

**NGĀTI RĀHIRI TUMUTUMU**

**and**

**THE TRUSTEES OF THE  
NGĀTI TUMUTUMU TRUST**

**and**

**THE CROWN**

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**DEED OF SETTLEMENT OF  
HISTORICAL CLAIMS**

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26 September 2025

### PURPOSE OF THIS DEED

This deed –

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

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**DEED OF SETTLEMENT**

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**DEED OF SETTLEMENT**

**THIS DEED** is made between

**NGĀTI RĀHIRI TUMUTUMU**

and

**THE TRUSTEES OF THE NGĀTI TUMUTUMU TRUST**

and

**THE CROWN**

## 1 BACKGROUND

The Treaty of Waitangi provides:

### **(The Text in Te Reo Maori)**

Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata maori o Nu Tirani-kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane, amua atu ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

### **Ko te Tuatahi**

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

### **Ko te Tuarua**

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

### **Ko te Tuatoru**

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) William Hobson,  
Consul and Lieutenant-Governor.

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### 1: BACKGROUND

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te wakaminenga.

#### (The Text in English)

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands—Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

#### Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

#### Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

## DEED OF SETTLEMENT

### 1: BACKGROUND

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#### Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

(Signed) W HOBSON  
Lieutenant Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

#### BACKGROUND

- 1.1 The following text describes the views of Ngāti Rāhiri Tumutumu.
- 1.2 Ngāti Rāhiri Tumutumu tradition records that Te Ruinga came from Raukawa to Te Aroha in the seventeenth century. Te Ruinga was the son of Tumutumu from Ngāti Raukawa. Te Ruinga's wife was Te Peuranga, daughter of a rangatira of a Tauranga Moana iwi.
- 1.3 The land known to Ngāti Rāhiri Tumutumu as the 'Aroha' constitutes the southern portion of the Hauraki region and is dominated by Te Aroha mountain, which represents the symbolic 'tauihu' or 'prow' of the Hauraki canoe, while Moehau mountain is the 'sternpost'. Hence the saying: 'Ko Moehau te taurapa, ko Te Aroha te tauihu'. Te Aroha and the Kaimai Range are closely associated with Ngāti Rāhiri Tumutumu tūpuna. For Ngāti Rāhiri Tumutumu, Te Aroha, from the summit of the maunga to the Waihou River, is a wāhi tapu. The earliest known name for Te Aroha maunga is Puke Kakariki Kaitahi, the place where the Kaka parrots flocked to feed, symbolic of the abundance of food and resources the maunga supplied. The high esteem with which the land is held by Hauraki iwi is further explained in the description of Te Aroha as 'Te Tatau ki Hauraki whanui', or 'The doorway to Hauraki widespread'.
- 1.4 The mountain has two names, one for each of its two peaks, 'Te Aroha-ki uta', and 'Te Aroha-a tai', respectively meaning 'love for the land' and 'love for the sea'. The names originated in Hawaiki, the memory of which is fostered by Tainui, Arawa, and Mataatua waka which all incorporate Te Aroha as part of their respective traditions.
- 1.5 The original inhabitants of the Aroha lands are believed to be the Tino-o-Toi. Various tribes subsequently settled the area. According to Ngāti Rāhiri Tumutumu tradition, Te Aroha is



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### 1: BACKGROUND

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a dwelling place of the 'patupaiarehe' or 'fairy people'. The mountain is important in many stories, karakia, and waiata.

- 1.6 Te Ruinga built strong fortifications along the peaks of the Kaimai Range, and when challenged he pointed to his many strong pā and recited the whakatauki 'e kore toku manawa e ru – my heart will never be shaken', expressing confidence that his mountain strongholds supported his unshakeable mana. This whakatauki gave rise to the place name Manawaru, a few miles south of Te Aroha. Overlooking Manawaru was Te Ruinga's main pā, Ngāti Tukituki-a-Hikawera.
- 1.7 Ngāti Rāhiri Tumutumu interred their rangatira in the mountain caves of Te Aroha and the Kaimai Range. Te Ruinga was interred at Tangitu, an urupā used by Ngāti Tumutumu on a peak of the Kaimai Range. As such, Te Aroha symbolises Ngāti Rāhiri Tumutumu whakapapa connections to the land, which reach both back in time to tūpuna, and forward in time to mokopuna.
- 1.8 Te Aroha is tapu. The hot springs at Te Aroha, because they flow from the heart of the maunga, are also part of the mountain, and also partake of the tapu associations of the maunga. The hot springs rise out of the base of Te Aroha maunga, from beneath another of Te Ruinga's major pā, Whakapipi, the name of which refers to the heaped up timbers of the pā. The hot springs symbolise the giving, caring nature of the maunga and the ancestors of Ngāti Rāhiri Tumutumu.
- 1.9 Rāhiri and his followers are said to have stayed at Te Aroha. When Rāhiri eventually left the area some members of his party remained and became known as Ngāti Rāhiri. Ngāti Rāhiri intermarried with Ngāti Tumutumu, a group who lived at Te Aroha before Rāhiri's visit. The two groups merged to such an extent that by the nineteenth century Ngāti Rāhiri and Ngāti Tumutumu were synonymous for Ngāti Rāhiri Tumutumu.
- 1.10 The present day boundaries of the Aroha block, which includes the maunga, were determined at the first Native Land Court hearing in 1869. Court records also record Ngāti Rāhiri Tumutumu kōrero describing which hapū owned the land and the location of urupā and other sites of significance to the iwi.
- 1.11 In an 1877 petition to Parliament, Ngāti Tumutumu wrote<sup>1</sup>:
- That land, Te Aroha, belongs to us alone, to our ancestors, to our hapu Ngatitumutumu... and we and our hapus who have permanently occupied this land, Te Aroha, from days long gone by up to the present day, have large interests in the land, and we are still exercising acts of ownership on the land according to Maori custom.
- No other hapus or tribes ... had any right or title whatever to this land, Te Aroha, according to Maori custom.
- 

<sup>1</sup> The text of the petition has been edited where indicated with square brackets or ellipses to fit Crown policy

## DEED OF SETTLEMENT

### 1: BACKGROUND

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None of the other hapus or tribes ... or any other tribes, from time immemorial to the present, have driven off our ancestors or hapus, or have objected to their occupying from the beginning till now, and we are still living permanently upon our land, Te Aroha.

When the Native Land Court came into operation, an unauthorised (pokanoa) application was made to the Court by another tribe... However, they were defeated in the last Court that sat in respect of this land.

Your petitioners would point out to you, the Legislators for the two races living in the Colony of New Zealand, that it was [the Government Land Purchase Officer] who placed all the [other tribes] upon our land.

We mean that this placing of the [other tribes] upon this land of ours by him has been effected by his paying money to different people of all the hapus of the [other tribes].

Be it remembered by your honourable House that the moneys paid by that Government Land Purchase Officer to those people were paid at the town of Shortland, and not paid by him upon this land, Te Aroha.

That Land Purchase Officer cannot take the bodies of these tribes upon our land to live there, and those persons are unable in the body to go to Te Aroha and point out to that Land Purchase Officer their portions of the land for which they have received payment, because they know full well that neither they nor their ancestors had any right to that land, Te Aroha.

We assert that those tribes were rejoiced on account of the unnecessary payment to them by that Land Purchase Officer of the money for that land, Te Aroha, to which land they had no right; and they are also rejoiced at the needless payment to them by that Government Land Purchase Officer of liquor, flour, biscuit, sugar, tea, and European commodities for our land.

We pray you to place the responsibility for these goods or moneys upon those persons, so that they may enjoy the results of their gratification, which they evinced when their hands took the money and goods.

We would point out to you that our land, Te Aroha, is of very large extent; it is also land of good quality, and contains many thousands of acres; and for that reason the Land Purchase Officer heedlessly paid money to all the [other tribes], who had no title there, in order that the Government might get all the land, and that he might get his commission at 4d per acre for lands purchased by him for the Government.

That the Land Purchase Officer told the [other tribes] that they all had an interest in Te Aroha through the name of [a shared ancestor], the Court having ordered the land to be granted through the name of [that ancestor].

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### 1: BACKGROUND

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We wish to explain this last statement. It was quite right that the name of our ancestor should be mentioned in connection with our land, but the right to use his name rests with us and not with any other hapu or tribe ....

....

Your petitioners are quite clear that the Court's decision was in favour of [that shared ancestor], and that the Court was quite clear that all his tribes would not have a strong title to this land....

...

Your petitioners would point out to your honourable House that [an unrelated iwi] made a great many applications to the Court to sit and investigate their title to this land. The first Court was held at Waikato, and the second at Matamata, Waikato.

We and our hapus mentioned herein were the only ones who went to those Courts—that is to say, we, the descendants of our ancestor, the persons known by [the other local tribes] to be the sole owners of this land, Te Aroha.

The third Court for this land was held at Kapanga, Hauraki, but the statements made to the Court were not clear, owing to the confusion that existed.

The last Court for this land was held at Auckland. On this occasion all the [local tribes] assembled to state the claims of our ancestors and the occupation by our hapus of Te Aroha, so that the Court might be clear to consider the question of the taking of our land by [other unrelated iwi].

The [other local tribes] did not appear in Court to assert their own rights to Te Aroha, but to substantiate the title of our ancestors, our hapus, or of ourselves who are living upon our land.

Your petitioners again pray you to cause action to be taken in the House or by the Government that the money paid by their Land Purchase Officer to the [other tribes] may be made a charge upon the lands of those who received it, so that each [of those tribes] can pay the money they received.

Let not that money be made a charge upon our land in consequence of the statements of the Government and their Land Purchase Officer.

We point out that we addressed a letter to Sir Donald McLean, Minister for Native Affairs, on the 3rd December 1876, showing forth to him all these difficulties which we have related to you. A copy of that letter was published in the Thames Advertiser of 13th January 1877; but we have not received any word from the Government on the matter respecting which we now petition you.

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### 1: BACKGROUND

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Your petitioners state that certain of the [local tribes], to whom the Government Land Purchase Officer paid money for our land, have issued a notice stating that they really had no valid claim to Te Aroha, neither they nor the [other local tribes] in the same category as themselves, and not belonging to the Ngatitumutumu....

Their notice was published in the Thames Advertiser of the 16th February 1877, and they state therein that it was that Land Purchase Officer of the Government who urged upon them to take, without cause, Government money for our land, to which they have no title.

We would make it clear to your honourable House that [a Rangatira from another iwi] surveyed certain land within the boundary of Te Aroha for himself and his tribe ..., on account of the money paid to them by that Land Purchase Officer of the Government; and the Court has returned that land to your petitioners in accordance with the evidence given before the various Courts which have been held in respect of Te Aroha.

It will probably be clear to you that all the [other local tribes] have no right whatever to Te Aroha, because they have not yet gone to survey or to point out the places they claim as in consideration of the Government money paid to them; and by this you will probably be made aware that they have been backed up by that Land Purchase Officer, Mr Mackay.

We will ever pray to you both now and in the future to regard with favour your petitioners while it is yet day, for the night cometh wherein no man can work. We therefore send our petition to you for your favourable consideration.

- 1.12 Ngāti Rāhiri Tumutumu's rohe encompasses the southern Hauraki boundary beginning at Aongatete Stream on the eastern side of the Aroha range reaching the top of the range at Puapuatirohia, then down the Mangakahia Stream in a westerly direction across the Mangapouri and Pirahui Swamps to the Waitoa River near Kawhia and Pukekaraka, travelling then in a north-westerly direction to the Piako River to Maukoro (also called Taukoro). From there it follows the Hungawera Range north to Maramarua then onto the district of Tāmaki.

### NEGOTIATIONS

- 1.13 Ngāti Rāhiri Tumutumu gave the Ngāti Tumutumu Ngāti Rāhiri Settlements Committee a mandate to negotiate a deed of settlement with the Crown by hui-a-iwi at Auckland and Te Aroha in March 2011.
- 1.14 The Crown recognised the mandate on 27 June 2011.
- 1.15 The mandated negotiators and the Crown –
- 1.15.1 by entry into an agreement in principle equivalent dated 22 July 2011, agreed, in principle, that Ngāti Rāhiri Tumutumu and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and

## **DEED OF SETTLEMENT**

### **1: BACKGROUND**

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1.15.2 since the agreement in principle equivalent, have –

- (a) had extensive negotiations conducted in good faith; and
- (b) negotiated and initialled a deed of settlement on 13 July 2017.

#### **RATIFICATION AND APPROVALS**

1.16 Ngāti Rāhiri Tumutumu have, since the initialling of the deed of settlement, by a majority of –

1.16.1 80%, ratified this deed and approved its signing on their behalf by the governance entity and the mandated signatories; and

1.16.2 76%, approved the governance entity receiving the redress.

1.17 Each majority referred to in clause 1.16 is of valid votes cast in a ballot by eligible members of Ngāti Rāhiri Tumutumu.

1.18 The governance entity approved entering into, and complying with, this deed by resolution of trustees on 15 December 2023.

1.19 The Crown is satisfied –

1.19.1 with the ratification and approvals of Ngāti Rāhiri Tumutumu referred to in clause 1.16; and

1.19.2 with the governance entity's approval referred to in clause 1.18; and

1.19.3 the governance entity is appropriate to receive the redress.

#### **AGREEMENT**

1.20 Therefore, the parties –

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

1.20.2 agree and acknowledge as provided in this deed.

#### **OFFICIAL OR RECORDED GEOGRAPHIC NAMES**

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

## 2 HISTORICAL ACCOUNT

### INTRODUCTION

- 2.1 The Crown's acknowledgements and apology to Ngāti Rāhiri Tumutumu in part 3 are based on this historical account.
- 2.2 Ngāti Rāhiri Tumutumu tradition records that before Europeans came to Te Aroha, Ngāti Rāhiri Tumutumu lived on the lands on and surrounding Te Aroha maunga, where they exercised kaitiakitanga, and from which they drew mana and sustenance. By the early twentieth century the Crown had acquired almost all Māori land in the Ngāti Rāhiri Tumutumu rohe. The following account explains this process and the consequences for Ngāti Rāhiri Tumutumu.

### WAR AND RAUPATU

- 2.3 In July 1863 the Crown initiated war with Māori in the Waikato when its armed forces crossed the Mangatāwhiri Stream. Ngāti Rāhiri Tumutumu sent men to fight Crown forces in Waikato in 1863. From January 1864 the Crown also began stationing troops in Tauranga. The Crown's actions led to armed conflict between Crown troops and Māori, including battles at Gate Pā and Te Ranga in April and June 1864.
- 2.4 The Crown regarded Māori who fought against it as rebels, and as punishment for their rebellion confiscated land in the Tauranga region. Between 1865 and 1868 the Crown included approximately 290,000 acres of land in the Tauranga confiscation district, including lands in which Ngāti Rāhiri and Ngāti Tumutumu had interests. The Crown extinguished all customary interests in these lands. It subsequently returned 240,000 acres to Māori in individualised title, retaining approximately 50,000 acres that became known as the Confiscation Block.
- 2.5 In 1864 the Crown, anticipating the return of a large portion of the confiscated district to Māori as promised by Governor Grey, negotiated with another iwi to purchase some of the lands in what became known as the Katikati and Te Puna blocks. Some lands in which Ngāti Rāhiri Tumutumu had interests were included in this transaction. In September 1866 Hauraki iwi, including Ngāti Tumutumu, were paid for their interests in the Katikati and Te Puna blocks. Ngāti Tumutumu, described as a hapū of another iwi, received £500 for their interests in the Katikati and Te Puna blocks.
- 2.6 The Crown provided for six reserves containing wāhi tapu and urupā in the 1866 deed for the Katikati and Te Puna blocks, one of 50 acres, and five of five acres each. There is no evidence that these reserves were ever surveyed or title granted to Ngāti Rāhiri Tumutumu. Following the Crown's acquisition of the Katikati and Te Puna blocks, Ngāti Rāhiri Tumutumu retained no lands in Tauranga Moana. This alienation impacted the iwi's connection to its ancestral lands in this area.

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### **2: HISTORICAL ACCOUNT**

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#### **THE NATIVE LAND COURT**

- 2.7 The Native Land Court was established under the Native Lands Acts of 1862 and 1865, and it held its first hearings in the Hauraki district in 1865. The acts establishing the Native Land Court set aside the Crown's Article Two Treaty-right of pre-emption where titles had been ascertained by the Court, enabling individual Māori to dispose of their property by lease or sale to private parties.
- 2.8 Any Māori person could make an application to have title investigated through the Native Land Court by submitting an application in writing to the Court. Once an application was submitted, all of those with customary interests needed to participate in the hearing if they wished to be included in the Crown title, regardless of whether they wanted a Crown title or not. Customary tenure was complex and facilitated multiple forms of land-use through shared relationships with the land. The new land laws required those rights to be fixed within a surveyed boundary and did not necessarily include all those with customary interests in the land. Under customary Māori title land was held communally. When Crown titles were awarded to Ngāti Rāhiri and Ngāti Tumutumu, interests were awarded to named individuals.

#### **THE CROWN PURCHASE OF THE OHINEMURI BLOCK**

- 2.9 From 1868 onwards the Crown sought to open the Ohinemuri block for gold mining. Initial attempts to reach an agreement failed, so the Crown decided to try and purchase the land. Title had not yet been ascertained by the Native Land Court, but a Crown agent began making payments to people claiming interests in the block. These advances included raihana payments that took the form of credit extended to individuals at local stores. By 1875 Crown purchasing had stalled, and the Crown negotiated a lease agreement that opened the block for gold mining. Signatories to the lease agreed that the revenue from the goldfield would pay off significant debt accumulated against the block in favour of the Crown. They applied all of the revenue from the goldfield to paying off the debt, despite the fact that only some individuals with interests in the block had created the debt to the Crown. Furthermore, by 1877 the Crown had resumed making pre-title advances to those claiming interests in Ohinemuri. In 1882 the Native Land Court awarded 90 per cent of the land to the Crown.
- 2.10 The Court awarded Ohinemuri 18 to Ngāti Rāhiri Tumutumu. The Crown was awarded 2,582 acres of this block in recognition of the pre-title advances made against the block. Of the 287 acres remaining, 169 acres were set aside as a reserve for the sellers and the two non-sellers were left with 118 acres. The non-sellers sold their portion in April 1884 and by May 1923 the Crown had purchased the entire reserve.

