Te Urewera;
  - 4.161.3 disturbing, trapping, taking, hunting or killing an indigenous animal within Te Urewera;
  - 4.161.4 disturbing, trapping, taking, hunting or killing a non-indigenous animal within Te Urewera;
  - 4.161.5 possession of dead protected wildlife for cultural purposes;
  - 4.161.6 possession of dead protected wildlife for other purposes;
  - 4.161.7 access to specially protected areas;
  - 4.161.8 activities in wilderness areas referred to in clause 4.183;
  - 4.161.9 the making of a road or alteration to an existing road in Te Urewera;
  - 4.161.10 the establishment of accommodation within Te Urewera;
  - 4.161.11 access to Te Urewera for those activities referred to in section 61(1A) of the Crown Minerals Act 1991;
  - 4.161.12 recreational hunting in Te Urewera; and
  - 4.161.13 any other activity that would otherwise be an offence under Te Urewera Act.
- 4.162 In relation to access to Te Urewera for specified low impact activities in relation to Crown owned minerals, Te Urewera will be afforded the same level of protection under the Crown Minerals Act 1991 as if Te Urewera were listed in Schedule 4 of that Act.
- 4.163 To avoid doubt, commercial hunting, hunting guiding operations and wild animal control operations may only be undertaken in Te Urewera if authorised by a concession.
- 4.164 In relation to an activity permit for the making or alteration of a road or for the establishment of accommodation:
- 4.164.1 a permit may only be granted if that is in accordance with Te Urewera management plan; and
  - 4.164.2 to avoid doubt, a concession may also be required if that road or accommodation is to be used for commercial purposes that are not within the matters set out in clause 4.159.

#### **Activities requiring a concession**

- 4.165 An activity that is not authorised under clauses 4.159 to 4.161 may only be undertaken in Te Urewera if authorised by a concession granted by Te Urewera Board.

#### **Authorisations under other Acts**

- 4.166 To avoid doubt, in addition to obtaining an activity permit or concession from the Board, a person must also obtain any other authorisation required under any Act, including the Wildlife Act 1953, Resource Management Act 1991, Crown Minerals Act 1991 and Fisheries Act 1996.

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- 4.167 Te Urewera Board and the Director-General will jointly develop and make available a process to address the situation where applications are required under both Te Urewera Act and the Wildlife Act 1953.
- 4.168 That process will promote workable, efficient and timely processing and decision making while preserving the ability of each statutory decision maker to make a decision in accordance with the relevant statutory framework.

#### PROCESS AND CRITERIA FOR ACTIVITY PERMITS

##### Process

- 4.169 Te Urewera Board must develop and make available a process and procedure for receiving, processing and making decisions on an application for an activity permit.
- 4.170 That process will accord with accepted good practice including the principles of natural justice and will cover (without limitation):
- 4.170.1 the ability for the Board to request further information or commission reports;
  - 4.170.2 criteria for when public notification of an application, with an opportunity for public submissions and if appropriate a hearing, will be required;
  - 4.170.3 the ability for the Board to reject an application that is incomplete or inconsistent with Te Urewera Act or Te Urewera management plan;
  - 4.170.4 the ability for the Board to impose conditions on an activity permit; and
  - 4.170.5 provision for the recovery from an applicant of the actual and reasonable costs of processing an application.

##### Criteria for decisions

- 4.171 In making a decision on an application for an activity permit Te Urewera Board must be satisfied that a proposed activity would not be inconsistent with:
- 4.171.1 Te Urewera Act; and
  - 4.171.2 Te Urewera management plan.
- 4.172 In addition, the additional criteria set out in Appendix One must be applied by Te Urewera Board when considering an application for an activity permit for specific activities.

#### PROCESS AND CRITERIA FOR CONCESSIONS

- 4.173 Te Urewera Act will set out a process and criteria for a decision by Te Urewera Board on an application for a concession.
- 4.174 The process and criteria will be based on section 49 of the National Parks Act 1980 and Part 3B of the Conservation Act 1987, modified as necessary to reflect the Te Urewera context.
- 4.175 In particular, in making a decision on an application for a concession Te Urewera Board must be satisfied that a proposed activity would not be inconsistent with:
- 4.175.1 Te Urewera Act; and

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4.175.2 Te Urewera management plan.

**RECREATIONAL HUNTING IN TE UREWERA**

4.176 Te Urewera Board may grant an activity permit to undertake recreational hunting for non-protected non-indigenous animals in Te Urewera if the Board is satisfied that:

4.176.1 granting such a permit:

- (a) would be in accordance with Te Urewera management plan; and
- (b) would not diminish operations to control wild animals and pests in Te Urewera; and

4.176.2 the safety of members of the public who are likely to be in or in the vicinity of the area has been considered.

4.177 Te Urewera Board may:

4.177.1 include conditions on an activity permit for recreational hunting including, but not limited to, the use of dogs, helicopters and horses; and

4.177.2 delegate the role of issuing an activity permit to persons nominated by Te Uru Taumatua or the Director-General.

4.178 Te Urewera Board may, in accordance with Te Urewera management plan, by public notice:

4.178.1 declare areas to be open or closed for hunting; and

4.178.2 identify hunting areas.

4.179 To avoid doubt, a licence to hunt game birds in Te Urewera will be required in addition to an activity permit for hunting from the Board.

**INTRODUCTION OF BIOLOGICAL CONTROL ORGANISMS**

4.180 The Minister of Conservation may authorise the introduction of any biological control organism into Te Urewera in order to control wild animals or animal pests or plant pests in Te Urewera.

4.181 Before granting an approval under clause 4.180 the Minister must:

4.181.1 consult and have regard to the views of Te Urewera Board;

4.181.2 undertake a risk assessment, based on scientific advice supported by research, including an assessment of alternatives to the proposed introduction; and

4.181.3 have regard to whether:

- (a) any introduced biological control organism will itself become a problem or adversely affect any other indigenous organisms, or have a negative impact on any ecosystem in Te Urewera; and

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- (b) there is sufficient scientific advice, supported by research, to indicate that none of these impacts will occur.

4.182 The Minister must not grant an authorisation under clause 4.180 if that would be inconsistent with:

- 4.182.1 any relevant legislation including Te Urewera Act;
- 4.182.2 Te Urewera management plan; or
- 4.182.3 any relevant general policy or conservation management strategy.

#### ACTIVITIES IN WILDERNESS AREAS

4.183 The following activities may not be undertaken in a wilderness area in Te Urewera unless authorised by an activity permit granted by the Board in accordance with the management plan:

- 4.183.1 the construction, erection or maintenance of buildings, machinery or apparatus;
- 4.183.2 the taking or use of animals, vehicles, or motorised vessels (including hovercraft and jet boats) into the area;
- 4.183.3 the landing, hovering or taking off of a helicopter or other motorised aircraft for the purpose of embarking or disembarking passengers or goods; and
- 4.183.4 the construction of roads, tracks, or trails.

#### CROWN MINERALS ACT

4.184 Te Urewera will be afforded the same level of protection under the Crown Minerals Act 1991 as if Te Urewera were listed in Schedule 4 of that Act.

#### ADDITION OF LAND TO TE UREWERA

##### Criteria for adding land

4.185 An area of land outside of Te Urewera may be included in Te Urewera if that land contains:

- 4.185.1 features with significant natural, cultural or historic values:
  - (a) that are an important part of the connection between Tūhoe and Te Urewera; and
  - (b) the inclusion of that land will strengthen and maintain that connection;
- 4.185.2 natural features of such distinctive natural beauty or value that preservation of that land in perpetuity is of national importance; or
- 4.185.3 indigenous ecological systems and biodiversity, or other natural features, the natural, cultural or historic values of which are so unique or scientifically important that their preservation in perpetuity is of national importance.

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4.186 If part of an area outside of Te Urewera has been modified, that area may be considered for inclusion in Te Urewera if:

4.186.1 that area is capable of restoration or regeneration, particularly if the area is representative of indigenous ecological systems not similarly protected in New Zealand;

4.186.2 that area contains features with no similar protection in New Zealand that are so beautiful, unique or scientifically important so as to justify protection as part of Te Urewera; or

4.186.3 that area does not have significant natural values but:

(a) its cultural or historic values are significant enough to justify protection as part of Te Urewera; and

(b) the inclusion of that land will be compatible with the protection of the natural values of Te Urewera.

4.187 In considering any proposal to add land to Te Urewera, Te Urewera Board, Te Uru Taumatua, the Minister of Conservation and the Director-General must consider:

4.187.1 the extent to which the proposed additional land will contribute to:

(a) the achievement of the purpose of Te Urewera Act;

(b) the protection of Te Urewera from the adverse effects of activities outside Te Urewera;

(c) the strengthening and maintenance of the Tūhoe connection with Te Urewera;

(d) the goal of achieving a representative range of ecosystems, natural features, scenery types and landscape types being protected nationally and the contribution of Te Urewera makes to achieving that goal;

(e) the efficient management of Te Urewera;

(f) public access to Te Urewera consistent with the need to preserve Te Urewera values; and

(g) any other matters that the Board considers relevant;

4.187.2 any existing historical Treaty of Waitangi claims over that land; and

4.187.3 any financial and other implications relevant to the governance and management of Te Urewera.

**Process for adding public conservation land to Te Urewera**

4.188 The following process applies to a proposal to add public conservation land to Te Urewera:

4.188.1 if Te Urewera Board intends to commence a process in relation to the addition of land to Te Urewera, the Board must first:

- (a) advise Te Uru Taumatua and the Minister of Conservation; and
- (b) seek and consider views from iwi and hapū, the New Zealand Conservation Authority, relevant conservation boards, relevant local authorities, and Fish and Game New Zealand;

4.188.2 the Board may then request that the Director-General undertake an investigation into the proposal and provide to the Board a report including recommended outcomes;

4.188.3 on receiving a request from the Board the Director-General must give notice to the Minister of Energy and Resources; and

4.188.4 having undertaken the investigation the Director-General must:

- (a) give public notice of the draft report of the investigation;
- (b) state in that public notice how the draft report may be accessed;
- (c) invite persons to make a submission on the draft report;
- (d) specify a date, being not less than 40 business days after the date of the notice, and means by which a submission may be made; and
- (e) invite persons who make a submission to indicate whether they wish to be heard in support of that submission.

4.189 Any person may make a submission on the draft report in accordance with the conditions set out in the public notice.

4.190 The Director-General must:

4.190.1 provide persons who wish to be heard on their submission with a reasonable opportunity to appear and be heard before the Director-General; and

4.190.2 consider all written and oral submissions that:

- (a) are relevant to the investigation; and
- (b) comply with the conditions for making a submission as set out in the public notice.

4.191 The Director-General must:

4.191.1 finalise the report;

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4.191.2 include in that final report:

- (a) an explanation of the investigation process;
- (b) a summary of any submissions made on the draft report;
- (c) an evaluation of any submissions made on the draft report; and
- (d) the final recommended outcomes of the investigation; and

4.191.3 provide the final report to the Board.

4.192 The Board must:

4.192.1 seek comment on the final report from the New Zealand Conservation Authority and relevant conservation boards; and

4.192.2 consider:

- (a) the final report; and
- (b) any comments from the New Zealand Conservation Authority or relevant conservation boards.

4.193 The Board may then make a recommendation to the Minister of Conservation that none, all or part of the land referred to in the final report be added to Te Urewera.

4.194 The Minister of Conservation:

4.194.1 must consider the recommendation from the Board; and

4.194.2 may, if the Minister considers it appropriate, make a recommendation to the Governor-General that all or part of the land referred to in the final report be added to Te Urewera; or

4.194.3 may, if the Minister considers it appropriate, decide to make no recommendation to the Governor-General.

4.195 Before making a decision under clause 4.194.3, the Minister will engage with Te Urewera Board to determine whether the reasons for the proposed decision not to make a recommendation can be addressed by the Board.

4.196 The Governor-General may, on the advice of the Minister of Conservation, make an Order in Council adding all or part of the land referred to in the final report to Te Urewera.

4.197 In considering whether land should be added to Te Urewera, the Board, Minister of Conservation and Director-General must consider the matters set out in clause 4.187.1.



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**Process for adding other land to Te Urewera**

- 4.198 The following process applies to a proposal to add land that is not public conservation land to Te Urewera:
- 4.198.1 if Te Urewera Board intends to commence a process in relation to the addition of land to Te Urewera, the Board may engage with any person or organisation that the Board considers appropriate; and
  - 4.198.2 the Board may request that Te Uru Taumatua and/or the Director-General undertake an investigation into the proposal and provide to the Board a report including recommended outcomes.
- 4.199 If a request is made under clause 4.198.2, Te Uru Taumatua and/or the Director-General (as the case may be) must:
- 4.199.1 undertake an investigation into the proposal; and
  - 4.199.2 provide a report on the proposal to the Board.
- 4.200 That report must include:
- 4.200.1 an explanation of the investigation process; and
  - 4.200.2 the recommended outcomes of the investigation.
- 4.201 The Board:
- 4.201.1 must consider the final report; and
  - 4.201.2 may make a recommendation to the Minister of Conservation that none, all or part of the land referred to in the final report be added to Te Urewera.
- 4.202 The Minister of Conservation:
- 4.202.1 must consider the recommendation from the Board; and
  - 4.202.2 may, if the Minister considers it appropriate, make a recommendation to the Governor-General that all or part of the land referred to in the final report be added to Te Urewera; or
  - 4.202.3 may, if the Minister considers it appropriate, decide to make no recommendation to the Governor-General.
- 4.203 Before making a decision under clause 4.202.3, the Minister will engage with Te Urewera Board to determine whether the reasons for the proposed decision not to make a recommendation can be addressed by the Board.
- 4.204 The Governor-General may, on the advice of the Minister of Conservation, make an Order in Council adding all or part of the land referred to in the final report to Te Urewera.
- 4.205 In considering whether land should be added to Te Urewera, the Board, Minister of Conservation and Director-General must consider the matters set out in clause 4.187.1.