#### **THE CROWN PURCHASE OF THE AROHA BLOCK**

- 2.11 In January 1869 the Crown signed a preliminary agreement for the right to mine for gold at Te Aroha with another iwi. In February and March 1869, sitting at Matamata, the Native Land Court conducted the first title investigation for the Aroha block, and awarded Te Aroha to another iwi. Ngāti Tumutumu and others successfully applied for a rehearing into the Court's decision, and in early 1871 the Court conducted a second title investigation.

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## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

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On this occasion the Court awarded the block to 'the Marutuahu tribes', including Ngāti Tumutumu. Other iwi with claims to the block contested the decision, but it was not overturned.

#### **NGĀTI TUMUTUMU OPPOSITION TO CROWN PURCHASING OF TE AROHA**

- 2.12 In 1872 the Crown began to purchase individual interests in the Aroha block. To protect all of its negotiations in the Coromandel Peninsula, in July 1872 the Crown issued a notice under the Immigration and Public Works Act Amendment Act 1871 prohibiting private dealings with all lands east of the Waihou River, including part of the Aroha block.
- 2.13 By 1877 the Crown had purchased much of the Aroha block from other iwi, including the maunga, which is central to the identity of Ngāti Tumutumu and is the site of many urupā and wāhi tapu. Ngāti Rāhiri strongly opposed other iwi selling land they considered to be theirs. In April 1877 a Tauranga-based missionary reported to the Crown that he had visited Ngāti Rāhiri to discuss their grievances regarding their lands. He reported that a government agent had laid claim to lands belonging to Ngāti Rāhiri through payments made to other Hauraki iwi. Ngāti Tumutumu strongly objected to payments being made for land that they considered to be theirs.
- 2.14 During 1877, as the iwi sought to limit the sale of Te Aroha, Reha Aperahama and others of Ngāti Tumutumu submitted a petition to Parliament setting out their interests in the block. The petitioners argued that Ngāti Tumutumu were the main occupants of Te Aroha and they objected to the Crown purchasing land in the block from other iwi (the text of this petition is set out in clause 1.11 of part 1 of this deed).
- 2.15 In considering the petition, the Native Affairs Committee recommended that the Native Land Court should investigate the matter further. While the committee was considering the petition, Ngāti Rāhiri arranged a lease of some of the land to a Waitoa farmer for a cattle run. However, the Crown opposed the lease because a monopoly proclamation, under section 18 of the Waste Lands Administration Act 1876, was in force. This prohibited private leasing or purchasing of land in the Te Aroha area. The Crown's opposition prevented the lease being legally confirmed and protected the Crown's investment in the area.

#### **DEFINITION OF CROWN INTERESTS IN THE AROHA BLOCK**

- 2.16 By July 1877 204 individuals had signed a purchase deed and the Crown had advanced a total of £12,859 13s. In July and August 1878 the Native Land Court met to consider the Crown's application to have its interests in the Aroha block defined. Witnesses representing other iwi told the Court that they had transferred their interests to the Crown.
- 2.17 Ngāti Tumutumu continued to object to the way that the Crown had made pre-title advances to the Aroha block, stating that they felt this had undermined their ability to control land in their rohe. Through its judgement, the Court noted that Ngāti Tumutumu opposed other iwi selling their interests in the Aroha block, even though some of their leaders had accepted some money. By August Ngāti Rāhiri Tumutumu came to an agreement with the Crown whereby they would relinquish all of their interests in the Aroha



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block and in return they would be awarded 8625 acres of reserves. On 28 August 1878 the Court awarded the entire block to the Crown subject to the provision of reserves for Ngāti Rāhiri Tumutumu.

- 2.18 Immediately after the Court's decision, Hoani Nahe, a member of the House of Representatives who advocated for Ngāti Rāhiri, recorded that Ngāti Rāhiri were dissatisfied with the Court's decision. Ngāti Rāhiri considered that the Court had awarded too much land to other iwi who had already sold their Crown-granted interests. Ngāti Rāhiri Tumutumu representatives threatened to cast the timber for a bridge at Te Aroha into the river. They did not, however, carry out their threat.
- 2.19 The Native Minister considered their protests unreasonable because the Crown had come to an agreement to give Ngāti Rāhiri Tumutumu reserves and money for their interests in Te Aroha lands. He anticipated that the planned Omaha Reserve for Ngāti Rāhiri Tumutumu would be the site of a new township which would give its owners a substantial income. He proposed that the land would be inalienable, and Ngāti Rāhiri would bear the cost of subdividing the reserve to create a township with 'ample reserves' for them.

#### RESERVES FOR NGĀTI RĀHIRI TUMUTUMU

- 2.20 Towards the end of August 1878 the Crown sent an agent to Hauraki to conclude the purchase of all Te Aroha lands and create the proposed reserves for Ngāti Rāhiri. The reserves were: Omaha, Wairakau, Manawaru, Timber Reserve, Te Kawana, an unnamed 100-acre reserve, and a separate 40-acre portion of Wairakau which was to be vested in Reha Aperahama. The individuals who received these awards came from Ngāti Rāhiri hapū including Ngāti Hue, Ngāti Kopirimau, Ngāti Kotopara, Ngāti Te Atua, Ngāti Te Kaha, Ngāti Tumutumu, Ngāti Haumia, Ngāti Te Ruinga, and Ngāti Tau.
- 2.21 In January 1883 the Crown was asked to investigate whether there was any record of a promise made of a reserve of 50 acres at Tangitu, a wāhi tapu where Te Ruinga, the son of Tumutumu, was buried, just outside the boundary of the Wairakau Reserve. In December 1885 the matter was raised again, but the response was that no such reserve was ordered by the Native Land Court in 1878. Ngāti Tumutumu tradition records the reserve was set aside for Ngāti Tumutumu but that no one recalled it.

#### THE TE AROHA GOLDFIELD

- 2.22 In September 1880 gold was discovered on the Omaha Reserve awarded to Ngāti Rāhiri Tumutumu. Initially, the Crown contemplated purchasing the reserve for gold mining purposes, but Ngāti Rāhiri did not wish to sell. However two of the major land owners, Te Mokena Hou and W.H. Taipari, were willing to open the land for mining through a lease. After the Crown reached a preliminary agreement with these rangatira, a hui was convened at Te Aroha on 26 October 1880 to discuss this issue.
- 2.23 Not all Ngāti Rāhiri Tumutumu agreed to the opening of the goldfield. At the Te Aroha hui, some sections of Ngāti Rāhiri Tumutumu, represented by rangatira Te Karauna Hou, wanted further assurances that the mining agreement would provide revenue and they requested a cash payment of £1000. The Crown rejected this request and instead, in

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October 1880, negotiated a lease agreement with Te Mokena Hou and the Taipari whānau for land in which they were the major owners. While the Crown gained the agreement of most of the owners, it did not receive permission from all owners. Akuhata Mokena, one of owners of the reserve, objected to the reserve land being declared part of the goldfield, but his objections were disregarded. The day before the goldfield was opened, a number of Māori gathered at the Mining Warden's office and informed the Warden that they would not agree to the field being opened the following day. The Warden replied that 'nothing should stop the field being opened'.

- 2.24 On 18 November 1880 the Crown created the Te Aroha goldfield under the Gold Mining Districts Act 1872. The goldfield included large parts of the Aroha block the Crown had purchased in the 1870s, and the Wairakau and Omahu Reserves awarded to Ngāti Rāhiri in 1878.
- 2.25 Shortly after the goldfield was proclaimed, the rest of the Ngāti Rāhiri Tumutumu owners acquiesced to the mining lease. The Māori-owned Ruakaka block and the Crown-owned hot springs reserve were excluded from the mining area. The lease agreement provided for the rentals received from miners' rights to be paid to the owners of the land. Over the following decades, some gold was extracted through mining activities near Te Aroha, but it was not a particularly successful goldfield.

#### **RESIDENCE SITE LICENCES**

- 2.26 In the 1860s, with the owners' agreement, the Crown included occupation and other rights in its gold mining licences. Residence site licences were incorporated in the new mining legislation regime which was introduced in the early 1870s. In return for a small annual fee, licensees received a long-term and renewable right to occupy and build upon a site of up to one acre, for which the Crown collected fees which it paid to Māori landowners in addition to mining lease payments. Licensees did not have to be gold miners. Māori were unable to remove their lands from such agreements, although the Crown had the power to cancel licences. Despite the decline of gold mining in Hauraki after the 1860s, the Crown did not revoke the declarations of the goldfields, which meant that residence site licences and the lands they concerned remained subject to Crown control. The Crown continued to grant residence site licences through to the late 1920s.
- 2.27 Throughout the nineteenth and twentieth centuries the Crown did not ensure rents for the licences or leases were regularly revised to account for inflation, which meant Māori landowners frequently received rents for their lands which were well below market values. In 1962 Parliament passed the Mining Tenures Registration Act, which removed the Crown's power to cancel licences for breach of the original conditions of use and converted the licences to leases renewable every twenty-one years in perpetuity. In 1976 some Hauraki leaders sought a resolution to their outstanding residence site licence grievances in the High Court. They were unsuccessful. However, in 1980 they reached an agreement with the Crown. The Crown made compensation for lands subject to residence site licences, for the inadequacy of past rents, and for Māori having no alternative but to have those lands purchased by the Crown.

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#### TOWNSHIP AT TE AROHA

- 2.28 A Crown promise to build a township was a central feature of the October 1880 mining agreement, which also created a ‘cultivation reserve’ for Ngāti Rāhiri Tumutumu. The agreement set aside twelve acres for the township and the government surveyor was instructed to sketch out the road and 60 sites. The township was popular, and demand for business sites was initially high because the township was located on a navigable river and it was near a large area of high-quality agricultural land. By mid-November 1880 several commercial buildings had been erected on the site of the new township of Te Aroha and a site for government offices had been selected. The streets within the township on Māori reserved land were declared public roads under the Te Aroha Township Act 1882, and Ngāti Rāhiri Tumutumu received no compensation.

#### THE CROWN’S ACQUISITION OF THE TE AROHA HOT SPRINGS

- 2.29 The hot springs at the base of Te Aroha are central to the identity of Ngāti Rāhiri Tumutumu as an iwi. It is a tapu site and the iwi links its mana to the springs. Ngāti Rāhiri Tumutumu have a long history of using the springs for healing the sick and wounded, and consider the springs to be tapu.
- 2.30 In 1878 the Mayor of Thames petitioned the Crown seeking the hot springs be reserved as public property. The hot springs and 20 acres of surrounding land located near Te Aroha maunga were retained by the Crown when the Omahu Reserve was granted to Ngāti Rāhiri in 1878. The hot springs reserve was surrounded entirely by land awarded to Rina Mokena and others.
- 2.31 While there is no record of any negotiations with Te Mokena Hou, Ngāti Rāhiri Tumutumu traditions record that the land was gifted to the Crown by the iwi and that the iwi would have ongoing rights to use the springs. Te Mokena Hou built a hotel near the springs “so that the government could not say that these people lacked the initiative to utilise their lands.” Te Mokena Hou was appointed to the Te Aroha Hot Springs Domain Board, which was established in 1882 to control the hot springs reserve, but there was no institutional representation of the iwi on the board.
- 2.32 Despite having no formal rights to the springs, Māori were provided with access to the pools when the reserve was first created. However, by the early twentieth century Māori were no longer given free access and they had no input into the management of this tapu site.

#### CROWN PURCHASE OF TE AROHA TOWNSHIP INTERESTS

##### *The Manawaru block*

- 2.33 In February 1880 the Crown purchased the Manawaru block, a small reserve south of Te Aroha. The block was described as very valuable land by the Crown’s land purchase agent, who expected the Crown to sell it on to others for three times the price paid to the Māori owners.

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#### ***Township blocks: Te Kawana and Omahu blocks***

- 2.34 The Crown left goldfield proclamations in place in the 1880s and limited Ngāti Rāhiri Tumutumu owners' ability to make full use of their land in the township. In February 1880 the owner of the Te Kanawa Reserve requested the removal of restrictions on alienating land that were in place so that he could sell most of the land, with the exception of his residence, to private purchasers. The Crown initially declined to remove its monopoly purchasing powers in the Aroha block because they were concerned that Ngāti Rāhiri Tumutumu would become landless, but in 1886 it made an exception for the Te Kanawa Reserve and the block was sold.
- 2.35 In November 1880 some of the owners of the Omahu Reserve advised the Crown that they wanted to lease out sections of the block, and they sought the removal of prohibitions on alienation. The Crown's agent was concerned that there was little flat land in the reserve and a portion might soon be required for a township to service the new goldfield. The prohibitions remained in place and the lease was not granted.
- 2.36 From 1884 the Crown and local authorities progressively acquired Māori interests in the northern part of the town. The railway reserve appears to have been taken by agreement in 1885, and in subsequent years further interests were purchased by the Crown. In 1893 an area of about six acres in the foothills of the maunga was leased for a water supply, and seven years later this was taken under the Public Works Act 1894. Compensation of £30 was paid by the Te Aroha Borough Council.
- 2.37 In January 1886 the Crown's agent in Hauraki advised that the domain board wished to purchase approximately 45 acres of reserved land adjacent to the hot springs to expand the site of the domain. Four of the Ngāti Rāhiri Tumutumu owners offered part of their interests, totalling 45 acres, after they were approached by a Crown agent. Crown officials considered the offer made by Ngāti Rāhiri Tumutumu was very reasonable at the price requested, given the proximity of the land to the township. The offer was accepted by the Native Minister in July 1886 and the Crown issued a notice that removed restrictions preventing the alienation of the land. The transfer was completed in October 1893, and an area of 46 acres was declared Crown land in February 1894 and added to the domain in August 1898.
- 2.38 Income derived from the leases in the township was paid to the Māori owners. However, from the mid-1880s the Crown began purchasing interests in these township sections and this reduced Ngāti Rāhiri Tumutumu's revenue.
- 2.39 In 1881 much of the land in the township had been leased to settlers for 21 years. From 1888 the town board started a sustained campaign to acquire township land for perpetual leases or, preferably, freehold titles for the lessees. From 1888, and with seven years of the 21-year leases elapsed, concerns among the leaseholders of the town sections that their leases did not include automatic rights of renewal led the Te Aroha Town Board to lobby the government to acquire the freehold. The board also became concerned that the Crown could purchase interests from the Māori owners without the lessees having the first option to purchase the freehold.

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- 2.40 In April 1891 the Crown instructed its agent to purchase interests in the Ngāti Rāhiri Tumutumu Omaha Reserve, and by September 1895 the Crown held 6.5 of the 9 shares in the Omaha Reserve. The Crown acquired the remaining shares in 1901 and 1902. The Crown purchased further interests in Ngāti Rāhiri Tumutumu lands in the first two decades of the twentieth century. By the 1920s the Crown had purchased almost all of the land awarded to Ngāti Rāhiri Tumutumu.

#### **THE PURCHASE OF INTERESTS FROM THE LIPSEY ESTATE**

- 2.41 In the early twentieth century the Crown used special legislation to acquire further interests in the Te Aroha township. Ema Mokena Lipsey, the daughter of Te Mokena Hou, held substantial interests in the Te Aroha lands. She died in 1906 and, under the terms of her will, her husband and one of her daughters were appointed executors and trustees of her estate. Ema Lipsey's will contained strict provisions prohibiting the sale of any of her land that she left to her younger children and grandchildren. However, an area of approximately 98 acres was sold to the Crown in 1907 to discharge some of her debts. In 1910 the Crown began purchasing the balance of Lipsey's land in Te Aroha. In 1911 Parliament enacted legislation which validated the previous sales and permitted the Crown to make further purchases. By 1916 the Crown had purchased all of the Lipsey estate except for those lands occupied Ema Lipsey's whānau.
- 2.42 The trustees of her will and her beneficiaries consented to the legislative amendment, and Parliament overruled the terms of Ema Lipsey's will which were designed to ensure that her descendants maintained ownership of the land.

#### **THE DEVELOPMENT OF TE AROHA MAUNGA**

- 2.43 In the 1960s the Crown constructed a road to the summit of Te Aroha on Crown-owned land following a decision by the New Zealand Broadcasting Corporation to build a television relay transmitter on the maunga. Three bulldozers removed dense native bush and hard quartz rock along the sides of ridges to create a service road to allow the construction and maintenance of the mast. Power supply lines were also erected. The Crown constructed a temporary mast in 1963, and then a permanent mast of about 126 metres in 1965.
- 2.44 In 1966 the Crown granted a mining company a licence, under the Mining Act 1926, to establish a mine and mill site on Crown land at what became known as the Tui mine. Until 1974 the Tui mine, located on the western flanks of Te Aroha Mountain within the catchments of the Tui and Tunakohoa Streams, extracted copper, lead, and zinc concentrates in addition to silver and gold.
- 2.45 The Tui mine site and surrounding environment became severely polluted and the site is considered one of the most contaminated in Aotearoa/New Zealand. The damage done to this tapu land has caused ongoing distress to Ngāti Rāhiri Tumutumu. When, in January 1976, the mining company was liquidated, the site was left as it was. The licence held by the company under the provisions of the Mining Act 1926 did not require any environmental performance or rehabilitation bond.

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#### **SOCIO-ECONOMIC CIRCUMSTANCES AND TE REO MĀORI**

- 2.46 Prior to 1840 all Hauraki Māori spoke te reo Māori fluently. At the end of the nineteenth century many Hauraki Māori were bilingual, but most spoke te reo Māori as their primary means of communication. The first government Native School in Hauraki opened in 1883. The Crown saw the Native School system in part as a means of assimilating Māori, including Ngāti Rāhiri Tumutumu, into European culture. Māori children were strongly discouraged from speaking their own language in Crown schools for decades, and were punished if they did. Monolingualism increased in the period 1950-1975, when the effect of education policies was compounded by urbanisation. A new generation of parents were convinced that their tamariki had to speak English to succeed in the Pākehā world. The supremacy of English-language mass media exacerbated this decline of te reo Māori. By 1975 five per cent of Māori children could kōrero Māori. By the end of the twentieth century, twenty-seven per cent of Hauraki Māori spoke te reo Māori, with those over the age of fifty having the highest percentage of speakers.
- 2.47 In the twentieth and twenty-first centuries, Ngāti Rāhiri Tumutumu, like other Hauraki iwi, generally experienced poorer health, including lower life-expectancy and higher infant-mortality rates, than Pākehā. Hauraki Māori also experienced higher unemployment and lower mean annual income rates than the general Aotearoa/New Zealand population during the twentieth and twenty-first centuries.

#### **LANDLESSNESS**

- 2.48 Because of public works takings and Crown and private purchasing, by the end of the twentieth century less than three per cent of the land in the Aroha block remained in Māori ownership. This has seriously impacted Ngāti Rāhiri Tumutumu's presence at Te Aroha, and inhibited their ability to perform their kaitiaki responsibilities and draw mana and sustenance from their whenua in their rohe.
- 2.49 Ngāti Rāhiri Tumutumu's resulting marginalisation, including loss of te reo Māori, educational underachievement, sickness, and socioeconomic deprivation caused the iwi much suffering.
- 2.50 With limited opportunities in their rohe, many Ngāti Rāhiri Tumutumu had to leave to look for work in the cities. This urbanisation undermined Ngāti Rāhiri Tumutumu's ability to sustain their own culture and identity. The Crown's discouragement of te reo Māori, along with the fragmentation of Ngāti Rāhiri Tumutumu tribal structures and the migration from ancestral lands, severely impacted Ngāti Rāhiri Tumutumu's ability to pass mātauranga Māori on to their mokopuna.

## 2 NGĀ TĀTAI KŌRERO TUKU IHO

### KUPU WHAKATAKI

- 2.1 I takea mai te whakaaetanga a te Karauna me tōna whakapāha ki a Ngāti Rāhiri Tumutumu kei te wāhanga 3, i ēnei tātai kōrero.
- 2.2 E ai ki ngā kōrero tuku iho a Ngāti Rāhiri Tumutumu, i mua i te taenga mai o tauwi ki Te Aroha, i te noho Ngāti Rāhiri Tumutumu ki ngā whenua i te taha o Te Aroha maunga, i a rātou anō te mana kaitiaki, ā, nō reira mai hoki tō rātou mana whenua, me tō rātou oranga i tō rātou rohe. Nō te taenga ki ngā tau tuatahi o te rau tau rua tekau kua riro i te Karauna te nuinga o ngā whenua Māori i te rohe o Ngāti Rāhiri Tumutumu. Kei tēnei tākinga kōrero i raro iho nei te āhua o ēnei nekehanga me te tukunga iho mō Ngāti Rāhiri Tumutumu.

### TE PAKANGA ME TE RAUPATU

- 2.3 I te marama o Hūrae 1863 ka huakina e te Karauna tana pakanga ki te iwi Māori o Waikato, i te whakawhitinga o ana ope hōia i te awa o Mangatāwhiri. Ka tonoa e Ngāti Rāhiri Tumutumu tāna ope ki te whawhai ki ngā ope hōia a te Karauna i Waikato, i te tau 1863. Mai i Hānuere 1864 ka tīmata te whakanoho mai a Karauna i ana hōia ki Tauranga. Nō muri mai ka ara te pane o te pakanga i waenga i ngā hōia a te Karauna me ngāi Māori, tae atu ki ngā pakanga i Gate Pā me Te Ranga i Āperira me Hune 1864.
- 2.4 E ai ki te Karauna ko ngāi Māori i whawhai ki a ia he iwi tutū, ā, hei whakawhiu i aua hapū ka murua e ia ō rātou whenua i te rohe o Tauranga. I waenga i ngā tau 1865 me 1868 ka whakaurua e te Karauna ētahi eka 290,000 i te takiwā raupatu o Tauranga, tae atu ki ērā whenua i whai pānga ai a Ngāti Rāhiri me Ngāti Tumutumu ki roto. I whakawetohia e te Karauna ngā pānga tuku iho katoa ki ēnei whenua. Nō muri mai ka whakahokia ētahi whenua 240,000 te rahi ki a ngāi Māori i raro i te taitara takitahi, me te pupuru i ētahi eka 50,000, i mōhiotia ai ko te Poraka Raupatu.
- 2.5 I te tau 1864 i tīmata te whakawhihi kōrero a te Karauna ki tētahi atu iwi kia hokona e te Karauna ētahi o ngā whenua i mōhiotia ai, i roto i ngā tau ko ngā poraka o Katikati me Te Puna, i te mea, i te whakaaro te Karauna tērā e whakahokia tētahi wāhanga nui o te rohe i raupatutia ki te Māori, i runga i te kī taurangi a Kāwana Kerei. I whakaurua ētahi o ngā whenua i whai pānga ai a Ngāti Rāhiri Tumutumu ki roto ki tēnei whakawhitinga. I te marama o Hepetema 1866 i utua ētahi iwi o Hauraki, tae atu ki a Ngāti Tumutumu, mō ō rātou pānga i roto i ngā poraka o Katikati me Te Puna. I whiwhi a Ngāti Tumutumu i tētahi £500, mō ō rātou pānga i roto i ngā poraka o Katikati me Te Puna, ā, i kīa rātou he hapū nō tētahi iwi kē atu.
- 2.6 I whakaritea e te Karauna ētahi rāhui e ono, he wāhi tapu, he urupā hoki i roto mō te tīti o 1866 mō ngā poraka o Katikati me Te Puna, e 50 eka tētehi, ā, e rima atu anō ngā rāhui, e rima eka te nui o tēnā, o tēnā. Kāore he tohu i āta rūritia ēnei rāhui, i tukua rānei he taitara ki a Ngāti Rāhiri Tumutumu. I muri i te hoko a te Karauna i ngā poraka o Katikati me Te Puna, kāore kau he whenua i toe mai mō Ngāti Rāhiri Tumutumu i te rohe o

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Tauranga Moana. I pā nui anō tēnei motukanga i ō rātou whenua ki te noho pipiri a te iwi ki tēnei rohe.

**TE KŌTI WHAKAWĀ WHENUA MĀORI**

- 2.7 I whakatūria te Kōti Whakawā Whenua Māori i raro i ngā Ture Whenua Māori o 1862 me 1865, ā, i tū ōna whakawākanga tuatahi i te rohe o Hauraki i te tau 1865. Nā ngā Ture nei hoki i whakamutu te mōtika hoko tō mua a te Karauna i raro i te upoko tuarua o te Tiriti o Waitangi, mō ngā whenua kua oti ngā taitara te whakatau e te Kōti, i āhei ai te tangata Māori takitahi ki te hoatu i ōna whenua, ahakoa mā te rīhi, ahakoa mā te hoko tūturu, ki te hunga tuatoru.
- 2.8 I āhei te tangata Māori, ahakoa ko wai, ki te tono kia tūhuratia te taitara whenua e Te Kōti Whakawā Whenua Māori, mā tana tuku tono ā-tuhi ki te Kōti. Ina tukua atu tētahi tono, e ai ki te ture me whai wāhi katoa te hunga whai pānga tuku iho ki te whenua, me ka hiahia rātou kia uru ki te taitara nā te Karauna i tārei, ahakoa i hiahia rātou ki te taitara Karauna, kāore rānei. He matahuhua ngā āhuatanga o te mana pupuru whenua tuku iho, ā, rā roto i aua mana i whakaaetia te whakamahī whenua e te hapū mō mea āhua, mō mea āhua, me te whakaū i te noho whanaunga o ngā rōpū tokomaha ki te whenua. I raro i ngā ture whenua hou me āta whakamau aua mōtika ki roto i tētahi whaitua i āta rūritia, na, kīhai hoki aua ture i āta whakatakoto i te katoa o ngā ingoa o te hunga he pānga tuku iho ō rātou. I raro i ngā taitara tuku iho o te Māori, he mea pupuru ā-hapū, ā-whenua te whenua. Nō te whakawhiwhinga o ngā taitara Karauna ki a Ngāti Rāhiri me Ngāti Tumutumu, kua hoatu he pānga ki ētahi tāngata takitahi, he mea āta whakaingoa.

**TE HOKO A TE KARAUNA I TE PORAKA O ŌHINEMURI BLOCK**

- 2.9 Mai i te tau 1868 ka tīmata te whai a te Karauna kia whakatuwheratia te poraka o Ōhinemuri mō te mahi kerī kōura. Kāore i tutuki ngā kōkiri tuatahi kia tatū he whakatau, nā reira i tahuri ai te Karauna ki te whai i aua whenua, kia hokona e ia. Kāore anō te taitara kia tatū i te Kōti Whakawā Whenua Māori engari i tīmata te utu moni a tētahi kaimahi Karauna ki ētahi tāngata kerēme pānga i roto i te poraka. Ko ētahi o aua moni tōmua he utunga raihana, he moni nama kei roto i utua ki ngā tāngata takitahi i ngā toa o te takiwā. Nō te tau 1875 kua raru te hoko whenua a te Karauna, ā, ka tatū tētahi kirimana rīhi i te Karauna i wātea ake ai te rohe mō ngā mahi kerī kōura. I whakaae ngā kaihaina ki te rīhi ka riro mā ngā whiwhinga moni mai i te keringa kōura e utu te nama nui ki te Karauna kua haupū mai ki runga i te poraka. Ka tono rātou kia tukua te katoa o ngā moni hua hei utu i te rīhi, ahakoa nā ētahi anake o ngā tāngata takitahi whai pānga i tō mai te nama ki te Karauna ki runga i te poraka. I tua atu i tērā, nō te tau 1877 kua tīmata anō ngā tukunga moni tōmua a te Karauna ki te hunga i kerēme pānga ki Ōhinemuri. I te tau 1882 ka whakawhiwhia e Te Kōti Whakawā Whenua Māori tētahi 90 ōrau o te whenua ki te Karauna.
- 2.10 Ka whakawhiwhia a Ōhinemuri 18 ki a Ngāti Rāhiri Tumutumu. I whakawhiwhia te Karauna ki tētahi 2,582 eka i roto i tēnei poraka, hei whakaea i ngā utunga tōmua i tukua e ia i runga i te poraka. O ngā eka 287 i te toe, i whakatahangia tētahi 169 eka hei rāhui mō ngā kaihoko, ā, i waiho tētahi 118 eka mō te hunga kāore i whakaae ki te hoko. I hokona e te



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hunga kāore i whakaae ki te hoko tō rātou wāhanga i te marama o Āperira 1884, ā, nō te marama o Mei 1923 kua hokona mai e te Karauna te katoa o te rāhui mōna anō.

**TE HOKO A TE KARAUNA I TE PORAKA O AROHA**

- 2.11 I te marama o Hānuere 1869 i hainatia e te Karauna tētahi kirimana tōmua ki tētahi atu iwi mō te mōtika keri kōura i Te Aroha. I ngā marama o Pēpuere me Māehe 1869, i tōna whakawākanga i tū i te tāone o Matamata, i tūhuratia e Te Kōti Whakawā Whenua Māori te taitara tuatahi mō te poraka o Aroha, ā, ka whakawhiwhia Te Aroha ki tētahi atu iwi. I tono tahi a Ngāti Tumutumu me ētahi atu kia whakarangona anō te whakatau a te Kōti, ā, i ngā marama tuatahi o 1871 ka kawea e te Kōti tāna tūhuratanga tuarua. I taua wā, ka whakawhiwhia e te karauna te poraka ki 'ngā iwi o Marutūahu', tae atu ki a Ngāti Tumutumu. I whakahēngia te whakatau e ētahi atu iwi whai kerēme ki te poraka, engari kāore i huripokina.

**NGĀ MAHI WHAKAHĒ A NGĀTI TUMUTUMU KI TE HOKO A TE KARAUNA I TE AROHA**

- 2.12 I te tau 1872 ka tīmata te hoko a te Karauna i ngā pānga takitahi ki te poraka o Aroha. Hei kaupare i ōna whakawhitinga kōrero katoa mō te rohe o Te Tara o Te Ika a Māui, ka whakaputaina e te Karauna tētahi pānui i te Hūrae 1872 i raro i te Immigration and Public Works Act Amendment Act 1871 i whakakāhoretia ai ngā hoko tūmataiti i ngā whenua katoa ki te rāwhiti o te awa o Waihou, tae atu ki tētahi wāhi o te poraka o Aroha.
- 2.13 Nō te taenga ki te tau 1877 kua oti te nuinga o te poraka o Aroha te hoko e te Karauna, mai i ētahi atu iwi, tae atu ki te maunga, e noho nei hei maunga tapu mō te mana o Ngāti Tumutumu, inā hoki he urupā, he wāhi tapu. I tino whākahē a Ngāti Rāhiri i te hoko a ētahi atu iwi i ngā whenua i mea rātou nō rātou kē. I te marama o Āperira 1877 ka whakahoki kōrero tētahi mihingare nō Tauranga ki te Karauna, me tana kī, kua peka atu ia ki a Ngāti Rāhiri ki te kōrero mō ō rātou nawe e pā ana ki ō rātou whenua. E ai ki ana kōrero, nā tētahi kaimahi kāwanatanga i tāpae kerēme ki ngā whenua o Ngāti Rāhiri, nā runga i ngā utunga ki ētahi atu iwi o Hauraki. I tino whākahē a Ngāti Rāhiri ki ngā utunga mō ngā whenua i mea rā rātou, nō rātou kē anō.
- 2.14 I roto i te tau 1877, i te whāinga nui o te iwi kia aukatingia te hoko o Te Aroha, ka tukua e Reha Aperahama mā o Ngāti Tumutumu tā rātou pitihana ki te Pāremata i tākina ai ō rātou pānga ki taua poraka. E ai ki ngā kaipitihana ko Ngāti Tumutumu te iwi i noho nui ki Te Aroha, ā, ka nui tō rātou whakahē ki te hoko a te Karauna i ngā whenua o te poraka i ētahi atu iwi (e takato ana ngā kupu o taua petihana i te whiti 1.11 o tēnei tīti):

*That land, Te Aroha, belongs to us alone, to our ancestors, to our hapu Ngātitumutumu ... and we and our hapus who have permanently occupied this land, Te Aroha, from days long gone by up to the present day, have large interests in the land, and we are still exercising acts of ownership on the land according to Māori custom.*

*No other hapus or tribes ... had any right or title whatever to this land, Te Aroha, according to Māori custom.*

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Ko taua whenua ko te Aroha i a matou anake i o matou tupuna me to matou hapu me Ngatitumutumu ... A ka whai take nui matou o matou hapu e noho tuturu nei i runga i tenei whenua i te Aroha o mua iho a tae noa mai ki a matou ki o ratou uri e noho nei i runga i tenei whenua i te Aroha inaianei e mahi nei matou i nga mahi whai taketanga ki te whenua i runga i nga ritenga Maori.

Kihai rawa etahi hapu iwi ranei .... i whai paanga i whai take ranei ki tenei whenua ki te Aroha i runga i nga ritenga Maori whai taketanga ki te whenua'<sup>2</sup>

*None of the other hapus or tribes ... or any other tribes, from time immemorial to the present, have driven off our ancestors or hapus, or have objected to their occupying from the beginning till now, and we are still living permanently upon our land, Te Aroha.*

Kihai ano hoki tetahi iwi hapu ranei o nga iwi katoa...o etahi atu iwi ranei i mua iho, inaianei ranei, i pana i whakahe ranei i te noho a o matou tupuna, a o matou hapu ranei i mua iho a tae noa mai ranei ki a matou e noho tuturu nei i runga i to matou whenua i te Aroha.

*We would point out to you that our land, Te Aroha, is of very large extent; it is also land of good quality, and contains many thousands of acres; and for that reason the Land Purchase Officer heedlessly paid money to all the tribes ... who had no title there, in order that the Government might get all the land, and that he might get his commission at 4d per acre for lands purchased by him for the Government.*

E tino whakamarama ana matou ki a koutou ko to matou whenua ko te Aroha he whenua nui noa atu, he whenua pai hoki, he maha noa atu hoki nga mano eka i runga i taua whenua, koia hoki te take i tukua noatia ai he moni e taua kai hoko whenua ki nga iwi katoa... kaore nei o ratou paanga ki reira kia riro katoa ai taua whenua mo te Kawanatanga, kia riro mai ai i a ia te moni o runga i te 4 kapa mo to eka, hei utu mo tana mahi hoko whenua mo te Kawanatanga.

*The ... tribes did not appear in Court to assert their own rights to Te Aroha, but to substantiate the title of our ancestors, our hapus, or of ourselves who are living upon our land.*

Ehara hoki i te mea i tu nga iwi... ki te Kooti whakapuaki ai i to ratou ake whaitaketanga ki te Aroha. Engari he whakatuturu ta ratou i te whaitaketanga o o matou tupuna o o matou hapu o matou ranei e noho nei i runga i to matou whenua.