**REMOVAL OF LAND FROM TE UREWERA**

- 4.206 No area of land may be removed from Te Urewera except by Act of Parliament.
- 4.207 On the recommendation of the Board, the Minister of Conservation may propose legislation for introduction to Parliament to remove an area of land from Te Urewera:
- 4.207.1 if the removal is to enable a minor boundary adjustment for Te Urewera to align more closely with natural boundaries or as a result of resurvey;
  - 4.207.2 when land is required for the realignment of an existing formed legal road or for a new legal road or legalisation of an existing public road;
  - 4.207.3 to facilitate the exchange of land to address encroachments or enhance the boundaries of Te Urewera; or
  - 4.207.4 if land does not have the values that justify inclusion in Te Urewera.
- 4.208 Where any exclusion proposed in accordance with clauses 4.206 and 4.207 has not been identified in the Te Urewera management plan and the Board considers that the proposed exclusion may be controversial, public comment should be sought before the board makes a recommendation to the Minister.

**SPECIALLY PROTECTED, WILDERNESS AND AMENITY AREAS**

- 4.209 Te Urewera Board may in accordance with Te Urewera management plan recommend to the Minister of Conservation that any of the following areas be established in any part of Te Urewera:
- 4.209.1 a specially protected area;
  - 4.209.2 a wilderness area; or
  - 4.209.3 an amenity area.
- 4.210 Te Urewera Board may only make a recommendation that a specially protected area be established if the Board considers that:
- 4.210.1 there are special features or values in that part of Te Urewera that are particularly important to the achievement of the purpose of Te Urewera Act and justify specially protected area status; and
  - 4.210.2 those special features or values are of such importance that public access to that area should be controlled.
- 4.211 Te Urewera Board may only make a recommendation that a wilderness area be established if the Board considers that:
- 4.211.1 there are particular natural and wilderness values in that part of Te Urewera that are particularly important to the achievement of the purpose of Te Urewera Act and justify wilderness area status;
  - 4.211.2 those values are of such importance that the restrictions provided for in clause 4.183 should apply; and

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### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- 4.211.3 the area is large enough, sufficiently remote and buffered to be affected by human influences only in minor ways.
- 4.212 Te Urewera Board may only make a recommendation that an amenity area be established if the Board considers that the area should be set apart for the development of recreational and public amenities and related services.
- 4.213 In making a recommendation to the Minister, Te Urewera Board must specify:
- 4.213.1 the particular features or values that justify the area being established as a specially protected area, wilderness area or amenity area; and
- 4.213.2 the proposed name for the specially protected area, wilderness area or amenity area.
- 4.214 On receiving a recommendation from Te Urewera Board the Minister:
- 4.214.1 must consider that recommendation;
- 4.214.2 may request such further information from the Board as the Minister considers relevant;
- 4.214.3 may by notice in the *Gazette* establish all or part of the recommended area as a specially protected area, wilderness area or amenity area; and
- 4.214.4 in any such notice must include the name of the specially protected area, wilderness area or amenity area as recommended by Te Urewera Board to the Minister.
- 4.215 If the Minister is considering making a decision not to accept the recommendation of the Board (in part or in whole), the Minister will engage with the Board to determine whether the reasons for not accepting the recommendation can be addressed by the Board.
- 4.216 A specially protected area must be managed in accordance with Te Urewera management plan and the purpose for which the area was established.
- 4.217 A wilderness area must be managed in accordance with Te Urewera management plan and so that its natural and indigenous values are preserved.
- 4.218 An amenity area must be managed so that the development of recreational and public amenities and related services may only be approved where that is in accordance with Te Urewera Act and Te Urewera management plan.
- 4.219 The specially protected area, wilderness area or amenity area status may be revoked or the boundaries of an area may be altered by the same process under which it was established.

#### **Minister may request specially protected area**

- 4.220 The Minister may make a request to Te Urewera Board that a specially protected area be established in any part of Te Urewera.

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4.221 Te Urewera Board:

- 4.221.1 will consider any such request from the Minister; and
- 4.221.2 may, if the Board considers it appropriate, make a recommendation to that effect to the Minister under clause 4.209.

**Permits to access specially protected areas**

4.222 No person may enter a specially protected area unless that person:

- 4.222.1 is authorised by an activity permit issued by Te Urewera Board; and
- 4.222.2 complies with conditions on any such permit.

4.223 Te Urewera Board:

- 4.223.1 may not issue an activity permit where that would be inconsistent with Te Urewera management plan; and
- 4.223.2 may issue a permit subject to any conditions.

4.224 Where a specially protected area has been established following a request by the Minister under clause 4.220, Te Urewera Board may allow the Minister to undertake the permitting role for that specially protected area.

**BYLAWS**

4.225 Te Urewera Board may make bylaws to regulate conduct in Te Urewera including for the following purposes:

- 4.225.1 the management, safety, and preservation of Te Urewera, and the safety and preservation of the native plants and animals in Te Urewera;
- 4.225.2 the safety and protection of the public using Te Urewera;
- 4.225.3 excluding the public from any specified part of Te Urewera:
- 4.225.4 prescribing:
  - (a) the conditions on which persons may have access to or be excluded from any part of Te Urewera or on which persons may use any building or facility in Te Urewera; and
  - (b) charges for the admission of persons to any part of Te Urewera set apart for any specified purpose of public recreation and for the use of any building or facility;
- 4.225.5 prescribing conditions for the use of camping sites, or picnic places in Te Urewera, and fixing charges for the use of any such areas;
- 4.225.6 prohibiting or regulating the use or parking of vehicles or the use or mooring of boats in Te Urewera;

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- 4.225.7 setting apart and prescribing conditions and fixing charges for the use of parking areas within Te Urewera, and providing for the removal from any such area of any motor vehicle parked in breach of any such condition;
- 4.225.8 prohibiting or regulating the use of any internal combustion engine in Te Urewera, whether or not that engine is the means of propulsion of any vehicle, boat, machinery, or appliance;
- 4.225.9 prescribing conditions on which persons may be permitted to enter or remain in any wilderness area within Te Urewera;
- 4.225.10 prescribing the safety devices to be fitted to any machinery or device operated in Te Urewera under the authority of any agreement, lease, or licence made or granted by Te Urewera Board, and regulating the operation and maintenance of such machinery or devices;
- 4.225.11 prohibiting the hovering over or landing of any aircraft on any part of Te Urewera;
- 4.225.12 prescribing conditions upon which operators and pilots in command of aircraft may land and take off or set down, pick up, or recover within Te Urewera any person, livestock, carcass, or article of any description;
- 4.225.13 prohibiting or restricting the taking into or use of animals in Te Urewera; and
- 4.225.14 prescribing fines for the breach of any bylaw.
- 4.226 Where Te Urewera Board intends to make bylaws in relation to Te Urewera the Board:
- 4.226.1 must engage with Te Uru Taumatua and the Director-General on the proposed content of the bylaws;
- 4.226.2 may engage on the proposed content of the bylaws with such other persons or organisations as the Board considers appropriate;
- 4.226.3 must together with Te Uru Taumatua and the Director-General prepare a draft set of bylaws; and
- 4.226.4 must submit those draft bylaws to the Minister for approval.
- 4.227 Any bylaws made by Te Urewera Board:
- 4.227.1 must be consistent with Te Urewera Act;
- 4.227.2 must be consistent with Te Urewera management plan;
- 4.227.3 must be approved by the Minister;
- 4.227.4 once approved, must be notified by the Minister in the *Gazette*; and
- 4.227.5 take effect on the date specified in that notice.

### COMPLIANCE AND ENFORCEMENT

- 4.228 Te Urewera Board may prepare and approve a compliance and enforcement policy for Te Urewera.
- 4.229 Compliance and enforcement activities in Te Urewera will be undertaken by warranted rangers.
- 4.230 Warranted rangers may be employed by Te Uru Taumatua or by the Director-General.
- 4.231 Warranted honorary rangers may be appointed by Te Uru Taumatua or by the Director-General.
- 4.232 Te Uru Taumatua and the Director-General will develop and provide training for rangers appropriate for compliance and enforcement work in Te Urewera.
- 4.233 In undertaking compliance and enforcement activities warranted rangers and warranted honorary rangers must have regard to any compliance and enforcement policy approved by Te Urewera Board.
- 4.234 Te Urewera Act will provide for the warranting of rangers and honorary rangers.
- 4.235 Te Uru Taumatua and the Director-General must jointly provide to the Board an annual report on compliance and enforcement activities in Te Urewera for the previous year.
- 4.236 The matters set out in sections 60 to 71 of the National Parks Act 1980 will be reflected in Te Urewera Act (subject to any necessary modification).
- 4.237 To avoid doubt:
- 4.237.1 Fish and Game rangers appointed under section 26FA of the Conservation Act 1987 and section 38A of the Wildlife Act 1953 will continue to exercise their functions in relation to sports fish and game birds in Te Urewera; and
- 4.237.2 Police officers, and wildlife officers appointed under the Wildlife Act 1953, will continue to have jurisdiction in Te Urewera.

### Control of dogs

- 4.238 Te Urewera Act will include provisions relating to the control of dogs in Te Urewera.

### LIABILITY

#### Rates

- 4.239 Te Urewera will be non-rateable land as if Te Urewera were listed in Part 1 of Schedule 1 of the Local Government (Rating) Act 2002.

#### Fire control

- 4.240 Te Urewera will be declared a state area for the purposes of Forest and Rural Fires Act 1977.
- 4.241 Landowner levies may not be applied to Te Urewera or Te Urewera Board under the Forest and Rural Fires Act 1977.

**Historical contamination of land**

4.242 Te Urewera Board is not liable for the remediation of any contaminated land where that contamination originated during Crown ownership of that land.

4.243 Any such liability will be the responsibility of the Crown.

**Dealing with costs**

4.244 The process in clause 4.245 applies if:

4.244.1 Te Urewera Board faces a potential liability arising from the Board acting on behalf of Te Urewera (as landowner); and

4.244.2 the Board is not able to meet the costs or obligations associated with that liability.

4.245 The process referred to in clause 4.244 is as follows:

4.245.1 the Board must give notice of the matter, at the earliest practicable opportunity, to:

- (a) Te Uru Taumatua;
- (b) the Minister of Finance; and
- (c) the Minister of Conservation;

4.245.2 in giving that notice the Board may propose options to Te Uru Taumatua and Ministers to address the liability;

4.245.3 Te Uru Taumatua and the Ministers may propose options or seek proposals from the Board to address the liability;

4.245.4 Te Uru Taumatua, the Board and the Ministers must consider and respond to any proposals from the other parties; and

4.245.5 Te Uru Taumatua and/or the Ministers may:

- (a) agree to provide assistance to the Board to address the liability; and
- (b) specify any conditions on that assistance that they consider appropriate.

**REVIEW OF TE UREWERA ARRANGEMENTS**

4.246 There will be an independent review undertaken of the governance and management of Te Urewera under Te Urewera Act:

4.246.1 commencing on the fifth anniversary of the settlement date; and

4.246.2 commencing on any subsequent date agreed to by the appointers.

4.247 The purpose of an independent review will be to:

4.247.1 review the extent to which the purpose of Te Urewera Act is being achieved; and

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4.247.2 without limiting clause 4.247.1, review:

- (a) the functioning of Te Urewera Board;
- (b) Te Urewera Board decision making process (including without limitation the process set out in clause 4.75);
- (c) the structure and functioning of any committees; and
- (d) funding for Te Urewera and for Te Urewera Board; and

4.247.3 provide recommendations, where appropriate, to the appointers relating to any matter considered as part of the review.

4.248 The independent reviewer (or reviewers if more than one is appointed) must:

4.248.1 be appointed jointly by the Chair of Te Uru Taumatua and the Minister of Conservation; and

4.248.2 act in accordance with terms of reference provided as part of that appointment.

4.249 In undertaking a review the reviewer will engage with:

4.249.1 Te Urewera Board;

4.249.2 the Chief Executive of Te Uru Taumatua;

4.249.3 the Director-General; and

4.249.4 such other persons or entities as the reviewer considers appropriate.

4.250 Te Urewera Board, the Chief Executive of Te Uru Taumatua and the Director-General must:

4.250.1 co-operate and assist the reviewer in undertaking the review; and

4.250.2 provide any information that is reasonably requested by the reviewer where it is reasonably practicable to do so.

4.251 The reviewer must:

4.251.1 provide a draft report to the Chair of Te Uru Taumatua, the Minister of Conservation and Te Urewera Board;

4.251.2 consider any comments provided by those parties; and

4.251.3 provide a final report to those parties.

4.252 After taking no more than a reasonable time to consider and agree their response to the findings and recommendations in the final review report:

4.252.1 the Chair of Te Uru Taumatua and the Minister of Conservation will make the final review report publicly available; and

4.252.2 the Minister of Conservation will table the final review report in Parliament.



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4.253 The Chair of Te Uru Taumatua and the Minister of Conservation will work together to implement their agreed response to the final review report.

4.254 The costs of an independent review will be met equally by the appointers.

**IWI AND HAPŪ RELATIONSHIPS WITH TE UREWERA**

4.255 On 2 July 2011 Tūhoe and the Crown signed a high-level relationship statement, *Nā Kōrero Ranatira ā Tūhoe me Te Karauna*, which guides the future relationship between Tūhoe and the Crown.