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2 Ko ngā kupu Māori i tēnei wāhanga ngā tino kupu ake i tuhia e ngā rangatira o Ngāti Tumutumu me Ngāti Rāhiri i 1877. Kua tuhia i konei, kāore he huringa he rawketanga rānei i te āhua o te tuhi i ia kupu, hāunga anō tētahi hapa tānga kotahi.

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*We point out that we addressed a letter to Sir Donald McLean, Minister for Native Affairs, on the 3rd December 1876, showing forth to him all these difficulties which we have related to you. A copy of that letter was published in the Thames Advertiser of 13th January 1877; but we have not received any word from the Government on the matter respecting which we now petition you.*

E whakaatu ana matou, i tuhia ano he pukapuka e o koutou kai pitihana ki a Ta Tanara Makarini, Minita mo nga Maori, i te 3 o nga ra o Tihema 1876, hei whakaatu i tenei raru katoa kua whakina nei ki to koutou Runanga. I taia hoki te kape o taua reta ki te *Thames Advertiser* o Hanuere 13th, 1877, heoti kaore ano kia tae mai te kupu a te Kawanatanga hei whakaatu ki a matou mo taua mea e tonoa nei e matou ki a koutou.

*It will probably be clear to you that all the tribes ... have no right whatever to Te Aroha, We will ever pray to you both now and in the future to regard with favour your petitioners while it is yet day, for the night cometh wherein no man can work. We therefore send our petition to you for your favourable consideration.*

Ka inoi tonu matou ki a koutou inaianei a mua atu hoki kia whakaarohia paitia ta matou pitihana e koutou inaianei i te wa e marama ana, tenei ake te po, te wahi e kore ai e tika te tangata te mahi. Na konei matou o koutou Kai Inoi ka tuku nei i tena Pitihana ki a koutou kia ata whiriwhiria paitia ta matou tono.

- 2.15 I roto i āna whiriwhiringa i te pitihana, i tūtohu te Komiti mō ngā Take Māori kia tahuri mai te Kōti Whakawā Whenua Māori ki te wherawhera i te take. I te wā e whiriwhiri ana te komiti i te pitihana, ka whakaritea e Ngāti Rāhiri tētahi rīhi o ētahi whenua ki tētahi kaiahuwhenua i Waitoa, hei pārae mō ana kau. Engari i whakahētia te rīhi e te Karauna nā te mea, arā hoki tāna pānuitanga mana rangatira takitahi, i raro i te tekiana 18 o te Waste Lands Administration Act 1876, kāore anō kia murua taua mana. I raro i taua tekiana i whakakāhoretia te rīhi, te hoko tūmataiti rānei i tētahi whenua i te rohe o Te Aroha. Nā te whakahē a te Karauna kāore i taea te whakaū ā-ture i te rīhi, ā, nā konei hoki i kauparea ai ngā haumi a te Karauna i taua takiwā.

**HE WHAKAMĀRAMA MŌ NGĀ PĀNGA A TE KARAUNA I TE PORAKA O AROHA**

- 2.16 Nō te taenga ki te marama o Hūrae 1877, e 204 ngā tāngata takitahi kua haina i tētahi tīti hoko, ā, kua tukua tōmuatia e te Karauna tētahi moni £12,859 13 herengi. I ngā marama o Hūrae me Ākuhata 1878 i hui te Kōti Whakawā Whenua Māori ki te whiriwhiri i te tono a Te Karauna kia tautuhitia ōna pānga ki te poraka o Aroha. I kī ētahi kanohi nō iwi kē ki te Kōti kua whakawhitiria e rātou ō rātou pānga ki te Karauna.
- 2.17 I whakahē haere tonu a Ngāti Tumutumu ki ngā utunga moni tōmua a te Karauna mō te poraka o Aroha i mua tonu i te whakataunga taitara, me te kī, nā reira i peia ai rātou ki waho i ngā whakahaere e pā ana ki ō rātou whenua i tō rātou rohe. I roto i tāna whakatau, i whai whakaaro te Kōti mō te whakahē a Ngāti Tumutumu i te hokonga a ētahi atu iwi i ō rātou pānga i roto i te poraka o Aroha, ahakoa i whiwhi moni ētahi o ōna rangatira ake. Nō te taenga ki te marama o Ākuhata ka tatū tētahi whakatau mā Ngāti Rāhiri Tumutumu me te Karauna e tukua noatia atu e rātou ō rātou pānga katoa ki te poraka o Aroha, ko te utu,

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ka whakawhiwhia ētahi rāhui whenua 8625 eka te rahi ki a rātou. Ka tae ki te 28 Ākuhata 1878 ka whakawhiwhia e te Kōti te katoa o te poraka ki te Karauna, mēnā ka whakatūria he rāhui motuhake mō Ngāti Rāhiri Tumutumu.

- 2.18 I muri tata mai i te whakatau a te Kōti, ka puta te kī a Hoani Nahe, tētahi o ngā mema o te Whare Pāremata i noho hei māngai mō Ngāti Rāhiri, kāore kē a Ngāti Rāhiri i tino harikoa mō te whakatau a te Kōti. E ai ki a Ngāti Rāhiri he maha rawa ngā whenua kua tukua e te Kōti ki ētahi atu iwi, kua hoko kē i ō rātou pānga nā te Karauna i whakawhiwhi. I kī ngā kanohi o Ngāti Rāhiri Tumutumu e hiahia ana rātou ki te maka i ngā rākau kua oti te tuatua mō tētahi arawhiti i Te Aroha ki roto i te awa. Heoi anō, kāore i tutuki tā rātou i whakatuma ai.
- 2.19 Ki te Minita mō ngā Take Māori kāore he tino take o ā rātou whakahē, nā te mea kua tau he whakaaetanga, e tuku ai te Karauna i ētahi rāhui, moni hoki ki a Ngāti Rāhiri Tumutumu mō ō rātou pānga, moni hoki i ngā whenua o Te Aroha. Ki tāna, e tika ana kia noho te rāhui o Omahu hei whenua mō Ngāti Rāhiri Tumutumu e whakatūria ai he tāone hōu, e tino hua ai he whiwhinga moni mā te iwi. Ki tāna, me here te whenua kia kore ai e taea te hoko, ā, kia noho te haepapa mō te kotikoti i te rāhui hei hanga tāone ki runga i a Ngāti Rāhiri, kia tū ai he tāone me ōna 'rāhui tino nui' mō rātou.

**HE RĀHUI MŌ NGĀTI RĀHIRI TUMUTUMU**

- 2.20 Nō te tatanga atu ki ngā rā whakamutunga o Ākuhata 1878 ka tonoa e te Karauna tāna kaimahi ki Hauraki hei whakaoti i te hoko o ngā whenua katoa o Te Aroha, hei hanga hoki i ngā rāhui i whakaarotia ai mō Ngāti Rāhiri. Inā rā aua rāhui: Ko Omahu, ko Wairākau, ko Manawarū, ko Timber Reserve, ko Te Kāwana, tētahi rāhui 100-eka kāore ōna ingoa, me tētahi wehenga 40-eka te rahi o Wairākau, te tikanga ka hoatu ki a Reha Aperahama. Ko ngā tāngata takitahi i whakawhiwhia ki aua whiwhinga i ahu mai i ngā hapū o Ngāti Rāhiri, tae atu ki a Ngāti Hue, ki a Ngāti Kōpirimau, ki a Ngāti Kotopara, ki a Ngāti Te Atua, ki a Ngāti Te Kaha, ki a Ngāti Tumutumu, ki a Ngāti Haumia, ki a Ngāti Te Ruinga, me Ngāti Tau.
- 2.21 I te marama o Hānuere 1883 i inoitia te Karauna kia tūhura mehemea he tuhinga i kitea mō tētahi kī taurangi mō tētahi rāhui, 50 eka te rahi kia whakatūria ki Tangitū, ki tētahi wāhi tapu i nehua ai te tūpuna nei a Te Ruinga, te tama a Tumutumu, i waho iti atu i te Rāhui o Wairākau. I te marama o Tīhema 1885 i whakaarahia anō tērā āhuatanga, engari ko te whakautu ia, kāore tētahi rāhui pērā i whakahautia e Te Kōti Whakawā Whenua Māori i 1878. E ai ki ngā kōrero tuku iho a Ngāti Tumutumu he mea whakatārewa taua rāhui mō Ngāti Tumutumu, engari kīhai tētahi i maumahara ki tērā.

**TE KERINGA KŌURA O TE AROHA**

- 2.22 I te marama o Hepetema 1880 ka kitea tēnei mea te kōura i te Rāhui o Omahu, kua oti kē te whakawhiwhi ki a Ngāti Rāhiri Tumutumu. I te tuatahi, i anga atu te Karauna ki te hoko i te rāhui hei keringa kōura, engari kāore kē a Ngāti Rāhiri i hiahia ki te hoko. Ahakoa tērā, tokorua ngā rangatira pupuru i taua whenua, a Te Mokena Hou rāua ko W.H. Taipari, i whakaae kia huakina mai te whenua mō te keri kōura mā roto i tētahi rīhi. I muri i te

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whakataunga kōkau ki ēnei rangatira, ka karangatia tētahi hui i Te Aroha i te 26 Oketopa 1880 hei whakawhitiwhiti whakaaro mō tēnei take.

- 2.23 Kāore te katoa o Ngāti Rāhiri Tumutumu i whakaae ki te huakitanga o te keringa kōura. I te hui i Te Aroha, i hiahia ētahi o ngā wehenga o Ngāti Rāhiri Tumutumu kia kī taurangi te kirimana keri kōura tērā tonu e hua mai he whiwhinga moni, me te tono kia tāpaetia mai tētahi £1000. Ko tō rātou māngai ko te rangatira nei, a Te Karauna Hou. I whakakāhore Te Karauna i tēnei tono, ā, nō te marama o Oketopa 1880 ka tatū tētahi kirimana rīhi ki a Te Mokena Hou me te whānau Taipari mō ngā whenua ko rātou ngā kaipupuru matua. Ahakoa i takoto te whakaae a te nuinga o ngā kaipupuru i mua i te Karauna, kāore te katoa o ngā kaipupuru o te whenua i whakaae. I puta te whakahē a Akuhata Mokena, tētahi o ngā kaipupuru o te rāhui, ki te whakaingoatanga o te whenua rāhui hei wāhanga mō te keringa kōura, engari kāore kau i arongia atu ana whakahē. I te rā i mua atu i te huakitanga o te keringa kōura, i huihui mai ētahi tāngata Māori i te tari o te Wātene Keringa me te kī atu ki te Wātene e kore rātou e whakaae ki te huakitanga o te keringa hei te aonga ake. Ko te kī a te Wātene 'kāore tētahi āhuatanga o te ao nei hei aukati i te huakitanga o te keringa kōura.'
- 2.24 I te 18 Nōema 1880 ka hangaia e te Karauna te keringa kōura o Te Aroha i raro i te Gold Mining Districts Act 1872. Ka uru ki roto i aua keringa ētahi wāhanga nui tonu o te poraka o Aroha kua hokona e te karauna i ngā tau mai i 1870, me ngā rāhui o Wairākau me Omahu i whakawhiwhia ki a Ngāti Rāhiri i te tau 1878.
- 2.25 Nō muri tata mai i te whakapuakitanga o te keringa kōura, ka whakaae te nuinga atu o ngā kaipupuru whenua o Ngāti Rāhiri Tumutumu ki te rīhi. I hātepengia atu ngā poraka whenua Māori o Ruakākā me te puia wai wera, nō te Karauna, i te wāhi keringa kōura. I raro i te kirimana rīhi ka haere ngā moni rēti mai i ngā mōtika kaikeri ki ngā rangatira o te whenua. I roto i ngā ngahuru tau o muri mai, ahakoa i puta mai ētahi kōura i ngā keringa i te takiwā o Te Aroha, kāore i tino nui ngā hua o taua keringa.

**NGĀ RAIHANA WHENUA KĀINGA NOHO**

- 2.26 I te ngahuru tau mai i 1860, i runga i te whakaaetanga o ngā kaipupuru, ka whakarua e te Karauna ētahi mōtika kāinga noho, me ētahi atu mōtika ki āna raihana keri kōura. Ka whakaurua tēnei mea te raihana whenua kāinga noho ki ngā whakaritenga hōu mō ngā keringa i whakamanaia i ngā tau tuatahi mai i 1870. Nā te utunga o tētahi moni iti ia tau, i whiwhi te hunga whai raihana ki tētahi mōtika wā-roa hei noho hei hanga hoki i tētahi kāinga tae atu ki te eka kotahi, i kōhi ai te Karauna i ētahi moni i utua ki ngā kaipupuru Māori i tua atu i ngā utunga rīhi. Ehara i te mea me kaikeri kōura rawa te hunga whai raihana. Kāore kē te Māori i āhei ki te tango i ō rātou whenua i aua kirimana, ahakoa i te Karauna anō te mana ki te whakakore i ngā raihana. Ahakoa te heke o ngā mahi keri kōura i Hauraki i muri mai i te ngahuru tau 1860, kāore kē te Kāwanatanga i muku i ngā whakapuakitanga o ngā keringa kōura, i noho ai te mana o ngā raihana whenua kāinga noho me ngā whenua i tū ai aua kāinga, ki te Karauna. I haere tonu te mahi tuku raihana whenua kāinga noho tae noa mai ki te mutunga o te ngahuru tau 1920.
- 2.27 Rā roto anō i te rau tau tekau mā iwa, rua tekau hoki kāore kē te Karauna i āta whakarite tikanga kia whakahōutia ngā raihana, ngā rīhi hoki, kia ōrite ki te pikinga ā-tau o ngā utu

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mō ngā mea katoa, nā konei kāore i eke ngā rēti i tae mai ki ngā kaipuipuru whenua Māori ki te uara tika mō aua whenua, i te ao hokohoko whānui. I te tau 1962, ka whakamanaia e te Whare Pāremata te Mining Tenures Registration Act, i mukua ai te mana o te Karauna ki te whakakore i ngā raihana mō ngā kaupapa taketake o te whakamahi, i hurihia ai hoki aua raihana kia noho hei rīhi ka taea te whakahou, ia rua tekau mā tahi tau, mō ake tonu atu. I te tau 1976 ka haria tēnei nawe nui mō ngā raihana whenua kāinga noho e ētahi o ngā rangatira o Hauraki ki te Kōti Matua, hei whakatau i tō rātou take tārewa i reira. Kāore rātou i wikitōria. Heoi anō i te tau 1980, ka tatū tētahi kirimana ki te Karauna. Ka utua e te Karauna he Kāpiheihana mō ngā whenua i herea i raro i ngā raihana whenua kāinga noho, mō te iti rawa o ngā rēti o mua, me te kore e taea te kaupare a te Māori i te hokonga o aua whenua e te Karauna.

**TE TĀONE I TE AROHA**

- 2.28 I noho te kī taurangi a te Karauna kia hangaia e ia tētahi tāone hei wāhanga matua o te kirimana keri kōura o Oketopa 1880, ā, i raro hoki i taua kirimana ka hangaia he ‘rāhui māra kai’ mō Ngāti Rāhiri Tumutumu. I wehea atu tētahi tekau mā rua eka mō te tāone i raro i te kirimana, ā, i tonoa te kairūri kia tuhia he whakaahua o te rori me ngā wāhanga e 60. He wāhi taua tāone i tino paingia e te tangata, waihoki, ka nui te hiahia o te tangata ki ngā papa whenua umanga i te tuatahi, nā te mea he awa tōna ka taea te urutomo e ngā kaipuke, ā, i tata anō ki tētahi rohe whānui tonu, ā, he whenua haumako katoa i taua rohe. Nō te taenga ki waenga o te marama o Nōema 1880 kua oti ētahi whare arumoni te whakatū i te papa whenua o te tāone o Te Aroha, ā, kua kōwhiria hoki he papa whakatū whare mō ngā tari kāwanatanga. I whakapuakina ngā tiriti i roto i te tāone i runga i ngā whenua rāhui Māori hei rori tūmatanui i raro i te Te Aroha Township Act 1882, ā, kāore he kāpiheihana mā Ngāti Rāhiri Tumutumu.

**TE HOKO A TE KARAUNA I NGĀ PUIA WAIWERA O TE AROHA**

- 2.29 Kei te iho ngā puia waiwera i te take o Te Aroha maunga o te tuakiri o Ngāti Rāhiri Tumutumu. He wāhi tapu, ā, kua whai mana te iwi i ngā puia nei i tōna rohe. Kua roa rawa hoki a Ngāti Rāhiri Tumutumu e whakamahi ana i ngā puia mō te hunga māuiui me ngā taotū i te pakanga, ā, he tapu ērā ki a rātou.
- 2.30 I te marama o Mei 1878 ka tāpaetia e te koromatua o Waihou tāna pitihana ki te Karauna mō ngā puia kia kīa he taonga tūmatanui. I puritia ngā puia me ētahi eka 20 o ngā whenua i te taha i te takiwā o te Aroha maunga e te Karauna, i te karātītanga o te Rahui o Omaha ki a Ngāti Rāhiri i te tau 1878. Ko ngā whenua i whakawhiwhia ki a Rina Mōkena mā kei te karapoti katoa i ngā rāhui puia waiwera.
- 2.31 Ahakoa kāore he pukapuka i tuhia ai ētahi whakawhitiwhiti kōrero ki a Te Mokena Hou, e ai ki ngā kōrero tuku iho a Ngāti Rāhiri Tumutumu i takohatia aua whenua ki te Karauna e te iwi, me te kī, ka noho tonu ngā mōtika katoa ki te iwi kia whakamahi ia i aua puia. I hangaia e Te Mokena Hou tētahi hōtēra i te takiwā o ngā puia “kia kore ai te kāwanatanga e whakawātea ki te whakapae he ngoikore noa iho a ngāi Māori, kāore i kaha ki te whakamahi i ō rātou whenua.” I tohungia a Te Mōkena Hōu ki Te Aroha Hot Springs Domain Board, he mea whakatū taua poari i te tau 1882 hei whakahaere i te rāhui puia waiwera, engari kāore he māngai ā-iwi pūmau i te poari.

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- 2.32 Ahakoa kāore he mōtika ā-ture ki ngā puia, i tukua a ngāi Māori kia urutomo ki ngā puia i te orokohanga o te hanganga o te rāhui. Engari nō te taenga ki ngā tau tuatahi o te rau tahi rua tekau kāore i tino whākawāteatia ngā puia kia kore he utu, ā, kāore ō rātou mana whakahaere i tēnei wāhi tapu.

**TE HOKO A TE KARAUNA I NGĀ PĀNGA I TE TĀONE O TE AROHA**

***Te poraka o Manawarū***

- 2.33 I te marama o Pēpuere 1880 ka hokona e te Karauna te poraka o Manawarū, tētahi rāhui iti ki te tonga o Te Aroha. I kīa taua poraka he whenua tino whai uara e te kānohi hoko whenua a te Kāwanatanga, ā, ki ōna whakaaro tērā e hokona e te Karauna mō te utu e toru whakareanga i te utu ki ngā rangatira Māori o aua whenua.

***Ngā Poraka I Te Tāone: Ngā Poaraka Te Kawana Me Omahu***

- 2.34 I waiho noa iho te Karauna i ngā whakapuaki keringa kōura kia whai mana, taea noatia te ngahuru tau 1880, ā, i herea hoki ngā mōtika o ngā rangatira o Ngāti Rāhiri Tumutumui i kore ai rātou e āhei ki te tino whakamahi i ō rātou whenua i te tāone. I te marama o Pēpuere 1880 ka tonu te rangatira o te Rāhui o Te Kāwana kia ūkuia ngā here o te hoko atu i aua whenua, i runga i tana hiahia, kia taea e ia te hoko, hāunga tōna kāinga noho, ki ngā kaihoko tūmataiti. Kāore te Kāwana i whakaae i te tuatahi kia whakahoroa e ia tōna mana rangatira takitahi mō te hoko whenua i te poraka o Aroha, nā te mea i te āwangawanga ia ka noho kore whenua tonu a Ngāti Rāhiri Tumutumu, engari i te tau 1886 ka mukua aua here mō te Rāhui o te Kāwana, ā, i muri ka hokona te poraka.
- 2.35 I te marama o Nōema 1880 ka puta ngā tohutohu a ētahi o ngā rangatira o te rāhui o Omahu, i te hiahia rātou kia whakatakotoria he tekihana i te poraka, me te whai kia ūkuia ngā here i te hoko whenua. Ko te āwangawanga o te kanohi o te Karauna, he iti noa ngā whenua papatairite i te rāhui, ā, tērā pea ka hiahia he wāhanga hei whakatū tāone hei āwhina i te keringa kōura. I noho tonu ngā here aukati, ā, kāore i tukua he rīhi.
- 2.36 Mai i te tau 1884 i hoko haere tonu te Karauna me ngā mana ā-takiwā i ngā pānga i te wāhanga whaka-te-raki o te tāone. Te āhua nei i tangohia te rāhui ararino i runga i te whakaae a te iwi i te tau 1885, ā, i ngā tau o muri mai ka hokona ētahi atu pānga e te Karauna. I te tau 1893 i rīhitia tētahi wāhanga e ono eka te rahi i te pūtaka o ngā maunga hei whāngainga wai, ā, e whitu tau i muri mai i tangohia tēnei whenua i raro i te Public Works Act 1894. I utua he kāpiheihana, e £30, e Te Aroha Borough Council.
- 2.37 I te marama o Hānuere 1886 i whakaaturia mai e te kaimahi a te Karauna i Hauraki ko te hiahia o te Poari kia hokona e ia ētahi eka whenua 45 i te taha o ngā whenua i te taha o ngā puia wai wera hei whakawhānui i te rohe o te domain. I tāpaetia e ētahi kaipupuru whenua tokowhā o Ngāti Rāhiri Tumutumu tētahi wāhanga o ō rātou pānga, i mua i te whakapātanga atu o tētahi kaimahi Karauna ki a rātou. E ai ki te whakaaro o ngā āpiha o te Karauna, he tino ngāwari noa te utu i tāpaetia e Ngāti Rāhiri Tumutumu, nā te mea he tino tūtata te whenua ki te tāone. I tūtohutia te tāpaetanga e te Minita mō ngā Take Māori i te marama o Hūrae 1886, ā, ka whakaputaina e te Karauna tana pānui tango i ngā here ki te hoatu i te whenua. I whakaotingia te whakawhitinga i te marama o Oketopa 1893, ā,

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ka whakapuakina te huringa o ētahi eka 46 hei whenua Karauna i te Pēpuere 1894, ā, tāpiritia atu ana ki te domain i Ākuhata 1898.

- 2.38 I utua ngā whiwhinga moni mai i ngā rīhi i te tāone ki ngā kaupupuru whenua Māori. Ahakoa tērā, mai i ngā tau i waenga i te takiwā o 1885 ka tīmata te hoko a te Karauna i ngā pānga i ēnei tekihana tāone, i heke haere ai ngā whiwhinga moni mā Ngāti Rāhiri Tumutumu.
- 2.39 I te tau 1881 kua oti te nuinga o ngā whenua i te tāone te rīhi ki ngā manene mō te 21 tau. Mai i 1888 ka tīmataria e te poari o te tāone tāna kōkiri nui, kia riro i a ia ngā whenua o te tāone hei tuku rīhi mutunga kore, hei tuku rānei mō te momo taitara i tino pīrangitia e ia, te taitara here-kore mō ngā kairēti. I te tau 1888, kua taka te whitu tau o ngā rīhi 21 tau. Mai i taua tau ka piki ngā āwangawanga o ngā kaupupuru rīhi mō ngā tekihana tāone, arā, kāore ō rātou mōtika whakahou noa mō ō rātou rīhi, ā, ka tīmata te ungaunga a te Poari ā-Tāone o Te Aroha i te Kāwanatanga kia tangohia e ia te taitara here-kore o te katoa. I tupu hoki te māharahara o te poari ka taea pea e Karauna te hoko pānga mai i a ngāi Māori, me te waiho i ngā kaupupuru rīhi ki waho, e kore ai rātou e āhei te hoko tuatahi i te taitara here-kore.
- 2.40 I te marama o Āperira 1891 ka whakahautia e te Karauna tana kaimahi kia hokona e ia ōna pānga i te Rāhui Omaha o Ngāti Rāhiri Tumutumu, ā, nō te taenga ki te Hepetema 1895 i puritia e te Karauna tētahi 6.5 hea o ngā hea 9 i te Rāhui o Omaha. I hokona e te Karauna ētahi atu o ngā hea i te toe i waenga i 1901 me 1902. Ka hokona e te Karauna ētahi atu pānga i ngā whenua o Ngāti Rāhiri Tumutumu i ngā ngāhuru tau tuatahi e rua o te rau tau rua tekau. Nō te taenga ki te ngahuru tau 1920 kua oti te nuinga o ngā whenua i whakawhiwhia ki a Ngāti Rāhiri Tumutumu te hoko e te Karauna.

**TE HOKONGA O NGĀ PĀNGA MAI I NGĀ RAWA LIPSEY**

- 2.41 I ngā tau tuatahi o te rau tau rua tekau ka whakaurua e te Karauna ētahi ture motuhake hei whakawhānui i tāna tango i ētahi atu pānga i te tāone o Te Aroha. He whānui tonu ngā pānga a Ema Mokena Lipsey, te tamāhine a Te Mokena Hou, i ngā whenua o Te Aroha. I mate mai ia i te tau 1906, ā, i raro anō i ngā whakaritenga o tana wira, ka tohungia tana tāne me tētahi o ana tamāhine hei kaiwhakaoti, kei kaitiaki hoki mō ana pānga. I roto i te wira a Ema Lipsey ētahi whakaritenga pūmau kia kaua rawa e hokona tētahi wāhi o ana whenua, i waiho iho e ia ki ana tamariki taitamariki ake, me ana mokopuna. Ahakoa ērā whakaritenga, i hokona tētahi wāhanga, e 98 eka te rahi ki te Karauna i te tau 1907 hei whakaea i ētahi o ana nama. I te tau 1910 ka tīmata te hoko a te Karauna i te toenga o ngā whenua o Lipsey i Te Aroha. I te tau 1911 ka waihangatia e te whare Pāremata ētahi ture hei whakamana i ō mua hokonga, hei whakamana hoki i te Karauna kia haere tonu āna mahi hokohoko. Te taenga ki te tau 1916 kua oti katoa ngā pānga o Lipsey te hoko, hāunga ērā i te nohoia e te whānau o Ema Lipsey.
- 2.42 I whakaae ngā kaitiaki o tana wira me te hunga whiwhi painga ki te whakahoutanga ā-ture, ā, i whakakāhoretia e te Pāremata ngā whakaritenga o te wira a Ema Lipsey, ahakoa ngā whakaritenga o roto kia noho tonu aua whenua i ngā ringaringa o ōna uri.



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**TE WHANAKETANGA O TE AROHA MAUNGA**

- 2.43 I te ngahuru tau 1960 ka hangaia e te Karauna tētahi huarahi ki te tihi o Te Aroha i runga i ngā whenua Karauna, i muri i te whakatau a te Kāporeihana Whakapāho o Aotearoa kia hangaia he mīhini tuku pāhotanga i runga i te maunga. I waerea e ētahi purutōhia e toru te mātotorutanga o te ngahere i te maunga, tae atu ki ngā toka kiripaka, hei hanga i tētahi rori whakawātea i te hanganga me ngā mahi whakatikatika i te pou pāho. I whakatūria hoki ētahi waea kawē hiko. I whakatūria e te Karauna tētahi pou rangitahi i te tau 1963, nō muri mai i te tau 1965 ka whakatūria te pou pūmau, 126 mita te teitei.
- 2.44 I te tau 1966 ka whakaritea e te Karauna tētahi raihana kerī ki tētahi kamupene kerī, i raro i te Ture Kerī Whenua 1926, hei whakatū i tētahi keringa, me tētahi mira i te whenua Karauna e mōhiotia ana ināianei e te tangata ko te keringa Tūi. I huēka mai e taua keringa Tūi ngā toka konukura (kapa), konumatā, me ngā toka konutea, waihoki, te hiriwā me te kōura, i ngā taha whaka-te-hauāuru o Te Aroha maunga, i roto i ngā kāuru o ngā awa o Tūi me Tunakohoa, taea noatia te tau 1974.
- 2.45 Ka tino takakinotia te keringa Tūi me ōna takiwā e te tāoke, ā, e whakaarotia ana koia tētahi o ngā tino wāhi kino rawa te takakino i Aotearoa/New Zealand i ēnei rā. I noho ko ngā tūkinotanga ki ēnei whenua tapu hei mamaetanga nui mā Ngāti Rāhiri Tumutumu. I te turakitanga o te kamupene i te marama o Hānuere 1976, i waiho noa iho te keringa i tōna āhua o taua wā. I raro i te raihana i purutia e te kamupene i raro i ngā whakaritenga o te Ture Kerī Whenua 1926 kāore kau he here mō ngā mahi taiao, he pūtea whakatika rānei hei whakapai i te whenua.

**NGĀ ĀHUATANGA O TE NOHO ME TE ORA O TE IWI, ME TE REO MĀORI**

- 2.46 I mua atu i te tau 1840 he tino matatau a ngāi Māori katoa o Hauraki ki te kōrero i te reo Māori. I te mutunga o te rautau tekau mā iwa, he reo rua te tini o ngāi-Māori o Hauraki, engari i te kōrero te nuinga i te reo Māori hei reo matua mō rātou. I whakatūria e te kāwanatanga te Kura Māori tuatahi i Hauraki i te tau 1883. Ki te Karauna ko ngā kura Māori tētahi huarahi, i roto i ngā huarahi maha, mō te whakakotahi i te iwi Māori, tae atu ki a Ngāti Rāhiri Tumutumu, ki roto i te ao Pākehā. He kaha tonu te āki a ngā kura i ngā tamariki Māori kia kaua e kōrero i tō rātou ake reo i ngā kura Karauna, me ngā whakawhiu i a rātou mō te kōrero Māori. I tino piki te tupunga o te tangata kotahi tōna reo i ngā tau 1950-1975, i heipū ai te ākinga i te reo Pākehā i roto i ngā kaupapa mātauranga, ki te heke o te tangata ki ngā tāone noho ai. I puta mai tētahi reanga mātua kaha te whakaponu mā te kōrero tūturu a ā rātou tamariki i te reo Pākehā e piki ai aua tamariki ki ngā taumata i te ao Pākehā. Nā ngā pahupahu a ngā pāhotanga reo Pākehā i tino hohoro ai te heke o te reo Māori. Ka tae ki te tau 1975, e rima ōrau o ngā tamariki Māori i mōhio ki te kōrero Māori. I te mutunga o te rau tau rua tekau, e rua tekau mā whitu ōrau o ngāi Māori o Hauraki i mōhio ki te kōrero Māori, ā, ko ērā i runga ake i te rima tekau te hunga kaha rawa ki te kōrero.
- 2.47 I te rau tau rua tekau, rua tekau mā tahi hoki, ka hē te hauora o Ngāti Rāhiri Tumutumu, rite tonu ki ētahi o ngā iwi o Hauraki, i te potonga iho o ngā tau o te oranga, me ngā matenga kōhungahunga whānau hou, ina whakatairitea ki ō te Pākehā. He nui kē atu te pānga o te koremahī, me te itinga iho o te toharite o ngā moni hua ia tau mō ngāi Māori o

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Hauraki, i te nuinga o te pāpori o Aotearoa/New Zealand i te rau tau rua tekau, rua tekau mā tahi hoki.

**TE KORE WHENUA TŪTURU**

- 2.48 Nā ngā tangohanga whenua i raro i ngā ture tango whenua mō ngā mahi tūmatanui, nā ngā hoko Karauna, tūmataiti hoki, kia tae ki te mutunga o te rau tau rua tekau, he iti iho i te toru ōrau o ngā whenua o te poraka o Aroha i te noho tonu ki ngā ringa pupuru a te Māori. He tino taikaha te pānga o tēnei āhuatanga ki te noho toitū o Ngāti Rāhiri Tumutumu i Te Aroha, i hē ai hoki tō rātou noho hei kaitiaki, i raru ai tō rātou noho whai mana i tō rātou whenua tuku iho, otirā, i tō rātou rohe.
- 2.49 Nā ngā hekenga o Ngāti Rāhiri Tumutumu i aua tau, tae atu ki te ngaromanga o te reo Māori, te kore e kake ki ngā taumata i ngā kura, te māuiui, me te rarunga i te taha oranga, i taumaha ai, i tino mamae ai te iwi.
- 2.50 Nā te iti o ngā whāinga wāhi i tō rātou rohe, ka wehe atu te tini o Ngāti Rāhiri Tumutumu ki te kimi mahi i roto i ngā tāone. Nā te noho tāone ka raru te kaha o Ngāti Rāhiri Tumutumu ki te hāpai i ā rātou tikanga me tō rātou āhua tūturu. Nā te whakakāhoretanga a te Karauna i te reo Māori, nā te wāwāhanga o ngā ritenga whakahaere ā-iwi o Ngāti Rāhiri Tumutumu, nā te hekenga atu i ngā whenua tuku iho, i uaua ai te mahi a Ngāti Rāhiri Tumutumu i kore ai e tukua tēnei mea te mātauranga Māori ki ā rātou mokopuna.