4.256 Te Urewera Act will provide for Te Urewera Board to consider and address the relationship of iwi and hapū and their culture and traditions with Te Urewera when making decisions including:

4.256.1 the approval of Te Urewera management plan;

4.256.2 the adoption of the Board's annual statement of priorities;

4.256.3 the acceptance of the annual operational plan;

4.256.4 the making of a recommendation to add or remove land from Te Urewera;

4.256.5 the making of a recommendation that a specially protected area, wilderness area or amenity area be established;

4.256.6 decisions on the granting of an activity permit or concession in Te Urewera;

4.256.7 decisions on imposing controls on access to parts of Te Urewera; and

4.256.8 the making of bylaws.

4.257 Clause 4.256 is in order to recognise and reflect:

4.257.1 Tūhoetana; and

4.257.2 the Crown's responsibility in relation to the Treaty of Waitangi (Te Tiriti o Waitangi).

**ABILITY TO RECOGNISE OTHER IWI INTERESTS IN TE UREWERA**

4.258 The parties acknowledge that:

4.258.1 the Crown is at various stages of Treaty of Waitangi settlement negotiations with claimant groups who claim interests in Te Urewera;

4.258.2 future negotiations with those claimant groups may result in redress being provided in relation to parts of Te Urewera through future Treaty of Waitangi settlement legislation;

4.258.3 the nature of any future Te Urewera redress is not known at this stage but any such redress:

(a) will be commensurate with matters such as:

(i) the relative strength and nature of the association of the claimant group to Te Urewera; and

## TŪHOE DEED OF SETTLEMENT

### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- (ii) the nature of the claimant group's grievances in relation to Te Urewera;
  - (b) will be fit for purpose, cost effective and durable;
  - (c) will complement and may enhance the Te Urewera arrangements set out in this deed;
  - (d) will not undermine the fundamental elements of the Te Urewera arrangements set out in this deed;
  - (e) will be intended to preserve and enhance relationships between claimant groups; and
  - (f) will be subject to the resolution of overlapping claims to the satisfaction of the Crown; and
- 4.258.4 the process for developing that future Te Urewera redress will involve engagement with Te Uru Taumatua and Te Urewera Board as provided for in clause 4.259.
- 4.259 Consistent with Crown policy on overlapping claims, the process for engagement with Te Uru Taumatua on potential Te Urewera redress in future Treaty of Waitangi settlement negotiations will be as follows:
- 4.259.1 the Crown will engage with Te Uru Taumatua early in the negotiation process;
  - 4.259.2 the Crown will encourage and facilitate engagement directly between Te Uru Taumatua and the relevant claimant group;
  - 4.259.3 Te Uru Taumatua will be kept informed and will be provided with relevant information to allow informed views to be developed;
  - 4.259.4 prior to any redress proposals over Te Urewera being agreed in principle with another claimant group, Te Uru Taumatua will have the opportunity to express a view on whether proposals are consistent with the Tūhoe settlement;
  - 4.259.5 the Crown will also engage with Te Urewera Board in relation to any future redress proposals over Te Urewera; and
  - 4.259.6 the Crown will make the final decision on the provision of redress for future groups when settling their historical claims.
- 4.260 To avoid doubt, the Crown will not be in breach of this deed if it complies with clauses 4.258 and 4.259.

### NGĀTI RUAPANI KI WAIKAREMOANA

- 4.261 In recognition of the interests of Ngāti Ruapani ki Waikaremoana in the Waikaremoana area, Te Urewera Board must as soon as practicable after settlement date commence discussions with Ngāti Ruapani ki Waikaremoana in relation to those parties entering into a memorandum of understanding.

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### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- 4.262 The purpose of the memorandum of understanding will be to record how the Board will engage with Ngāti Ruapani ki Waikaremoana when the Board is undertaking statutory processes that affect the interests of Ngāti Ruapani ki Waikaremoana in Te Urewera.
- 4.263 The Ngāti Ruapani ki Waikaremoana settlement legislation may provide for this memorandum of understanding to terminate if the Crown and Ngāti Ruapani ki Waikaremoana agree that any redress that may be provided through that settlement legislation supersedes the matters set out in the memorandum of understanding.

### ONEPOTO

4.264 The parties acknowledge that:

- 4.264.1 no areas of Onepoto will vest in Te Urewera;
- 4.264.2 that part of Onepoto that is a national park (being part of Te Urewera National Park), will cease to be a national park under the National Parks Act 1980;
- 4.264.3 that part of Onepoto described in clause 4.264.2 will be declared a conservation area under the Conservation Act 1987, with the same level of protection as applies to a national park under the National Parks Act 1980;
- 4.264.4 that part of Onepoto that has a secondary use designation as a national park, will cease to have that secondary use designation;
- 4.264.5 that part of Onepoto described in clause 264.4 will have a secondary use designation as a conservation area;
- 4.264.6 the areas referred above will be part of future redress discussions between the Crown, Tūhoe and Ngāti Ruapani ki Waikaremoana through the historical Treaty of Waitangi settlement negotiations with Ngāti Ruapani ki Waikaremoana; and
- 4.264.7 nothing in this clause 4.264 affects or limits the settlement of the Tūhoe claims under the settlement legislation.

4.265 In clause 4.264.2 "**that part of Onepoto that is a national park**" means that part of the land being Part Section 5 and Section 6 Block 1 Waiau Survey District (Gisborne Land District).

4.266 In clause 4.264.4 "**that part of Onepoto that has a secondary use designation as a national park**" means that part of the land being Sections 18 and 19 on Survey Office Plan 8881 and Section 7 Block 1 Waiau Survey District (Gisborne Land District).

### TĀWHIU AU AND NGĀTI MANAWA

- 4.267 Ngāti Manawa has a customary association with the western parts of Te Urewera and Ngāti Manawa's tupuna maunga, Tāwhiuau, is within Te Urewera.
- 4.268 The Te Urewera arrangements that are proposed under this deed of settlement affect the implementation of certain redress under the Ngāti Manawa Claims Settlement Act.

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### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- 4.269 In order to appropriately recognise Ngāti Manawa's customary association and maintain the integrity of Ngāti Manawa's redress, the Crown has agreed that:
- 4.269.1 an area comprising the peak and part of the western slopes of Tāwhiuau maunga as shown on the plan in part 2.2 of the Attachments ("Tāwhiuau") will vest in Ngāti Manawa to be held in the name of Tangiharuru, and will not be able to be alienated;
  - 4.269.2 despite clause 4.269.1, for administrative purposes Tāwhiuau will be treated as if it were part of Te Urewera;
  - 4.269.3 the Ahikāroa provisions under the Ngāti Manawa Claims Settlement Act will continue to apply, including to Tāwhiuau, but will be modified to ensure that the protection principles and related obligations under the Ahikāroa provisions will be directed to the relevant roles of Te Urewera Board, the Director-General and Minister of Conservation under the new Te Urewera regime;
  - 4.269.4 in relation to those other parts of Te Urewera in which Ngāti Manawa have existing redress, Te Urewera Act will provide for a relationship to be established between Ngāti Manawa and Te Urewera Board which will provide for the consideration of Ngāti Manawa's values and involvement of Ngāti Manawa in relevant decision-making processes; and
  - 4.269.5 Te Urewera Act will give effect to the matters referred to in clauses 4.269.1 to 4.269.4.

### NGĀTI WHARE AND TŪHOE

4.270 The Crown acknowledges that:

- 4.270.1 Ngāti Whare and Tūhoe have engaged openly and constructively, and based on the principles of whanaungatanga, good faith and mutual respect, in relation to both:
  - (a) their respective customary interests; and
  - (b) the relationship between the redress provided to Ngāti Whare under the Ngāti Whare Claims Settlement Act and the redress proposed to be provided to Tūhoe under this deed of settlement.
- 4.270.2 Ngāti Whare and Tūhoe have agreed that:
  - (a) in view of the importance of the relationship between Ngāti Whare and Tūhoe and the common interests that both iwi have in relation to the future of the wider Te Urewera region, an appropriate relationship document will be formally developed between Ngāti Whare and Tūhoe which:
    - (i) facilitates a close and mutually beneficial relationship between Ngāti Whare and Tūhoe;
    - (ii) recognises their historical and contemporary connections; and
    - (iii) advances the interests of the wider Te Urewera region and its communities as a whole;

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### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- (b) they each have customary associations within the western side of Te Urewera and the eastern Whirinaki Te-Pua-a-Tāne Conservation Park;
- (c) in view of their close physical and whakapapa connections, Ngāti Whare and Tūhoe do not require instruments issued by the Crown in the nature of statutory acknowledgments and deeds of recognition to give effect to their customary associations within this area;
- (d) Ngāti Whare, through the co-management arrangements that exist under the Ngāti Whare Claims Settlement Act in relation to the Whirinaki Te-Pua-a-Tāne Conservation Park, will take the primary responsibility for the Whirinaki Te-Pua-a-Tāne Conservation Park and will ensure that appropriate regard is had to Tūhoe's customary associations within Whirinaki; and
- (e) Tūhoe, through Te Urewera Board, will take primary responsibility for Te Urewera and will ensure that appropriate regard is had to Ngāti Whare's customary associations within Te Urewera.

4.270.3 The Crown acknowledges and supports the agreements that have been reached between Ngāti Whare and Tūhoe.

4.270.4 Ngāti Whare and the Crown will also acknowledge separately in writing, in an appropriate manner, the matters that have been agreed in clause 4.270.2.

4.270.5 To the extent required, Te Urewera Act will provide for the matters set out in clause 4.270.2(c) to (e).

### TRANSITIONAL PROCESS

4.271 On 17 November 2011 Tūhoe and the Department of Conservation entered into an agreement entitled *Relationship Agreement and Engagement Protocols*. That agreement reflects the commitment of Tūhoe and the Department to work together with respect and honour to protect and advance the appreciation, quality, use and enjoyment of Te Urewera National Park. The principles of that agreement will continue to underpin the work of Tūhoe and the Department in Te Urewera.

4.272 Te Uru Taumatua and the Director-General will work together during the transitional period prior to settlement date to prepare for the commencement of Te Urewera Act and Te Urewera Board.

4.273 In particular Te Uru Taumatua and the Director-General will:

4.273.1 prepare information for and advice to Te Urewera Board on the implementation of the annual operational plan including the potential for a protocol setting out detailed processes for the funding of Te Urewera Board and the funding of the operational management of Te Urewera;

4.273.2 prepare information for and advice to Te Urewera Board in relation to the funding, budgeting and planning cycles to ensure these are aligned;

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### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- 4.273.3 prepare information for and advice to Te Urewera Board in relation to Crown improvements and existing interests in Te Urewera;
- 4.273.4 prepare information for and advice to Te Urewera Board in relation to:
- (a) the committees that could be established by the Board;
  - (b) the work that could be undertaken by each committee;
  - (c) the functions and decisions that could be delegated to each committee;
  - (d) the procedures of committees including standing orders and decision making processes for committees; and
  - (e) the skills, knowledge and experience that may be required of members on each committee;
- 4.273.5 consider the processes required for the appointment of members in a timely manner;
- 4.273.6 prepare for the establishment of a secretariat for the Board; and
- 4.273.7 undertake other work that is required to ensure that the Board is able to exercise its functions from the first meeting of the Board.

### INTERNATIONAL RECOGNITION OF TE UREWERA

- 4.274 Te Urewera will be a Category II protected area under the International Union for the Conservation of Nature protected area management categories.
- 4.275 Following settlement date the Crown will explore with Te Urewera Board and Te Uru Taumatua whether an additional form of international recognition is sought for Te Urewera.
- 4.276 If the Crown, Te Urewera Board and Te Uru Taumatua agree on a preferred additional form of international recognition of Te Urewera the Crown will:
- 4.276.1 seek agreement with Te Urewera Board and Te Uru Taumatua on an approach to securing the preferred form of international recognition;
  - 4.276.2 seek agreement with Te Urewera Board, Te Uru Taumatua and any other relevant parties on the funding and other resources to be allocated (including Crown funding and resources); and
  - 4.276.3 proceed with the agreed approach to the extent that funding and other resources permit.

### ONGOING DISCUSSIONS AND RIGHTS NOT AFFECTED

- 4.277 The Crown acknowledges that, except as provided by this deed of settlement, Te Urewera Act or the settlement legislation the provision of redress will not:
- 4.277.1 affect the ability for Tūhoe to have ongoing discussions with the Crown in relation to matters such as Wai 262 (including traditional knowledge and the ownership of flora and fauna);

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### 4: POU TOKO MANAWA (PART A: TE UREWERA)

- 4.277.2 affect any rights of iwi and hapū in relation to water; or
- 4.277.3 affect, in particular, any rights iwi and hapū may have in relation to aboriginal title or customary rights or any other legal or common law rights including the ability to bring a contemporary claim to water rights and interests.

### PROTECTED OBJECTS

- 4.278 Te Urewera Act will:
  - 4.278.1 continue the current protection in the National Parks Act for protected New Zealand objects; and
  - 4.278.2 provide for Te Urewera Board to approve the removal of these objects from Te Urewera under Te Urewera Act.
- 4.279 Following the signing of this deed the parties will work together to explore whether there could be a legislative amendment process initiated to deal with taonga tūturu in Te Urewera.
- 4.280 That legislative amendment process could provide for (without limitation):
  - 4.280.1 Te Urewera Board to have prima facie property in any found taonga tūturu; and
  - 4.280.2 Te Urewera Board to have a role in determining ownership of taonga tūturu.
- 4.281 The parties will consult with all iwi and hapū with interests in Te Urewera when working through the process referred to in clause 4.279.

### LETTER OF COMMITMENT WITH THE MINISTRY FOR CULTURE AND HERITAGE

- 4.282 The parties record that the Ministry for Culture and Heritage and Te Uru Taumatua intend to enter into a letter of commitment in relation to:
  - 4.282.1 the treatment of taonga tūturu discovered in Te Urewera;
  - 4.282.2 taonga tūturu discovered in Te Urewera remaining in Te Urewera under the interim custodianship of Te Urewera Board; and
  - 4.282.3 the Ministry for Culture and Heritage bearing agreed costs associated with the remedial conservation or preservation of taonga tūturu in Te Urewera, excluding costs associated with storage and security of taonga tūturu discovered in Te Urewera.

### OTHER MATTERS

- 4.283 To avoid doubt, except as expressly provided for in this deed, nothing in this part derogates from:
  - 4.283.1 any statute or rule of law;
  - 4.283.2 any statutory functions or powers exercised by an entity operating within Te Urewera including without limitation:
    - (a) a local authority; and

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**4: POU TOKO MANAWA (PART A: TE UREWERA)**

(b) Fish and Game New Zealand.

4.284 Te Urewera Board and Fish and Game New Zealand will work together to ensure that they carry out their statutory functions in Te Urewera in a co-ordinated and co-operative manner.

4.285 Technical matters in relation to the vesting and governing of Te Urewera land are set out in Appendix Two.

4.286 A resource consent will not be required under section 9(3) of the Resource Management Act 1991 for any work or activity undertaken by Te Urewera Board, Te Uru Taumatua or the Director-General within Te Urewera where that work or activity:

4.286.1 is for the purposes of managing Te Urewera under Te Urewera Act;

4.286.2 is consistent with Te Urewera Act and Te Urewera management plan; and

4.286.3 does not have a significant adverse effect beyond the boundary of Te Urewera.

**LOCAL AUTHORITIES AND ROADS**

4.287 Within six months after the date of this deed, the Minister for Treaty of Waitangi Negotiations will write to the relevant local authorities in relation to stopping unformed legal roads adjoining Te Urewera land (referred to in clause 1.18 of Appendix Two of this part) encouraging them to work with Te Urewera Board in this regard.

**DEFINITIONS**

4.288 "Te Urewera" means as the context requires:

4.288.1 the legal entity referred to in clause 4.18; and/or

4.288.2 the place encompassed by the Te Urewera land.

4.289 "Te Urewera land" means the land described in clause 1.2.5 of Appendix Two of this part.



**APPENDIX ONE**

**CRITERIA FOR PARTICULAR ACTIVITY PERMITS**

- 1.1 In making a decision on an application for an activity permit Te Urewera Board must be satisfied that a proposed activity would not be inconsistent with:
  - 1.1.1 Te Urewera Act; and
  - 1.1.2 Te Urewera management plan.
- 1.2 In addition to the criteria identified in clause 1.1 of this Appendix, Te Urewera Board:
  - 1.2.1 must consider the criteria identified below when making decisions on the particular activity permits; and
  - 1.2.2 may also consider other criteria that the Board considers relevant consistent with Te Urewera Act.

**Indigenous plants and animals**

- 1.3 The criteria referred to in clause 1.4 of this Appendix apply to an applications for the following activities:
  - 1.3.1 taking, cutting or destroying any indigenous plant within Te Urewera; and
  - 1.3.2 disturbing, trapping, taking, hunting or killing any indigenous animal within Te Urewera.
- 1.4 Te Urewera Board may only grant an activity permit if:
  - 1.4.1 the preservation of the species which is the subject of the application is not adversely affected; and
  - 1.4.2 the effects on the values of Te Urewera are no more than minor.
- 1.5 In deciding whether to grant an activity permit the Board must take into account whether:
  - 1.5.1 the proposed activity is essential for management, research, interpretation or educational purposes;
  - 1.5.2 the proposed activity is important for the restoration or maintenance of customary practices relevant to the relationship of iwi and hapū to Te Urewera;
  - 1.5.3 the amounts to be collected are minor in relation to the abundance of the material;
  - 1.5.4 the proposed activity could occur outside or at a more suitable location within Te Urewera where the potential adverse effects could be significantly less; and
  - 1.5.5 iwi and hapū support the application.

**Permits to undertake certain activities in wilderness areas**

- 1.6 The activities referred to in clause 4.183 of Part 4A may not be undertaken in a wilderness area in Te Urewera unless authorised by an activity permit granted by the Board.
- 1.7 The Board may grant an activity permit in relation to restricted activities in a wilderness area only if the Board is satisfied that the proposed activity:
- 1.7.1 is in accordance with Te Urewera management plan; and
  - 1.7.2 is necessary or desirable for the preservation of the indigenous natural resources in that area.
- 1.8 The Board may authorise activities not otherwise permitted in a wilderness area if:
- 1.8.1 the proposed activity is in conformity with the management plan;
  - 1.8.2 the Board is satisfied that the activity is necessary or desirable for the preservation of the indigenous natural resources in that area; and
  - 1.8.3 the Board is satisfied that the activity is necessary or desirable for the preservation of the natural values of Te Urewera and aligns with purpose of the Act.

**Accommodation**

- 1.9 In considering any application for a concession or activity permit to establish accommodation or to extend or add to an existing structure or facility, the Board will take into account whether:
- 1.9.1 the accommodation or related facility can reasonably be located outside Te Urewera, or elsewhere in Te Urewera, where the potential adverse effects would be significantly less;
  - 1.9.2 the activity can reasonably be undertaken in an existing structure or facility;
  - 1.9.3 the proposal:
    - (a) minimises adverse effects on Te Urewera values and on the existing benefit, use and enjoyment of the public including through public access;
    - (b) avoids proliferation of the built environment;
    - (c) complements existing accommodation and related facilities;
    - (d) will be located, designed, constructed and maintained to:
      - (i) preserve a sense of naturalness; and
      - (ii) through scale, design and colour harmonise with the landscape.
- 1.10 New accommodation and related facilities, including encampments, for exclusive private use are not permitted in Te Urewera.

**Roads**

1.11 Any making of new roads, road extensions or upgrades of existing roads in Te Urewera should, as far as practicable, have minimal effects on natural features and take measures to mitigate any adverse effects including:

1.11.1 avoiding fragmentation of habitats and ecosystems;

1.11.2 rehabilitation of surfaces of earthworks;

1.11.3 weed control; and

1.11.4 collection and treatment of storm water run-off.

APPENDIX TWO

PROVISIONS VESTING AND GOVERNING TE UREWERA LAND

**General and definitions**

- 1.1 Te Urewera Act will provide for all matters set out in this Appendix.
- 1.2 In this Appendix:
- 1.2.1 unless otherwise stated, clause references in this Appendix refer to clauses in this Appendix;
  - 1.2.2 **Crown improvements** mean those improvements attached to the land on the plan labelled Te Urewera in the attachments, owned, managed and used by the Crown immediately before the vesting of that land under clause 1.4;
  - 1.2.3 **interests** shall have the same meaning as encumbrances defined in the general matters schedule;
  - 1.2.4 **Te Urewera easements** mean the:
    - (a) right of way easement created by Transfer H731315.3 registered on computer freehold registers SA 27A/847 and SA 38D/87;
    - (b) right of way easement created by Transfer H679634.3 registered on computer freehold register SA 49A/375; and
    - (c) easements referred to in clause 1.29 if such easements are registered by the Crown before settlement date;
  - 1.2.5 **Te Urewera land** means the land held, from time to time, in the name of Te Urewera and subject to Te Urewera Act, and for the purposes of clauses 4.20.2 and 4.22, at settlement date, all that land shown on the plan labelled Te Urewera in the attachments;
  - 1.2.6 **Te Whāiti** means that land identified on the plan labelled Te Whāiti in part 2.2 of the attachments being 593.8760 hectares, more or less, being Sections 3, 7, and 8 Block V Ahikereru Survey District and Sections 6 and 7 Block VI Ahikereru Survey District. All Instrument S529245 (South Auckland Land District); and
  - 1.2.7 **the plan labelled Te Urewera** means the plan with that label in part 2.1 of the attachments, such plan being subject to the completion of a cadastral survey dataset to clearly identify the land to be vested in accordance with clause 1.4.

**Vesting Te Urewera land**

- 1.3 Any part of the land shown on the plan labelled Te Urewera in the attachments that is:
- 1.3.1 a conservation area under the Conservation Act 1987, ceases to be a conservation area;
  - 1.3.2 a reserve under the Reserves Act 1977, has its reserve status revoked;
  - 1.3.3 Crown land under the Land Act 1948, ceases to be Crown land; and
  - 1.3.4 a national park under the National Parks Act 1980, ceases to be a national park.

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- 1.4 On settlement date the fee simple estate in all that land shown on the plan labelled Te Urewera in the attachments vests in Te Urewera.
- 1.5 Where the fee simple estate in any land is registered under the Land Transfer Act 1952 in the name of Te Urewera, whether by virtue of clause 1.4, clause 1.19 or clauses 4.188 to 4.205 of part 4A:
- 1.5.1 such land will be subject to Te Urewera Act;
  - 1.5.2 Te Urewera Board will have all the rights, duties and powers of the registered proprietor of that land;
  - 1.5.3 Te Urewera Board will exercise and perform every such right, duty and power in its own name and not in the name of Te Urewera;
  - 1.5.4 except in accordance with the provisions of Te Urewera Act, such land may not be alienated, mortgaged, charged or otherwise disposed of;
  - 1.5.5 the enactments listed in clause 1.6.3 do not apply; and
  - 1.5.6 the Registrar-General of Land shall have regard to clauses 1.5.2 and 1.5.3

**Computer freehold register for Te Urewera land**

- 1.6 The Registrar-General of Land, on written application by the Director-General, is to:
- 1.6.1 despite the Land Transfer Act 1952 and the land being in two land registration districts, create one computer freehold register for the fee simple estate in the land described in clause 1.4 in the name of Te Urewera;
  - 1.6.2 enter on the register:
    - (a) any interests that are:
      - (i) registered, notified, or notifiable, including without limitation the Te Urewera easements; and
      - (ii) described in the application from the Director-General or the authorised person (as the case may be); and
    - (b) a notation that:
      - (i) such land is subject to Te Urewera Act; and
      - (ii) the register is "limited as to parcels"; and
  - 1.6.3 ensure that no memorials are entered on the register relating to:
    - (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;
    - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986;
    - (c) sections 211 to 213 of the Education Act 1989;
    - (d) part 3 of the Crown Forest Assets Act 1989; and

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(e) part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

- 1.7 The Registrar-General of Land must on written application by the Director-General or a person authorised by Te Urewera Board, amalgamate any land added, or to be added, to Te Urewera land in accordance with clause 1.19 or with clauses 4.188 to 4.205 of part 4A, with the land in the existing computer freehold register for Te Urewera land, to the intent that Te Urewera land is to always be held in one computer freehold register, and the provisions of clauses 1.6.2 and 1.6.3 shall apply accordingly.
- 1.8 The computer freehold register for Te Urewera land will not adversely affect or derogate from the title of any registered proprietors of adjacent land.

**Existing interests**

- 1.9 Any interests in existence as at settlement date in relation to the land shown on the plan labelled Te Urewera in the attachments (the **existing interests**) will apply:
- 1.9.1 until the interest expires or is terminated; and
  - 1.9.2 with any other necessary modifications.
- 1.10 For the purposes of the existing interests, on and from the settlement date:
- 1.10.1 Te Urewera Board will be treated as the grantee or the grantor, as the case may be; and
  - 1.10.2 any references to former applicable legislation will be read to be a reference to Te Urewera Act.

**Application of other legislation to be dealt with**

- 1.11 In relation to any land vested in accordance with clause 1.4:
- 1.11.1 part 4A of the Conservation Act 1987 shall not apply;
  - 1.11.2 nothing in the Public Works Act 1981 shall apply to the vesting;
  - 1.11.3 sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status under clause 1.3.2;
  - 1.11.4 the vesting is not to:
    - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
    - (b) affect other rights to subsurface minerals;
  - 1.11.5 section 11 and Part 10 of the Resource Management Act 1991 are not to apply to:
    - (a) the vesting; or
    - (b) any matter incidental to, or required for the purpose of, the vesting; and
  - 1.11.6 the permission of a council under section 348 of the Local Government Act 1974 is not to be required for laying out, forming, granting, or reserving a private road,

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private way, or right of way required to fulfil the terms of this deed in relation to Te Urewera land.

1.12 To the extent that they are applicable, clauses 1.3 and clause 1.11 shall also apply to any land added or to be added to Te Urewera land in accordance with clause 1.19 and clauses 4.188 to 4.205 of part 4A.

1.13 Nothing in Te Ture Whenua Maori Act 1993 shall apply to Te Urewera land.

**Official geographic name**

1.14 In clauses 1.15 to 1.17, the following terms have the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:

1.14.1 Board;

1.14.2 Crown protected area;

1.14.3 Gazetteer; and

1.14.4 official geographic name.

1.15 On settlement date the official geographic name of Te Urewera National Park is discontinued.

1.16 The official geographic name of any land that is added or to be added to Te Urewera land in accordance with clauses 4.188 to 4.205 of part 4A, that is a Crown protected area immediately prior to vesting, is discontinued in respect of such land.

1.17 The Board must amend the Gazetteer accordingly to record the matters set out in clauses 1.15 and 1.16.

**Unformed legal roads**

1.18 The parties acknowledge that Te Urewera Board may approach the relevant local authority with a view to seek to stop any unformed legal roads adjoining Te Urewera land, for the purposes of adding such road areas to Te Urewera land.