### 3 ACKNOWLEDGEMENTS AND APOLOGY

#### ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that Ngāti Rāhiri Tumutumu has well founded and legitimate grievances, and that until now it has failed to address those in an appropriate manner. The Crown's provision of redress to Ngāti Rāhiri Tumutumu for those historical grievances is long overdue.
- 3.2 The Crown acknowledges that the Tauranga raupatu and the subsequent Tauranga District Lands Acts 1867 and 1868 compulsorily extinguished all customary interests within the confiscation district, including those of Ngāti Rāhiri Tumutumu, and this was unjust and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.3 The Crown acknowledges that:
  - 3.3.1 it failed to actively protect Ngāti Rāhiri Tumutumu interests in lands they wished to retain when it initiated the purchase of Te Puna and Katikati blocks in 1864 without investigating the rights of Ngāti Rāhiri Tumutumu;
  - 3.3.2 it also failed to actively protect Ngāti Rāhiri Tumutumu interests in land they wished to retain when it did not carry out its agreement in the 1866 Te Puna Katikati deed to set aside reserves, including certain wāhi tapu sites, and left Ngāti Rāhiri Tumutumu alienated from their ancestral lands in Tauranga; and
  - 3.3.3 these actions breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.4 The Crown acknowledges that:
  - 3.4.1 it introduced the native land laws without consulting Ngāti Rāhiri Tumutumu and the individualisation of title imposed on Ngāti Rāhiri Tumutumu lands, including sacred sites such as Te Aroha maunga, was inconsistent with tikanga Ngāti Rāhiri Tumutumu;
  - 3.4.2 Ngāti Rāhiri Tumutumu whānau and hapū had no choice but to participate in the Native Land Court system to protect their interests in their lands and to integrate land into the modern economy;
  - 3.4.3 the operation and impact of the native land laws, in particular the awarding of land to individual Ngāti Rāhiri Tumutumu rather than to their iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation; and
  - 3.4.4 this contributed to the further erosion of the traditional tribal structures of Ngāti Rāhiri Tumutumu, which were based on collective tribal and hapū custodianship of land, and the Crown failed to take adequate steps to protect those structures

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

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and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- 3.5 The Crown acknowledges that it deprived some Ngāti Rāhiri Tumutumu individuals of control of their land without their consent when it proclaimed a goldfield in Te Aroha, and that this failure to respect their legal rights was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that valuable mineral resources on lands leased and sold by Ngāti Rāhiri Tumutumu provided economic benefits to the nation.
- 3.7 The Crown acknowledges that:
  - 3.7.1 it continued to control lands in Hauraki owned by Ngāti Rāhiri Tumutumu which were leased to settlers through residence site licences for many years after the decline of the gold mining industry in the region;
  - 3.7.2 it failed for many decades to regularly revise rents for residence site licence lands, and that Ngāti Rāhiri Tumutumu received rents well below market-value for the lease of their lands as a consequence of this failure;
  - 3.7.3 it promoted legislation that converted residence site licences to leases in perpetuity, leaving Ngāti Rāhiri Tumutumu no alternative but to have their lands acquired by the Crown; and
  - 3.7.4 these actions deprived Ngāti Rāhiri Tumutumu of their rangatiratanga over land subject to residence site licences and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.8 The Crown acknowledges that once it acquired Te Aroha springs it did not make provision for Ngāti Rāhiri Tumutumu's relationship with this tapu site, and this lack of recognition is a long-standing grievance for Ngāti Rāhiri Tumutumu.
- 3.9 The Crown acknowledges that Ngāti Rāhiri Tumutumu was rendered virtually landless due to the cumulative effect of Crown actions and omissions, including:
  - 3.9.1 the purchasing of the Omahu, Wairakau, and Manawaru reserve blocks, which had been established to ensure that Ngāti Rāhiri Tumutumu retained sufficient land for their future needs;
  - 3.9.2 the taking of lands under public works legislation which were of particular significance to Ngāti Rāhiri Tumutumu;
  - 3.9.3 the promotion of legislation, in 1911, to override Ema Lipsey's will which enabled the sale of land to the Crown that she had intended to remain with Ngāti Rāhiri Tumutumu; and

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

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- 3.9.4 the Crown further acknowledges that its failure to ensure that Ngāti Rāhiri Tumutumu retained sufficient lands for its present and future needs was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.10 The Crown acknowledges that environmental changes and pollution since the nineteenth century have been a source of distress and grievance for Ngāti Rāhiri Tumutumu. In particular, the Crown acknowledges that:
- 3.10.1 gold mining on Te Aroha from 1880 caused pollution, and this has caused harm to the wellbeing of Ngāti Rāhiri Tumutumu;
- 3.10.2 further mining for copper, zinc, and lead on Te Aroha maunga from 1966 to 1973 caused substantial environmental damage, and has left the Tui mine site as one of the most polluted sites in Aotearoa/New Zealand; and
- 3.10.3 the damage done to Te Aroha maunga is an ongoing and deeply felt grievance for Ngāti Rāhiri Tumutumu.
- 3.11 The Crown acknowledges that public works takings have impeded the ability of Ngāti Rāhiri Tumutumu to maintain and foster spiritual connections with their ancestral lands.
- 3.12 The Crown acknowledges that through the alienation of most of their land Ngāti Rāhiri Tumutumu have lost control over many of their significant sites and resources. This has had an ongoing impact on the ability of Ngāti Rāhiri Tumutumu to maintain spiritual connections to their ancestral lands, undermined their economic base, and eroded their capacity to fulfil their kaitiaki responsibilities.
- 3.13 The Crown acknowledges the harm endured by many Ngāti Rāhiri Tumutumu tamariki from decades of Crown policies that strongly discouraged the use of te reo Māori in schools. The Crown also acknowledges the detrimental effects this had on Māori language proficiency and fluency and the impact on the inter-generational transmission of te reo Māori and knowledge of mātauranga Māori practices.
- 3.14 The Crown acknowledges that the health of Ngāti Rāhiri Tumutumu has been worse than that of many other New Zealanders, and they have not had the same opportunities in life that many other New Zealanders have enjoyed.
- 3.15 The Crown recognises that through its actions and omissions it has contributed to the economic and spiritual hardship and marginalisation of Ngāti Rāhiri Tumutumu in its rohe.

#### APOLOGY

- 3.16 To Ngāti Rāhiri Tumutumu, to your tūpuna and mokopuna, the Crown makes this apology:
- 3.17 The Crown's acts and omissions, in the history of its relationship with Ngāti Rāhiri Tumutumu, have led to warfare, confiscation, and the loss of the lands which had sustained you for generations.

## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

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- 3.18 In promoting laws and policies which led to the alienation of your whenua and irreversible damage to your sacred taonga Te Aroha maunga, the Crown has caused significant and lasting harm to Ngāti Rāhiri Tumutumu. The Crown's acts and omissions have caused you great social, cultural, and economic hardship, and severely undermined your ability to foster mātauranga Māori and te reo Māori, and to maintain your kaitiaki responsibilities in your rohe. For its actions which harmed Ngāti Rāhiri Tumutumu, and for its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, the Crown unreservedly apologises.
- 3.19 The Crown seeks to atone for these injustices and begin a process of healing. Let this settlement mark a new phase in the Crown's relationship with Ngāti Rāhiri Tumutumu based on trust and mutual respect, and in keeping with the principles of te Tiriti o Waitangi/the Treaty of Waitangi.

### 3 HE WHAKAAETANGA, HE WHAKAPĀHA

#### NGĀ WHAKAAETANGA

- 3.1 Kei te whakaae te Karauna ki ngā nawe whai take, whai tikanga hoki, o Ngāti Rāhiri Tumutumu, waihoki, tae mai ki nāianeī kāore anō kia whakatikaina ō mua hē, kia ea i runga i te tika. Kua roa rawa te iwi e tatari ana ki te whakaeanga i ngā hara a te Karauna o mua, mō ngā nawe tuku iho o Ngāti Rāhiri Tumutumu.
- 3.2 Kei te whakaae te Kārauna ko ēnei mahi, arā, te raupatu i Tauranga me ngā Ture o muri mai, arā, ngā Ture e kīa nei te Tauranga District Lands Acts 1867 me 1868, i murua katoatia ai ngā pānga tuku iho i te rohe muru raupatu, tae atu ki ērā o Ngāti Rāhiri Tumutumu ki ō rātou whenua, ā, i tino hē tēnei mahi, he takahanga hoki i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.3 Kei te whakaae te Karauna –
- 3.3.1 kāore i tika tāna tiaki i ngā pānga o Ngāti Rāhiri Tumutumu i hiahia rā rātou ki te pupuru i tāna tahuritanga i te hoko o ngā poraka o Te Puna me Katikati i te tau 1864 me tana kore e āta wherawhera mārire i ngā mōtika o Ngāti Rāhiri Tumutumu i te tuatahi;
- 3.3.2 kāore i tika tana tiaki i ngā pānga o Ngāti Rāhiri Tumutumu ki ngā whenua i hiahia rā rātou ki te pupuru i tāna korenga e whakatinana i te kirimana o te tīti o Te Puna Katikati o 1866, hei whakatū rāhui, tae atu ki ētahi wāhi tapu, ā, i noho tauwehe anō a Ngāti Rāhiri Tumutumu i ō rātou whenua tuku iho i Tauranga; ā,
- 3.3.3 ko ēnei mahi hei takahanga i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.4 Kei te whakaae te Karauna –
- 3.4.1 ka whakaurua e ia ētahi ture whenua Māori, kāore i kōrero ki a Ngāti Rāhiri Tumutumu i te tuatahi, ā, ko te taitara takitahi i ngā whenua o Ngāti Rāhiri Tumutumu, tae atu ki ngā wāhi tapu pēnei me Te Aroha, i taupatupatu ki ngā tikanga a Ngāti Rāhiri Tumutumu;
- 3.4.2 kāore he putanga mō ngā whānau me ngā hapū o Ngāti Rāhiri Tumutumu, i tua atu i te whakauru atu ki ngā whakaritenga o te Kōti Whenua Māori, hei kaupare i ō rātou pānga, hei urutomo hoki ki te ōhanga o te ao hōu;
- 3.4.3 ko te hāpainga me te pānga o ngā ture whenua Māori, otirā, te whakawhiwhinga taitara takitahi te mea matua, ki ngā tāngata takitahi o Ngāti Rāhiri Tumutumu, hāunga ia te iwi me te hapū, te take i wāhia ai, i marara ai, i ngaro rawa ai aua whenua; ā

## DEED OF SETTLEMENT

### 3: HE WHAKAAETANGA, HE WHAKAPĀHA

- 3.4.4 nā konei i horohoro ai ngā kaupapa whakahaere o te iwi o Ngāti Rāhiri Tumutumu, i takea mai hoki ōna tikanga tuku iho i te pupuru ā-iwi, ā-hapū hoki i te whenua, ā kīhai te Karauna i anga mai ki te tiaki i aua ritenga, i aua kaupapa hoki, ā, he takahanga anō tēnei o Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.5 Kei te whakaae te Karauna i raruraru ētahi o ngā tāngata takitahi o Ngāti Rāhiri Tumutumu i te rironga atu o ō rātou whenua, kāore hoki aua tāngata i whakaae i te tuatahi, i te whakapuakitanga a te Karauna i te keringa kōura i Te Aroha, ā, ka noho tāna kore e hāpai i ō rātou mōtika ā-ture hei takanga anō o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.6 Kei te whakaae te Karauna nā ngā rawa matū i ngā whenua i rīhitia, i hokona rānei e Ngāti Rāhiri Tumutumu i hua ake ai he painga ā-ōhanga mō te motu katoa.
- 3.7 Kei te whakaae te Karauna:
- 3.7.1 i whakahaere tonu ia i ngā whenua o Ngāti Rāhiri Tumutumu i Hauraki i rīhitia ki ngā manene nā runga i ngā raihana whenua kāinga noho mō ngā tau tini i muri mai i te hekenga o ngā mahi kerī kōura i te rohe;
- 3.7.2 i ngoikore ia i tāna korenga e hoki mai ki te whakahōu i ngā rēti, mō ngā ngahuru tau tini, mō ngā raihana whenua kāinga noho, ā, i whiwhi a Ngāti Rāhiri Tumutumu i ngā rēti i raro rawa i tō te ao hokohoko whānui mō ngā rīhi whenua, nā tēnei ngoikorenga te take;
- 3.7.3 i whakaurua mai e ia he ture hei huri i ngā raihana whenua kāinga noho hei rīhi mutunga kore, ā, nā konei kāore he huarahi kē atu i wātea ki a Ngāti Rāhiri Tumutumu i te hokonga o ō rātou whenua e te Karauna;
- 3.7.4 ko ēnei mahi i tango i te rangatiranga o Ngāti Rāhiri Tumutumu ki ō rātou whenua i raro i aua raihana whenua kāinga noho, ā, he takahanga anō tēnei i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.8 Kei te whakaae te Kārauna, i muri i tāna hoko i ngā puia i Te Aroha kāore i whakaritea he tikanga hei tiaki i te pānga tuku iho o Ngāti Rāhiri Tumutumu ki tēnei wāhi tapu, ā, ko tēnei korenga e whakaae ki aua here tētahi nawe nui mā Ngāti Rāhiri Tumutumu i ngā whakatupuranga maha.
- 3.9 Kei te whakaae te Karauna nā ēnei mahi kua tata whenua kore tonu a Ngāti Rāhiri Tumutumu, nā ngā mahi hē pūputu a te Karauna, tae atu ki āna korenga e mahi i ngā mahi e tika ana, tae atu ki:
- 3.9.1 tāna hoko i ngā poraka rāhui o Omahu, o Wairākau, me Manawaru, i whakatūria rā kia nui anō ngā whenua mō ō rātou hiahia ā raurangi;
- 3.9.2 tāna tangohanga i ētahi whenua i raro i ngā ture mahi tūmatanui, i noho hei whenua rangatira mō Ngāti Rāhiri Tumutumu;



## DEED OF SETTLEMENT

### 3: HE WHAKAAETANGA, HE WHAKAPĀHA

- 3.9.3 te hāpainga o tētahi ture i te tau 1911, hei pēhi atu i ngā whakapuaki o te wira a Ema Lipsey, i āhei ai ōna whenua i hiahia rā ia kia noho tūturu ki a Ngāti Rāhiri Tumutumu te hoko rawa;
- 3.9.4 nā ngā mahi hē a te Karuana, arā, tāna kore e whakarite tikanga e mau ai tētahi rahinga whenua tōtika mō Ngāti Rāhiri Tumutumu o aua wā, mō raurangi hoki, he tika tēnei kia kīa he takahanga o Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.10 Kei te whakaae te Karauna ko ngā huringa i te taiao me ngā takakinotanga i ngā whenua me ngā wai, mai i te rau tau tekau mā iwa tētahi take pouritanga nui, tētahi nawe nui hoki mō Ngāti Rāhiri Tumutumu. Otirā kei te whakaae te Karauna:
- 3.10.1 nā ngā mahi keri kōura i Te Aroha mai i 1880 ka takakinotia te whenua, ā, ka whara te hauora o Ngāti Rāhiri Tumutumu i tēnei mahi;
- 3.10.2 nā ētahi atu mahi keri konukura, konutea me te konumatā i Te Aroha maunga mai i 1966 ki 1973 ka tino tūkinotia te taiao, ā, kua noho te keringa kōura Tūi hei wāhi tino kino rawa atu te takakinotanga i Aotearoa/New Zealand; ā
- 3.10.3 ko te takakinotanga i Te Aroha maunga tētahi nawe mauroa, take whakamamae hoki mō Ngāti Rāhiri Tumutumu.
- 3.11 Kei te whakaae te Karauna nā ngā tangohanga mō ngā mahi tūmatanui i uaua ai te mahi a Ngāti Rāhiri Tumutumu ki te whakamahana, ki te whakapipiri hoki ki ngā herenga tuku iho i ō rātou whenua.
- 3.12 Kei te whakaae te Karauna nā te rironga atu o te nuinga o ō rātou whenua kua riro atu hoki te mana whakahaere mā Ngāti Rāhiri Tumutumu i te nuinga o ō rātou wāhi tapu me ō rātou rawa. Kua tino pā hoki tēnei ki te kaha o Ngāti Rāhiri Tumutumu ki te whakapipiri atu ki ō rātou whenua tuku iho, kua turakina hoki tōna puna ora, tōna puna kai hoki, ā, kua whakapōrarururutia āna mahi kaitiaki i tōna rohe anō.
- 3.13 Kei te whakaae te Karauna ki ngā mahi tūkinō i pā ki ngā tamariki o Ngāti Rāhiri Tumutumu, i kore ai e whakaaetia e ngā kaupapa here o te Karauna kia kōrero Māori i roto i ngā kura. Kei te whakaae hoki te Karauna ki ngā pānga kino o aua kaupapa here ki te mōhiotanga me te matatau ki te reo, me te pānga o ēnei āhuatanga ki te tukunga ā-reanga o te reo Māori, me te mātauranga Māori.
- 3.14 Kei te whakaae te Karauna kua hē kē atu te hauora o Ngāti Rāhiri Tumutumu i tō te nuinga o ngā tāngata o Aotearoa, ā, kāore i ōrite ngā huarahi i wātea ki ōna uri ki ō te nuinga o ngā tāngata o Aotearoa.
- 3.15 Kei te whakaae te Karauna nā āna mahi, hapanga hoki i taumaha kē atu ai ngā raruraru ā-ōhanga, ā-wairua mā te iwi, ā, i pareā ai hoki a Ngāti Rāhiri Tumutumu ki tahaki i tōna āke rohe.

## DEED OF SETTLEMENT

### 3: HE WHAKAAETANGA, HE WHAKAPĀHA

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#### HE WHAKAPĀHA

- 3.16 Tēnei te Karauna te tuku whakapāha atu nei ki a koutou, Ngāti Rāhiri Tumutumu, ki ō koutou tūpuna, mokopuna anō hoki.
- 3.17 Nā ngā mahi a te Karauna, otirā nā āna korenga e mahi i ngā mahi e tika ana, i roto i tōna mōhiotanga ki a Ngāti Rāhiri Tumutumu i roto i ngā whakatupuranga, i ara ake ai te pakanga, te muru raupatu me te ngaromanga atu o ngā whenua i noho hei wai-ū mā koutou mō ngā whakatuputanga maha.
- 3.18 I tāna mahi ki te whakatairanga ture, kaupapa here hoki i ngaro rawa ai ō whenua, me ngā tūkinotanga rongoā-kore i tō koutou taonga tapu, i Te Aroha maunga, kua tino whara, kua raruraru mō ngā tau tini noa iho a Ngāti Rāhiri Tumutumu, arā, i ngā mahi a te Karauna. Nā ngā mahi me ngā hapanga a te Karauna i tino whara koutou, i te taha pāpori, i te taha tikanga, i te taha ōhanga, i tino uaua ai tā koutou tukutuku i te mātauranga Māori me te reo Māori, waihoki tō koutou kaha ki te kawē i ngā tikanga kaitiaki i tōu rohe. Mō ēnei mahi, i whara ai a Ngāti Rāhiri Tumutumu, me āna takahanga i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono, ka tino whakapāha atu te Karauna.
- 3.19 E rapu tikanga ana te Karauna ki te whakaea i ēnei hara, ki te whakamahu hoki i ngā nawe. Ko te hiahia kia tīmata i tēnei rā tētahi hononga hou mā te Karauna ki a Ngāti Rāhiri Tumutumu, kia noho ko te whakawhirinaki me te pono hei kaupapa matua, i runga anō i ngā mātāpono o te Tiriti o Waitangi/the Treaty of Waitangi.

## **4 SETTLEMENT**

### **ACKNOWLEDGEMENTS**

- 4.1 Each party acknowledges that –
- 4.1.1 the Crown has to set limits on what, and how much, redress is available to settle the historical claims; and
  - 4.1.2 it is not possible to –
    - (a) fully assess the loss and prejudice suffered by Ngāti Rāhiri Tumutumu as a result of the events on which the historical claims are based; or
    - (b) fully compensate Ngāti Rāhiri Tumutumu for all loss and prejudice suffered; and
  - 4.1.3 the settlement is intended to enhance the ongoing relationship between Ngāti Rāhiri Tumutumu and the Crown (in terms of Te Tiriti o Waitangi/the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Ngāti Rāhiri Tumutumu acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair, and the best that can be achieved, in the circumstances.

### **SETTLEMENT**

- 4.3 Therefore, on and from the settlement date, –
- 4.3.1 the historical claims are settled; and
  - 4.3.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
  - 4.3.3 the settlement is final.
- 4.4 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.
- 4.5 Without limiting clause 4.4, the parties acknowledge, in particular, that the settlement does not affect any rights Ngāti Rāhiri Tumutumu may have to obtain recognition in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011, including recognition of the following:
- 4.5.1 protected customary rights (as defined in that Act):
  - 4.5.2 customary marine title (as defined in that Act).

## DEED OF SETTLEMENT

### 4: SETTLEMENT

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#### REDRESS

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

#### IMPLEMENTATION

- 4.7 The settlement legislation will, on the terms provided by sections 15 to 19 and 21 of the draft settlement bill, –
- 4.7.1 settle the historical claims; and
  - 4.7.2 exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and
  - 4.7.3 provide that the legislation referred to in section 17 of the draft settlement bill does not apply –
    - (a) to a cultural redress property, the early release commercial property, or a purchased deferred selection property if settlement of that property has been effected; or
    - (b) for the benefit of Ngāti Rāhiri Tumutumu or a representative entity; and
  - 4.7.4 require any resumptive memorial to be removed from a record of title for a cultural redress property, the early release commercial property, or a purchased deferred selection property if settlement of that property has been effected; and
  - 4.7.5 provide that the maximum duration of a trust pursuant to the Trusts Act 2019 does not –
    - (a) apply to a settlement document; or
    - (b) prescribe or restrict the period during which –
      - (i) the trustees of the Ngāti Tumutumu Trust, being the governance entity, may hold or deal with property; and
      - (ii) the Ngāti Tumutumu Trust may exist; and
  - 4.7.6 require the Tumu Whakarae – Chief Executive of the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau to make copies of this deed publicly available.

## **DEED OF SETTLEMENT**

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### **4: SETTLEMENT**

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

## **5 CULTURAL REDRESS**

### **OVERLAY CLASSIFICATION**

- 5.1 The settlement legislation will, on the terms provided by sections 79 to 93 of the draft settlement bill, –
- 5.1.1 declare Part Kaimai Mamaku Conservation Park to be an overlay area subject to an overlay classification (as shown on deed plan OTS-100-422);
  - 5.1.2 provide the Crown's acknowledgement of the statement of Ngāti Rāhiri Tumutumu values in relation to the overlay area; and
  - 5.1.3 require the New Zealand Conservation Authority, or a relevant conservation board, –
    - (a) when considering a conservation document, in relation to the overlay area, to have particular regard to the statement of Ngāti Rāhiri Tumutumu values, and the protection principles, for the overlay area; and
    - (b) before approving a conservation document, in relation to the overlay area, to –
      - (i) consult with the governance entity; and
      - (ii) have particular regard to its views as to the effect of the document on the statement of Ngāti Rāhiri Tumutumu values, and the protection principles, for the area; and
  - 5.1.4 require the Director-General of Conservation to take action in relation to the protection principles; and
  - 5.1.5 enable the making of regulations and bylaws in relation to the overlay area.
- 5.2 The statement of Ngāti Rāhiri Tumutumu values, the protection principles, and the Director-General's actions are in part 1 of the documents schedule.

### **STATUTORY ACKNOWLEDGEMENT**

- 5.3 The settlement legislation will, on the terms provided by sections 94 to 102 and 104 to 106 of the draft settlement bill, –
- 5.3.1 provide the Crown's acknowledgement of the statements by Ngāti Rāhiri Tumutumu of their particular cultural, spiritual, historical and traditional associations with the following areas:
    - (a) Wairakau Scenic Reserve (as shown on deed plan OTS-100-421):

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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- (b) Part Maurihero Scenic Reserve (as shown on deed plan OTS-100-423);  
and
- 5.3.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement;  
and
- 5.3.3 require relevant consent authorities to forward to the governance entity:
  - (a) summaries of resource consent applications for an activity within, adjacent to or directly affecting the statutory area; and
  - (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991;  
and
- 5.3.4 enable the governance entity, and any member of Ngāti Rāhiri Tumutumu, to cite the statutory acknowledgement as evidence of Ngāti Rāhiri Tumutumu's association with a statutory area.
- 5.4 The statements of association are in part 2 of the documents schedule.

**DEED OF RECOGNITION**

- 5.5 The Crown must, by or on the settlement date, provide the governance entity with a copy of the deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
  - 5.5.1 Wairakau Scenic Reserve (as shown on deed plan OTS-100-421):
  - 5.5.2 Part Maurihero Scenic Reserve (as shown on deed plan OTS-100-423).
- 5.6 Each area that the deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 5.7 The deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation must, if undertaking certain activities within an area that the deed relates to, –
  - 5.7.1 consult the governance entity; and
  - 5.7.2 have regard to its views concerning Ngāti Rāhiri Tumutumu's association with the area as described in a statement of association.

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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**PROTOCOLS**

- 5.8 Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister, or that Minister's delegated representative:
- 5.8.1 the primary industries protocol:
- 5.8.2 the taonga tūturu protocol.
- 5.9 The protocols set out how the Crown will interact with the governance entity with regard to the matters specified in them.

**FORM AND EFFECT OF DEED OF RECOGNITION AND PROTOCOLS**

- 5.10 The deed of recognition will be –
- 5.10.1 in the form in part 3 of the documents schedule; and
- 5.10.2 issued under, and subject to, the terms provided by sections 94 and 103 to 106 of the draft settlement bill.
- 5.11 Each protocol will be –
- 5.11.1 in the form in part 4 of the documents schedule; and
- 5.11.2 issued under, and subject to, the terms provided by sections 107 to 112 of the draft settlement bill.
- 5.12 A failure by the Crown to comply with the deed of recognition or a protocol is not a breach of this deed.

**CONSERVATION RELATIONSHIP AGREEMENT**

- 5.13 The parties must use reasonable endeavours to agree, and enter into, a conservation relationship agreement by the settlement date.
- 5.14 The conservation relationship agreement must be entered into by the governance entity and the Minister of Conservation and the Director-General of Conservation.
- 5.15 A party is not in breach of this deed if the conservation relationship agreement has not been entered into by the settlement date if, on that date, the party is negotiating in good faith in an attempt to enter into it.
- 5.16 A failure by the Crown to comply with the conservation relationship agreement is not a breach of this deed.



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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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**CULTURAL REDRESS PROPERTIES VESTED IN THE GOVERNANCE ENTITY**

- 5.17 The settlement legislation will, on the terms provided by sections 22 to 41 of the draft settlement bill, vest in the governance entity on the settlement date –

***In fee simple***

- 5.17.1 the fee simple estate in each of the following properties:

- (a) Miro Street property:
- (b) Waihou property:
- (c) Waiorongomai property, being part of Kaimai Mamaku Conservation Park:
- (d) Waterford Road property:
- (e) Windridge property, being part of Kaimai Mamaku Conservation Park; and

***In fee simple subject to a conservation covenant***

- 5.17.2 the fee simple estate in each of the following properties, subject to the governance entity providing a registrable conservation covenant in relation to that property in the form set out in parts 5.1, 5.3 and 5.4, respectively, of the documents schedule:

- (a) Paewai, being part of Kaimai Mamaku Conservation Park:
- (b) Takaihuehue, being part of Kaimai Mamaku Conservation Park:
- (c) Wahine Rock property, being part of Kaimai Mamaku Conservation Park; and

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

- 5.17.3 the fee simple estate in Pukewhakataratara, being part of Kaimai Mamaku Conservation Park, subject to the governance entity providing:

- (a) a registrable conservation covenant in relation to that property in the form set out in part 5.2 of the documents schedule; and
- (b) a registrable right of way easement in gross in relation to that property in the form set out in part 5.10 of the documents schedule; and

***As a scenic reserve***

- 5.17.4 the fee simple estate in the Te Mokena Hou whenua, being Te Aroha Mountain Scenic Reserve, as a scenic reserve named Te Mokena Hou Scenic Reserve,

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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with Matamata-Piako District Council as the administering body as if the Council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977; and

- 5.17.5 the fee simple estate in the Wairakau whenua, being part of Wairakau Scenic Reserve, as a scenic reserve named Wairakau Scenic Reserve, with the governance entity as the administering body; and

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

- 5.17.6 the fee simple estate in the Tumutumu whenua as a recreation reserve named Tumutumu Recreation Reserve, with Matamata-Piako District Council as the administering body, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the Council under section 26 of that Act, and subject to the governance entity providing a registrable easement in gross in relation to that property for a right of way and rights to convey and drain water in the form set out in part 5.7 of the documents schedule; and
- 5.17.7 the fee simple estate in the Omaha whenua as a recreation reserve named Omaha Recreation Reserve, with Matamata-Piako District Council as the administering body, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the Council under section 26 of that Act, and subject to the governance entity providing a registrable easement in gross in relation to that property for a right of way and rights to convey and drain water in the form set out in part 5.7 of the documents schedule; and

***As a local purpose (water conservation) reserve subject to an easement***

- 5.17.8 the fee simple estate in the Te Awe whenua as a local purpose (water conservation) reserve named Te Awe Local Purpose (Water Conservation) Reserve, with Matamata-Piako District Council as the administering body, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the Council under section 26 of that Act, and subject to the governance entity providing a registrable easement in gross in relation to that property for a right of way and rights to convey and drain water in the form set out in part 5.7 of the documents schedule; and

***As a soil conservation reserve***

- 5.17.9 the fee simple estate in the Te Ruinga whenua as a soil conservation reserve, subject to the Soil Conservation and Rivers Control Act 1941, to be controlled and managed by the Waikato Regional Council as if the Council were appointed to control and manage the reserve under the Soil Conservation and Rivers Control Act 1941, and subject to the governance entity providing a registrable right of way easement in gross in relation to that property in the form set out in part 5.8 of the documents schedule; and

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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5.17.10 the fee simple estate in the Kahumaro whenua as a soil conservation reserve, subject to the Soil Conservation and Rivers Control Act 1941, to be controlled and managed by Waikato Regional Council as if the Council were appointed to control and manage the reserve under the Soil Conservation and Rivers Control Act 1941.

**JOINT CULTURAL REDRESS PROPERTIES VESTED IN THE GOVERNANCE ENTITY  
AND OTHER GOVERNANCE ENTITIES**

***Ngā Tukituki a Hikawera***

5.18 The settlement legislation will, on the terms provided by sections 22 and 42 of the draft settlement bill, provide that –

5.18.1 the fee simple estate in Ngā Tukituki a Hikawera, being part of Kaimai Mamaku Conservation Park, will vest as undivided third shares, with one third share vested in each of the following, as tenants in common:

(a) the governance entity:

(b) the trustees of the Ngāti Maru Rūnanga Trust:

(c) the trustees of the Ngāti Tamaterā Treaty Settlement Trust; and

5.18.2 the vesting of Ngā Tukituki a Hikawera is subject to the governance entity and the trustees referred to in clause 5.18.1(b) and (c) jointly providing a registrable conservation covenant in relation to that property in the form set out in part 5.6 of the documents schedule; and

5.18.3 Ngā Tukituki a Hikawera will vest on the latest of the following dates –

(a) the settlement date; and

(b) the settlement date under the Ngāti Maru settlement legislation; and

(c) the settlement date under the Ngāti Tamaterā settlement legislation.

***Tangitū***

5.19 The settlement legislation will, on the terms provided by sections 22 and 43 of the draft settlement bill, provide that, –

5.19.1 the fee simple estate in Tangitū, being part of Kaimai Mamaku Conservation Park, will vest as undivided third shares, with one third share vested in each of the following, as tenants in common:

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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- (a) the governance entity;
  - (b) the trustees of the Ngāti Maru Rūnanga Trust;
  - (c) the trustees of the Ngāti Tamaterā Treaty Settlement Trust; and
- 5.19.2 the vesting of Tangitū is subject to the governance entity and the trustees referred to in clause 5.19.1(b) and (c) jointly providing –
  - (a) a registrable conservation covenant in relation to that property in the form set out in part 5.5 of the documents schedule; and
  - (b) a registrable right of way easement in gross in relation to that property in the form set out in part 5.9 of the documents schedule; and
- 5.19.3 Tangitū will vest on the latest of the following dates –
  - (a) the settlement date; and
  - (b) the settlement date under the Ngāti Maru settlement legislation; and
  - (c) the settlement date under the Ngāti Tamaterā settlement legislation.

**MANAGEMENT OF CERTAIN RESERVES**

- 5.20 The governance entity agrees with the Crown that the governance entity will use reasonable endeavours, before the settlement date, to enter into –
  - 5.20.1 a memorandum of understanding with Matamata-Piako District Council in relation to that council's administration, or control and management of, the reserves referred to in clauses 5.17.4, and 5.17.6 to 5.17.8; and
  - 5.20.2 a memorandum of understanding with the Waikato Regional Council in relation to that council's control and management of the reserves referred to in clauses 5.17.9 and 5.17.10.
- 5.21 The Crown agrees with the governance entity that the Crown will use reasonable endeavours to facilitate initial engagement between the governance entity and each of the Matamata-Piako District Council and the Waikato Regional Council for the purpose of the obligation set out in clause 5.20.
- 5.22 Each memorandum of understanding referred to in clause 5.20 may contain provisions that specify how the governance entity will conduct its relationship with each council or other matters agreed by those councils, respectively, and the governance entity.

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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**PROVISIONS IN RELATION TO CERTAIN CULTURAL REDRESS PROPERTIES**

***Inalienability***

- 5.23 The settlement legislation will, on the terms provided by sections 23 and 25 of the draft settlement bill, provide that each of the Te Ruinga whenua and the Kahumaro whenua will be inalienable, except as provided in clause 5.24, while each property remains a soil conservation reserve subject to the Soil Conservation and Rivers Control Act 1941.
- 5.24 The following are not an alienation for the purposes of clause 5.23:
- (a) any transfer to the new trustees of the Ngāti Tumutumu Trust:
  - (b) the grant of the right of way easement in gross referred to in clause 5.17.9.

**CROWN MINERALS**

- 5.25 The settlement legislation will, on the terms provided by subpart 2 of part 3 of the draft settlement bill, provide that –
- 5.25.1 despite section 11 of the Crown Minerals Act 1991 (minerals reserved to the Crown), any Crown owned minerals in any cultural redress property vested in the governance entity under the settlement legislation, vest with, and form part of, that property; but
  - 5.25.2 that vesting does not –
    - (a) limit section 10 of the Crown Minerals Act 1991 (petroleum, gold, silver and uranium); or
    - (b) affect other existing lawful rights to subsurface minerals.
- 5.26 The settlement legislation will, on the terms provided by subpart 2 of part 3 of the draft settlement bill, provide that any minerals in Ngā Tukituki a Hikawera or Tangitū that would have been reserved to the Crown by section 11 of the Crown Minerals Act 1991 (but for clause 5.25.1) will be owned by the governance entity in the same proportions in which the fee simple estate is held by it.
- 5.27 Sections 124 to 132 of the draft settlement bill establish a regime for the payment of royalties received by the Crown, in the previous 8 years, in respect of the vested minerals to which clause 5.25 applies.
- 5.28 The Crown acknowledges, to avoid doubt, that it has no property in any minerals existing in their natural condition in Māori customary land (as defined in Te Ture Whenua Maori Act 1993), other than those minerals referred to in section 10 of the Crown Minerals Act 1991 or if provided in any other enactment.

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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**GENERAL PROVISIONS IN RELATION TO CULTURAL REDRESS PROPERTIES**

- 5.29 Each cultural redress property is to be –
- 5.29.1 as described in schedule 1 of the draft settlement bill; and
  - 5.29.2 vested on the terms provided by –
    - (a) sections 22 to 57 of the draft settlement bill; and
    - (b) part 2 of the property redress schedule; and
  - 5.29.3 subject to any encumbrances, or other documentation, in relation to that property –
    - (a) required by clauses 5.17 to 5.19 to be provided by the governance entity; or
    - (b) required by the settlement legislation; and
    - (c) in particular, referred to by schedule 1 of the draft settlement bill.

**TE AROHA DOMAIN LAND**

- 5.30 The settlement legislation will, on the terms provided by section 60 of the draft settlement bill, provide that clauses 5.32 and 5.33 apply if –
- 5.30.1 the Council resolves that it considers that the reservation of all or any part of the Te Aroha Domain land as a reserve subject to the Reserves Act 1977 should be revoked; or
  - 5.30.2 the Council resolves that it considers that all or any part of the Te Aroha Domain land should vest in the governance entity, subject to the land continuing to be a reserve under the Reserves Act 1977; or
  - 5.30.3 the vesting of all or any part of the Te Aroha Domain land in the Council is cancelled under section 27 of the Reserves Act 1977.
- 5.31 The settlement legislation will, on the terms provided by section 60(2) of the draft settlement bill, provide that the Minister of Conservation, after consulting the Council and the governance entity as relevant, must decide whether all or any part of the Te Aroha Domain land to be vested in the governance entity:
- 5.31.1 is no longer required as a reserve under the Reserves Act 1977; or
  - 5.31.2 should continue to be a reserve under that Act.