1.19 In relation to the land referred to in clause 1.18:

1.19.1 clauses 4.185 to 4.187 and clauses 4.198 to 4.205 of part 4A do not apply;

1.19.2 except as otherwise provided in this clause, the process set out in schedule 10 of the Local Government Act 1974 will apply;

1.19.3 if the relevant local authority declares by public notice that the road is stopped then that road:

(a) will cease to be a road;

(b) will vest in Te Urewera; and

(c) Te Urewera Board shall promptly make an application to the Registrar-General of Land to amalgamate the road with the land in the existing

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computer freehold register for Te Urewera land, in accordance with clause 1.7; and

1.19.4 section 345 of the Local Government Act 1974 will not apply; and

1.19.5 the requirement to obtain the prior consent of the Minister of Lands in section 342(1)(a) of the Local Government Act 1974 will not apply.

#### Removal of land from Te Urewera land

1.20 Te Urewera Act will provide for the matters set out in clauses 4.206 to 4.208 of part 4A in relation to the removal of land from Te Urewera land.

1.21 Section 11 and part 10 of the Resource Management Act 1991 are not to apply:

1.21.1 to the removal of any land from Te Urewera land under clause 4.206 to 4.208 of part 4A; or

1.21.2 any matter incidental to, or required for the purpose of the removal.

1.22 The land removed from Te Urewera land under clause 4.206 to 4.208 of part 4A will cease to be subject to Te Urewera Act.

1.23 The Registrar-General of Land is authorised and directed to make entries in the appropriate registers and to do any other things necessary to give effect to clauses 1.21 and 1.22.

#### Ownership of Improvements

1.24 The Crown improvements:

1.24.1 remain vested in the Crown; and

1.24.2 may be used, occupied, accessed, repaired, maintained, removed or demolished by Te Uru Taumatua, the Director-General or other equivalent Crown official, in a manner consistent with:

(a) Te Urewera management plan; and

(b) the annual operational plan for Te Urewera.

1.25 Any other improvement that is not governed by existing interests (referred to in clause 1.9) attached to the land vested in accordance with clause 1.4, is vested in:

1.25.1 the person or body who attached the improvement; or

1.25.2 if that person or body no longer exists or no longer has an interest in the improvement, the person or body who, immediately before the vesting, would have had a proprietary right to the improvement were the improvement to be treated as personal property.

#### Easement over former Kainaha historic reserve

1.26 At the first meeting of Te Urewera Board following the settlement date, Te Urewera Board must sign and promptly return to the Crown a registerable easement in gross, in



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favour of the Minister of Culture and Heritage on the terms and conditions set out in part 8 of the documents schedule.

- 1.27 Pending execution of the easement referred to in clause 1.26, both parties will be bound by its terms from the settlement date.
- 1.28 The easement referred to in clause 1.26 is to be:
- 1.28.1 enforceable in accordance with its terms despite Te Urewera Act or any other enactment; and
- 1.28.2 treated as having been granted in accordance with Te Urewera Act.

#### Waikaremoana easements

- 1.29 The parties acknowledge and agree that certain easements (in perpetuity) are required over part of the land shown on the plan labelled Te Urewera in the attachments, for the operation of the Waikaremoana Power Station. In the event these easements are not registered by the Crown prior to the settlement date, the parties will do all things reasonably necessary to ensure Te Urewera Board will grant and register such easements on the terms and conditions specified by the Crown.
- 1.30 In the event Te Urewera Board grants the easements referred to in clause 1.29, the easements will be:
- 1.30.1 enforceable in accordance with their terms despite Te Urewera Act or any other enactment; and
- 1.30.2 treated as having been granted in accordance with Te Urewera Act.

#### Te Whāiti

- 1.31 Te Whāiti (being part of Te Urewera National Park) ceases to be a national park under the National Parks Act 1980.
- 1.32 Te Whāiti is declared a conservation area under the Conservation Act 1987.
- 1.33 Te Whāiti becomes part of the Whirinaki Te Pua-a-Tāne Conservation Park.
- 1.34 The conservation status of Te Whāiti can only be revoked by an Act of Parliament.

## PART B: MANA MOTUHAKE

4.290 This part 4B covers:

- 4.290.1 mana motuhake;
- 4.290.2 the service management plan;
- 4.290.3 the Social Service Taskforce;
- 4.290.4 the Ranatira to Ranatira annual hui;
- 4.290.5 relationships with other agencies; and
- 4.290.6 relationships with local authorities.

### MANA MOTUHAKE

4.291 For the purposes of this deed, "**mana motuhake**":

*connotes the distinctiveness of autonomy, self sufficiency, self respect, self discipline, independence of judgement and decision making. It also connotes responsibility for wise and beneficial leadership, protecting the environment and therefore the resources of the community. Its life force is integrity.*

*By cleaving to that ethos Tūhoe will pursue and enhance the autonomy of its people and its homeland, deciding how they will develop, including in respect of health, education, infrastructure, employment, capability and leadership.*

*Whilst acknowledging the Crown's role in governance, Tūhoe also see and expect that by this settlement, practical steps will be taken to enable Tūhoe to manage their future with reasonably maximum autonomy, that precept being their natural condition and aspiration.*

4.292 Tūhoe and Crown agencies will collaborate on social, economic, environmental, cultural and other matters through the service management plan, protocols, and a relationship agreement referred to in clause 4.337.

4.293 Tūhoe leaders and other Ministers will also meet periodically to further their mutual interests and sustain the commitment made in *Nā Kōrero Ranatira ā Tūhoe me Te Karauna* as detailed in clauses 4.324 to 4.329.

### SERVICE MANAGEMENT PLAN

4.294 On 27 August 2012 the Crown signed the service management plan set out in part 2 of the documents schedule.

4.295 The service management plan:

4.295.1 is a commitment by an initial set of nominated social service agencies to Tūhoe;

4.295.2 has its genesis in and builds on *Nā Kōrero Ranatira ā Tūhoe me Te Karauna*;

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- 4.295.3 provides a strategic pathway for the transformation of the social circumstances of Tūhoe; and
- 4.295.4 sets out how Crown agencies and Tūhoe will work together to improve the housing, health, education, social support and development of Tūhoe members, particularly those living in the Tūhoe rohe.
- 4.296 The service management plan contains:
- 4.296.1 the shared Crown - Tūhoe social service goals acknowledging the goal of Tūhoe to manage their own affairs to the maximum autonomy possible in the circumstances;
  - 4.296.2 an initial five year work programme to achieve shared goals and a process to evaluate progress;
  - 4.296.3 the commitments made by the social service agencies to support Tūhoe's efforts to achieve the maximum autonomy possible in the circumstances in the management of their affairs;
  - 4.296.4 a process for the agencies and Tūhoe to initiate further development programmes and by mutual agreement extend the plan;
  - 4.296.5 a process with each agency for 'future proofing' the relationship;
  - 4.296.6 a commitment to combined action and sharing of resources where that is in the mutual best interests of Tūhoe and the parties to the service management plan;
  - 4.296.7 a commitment by all agencies to learn how best to work with Tūhoe to achieve the required outcomes and to take such steps as are reasonable to achieve that outcome;
  - 4.296.8 an annual Ranatira to Ranatira hui between the Crown and Tūhoe and consideration of an annual report;
  - 4.296.9 a mechanism for the resolution of disputes; and
  - 4.296.10 the establishment and maintenance of a supporting secretariat.

**Initial parties to the service management plan**

- 4.297 The initial parties to the service management plan are:
- 4.297.1 the Ministry of Business, Innovation and Employment;
  - 4.297.2 the Ministry of Education; and
  - 4.297.3 the Ministry of Social Development.
- 4.298 The following District Health Boards are also signatories to the health chapter of the service management plan:
- 4.298.1 Bay of Plenty District Health Board;
  - 4.298.2 Hawkes Bay District Health Board; and
  - 4.298.3 Lakes District Health Board.

**Additional agencies to the service management plan**

- 4.299 Any government Ministry or Department may become a party to the service management plan with the agreement of Tūhoe.
- 4.300 Prior to a Ministry or Department becoming a party to the service management plan that Ministry or Department must prepare, in consultation with Te Uru Taumatua, a draft sector chapter in the form of the existing sector chapters to the service management plan.
- 4.301 The Minister or Department will become a party to the service management plan and the relevant sector chapter will take effect:
- 4.301.1 once Te Uru Taumatua and the relevant Minister agree to the content of the draft chapter; and
- 4.301.2 on a date agreed between Te Uru Taumatua and the other parties to the service management plan.
- 4.302 On the date referred to in clause 4.301.2 the Ministry or Department will become a member of the Social Service Taskforce.

**Term of service management plan**

- 4.303 The term for the service management plan will be:
- 4.303.1 40 years from 27 August 2012; or
- 4.303.2 an earlier date if that is the outcome of any review of the service management plan.

**Review of service management plan**

- 4.304 Te Uru Taumatua and the parties to the service management plan will commence a review of the service management plan on each fifth anniversary of 27 August 2012.
- 4.305 The review will include a consideration of matters such as:
- 4.305.1 progress in implementing service management plan actions, achieving service management plan goals and lifting social outcomes;
- 4.305.2 the health of the relationship between the parties to the service management plan and Tūhoe and any improvements needed;
- 4.305.3 new actions and relationship initiatives that need to be undertaken over the next five years; and
- 4.305.4 the future role of the Social Service Taskforce including representatives of new parties to the service management plan.
- 4.306 Following the conclusion of a review each relevant Minister will, following consultation with Te Uru Taumatua, make a decision on whether the relevant agency commitment will continue for the next five year period.

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#### Issue resolution

- 4.307 If any of the parties to the service management plan or Te Uru Taumatua have a matter of concern in relation to the service management plan, that party or Te Uru Taumatua will give notice the other parties of the concern and the parties will work together in good faith to try to resolve the matter.
- 4.308 If the matter cannot be resolved within 30 business days of notice being given under clause 4.307, any party or Te Uru Taumatua may give notice that the matter is to be referred to the respective chief-executives for resolution.
- 4.309 If the matter has not been resolved within 30 business days of the notice referred to in clause 4.308, the matter will be referred to Chair of Te Uru Taumatua and the appropriate Minister or Ministers for resolution.
- 4.310 For the purposes of clause 4.309 the appropriate Minister is:
- 4.310.1 the Chair of the Cabinet Social Policy Committee if the matter relates to the general provisions of the service management plan;
  - 4.310.2 if there is a change to the Cabinet Social Policy Committee, the Chair of the most appropriate Cabinet committee exercising responsibilities for social services covered by the service management plan; or
  - 4.310.3 the Minister with responsibility for the relevant portfolio if the matter relates to a particular agency under the service management plan.
- 4.311 These provisions will operate as a code for the resolution of matters under the service management plan.

#### Effect of the service management plan

- 4.312 The service management plan and its chapters do not give rise to legal rights or obligations and are not legally binding on the Crown (including the parties to the service management plan), Te Uru Taumatua or Tūhoe.
- 4.313 A failure by the Crown to comply with the service management plan is not a breach of this deed.

#### THE SOCIAL SERVICE TASKFORCE

- 4.314 The Social Service Taskforce that developed the first version of the service management plan will continue to meet following the signing of that plan.
- 4.315 Representatives of Tūhoe will attend those meetings.
- 4.316 The composition of the Social Service Taskforce going forward will be:
- 4.316.1 a Chair appointed by the Chief Executive of the Ministry of Social Development;
  - 4.316.2 senior representatives of the Ministry of Social Development;
  - 4.316.3 senior representatives of the Ministry for Business, Innovation and Employment;

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4.316.4 senior representatives of the Ministry of Education; and

4.316.5 senior representatives of Te Puni Kōkiri (Ministry of Māori Development).

4.317 The purpose of the meetings of the Social Service Taskforce will be to:

4.317.1 review progress on implementing the agreed actions and goals of the service management plan;

4.317.2 prepare an annual report to inform the Ranatira to Ranatira annual hui on progress made towards achieving the agreed actions and goals of the service management plan; and

4.317.3 agree on the parameters of the review of the service management plan.

4.318 The Social Service Taskforce meetings will:

4.318.1 take place every six months commencing no later than 1 July 2013; and

4.318.2 continue for the first five years of the term of the service management plan.

4.319 The Ministry of Social Development will provide the necessary management, coordination, secretarial and support services required for the meetings of the Social Service Taskforce.

**Annual report**

4.320 The Social Service Taskforce will, in consultation with Tūhoe, prepare an annual report on progress towards implementing the service management plan.

4.321 The preparation of the annual report will be co-ordinated by the Ministry of Social Development.

4.322 No less than 10 business days prior to the Ranatira to Ranatira annual hui the annual report will be completed and distributed to:

4.322.1 Te Uru Taumatua;

4.322.2 the parties to the service management plan;

4.322.3 the Ministry of Health; and

4.322.4 the following District Health Boards:

(a) Bay of Plenty District Health Board;

(b) Hawkes Bay District Health Board; and

(c) Lakes District Health Board;

4.323 The annual report will also be submitted to Ministers with portfolio responsibilities for the agencies participating in the service management plan.

**RANATIRA TO RANATIRA ANNUAL HUI**

4.324 There will be an annual hui between:

4.324.1 the Ministers responsible for agencies participating in the service management plan;

4.324.2 the Chair of Te Uru Taumatua and other Tūhoe leaders; and

4.324.3 any other relevant Minister of the Crown.

4.325 The purpose of the Ranatira to Ranatira annual hui will be to:

4.325.1 consider the annual report on progress in implementing the service management plan, including the status of the relationship between Tūhoe and the agencies participating in the plan;

4.325.2 consider the need for any amendments or additions to the plan; and

4.325.3 discuss any other important issues relevant to the broader relationship between Tūhoe and the Crown.

4.326 The Chief Executives (or a senior delegate) of the agencies who are parties to the service management plan:

4.326.1 will attend the Ranatira to Ranatira annual hui; and

4.326.2 will be responsible for implementing any decisions made.

4.327 The Chief Executive (or a senior delegate) of the Ministry of Health will also attend the Ranatira to Ranatira annual hui.

4.328 A Minister of the Crown and the Chair of Te Uru Taumatua will co-chair the Ranatira to Ranatira annual hui.

4.329 The Chair of the Social Service Taskforce will:

4.329.1 organise the Ranatira to Ranatira annual hui; and

4.329.2 confirm the date, agenda and location of the Ranatira to Ranatira annual hui at least two months in advance.

**PROTOCOLS WITH GOVERNMENT AGENCIES**

4.330 Each of the following protocols must, by or on the settlement date, be signed and issued by the responsible Minister to Te Uru Taumatua:

4.330.1 a primary industries protocol with the Ministry for Primary Industries; and

4.330.2 a taonga tūturu protocol with the Ministry for Culture and Heritage.

4.331 A protocol sets out how the Crown will interact with Te Uru Taumatua with regard to the matters specified in it.

**FORM AND EFFECT OF PROTOCOLS**

4.332 A protocol will be:

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

4.332.2 issued under, and subject to, the terms provided by sections 38 to 43 of the draft settlement bill.

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

4.334 To avoid doubt, despite clause 4.333 a protocol is enforceable in the manner set out in section 41 of the draft settlement bill.

**RELATIONSHIPS WITH LOCAL AUTHORITIES**

4.335 By the settlement date, the Minister for Treaty of Waitangi Negotiations will write to:

4.335.1 Whakatane District Council;

4.335.2 Wairoa District Council; and

4.335.3 Hawkes Bay Regional Council.

4.336 In each letter referred to in clause 4.335 the Minister will:

4.336.1 encourage each local authority to enter into a relationship agreement, for example through a memorandum of understanding (or a similar document) with Te Uru Taumatua; and

4.336.2 note the aspirations of Tūhoe, including those in relation to the interaction between Te Uru Taumatua and the Council concerning the performance of the Council's functions and obligations, and the exercise of its powers, within the area of interest.

4.337 The parties record that:

4.337.1 Tūhoe and the Bay of Plenty Regional Council have entered into a relationship agreement in the form set out in part 6 of the documents schedule;

4.337.2 Tūhoe have negotiated and will enter into an integrated planning protocol with the following local authorities:

(a) Whakatane District Council;

(b) Wairoa District Council;

(c) Hawkes Bay Regional Council; and

(d) Bay of Plenty Regional Council.

**ACKNOWLEDGEMENT OF LOCAL AUTHORITIES AND AGENCIES**

4.338 The Crown and Tūhoe acknowledge the positive and constructive approach taken by the local authorities and agencies identified above.



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

4.339 By the settlement date, the Ministry for the Environment and Te Uru Taumatua will enter into a relationship agreement in the form set out in part 5 of the documents schedule.

**LETTERS OF COMMITMENT**

4.340 The parties record that:

4.340.1 the Museum of New Zealand Te Papa Tongarewa Board and Te Uru Taumatua intend to enter into a letter of commitment in relation to the care and management, access and use, and development and revitalisation of Tūhoe taonga; and

4.340.2 the Department of Internal Affairs and Te Uru Taumatua intend to enter into a letter of commitment in relation to:

- (a) the care and management, access and use, and development and revitalisation of Tūhoe taonga; and
- (b) facilitating engagement around areas of mutual interest to support access to, and the development and maintenance of, Tūhoe birth, death, marriage, civil union and name change information.

**LETTER OF INTRODUCTION**

4.341 By the settlement date, the Minister for Treaty of Waitangi Negotiations will write to the Chief Executive of LINZ to:

4.341.1 advise that Te Uru Taumatua is seeking the opportunity to develop an ongoing relationship with LINZ in the Tūhoe area of interest;

4.341.2 invite LINZ to meet with Te Uru Taumatua to discuss matters of common interest; and

4.341.3 record that the purpose of an ongoing relationship between Te Uru Taumatua and LINZ would be to provide for timely engagement on:

- (a) sharing information on Crown land found to be administered by LINZ in the area of interest (including Geographic Information System mapping);
- (b) identifying opportunities to develop the economic, and other, potential uses of those lands; and
- (c) other LINZ processes.

## PART C: ŌHANA / FINANCIAL AND COMMERCIAL REDRESS

### FINANCIAL REDRESS

4.342 The Crown must pay Te Uru Taumatua on the settlement date \$106,040,247 being the financial and commercial redress amount of \$168,923,000 less \$62,882,753 being the CNI on-account value.

### DEFERRED SELECTION PROPERTIES

4.343 Te Uru Taumatua will, during the deferred selection period, have a right to elect to purchase the deferred selection properties described in subpart A of part 3 of the property redress schedule on, and subject to, the terms and conditions in parts 4 and 5 of the property redress schedule.

4.344 Each of the following deferred selection properties is to be leased back to the Crown, immediately after its purchase by Te Uru Taumatua, on the terms and conditions provided by the lease for that property in part 9 of the documents schedule (being a registrable ground lease for the property, ownership of the improvements remaining unaffected by the purchase):

4.344.1 Tāneatua School;

4.344.2 Tāwera Bilingual School;

4.344.3 Waimana School;

4.344.4 Te Wharekura o Ruātoki; and

4.344.5 Te Kura Mana Māori o Matahī.

4.345 Clause 4.346 applies in respect of a DSP School House site if, before the settlement date, the board of trustees of the related school (the "board of trustees") relinquishes the beneficial interest it has in the DSP School House site.

4.346 If this clause applies to a DSP School House site:

4.346.1 the Crown must, within 10 business days of this clause applying, give notice to Te Uru Taumatua that the beneficial interest in the DSP School House site has been relinquished by the board of trustees;

4.346.2 the deferred selection property that is the related school will include the DSP School House site; and

4.346.3 all references in this deed to a deferred selection property that is the related school are to be read as if the deferred selection property were the related school and the DSP School House site together.

4.347 In the event that any of the school sites become surplus to the land holding agency's requirements, then the Crown may, at any time during the deferred selection period and before Te Uru Taumatua has given notice of interest to the Crown in accordance with paragraph 4.1 of the property redress schedule, give written notice to Te Uru Taumatua advising it that a school site or sites are no longer available for selection by Te Uru Taumatua in accordance with clause 4.343. To avoid doubt, Te Uru Taumatua will

## TŪHOE DEED OF SETTLEMENT

### 4: POU TOKO MANAWA (PART C: ŌHANA / FINANCIAL AND COMMERCIAL REDRESS)

continue to have a right of first refusal in relation to the school sites in accordance with clause 4.350.

4.348 The parties acknowledge that:

4.348.1 the deferred selection properties described as the Foster Road property and the Tāneatua property in sub-part A in part 3 of the property redress schedule are subject to a separate agreement for sale and purchase to be entered into promptly following the date of this deed; and

4.348.2 the effect of the agreement for sale and purchase is to amend the property redress schedule as it relates to those deferred selection properties by providing for the Foster Road property to be transferred from Te Uru Taumatua to the New Zealand Railways Corporation in part consideration for the transfer of the Tāneatua Road property from the New Zealand Railways Corporation to Te Uru Taumatua.

### SETTLEMENT LEGISLATION

4.349 The settlement legislation will, on the terms provided by sections 51 to 56 of the draft settlement bill, enable the transfer of the deferred selection properties.

### RIGHT OF FIRST REFUSAL OVER RFR LAND

4.350 Te Uru Taumatua is to have a right of first refusal in relation to a disposal by:

4.350.1 the Crown of RFR land being land in the RFR area that on the settlement date is:

- (a) vested in the Crown;
- (b) held in fee simple by the Crown; or
- (c) a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and

4.350.2 the New Zealand Railways Corporation of RFR land that on settlement date is:

- (a) vested in the New Zealand Railways Corporation; or
- (b) held in fee simple by the New Zealand Railways Corporation.

4.351 The rights of first refusal in clause 4.343 are:

4.351.1 to be on the terms provided by sections 57 to 86 of the draft settlement bill; and

4.351.2 in particular, to apply:

- (a) for a term of 172 years from the settlement date; but
- (b) only if the RFR land is not being disposed of in the circumstances provided by sections 65 to 75 of the draft settlement bill.

## PART D: ĀHUREA / CULTURAL REDRESS

### TŪHOE AREA ACKNOWLEDGEMENT

4.352 The Crown acknowledges that:

4.352.1 Tūhoe has a unique and enduring relationship with all lands in the Tūhoe Area Acknowledgement (as identified on OTS-036-02 in part 1 the attachments);

4.352.2 this relationship is based on the status of Tūhoe as tangata whenua in the area of interest, is inextricably linked to whakapapa, and has important cultural and spiritual dimensions for Tūhoe;

4.352.3 Tūhoe views all land within its traditional rohe as he taonga tuku iho; and

4.352.4 to Tūhoe, Te Urewera:

- (a) is their place of origin, indeed their homeland;
- (b) gives meaning and explanation to Tūhoe culture, language, customs and identity which continues to be valuable;
- (c) is a spectacle of natural New Zealand to world visitors and the general public;
- (d) couples as a fortress of nature and a Tūhoe cultural stronghold, and is alive with history, outdoor challenges and recreational pleasure; and
- (e) scenery is abundant with remote beauty (like the iconic mist), mystery and adventure to satisfy the most demanding enthusiast.

4.353 The Crown and Tūhoe agree that the Crown's acknowledgement set out in clause 4.352:

4.353.1 is intended only to provide a context for the site-specific redress included in part 4 of this deed; and

4.353.2 does not:

- (a) prevent the Crown from acknowledging the association of a person or persons other than Tūhoe with land in the area of interest;
- (b) confer any additional rights or obligations on any party to this deed;
- (c) affect, and must not be taken into account by, any person exercising a power or performing a function or duty, or a bylaw; or
- (d) affect the lawful rights or interests of any person.

**CULTURAL REDRESS PROPERTIES**

4.354 The settlement legislation will vest in Te Uru Taumatua on the settlement date:

***In fee simple***

4.354.1 the fee simple estate in each of the following sites:

- (a) Onini;
- (b) Ngā TT Whakaaweawe;
- (c) Kōhanga Tāheke; and
- (d) Waikokopu;

***As a local purpose (iwi community purposes and nature protection) reserve***

4.354.2 the fee simple estate in the following site as a local purpose (iwi community purposes and nature protection) reserve, with Te Uru Taumatua as the administering body:

- (a) Te Tii.

**CNI forests properties**

4.355 In relation to the CNI forest sites called Waitehouhī and Korokoro o Te Huatahi:

4.355.1 Tūhoe have sought the vesting of the fee simple estate in those sites;

4.355.2 Tūhoe's intention is that any future benefits from those sites would be applied by Te Uru Taumatua, in consultation with the relevant communities and their marae, to purposes relating to the health and wellbeing of communities near those sites in which Tūhoe people are resident;

4.355.3 the Crown acknowledges that those sites are also of customary significance to Ngāti Manawa;

4.355.4 following the signing of this deed Tūhoe and Ngāti Manawa will continue, for a period of up to three months, to discuss these sites;

4.355.5 if, prior to the expiry of that three month period, an agreement is reached in relation to those sites, Tūhoe and Ngāti Manawa will give notice to the Crown setting out the nature of that agreement;

4.355.6 the Crown may, if it considers an agreement between Tūhoe and Ngāti Manawa to be acceptable, promote that the sites are dealt with in the settlement legislation; and

4.355.7 to avoid doubt, nothing in this clause:

- (a) binds the Crown, Tūhoe or Ngāti Manawa to any agreement between Tūhoe and Ngāti Manawa in relation to the sites;
- (b) binds the Crown to any particular course of action in relation to the sites;  
or

## TŪHOE DEED OF SETTLEMENT

### 4: POU TOKO MANAWA (PART D: ĀHUREA / CULTURAL REDRESS)

- (c) prevents the Crown, Tūhoe or Ngāti Manawa from taking action in relation to the sites in the absence of any such agreement.

4.356 In relation to the CNI forests properties, the settlement legislation will provide that the vesting of the CNI forests properties under clause 4.354.1 is subject to Te Uru Taumatua on or before settlement date signing and returning to the Crown a deed of covenant, which is required to give effect to clause 5.2(c) of each of the CNI forest properties' easements, in the form set out in part 8.1 of the documents schedule.

4.357 Each cultural redress property is to be:

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

4.357.2 vested on the terms provided by:

- (a) sections 22 to 37A of the draft settlement bill; and
- (b) part 2 of the property redress schedule; and

4.357.3 subject to any encumbrances, or other documentation, in relation to that property:

- (a) required by clause 4.354.1 to be provided by Te Uru Taumatua; or
- (b) required by the settlement legislation; and
- (c) in particular, referred to by schedule 2 of the draft settlement bill.

### RANGITĀIKI RIVER FORUM

4.358 The settlement legislation will, on the terms provided for by section 49 of the draft settlement bill, provide for:

4.358.1 Te Uru Taumatua to appoint one member to the Rangitāiki River Forum; and

4.358.2 the Bay of Plenty Regional Council to appoint one additional member to the Rangitāiki River Forum.

4.359 The provisions of the Rangitāiki River Forum legislation will apply to the appointments in clause 4.358 as if they were appointments under that legislation.

### TŪHOE FISHERIES ADVISORY COMMITTEE

4.360 The Minister of Primary Industries must on the terms provided for by section 44 of the draft settlement bill:

4.360.1 on settlement date appoint the trustees of Te Uru Taumatua as an advisory committee under section 21 of the Ministry of Agriculture and Fisheries Restructuring Act 1995 ("Tūhoe fisheries advisory committee");

4.360.2 consider any advice of the Tūhoe fisheries advisory committee that relates to:

- (a) all matters concerning the utilisation, while ensuring the sustainability, of fish, aquatic life and seaweed administered by the Ministry for Primary Industries under the Fisheries Act 1996; and

## TŪHOE DEED OF SETTLEMENT

### 4: POU TOKO MANAWA (PART D: ĀHUREA / CULTURAL REDRESS)

- (b) the fisheries protocol area; and  
("advice on the relevant matters")

4.360.3 in considering any advice on the relevant matters, recognise and provide for the customary non-commercial interests of Tūhoe.

### OFFICIAL GEOGRAPHIC NAMES

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

Existing name	Official geographic name	Location (NZTopo50 and grid references)	Geographic feature type
Mahihi Stream	Mahihirangi Stream	BF39 472 608 - BF40 501 597	Stream
Oueari	Ōueariu	BF40 573 429	Hill
Purenga Stream	Te Purenga-o-Tāneatua Stream	BF39 447 582 - BF39 460 576	Stream
Tataiahapi Pa	Tātaiāhape	BE40 601 674	Place
Waimana River	Tauranga River	BF40 602 554 - BE40 506 791	River
Waiwai Creek	Waewae Creek	BH39 433 801 - BH39 429 755	Stream

4.362 The settlement legislation will provide for the official geographic names on the terms provided by sections 45 to 48 of the draft settlement bill.

4.363 The parties acknowledge that Te Uru Taumatua may, under section 15 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, submit a proposal to the New Zealand Geographic Board in relation to a geographic feature to:

4.363.1 assign an official geographic name to that feature;

4.363.2 alter the existing name of that feature, including by:

(a) substituting another name; or

(b) correcting the spelling of the name; or

4.363.3 discontinue the use of the name of that feature.

4.364 If Te Uru Taumatua submit a proposal to the New Zealand Geographic Board under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, that proposal will be considered in accordance with the Act.

**CULTURAL REDRESS GENERALLY NON-EXCLUSIVE**

4.365 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.



## **PART E: WHAKAAETANA / RATIFICATION, APPROVALS AND AGREEMENT**

### **RATIFICATION AND APPROVALS**

4.366 Since the initialling of the deed of settlement Tūhoe has by a majority of:

4.366.1 90%, ratified this deed and approved its signing on their behalf; and

4.366.2 89%, approved Te Uru Taumatua to receive the redress.

4.367 Each majority referred to in clause 4.366 is of valid votes cast in a ballot by eligible members of the settling group.

4.368 Te Uru Taumatua was established for purposes including to enter into and comply with this deed.

4.369 The Crown is satisfied:

4.369.1 with the ratification and approvals referred to in clause 4.366;

4.369.2 with clause 4.368; and

4.369.3 that Te Uru Taumatua is appropriate to receive the redress.

### **AGREEMENT**

4.370 Therefore, the parties:

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

4.370.2 agree and acknowledge as provided in this deed.

### **DISSOLUTION OF TŪHOE - WAIKAREMOANA MAORI TRUST BOARD**

4.371 The settlement legislation will provide for the dissolution of the Tūhoe - Waikaremoana Maori Trust Board and for the vesting of its assets.

### **MANDATED IWI ORGANISATION**

4.372 Subject to the Crown's agreement the settlement legislation will include provisions to provide for the Tūhoe Charitable Trust to be the Mandated Iwi Organisation for Tūhoe.

## 5 POU TŪ A RONGO

*"He wā momoho tēnei mā māua, mā Tūhoe me Te Karauna kia hikoi, kia mahi tahi hoki  
kia kua ai e tāmatemate te āhua ranatira, kia mau pū tonu ai te whakamanawatana o  
tāua tahi, kia ana whakamua ai anō te ora mō tāua tahi."*

*"It is timely, therefore, that we, Tūhoe and the Crown, resolve to walk and work together  
for our mutual honour, dignity, advantage and progress."*



\*Whakaahua 6

## CLAIMS AUDIT

- 5.1 Part 3 of the documents schedule includes a depiction of the Tūhoe claims and claims issues.
- 5.2 Tūhoe and the Crown have treated these claims as essential to the negotiation process and its resolution. By entering into this deed, Tūhoe and the Crown have finally resolved these claims, opening the door to future benefit and progress.

## TE WHAKAPĀHA A TE KARAUNA

Ki te iwi o Tūhoe, ki ōna tūpuna, ki ngā uri whakaheke, ki nā hapū me nā whānau, ka tuku te Karauna i tēnei whakapāha takaroa.

Ka whakapāha te Karauna i te mea kāore i tutuki ōna kawena ki a Tūhoe i raro i te Tiriti o Waitangi, kei te tino pōuri hoki i te mea kāore ia i aro ake i whakamana rānei i te mana motuhake o Tūhoe mō hia ngā whakatipuranga.

Ko tōna tikanga me hōnore me mana te honona i waenanui i a Tūhoe me te Karauna, heoi, i whakaparahakonia i ngā mahi kino pērā i te raupatu noa i te whenua, nā patupatuna tikana kore, me ngā tau i ūhia ai te riri orotā ki runa i a Tūhoe. Ka whakapāha te Karauna mō wāna mahi kino, wāna tūkinotana, mō nā taumahatana i wahaina e nā whakatipurana o Tūhoe, mō te kino me te mamae o nā tūpuna i runga i a rātou.

Kei te tino pōuri te Karauna mō tana kore whakatikatika i ngā whanonga kino ki a Tūhoe, hāunga te tū rangatira o wō kai-ārahi. I pūmau a Tūhoe ki te whakaritenga mō te rongo i whakaaetia me te Karauna i te tau 1871, hāunga te pēhi mai a te Karauna kia whakaaetia te rūri, te rori me ngā ture whenua māori kia huaki a Te Urewera. Whāia, ka aukati te Karauna i a Tūhoe i ngana ki te whakahaere anō i wāna whakahaere i roto i te Urewera Reserve mā te whakararu i te Ture mō Te Taiwhenua Rāhui o Te Urewera o te tau 1896. He nui ngā whenua o Tūhoe i hokona whānakotia e te Karauna, kia noho a Tūhoe i roto i te pōuri, i te korekore.

Ka whakapāha te Karauna ki a Tūhoe kāore i whai wāhi ki te whakatūnga o te rohe pāka o Te Urewera i hōrapa ki runga ki wō rātou whenua. Ka whakapāha anō hoki te Karauna mō tana titiro ki a Waikaremoana i roto i ngā tau maha anō nei nōna te moana rā nō te Karauna.

Ahakoā ngā taumahatanga kei te kaha tonu a Tūhoe, kei te ora te Tūhoetanga, wō tikanga, tō reo me to tuakiri; ko koe Te Urewera, ko Te Urewera ko koe, ake ake. Ka whakaae te Karauna ko koe tēnā, te mana motuhake o Tūhoe.

Mā tēnei whakapāha me tēnei whakataunga, ko tūmanako a te Karauna kia hāngai pū tana titiro ki ngā mahi o mua i a ia ka rapu ki te whakaea i wāna mahi hē. Ko te hiahia o te Karauna kia tū mai anō he hononga me Tūhoe, kia pakari taua hononga mō ngā whakatipuranga o ēnei rā me ngā rā kei mua i te aroaro.

Waiho mā ēnei kōrero hai ārahi i a tātou ki te tatau pounamu – ka titiro ki ngā rā o mua, kia ea, ka titiro ki ngā rā kei te tū kia tuwhera.

## APOLOGY

- 5.3 To the iwi of Tūhoe, to the tipuna, the descendants, the hapū and the whānau the Crown makes the following long overdue apology.

## TŪHOE DEED OF SETTLEMENT

### 5: POU TŪ A RONGO

- 5.4 The Crown unreservedly apologises for not having honoured its obligations to Tūhoe under te Tiriti o Waitangi / the Treaty of Waitangi and profoundly regrets its failure to appropriately acknowledge and respect te mana motuhake o Tūhoe for many generations.
- 5.5 The relationship between Tūhoe and the Crown, which should have been defined by honour and respect, was instead disgraced by many injustices including indiscriminate raupatu, wrongful killings, and years of scorched earth warfare. The Crown apologises for its unjust and excessive behaviour and the burden carried by generations of Tūhoe who suffer greatly and carry the pain of their ancestors.
- 5.6 The Crown is deeply sorry for its failure to make amends for the way it has treated Tūhoe despite the honourable conduct of your leaders. Tūhoe were committed to the peace compact agreed with the Crown in 1871, despite Crown pressure to allow surveys, roads, and the operation of the native land laws to open up Te Urewera. The Crown later denied Tūhoe the right of a self governing Urewera Reserve by subverting the Urewera District Native Reserve Act 1896. The Crown purchased much of Te Urewera illegally and its actions left Tūhoe bereft.
- 5.7 The Crown apologises for the exclusion of Tūhoe from the establishment of Te Urewera National Park over their homelands. The Crown also apologises for wrongly treating Lake Waikaremoana as its own for many years.
- 5.8 Despite the hardship Tūhoe and Tūhoetana endures, your culture, your language and identity that is Te Urewera is inextinguishable. The Crown acknowledges you and te mana motuhake o Tūhoe.
- 5.9 Through this apology and settlement the Crown hopes to honestly confront the past and seeks to atone for its wrongs. The Crown hopes to build afresh its relationship with Tūhoe and that this new relationship will endure for current and future generations.
- 5.10 Let these words guide our way to a greenstone door - tatau pounamu - which looks back on the past and closes it, which looks forward to the future and opens it.

### TŪHOE REQUITAL

- 5.11 As we receive these words of apology in the context of atonement for past wrongs and optimism for future advancement, our thoughts turn to those who would question the value of such an apology or cynically dismiss it. To them we would say there is no greater dishonour than a broken promise, that nothing wounds more than the patu of oppression, that nothing cuts deeper than the lash of injustice. Such persons will not have suffered those injuries; but Tūhoe have, as a people. And as a people, we are still here, and the Crown is still here. Our wounds have not abated with the passage of time, but have continued to cause all manner of pain - to our spiritual and material and economic well being, our physical and emotional health - ki tino wairua o Ngāi Tūhoe.
- 5.12 By the compact made at Ruatāhuna on 2 July 2011 and by this solemn deed, Tūhoe and the Crown recognise the absolute necessity for the restoration of honour, for reconciliation and mutual advancement in peace and with respect for the mana of each.
- 5.13 With the tender of this apology and with its heartfelt acceptance by Tūhoe that necessity is and will be achieved.
- 5.14 So with our heart and our mind, and with all goodwill, we accept and celebrate this Crown apology. The door to the future is open.

**TŪHOE ASPIRATIONS**

5.15 These are the aspirations of Tūhoe:

4.372.1 that the spiritual, material, economic, physical and emotional well being of Tūhoe will be restored;

4.372.2 that its people will live in a secure, mutually respectful and mutually advantageous relationship with the Crown and with other iwi and all New Zealanders; and

4.372.3 that our mana motuhake will strengthen and evolve over the generations so that Tūhoe will again, one day, be an autonomous people living in and administering its own homeland.

**WHAKAAHUA**

**Whakaahua 1:**

1835-1913: Lake Waikaremoana near Lake Taupo Auckland Province [ca 1870]. Ref: NON-ATL-0182. Alexander Turnbull Library.

**Whakaahua 2:**

Members of the household staff "Government House", Ruatoki, 1904. Ranfurly family: Photographs. Ref: PA1-q-634-43-4. Alexander Turnbull Library.

**Whakaahua 3:**

Flag flown at Maungapohatu, 1916. Ref: 43169. Auckland War Memorial Museum (Tamaki Paenga Hira).

**Whakaahua 4:**

Tuhoe group at Te Umuroa. Ref: 1/2-C-009575-F. Alexander Turnbull Library.

**Whakaahua 5:**

Maori road camp, Waikaremoana Road, Te Whaiti district. Polynesian Society : Photographs. Ref: PAColl-7273-01.

**Whakaahua 6:**

Four flags flying at Maungapohatu, April 1908. Photograph by George Bourne. C5888, Auckland War Memorial Museum (Tamaki Paenga Hira).



**Members of the Tūhoe – Crown negotiation team**

Top row (left to right): Deborah Jackson, Paul Beverley, Kirsti Luke, Rewi Henderson


Front row (left to right): Rachel Houlbrooke, Clinton Geeves, Tāmati Kruger, John Wood

Absent: Lil Anderson, Peter Kennedy, Joanna Young, Emily Owen, Graeme Speden, Amber Duncalfe, Kim Bellingham, Tony Nightingale

TŪHOE DEED OF SETTLEMENT

SIGNED as a deed on 4 June 2013


SIGNED for and on behalf of  
TŪHOE by the mandated  
signatories, in the presence of:

  
Signature of Witness

Clinton Greaves  
Witness Name

Deputy Director  
Occupation

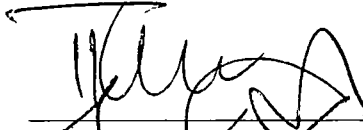
Wellington, NZ  
Address


  
Signature of Witness (for Matthew Te Pou)

Kirshi Luke  
Witness Name

Chief Executive  
Occupation

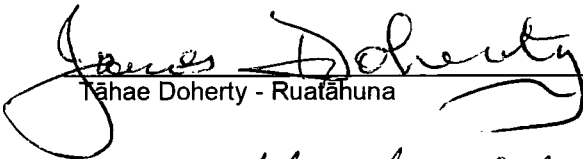
22 Tuhoe St, Tareatua  
Address

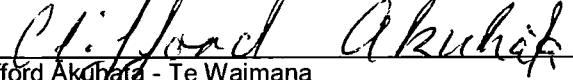
  
Tāmāti Kruger (Chair) Ruātōki

  
Īharaira Tēmara (Deputy Chair) Maungapōhatu

  
Irene Williams - Ruātōki

  
Hinerangi Biddle - Ruatāhuna


  
Tāhae Doherty - Ruatāhuna


  
Clifford Akuhata - Te Waimana

  
Matthew Te Pou - Te Waimana

  
Lorna Taylor - Waikaremoana

  
Kuini Beattie - Waikaremoana

  
Hārata Williams - Tamaki, Te Tira Hou

  
Titia Graham - Waikato

  
Waereti Tait-Rolleston - Rotorua



TŪHOE DEED OF SETTLEMENT

*Rāwinia Higgins*

Rāwinia Higgins - Pōneke

*Rangihau Te Moana*

Rangihau Te Moana - Te Waipounamu

SIGNED for and on behalf of  
TE URU TAUMATUA  
in the presence of:

)  
)  
)

*Tāmami Kruger*

Tāmami Kruger (Chair)

*Clinton Creeves*

Signature of Witness

*Clinton Creeves*

Witness Name

*Deputy Director*

Occupation

*Wellington, NZ*

Address

*Kirsti Luke*

Signature of Witness (for Te Tokawhakaia  
Tēmara)

*Kirsti Luke*

Witness Name

*Chief Executive*

Occupation

*22 Tūhoe St, Taneatua*

Address

*Kirsti Luke*

Signature of Witness (for Matthew Te Pou)

*Kirsti Luke*

Witness Name

*Chief Executive*

Occupation

*22 Tūhoe St, Taneatua*

Address

*Te Tokawhakaia Tēmara*

Te Tokawhakaia Tēmara (Deputy Chair) Ruatāhuna

*Patrick McGarvey*

Patrick McGarvey - Ruatōki

*Tāmami Cairns*

Tāmami Cairns - Ruatāhuna

*Martin Rakuraku*

Martin Rakuraku - Te Waimana

*Matthew Te Pou*

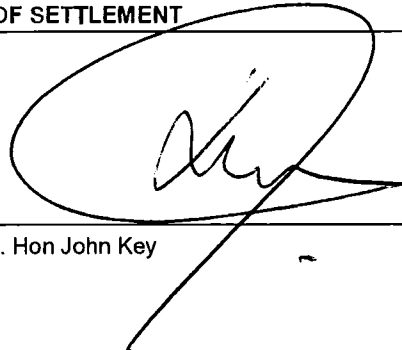
Matthew Te Pou - Te Waimana

*Lorna Taylor*

Lorna Taylor - Waikaremoana

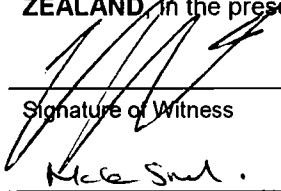
TŪHOE DEED OF SETTLEMENT

SIGNED for and on behalf of  
THE CROWN by:  
THE PRIME MINISTER OF NEW  
ZEALAND, in the presence of:



Rt. Hon John Key

Signature of Witness



Witness Name

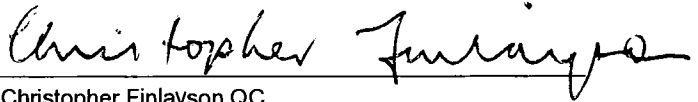
Min of Com

Occupation

Parliament Buildings, Wellington

Address

THE MINISTER FOR TREATY OF  
WAITANGI NEGOTIATIONS, in the  
presence of:



Hon Christopher Finlayson QC

Signature of Witness



Witness Name

Clinton Greeves

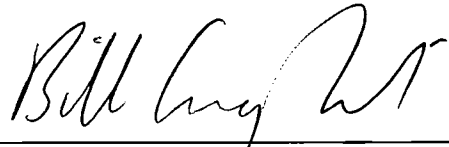
Occupation

Deputy Director

Address

Wellington, NZ

THE MINISTER OF FINANCE  
(only in relation to the tax indemnities  
given in part 5 of the General Matters  
Schedule of this deed)  
in the presence of:



Hon Simon William English

Signature of Witness



Witness Name

Andrew Craig

Occupation

Advisor

Address

Wellington

TŪHOE DEED OF SETTLEMENT

THE MINISTER OF MĀORI AFFAIRS,  
in the presence of:

)  
)  
)



Hon Dr Pita Sharples

Signature of Witness



Nicole Smith

Witness Name

Min of Conservation

Occupation

Robert Burns, Wellington

Address

TŪHOE DEED OF SETTLEMENT

Contemporary hapū of Tūhoe that support the settlement

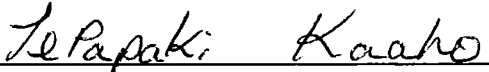
Waikaremoana



on behalf of Ngāti Hinekura

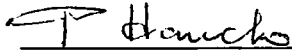


on behalf of Te Whānau Pani



on behalf of Tarapāroa

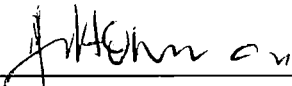
Ruātoki



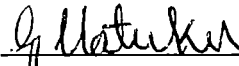
on behalf of Ngāti Tāwhaki



on behalf of Te Whānau Pani



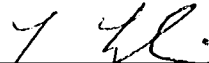
on behalf of Ngāti Kōurakino ki Papakāinga



on behalf of Ngāti Kōurakino ki Ōtenuku



on behalf of Ngāti Rongo ki Taurau



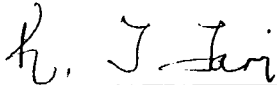
on behalf of Ngāti Rongo ki Ōwhakatoro



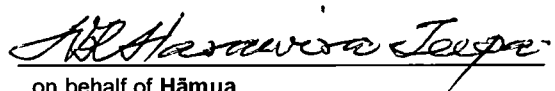
on behalf of Ngāti Rongo ki Panetēure



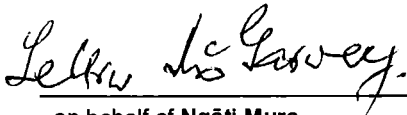
on behalf of Te Māhurehure



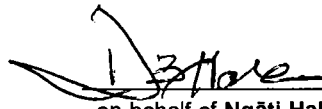
on behalf of Te Urewera



on behalf of Hāmua



on behalf of Ngāti Mura



on behalf of Ngāti Haka ki Taawhia

Contemporary hapū of Tūhoe that support the settlement

Waiōhau

on behalf of Ngāti Haka / Patuheuheu

Ōhiwa

Ma. Se Papa  
on behalf of Ngāi Tamatea

Murimai Kakaki  
on behalf of Ngāi Tūranga Pikitoi

W. Ho  
on behalf of Ngāti Kōura

Waimana

Geam J. J. J.  
on behalf of Ngāi Tamatuhirae ki Matahi

on behalf of Ngāi Tamatuhirae ki Ōmuriwaka

J. J. J.  
on behalf of Ngāi Tātua

J. J. J.  
on behalf of Tamaruarangi

Te Mihirai C. C.  
on behalf of Ngāti Rere ki Tanatana

T. Rakuraku  
on behalf of Ngāti Rere ki Rāhiri

Joe Telau  
on behalf of Ngāti Raka

Te Whakatāne ki Tāuanui  
on behalf of Te Whakatāne ki Tāuanui

Te Rahipoti. Houka  
on behalf of Te Whakatāne ki Whakarae

M. Te Kiri  
on behalf of Ngāi Tūranga Pikitoi

M. Hooney  
on behalf of Ngāi Matahi

Bishop Dug.  
on behalf of Tamakaimoana



Other witnesses / members of Tūhoe who support the settlement

Te Atakura Williams

Tangiwai Kaitiaki Moki Teape

92 Corrina St.

CEIVA BOSSA DEAN

Ngātunia Bryce Karakia Kruger/22

RUTH NESI BRYCE Toni Green, IXX

CHARLSE BRYCE

Tipine Mar Shaw me taku hoa Rangatua, Rakai  
me maua tamaviki, toko Iwa.

Te Kewera whi TE

Natasha Pdoi

Isana Hyslop

Ngapora Rangiaho Ngati Pongo Patuhehehe, Ngati Koua

Miri Moko

Whariri Whaipakenga Waitaare Preston

J.R. Merooy Pare Preston Tony Mhaere

H. Glenn Jarite Huriana Mohi Byron Thompson

Te Wehi Preston Ena Te Heikura

Preston

A.K. Luga. Hison toko Teapa.

Te Reinholdt Andersen.

Herehove Titoko. - TE UREWERA ANAKE!

Other witnesses / members of Tūhoe who support the settlement

Moss Randa - Taupo

Thursday, Para Natasha Lake  
Lukrau Stevens

LW O - Waikaremoana

( Ngawi - Waikaremoana

Teiria Rameka - Tuwharetoa Ki Tūhoe

Jemahou Temara - Tūhoe Ki Poneke

Whirihitu Temara - Tūhoe Ki Poneke

PAWSON Hale Tūhoe Ngāi Tahu

Toka: Hokitika

Tūhoe Ngāi Kōura

Whitaira Timutimu

Te Maharehare, Ngāti Rangō

Te Wehi Preston, Huriana Mohi, Eria Te Heikura Preston

Parangahau

Ngāti Kōura, Hamua, Ngāti Māori

Te Hau Tutua

Ngāti Mura

Te OIKWATUTUA

Hamua, Ngātihaka Patukuhē

HUIAUA

Hamua, Ngātihaka Patukuhē

KIRITA TUTUA (RIPAKI)

TŪHOE, NGĀTIHAKA

Sikia Peremia

Te Urenera, TŪHOE

Te Rangikaheti Temara

Te Urenera, TŪHOE

Hera Mitchell



Other witnesses / members of Tūhoe who support the settlement

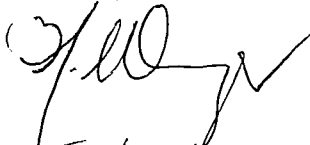
Manohe Kueger

Tutawhiorangi Temora ☺ ↗

Hohepa Titoko

Rangikawhetiu Titoko.

Pūtīputī Okubata, Rāhiri, Waimona

 Tina Wagner (Waikaremoana)

J. Lackner - Wagner 17yrs (Waikaremoana)

K. Lackner - Wagner 15yrs (Waikaremoana)

W. Lackner - Wagner 7yrs (Waikaremoana)

MARIE GLACKNER 7yrs (Waikaremoana)



Rose Lackner - Rurehe

Max Lackner

Amoe Lackner

Simone Hira - Lackner

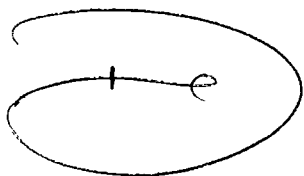
Keanu Hira - Lackner

Waikaremoana

Jama Kai mānana

Korotau Jamiana Mētana Jait (Peha)

Other witnesses / members of Tūhoe who support the settlement



PAUL BEVERLEY


The Crown Negotiating team  
2008 - 2013



KIM BELLINGHAM

D. M. Jackson

Deborah Jackson



BRIAN GORDON



REWI HENDERSON, OTS



GRAEME SPEDEN  
DOC



JOHN WOOD, CHIEF CROWN NEGOTIATOR.

Other witnesses / members of Tūhoe who support the settlement

Alexis Teepe Hamua  
 Amana Hughes Hamua  
 Rangiteotaura Biddle Hamua  
 Kararaina Ruri Tamakaimoana!  
 Raewyn Raila Trainor Hamua.  
 Muffy Thrupp Hamua  
 Kahira Pearl Hughes Hamua  
 (Te Ripowai Higgins, Ngati Rongo, Te Urewera,  
 Ngati Kōura  
 Maraea Teepe Hamua, Ngati Mura  
 Hohepa Titoko Te Urewera,  
 Rangikawhetiri Titoko Te Urewera.  
 Te Waimirihi Wetini Te Urewera.  
 Kinhakiha Williams Ngati Rongo / Te Urewera  
 (Te Aroha Noti Teepe Ngati Rongo / Te Urewera  
 Jocelyn Heather Yiki Ngati Rongo Te Urewera  
 Katene Baker Ngai Tuhoe  
 Maringi Baker Tamakaimoana Ngati Rere  
 Paipūhai Baker Tamakaimoana  
 Ngati Rere  
 Te Kiroa Baker Tamakaimoana Ngati Rere.

Other witnesses / members of Tūhoe who support the settlement

Adrienne Genevieve Doherty  
James Edward Doherty (2nd)  
Natalie Kinwai Kahui Doherty  
Kori Keemi Rawiri Doherty  
James Edward Doherty (3rd)  
( Pamela Puti Taitapanui  
Myra Doherty  
Bartholomew Cornelius Taitapanui  
Kingi Hetaua  
Sametana Thomas Hetaua  
Samuel Mearuhure Hetaua  
Lucky Hetaua  
( Daphne Hetaua/Valentine  
Cokiw John McLean "Hamua"  
Shannon Judith McLean Mahurehure.  
Waimaria Te Awe.  
Te Amiorangi Te Awe.