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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- 5.32 The settlement legislation will, on the terms provided by sections 60(3) to 60(7) of the draft settlement bill, provide that –
- 5.32.1 if clause 5.31.1 applies, on the agreed date, and in accordance with the agreed terms, the fee simple estate in all or part of the Te Aroha Domain land, as the case requires, vests in the governance entity; and
  - 5.32.2 if clause 5.31.2 applies, on the agreed date, and in accordance with the agreed terms, the fee simple estate in all or part of the Te Aroha Domain land, as the case requires, vests in the governance entity as a reserve, according to the classification specified in the agreed terms, and subject to the Reserves Act 1977; and
  - 5.32.3 if clause 5.32.2 applies, the administering body will be one of the following, as may be specified in the agreed terms:
    - (a) the governance entity;
    - (b) the Council, as if it were appointed to control and manage the reserve under section 28 of the Reserves Act 1977;
    - (c) the Council, and the Reserves Act 1977 applies as if the reserve were vested in the Council under section 26 of that Act;
    - (d) the joint management body; and
  - 5.32.4 if clause 5.30.3 applies, on the agreed date, and in accordance with the agreed terms, either –
    - (a) the fee simple estate in all or part of the Te Aroha Domain land, as the case requires, vests in the governance entity; or
    - (b) the fee simple estate in all or part of the Te Aroha Domain land, as the case requires, vests in the governance entity as a reserve, according to the classification specified in the agreed terms and subject to the Reserves Act 1977, with the governance entity as the administering body.
- 5.33 The settlement legislation will, on the terms provided by sections 69, 70 and 73 of the draft settlement bill, provide that –
- 5.33.1 if clauses 5.32.2 and 5.32.3(b) apply, while the reserve land remains vested in the governance entity and the Council is the administering body –
    - (a) despite the Council being the administering body, the governance entity may –

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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- (i) accept, grant or decline to grant any interest in land that affects the reserve land, or may renew or vary such an interest; and
    - (ii) renew or vary any existing interests in the reserve land; and
  - (b) before the governance entity determines an application by any person in relation to an interest in land in the reserve land under clause 5.33.1(a), the governance entity must consult the Council; and
- 5.33.2 if clauses 5.32.2 and 5.32.3(d) apply and the joint management body is the administering body of the reserve land –
- (a) the Reserves Act applies to the reserve land as if the reserve land were vested in that body (as if the body were trustees) under section 26 of that Act; and
  - (b) despite section 41(1) of the Reserves Act 1977, any reserve management plan in force immediately before the date the land vests continues to apply to that land.
- 5.34 The settlement legislation will, on the terms provided by section 62 of the draft settlement bill, provide that the vested land will be vested subject to, or with the benefit of, any interests that –
- 5.34.1 apply to the land immediately before its vesting; or
  - 5.34.2 are required to be granted under the agreed terms.
- 5.35 Any vesting of any part of the Te Aroha Domain land will be on the terms provided by subpart 2 of part 2 of the draft settlement bill.
- 5.36 The provisions of clauses 5.25, 5.27 and 5.28 are to be read as if the vested land were a cultural redress property.
- 5.37 For the purposes of clauses 5.30 to 5.36, –
- 5.37.1 **agreed date** means the date or dates specified under the agreed terms for the vesting of all or any part of the Te Aroha Domain land; and
  - 5.37.2 **agreed terms** means the terms and conditions under which any Te Aroha Domain land vests under the settlement legislation as agreed by –
    - (a) the Crown; and
    - (b) the governance entity; and
    - (c) the Council (except if clause 5.30.3 applies); and



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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

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- 5.37.3 **Council** means the Matamata-Piako District Council; and
- 5.37.4 **existing interest** has the meaning given to it by section 70 of the draft settlement bill; and
- 5.37.5 **joint management body** means the body established by section 72 of the draft settlement bill; and
- 5.37.6 **Minister** means the Minister of Conservation; and
- 5.37.7 **reserve land** means all or any part of the vested land that remains a reserve under the Reserves Act 1977; and
- 5.37.8 **reserve management plan** means a management plan approved under section 41 of the Reserves Act 1977; and
- 5.37.9 **Te Aroha Domain land** means the land described by that name in schedule 2 of the draft settlement bill or as may be resurveyed from time to time on a survey plan approved by Land Information New Zealand; and
- 5.37.10 **vested land** means all or any part of the Te Aroha Domain land that is vested in the governance entity under the settlement legislation.

**RELATIONSHIP AGREEMENT WITH MATAMATA PIAKO DISTRICT COUNCIL**

- 5.38 The Matamata Piako District Council and the governance entity will use all reasonable endeavours to agree and sign a relationship agreement by the settlement date.
- 5.39 The relationship agreement is intended to provide a framework for establishing and maintaining an enduring relationship between the Matamata Piako District Council and the governance entity. It will include agreed specific actions that aim to promote partnership on matters of importance to the Matamata Piako District Council and the governance entity.
- 5.40 The relationship agreement will be separate to the deed of settlement.
- 5.41 A failure by the Matamata Piako District Council to comply with the relationship agreement is not a breach of this deed.

**CULTURAL REDRESS ON-ACCOUNT PAYMENT**

- 5.42 The parties acknowledge that on 22 June 2021 the Crown paid the governance entity, on the terms and conditions agreed to by the parties in the deed of on-account, a \$400,000 cultural redress on-account payment for the governance entity to apply, at its discretion, towards the cultural revitalisation of Ngāti Rāhiri Tumutumu.

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**DEED OF SETTLEMENT**  
**5: CULTURAL REDRESS**

**RESOURCE MANAGEMENT REFORMS**

- 5.43 Redress which interacts with the Resource Management Act 1991 may be affected by the Crown's current work to reform the resource management system (**reforms**). Should the reforms be enacted, the Crown and Ngāti Rāhiri Tumutumu will engage to discuss how the redress will be carried over into the new system to ensure the intent of the redress is upheld.

**CULTURAL REDRESS GENERALLY NON-EXCLUSIVE**

- 5.44 The Crown may do anything that is consistent with the cultural redress, including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.
- 5.45 However, the Crown must not enter into another settlement that provides for the same redress as set out in clauses 5.17 and 5.30 to 5.37 and clause 5.42 and clauses 5.25 to 5.28 as they relate to clauses 5.17 and 5.30 to 5.37.

**REDRESS IN THE TE PUNA-KATIKATI AREA**

- 5.46 Te Puna-Katikati is an area of importance to Ngāti Tumutumu and Ngāti Tumutumu is receiving redress in Te Puna-Katikati through this deed.
- 5.47 In receiving this redress Ngāti Tumutumu acknowledges that it does not hold or assert any claim to Manawhenua or Mana Moana in this area, including any exclusive or predominant interest.

## 6 FINANCIAL AND COMMERCIAL REDRESS

### FINANCIAL REDRESS

- 6.1 The Crown must pay the governance entity on the settlement date \$1,434,732, being the financial and commercial redress amount of \$5,500,000 less –
- 6.1.1 \$500,000 (**first on-account payment**), as provided for in clause 6.2 on account of the settlement; and
- 6.1.2 \$1,523,317, being the agreed transfer value of the Pare Hauraki Early Release Commercial Redress Properties, or an agreed portion of the agreed transfer value if the property is being jointly transferred, on account of the settlement; and
- 6.1.3 \$264,951, being the agreed transfer value of the properties referred to in clauses 7.3.5 to 7.3.8, or an agreed portion of the agreed transfer value if the property is being jointly transferred; and
- 6.1.4 \$277,000, being the agreed transfer value of the early release commercial property; and
- 6.1.5 \$1,500,000 (**second on-account payment**), as provided for in clause 6.2A on account of settlement.

### ON-ACCOUNT PAYMENTS

- 6.2 The parties acknowledge that on 8 June 2021 the Crown transferred to the governance entity, on the terms and conditions agreed to by the parties in the deed of on-account, the on-account payment on account of the financial and commercial redress amount.
- 6.2A The Crown must pay to the governance entity, on the payment date, \$1,500,000 on account of the financial and commercial redress amount.

### EARLY RELEASE COMMERCIAL PROPERTY

- 6.3 The parties acknowledge that on 8 June 2021 the Crown transferred to the governance entity, on the terms and conditions agreed to by the parties in the deed of on-account and in a subsequent agreement for sale and purchase, the early release commercial property listed in part 3 of the property redress schedule.

### DEFERRED SELECTION PROPERTIES

- 6.4 The governance entity may during the deferred selection period for each deferred selection property described in subpart A of part 4 of the property redress schedule, give the Crown a written notice of interest in accordance with paragraph 5.1 of the property redress schedule.

## DEED OF SETTLEMENT

### 6: FINANCIAL AND COMMERCIAL REDRESS

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- 6.5 Part 5 of the property redress schedule provides for the effect of the notice and sets out a process where the property is valued and may be acquired by the governance entity.
- 6.6 The Te Aroha College site (land only) is to be leased back to the Crown, immediately after its purchase by the governance entity, on the terms and conditions provided by the lease for that property in part 6 of the documents schedule (being a registrable ground lease for the property, ownership of the improvements remaining unaffected by the purchase).
- 6.7 Clause 6.8 applies in respect of Te Aroha College House site (land only) if, within four months after the date of this deed, the board of trustees of Te Aroha College (the **board of trustees**) relinquishes the beneficial interest it has in the property described in subpart B of part 4 of the property redress schedule, being Te Aroha College House site (land only).
- 6.8 If this clause applies to Te Aroha College House site (land only) –
- 6.8.1 the Crown must, within 10 business days of this clause applying, give notice to the governance entity that the beneficial interest in Te Aroha College House site (land only) has been relinquished by the board of trustees; and
- 6.8.2 the deferred selection property that is Te Aroha College site (land only) will include Te Aroha College House site (land only); and
- 6.8.3 all references in this deed to a deferred selection property that is Te Aroha College site (land only) are to be read as if that deferred selection property were Te Aroha College site (land only) and Te Aroha College House site (land only) together.
- 6.9 Clause 6.10 applies if, within four months after the date of this deed, the board of trustees does not agree to relinquish the beneficial interest it has in Te Aroha College House site (land only).
- 6.10 If this clause applies –
- 6.10.1 the Crown will arrange for the creation of a record of title for Te Aroha College site (land only) excluding Te Aroha College House site (land only) (the **Balance School site**) in accordance with paragraph 6.38.1 of the property redress schedule; and
- 6.10.2 the Crown shall be entitled to enter into any encumbrances affecting or benefiting the Balance School site which the Crown deems reasonably necessary in order to create separate records of title for Te Aroha College House site (land only) and the Balance School site and legalise existing accessways and access to services. Such encumbrances shall be in standard form incorporating the rights and powers in Schedule 5 of the Land Transfer Regulations 2018 (and, where not inconsistent, Schedule 5 of the Property Law Act 2007) provided however that clauses relating to obligations for repair, maintenance and costs between grantor

## **DEED OF SETTLEMENT**

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

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and grantee(s) shall provide for apportionment based on reasonable use of any shared easement facilities.

#### **WITHDRAWAL OF TE AROHA COLLEGE SITE (LAND ONLY)**

- 6.11 In the event that Te Aroha College site (land only) becomes surplus to the land holding agency's requirements, then the Crown may, at any time before the governance entity has given a notice of interest in accordance with paragraph 5.1 of the property redress schedule in respect of the school site, give written notice to the governance entity advising it that the school site is no longer available for selection by the governance entity in accordance with clause 6.4. The right under clause 6.4 ceases in respect of the school site on the date of receipt of the notice by the governance entity under this clause. If the right under clause 6.4 ceases in respect of the school site, the RFR provisions in the Pare Hauraki Collective Redress Deed will apply in relation to the school site.

#### **SETTLEMENT LEGISLATION**

- 6.12 The settlement legislation will, on the terms provided by sections 113 to 117 of the draft settlement bill, enable the transfer of the deferred selection properties.

#### **APPLICATION OF CROWN MINERALS ACT 1991**

- 6.13 The settlement legislation will, on the terms provided by subpart 2 of part 3 of the draft settlement bill, provide that –

- 6.13.1 despite section 11 of the Crown Minerals Act 1991 (minerals reserved to the Crown), any Crown owned minerals in –

- (a) the early release commercial property transferred to the governance entity if that property is owned by the governance entity on the settlement date; or
- (b) any purchased deferred selection property transferred to the governance entity under this deed,

transfer with, and form part of, that property; but

- 6.13.2 that transfer does not –

- (a) limit section 10 of the Crown Minerals Act 1991 (petroleum, gold, silver and uranium); or
- (b) affect other existing lawful rights to subsurface minerals.

- 6.14 Sections 124 to 132 of the draft settlement bill establish a regime for the payment of royalties received by the Crown, in the previous 8 years, in respect of the vested minerals to which clause 6.13 applies.

## **DEED OF SETTLEMENT**

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

- 6.15 The Crown acknowledges, to avoid doubt, that it has no property in any minerals existing in their natural condition in Māori customary land (as defined in Te Ture Whenua Maori Act 1993), other than those minerals referred to in section 10 of the Crown Minerals Act 1991 or if provided in any other enactment.

## 7 COLLECTIVE REDRESS

### DEED PROVIDING COLLECTIVE REDRESS

- 7.1 Ngāti Rāhiri Tumutumu is –
- 7.1.1 one of the 12 Iwi of Hauraki; and
  - 7.1.2 a party to the Pare Hauraki Collective Redress Deed between the Crown and the Iwi of Hauraki.

### PARE HAURAKI COLLECTIVE REDRESS

- 7.2 The parties record the following summary of redress intended to be provided for in the Pare Hauraki Collective Redress Deed. The summary is non-comprehensive and provided for reference only; in the event of any conflict between the terms of the summary and the Pare Hauraki Collective Redress Deed the Pare Hauraki Collective Redress Deed prevails:

#### *Cultural redress*

- 7.2.1 vesting of 1,000 hectares at Moehau maunga in fee simple subject to government purpose (Pare Hauraki whenua kura and ecological sanctuary) reserve status, and co-governance and other arrangements over the entire 3,600 hectare Moehau Ecological Area, including the ability to undertake specified cultural activities as permitted activities:
- 7.2.2 vesting of 1,000 hectares at Te Aroha maunga in fee simple subject to local purpose (Pare Hauraki whenua kura) reserve status being administered by the Pare Hauraki collective cultural entity:
- 7.2.3 governance arrangements in relation to public conservation land, including a decision-making framework (which encompasses a regime for consideration of iwi interests including in relation to concession applications), recognition of the Pare Hauraki World View, and other arrangements including the joint preparation and approval of a Conservation Management Plan covering the Coromandel Peninsula, motu<sup>3</sup> and wetlands<sup>4</sup>:
- 7.2.4 transfer of specific decision-making powers from the Department of Conservation to iwi, including in relation to customary materials and possession of dead protected fauna; a wāhi tapu management framework; and review of

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<sup>3</sup> Including Motutapere Island, Cuvier Island (Repanga), Mercury Islands, Rabbit Island, the Aldermen Islands (Ruamaahua).

<sup>4</sup> Including Kopuatai, Torehape and Taramaire wetlands.

## DEED OF SETTLEMENT

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### 7: COLLECTIVE REDRESS

the Conservation Management Strategy to ensure Pare Hauraki values and interests are provided for:

- 7.2.5 natural resource management and governance arrangements over the Waihou and Piako Rivers, the Coromandel Peninsula catchment, the Mangatangi and Mangatawhiri waterway catchments, the Whangamarino wetland and the Tauranga Moana catchments and coastal marine area:
- 7.2.6 a statutory acknowledgement over the Kaimai Mamaku Range:
- 7.2.7 \$3,000,000 funding and other support for te reo revitalisation:
- 7.2.8 Ministry for Primary Industries redress, including a right of first refusal over fisheries quota for a period of 178 years from the date the right becomes operative, and recognition of the Pare Hauraki World View by the three principal Acts administered by the Ministry for Primary Industries:
- 7.2.9 changing the geographic names of specified areas of significance:
- 7.2.10 a letter of introduction to the responsible Ministers under the Overseas Investment Act 2005 in relation to sensitive land sales:
- 7.2.11 \$500,000 towards the Pare Hauraki collective cultural entity:

#### ***Commercial redress***

- 7.2.12 the transfer of the Kauaeranga, Tairua, Whangamata and Whangapoua Forests, the Hauraki Athenree Forest and Hauraki Waihou Forest (being licensed land as defined in the Pare Hauraki Collective Redress Deed):
- 7.2.13 the early release of certain landbank properties and transfer of other landbank properties on the settlement date:
- 7.2.14 the right to purchase specific parcels of land administered by the Department of Conservation on a deferred selection basis:
- 7.2.15 a right of first refusal over RFR land (as defined in the Pare Hauraki Collective Redress Deed), including land held by Crown entities and Kāinga Ora—Homes and Communities, and the Cuvier Island lighthouse, for a period of 178 years from the date the right becomes operative:
- 7.2.16 additional rights of refusal over land in Tauranga (for a period of 178 years) and Waikato (as defined in the Pare Hauraki Collective Redress Deed):



## DEED OF SETTLEMENT

### 7: COLLECTIVE REDRESS

#### ***Minerals***

- 7.2.17 the transfer of certain Crown-owned minerals in land vested or transferred under the Pare Hauraki Collective Redress Deed:
- 7.2.18 involvement in any review of ownership of gold and silver:
- 7.2.19 a relationship agreement with the Ministry of Business, Innovation and Employment.

#### ***Pare Hauraki Landbank Properties***

- 7.3 The parties acknowledge that it is intended that the following properties must be transferred by the Pare Hauraki collective commercial entity to the governance entity, either solely, or jointly with other iwi, as the case may be, as referred to in the Pare Hauraki Collective Redress Deed:

#### ***Pare Hauraki Early Release Commercial Redress Properties***

- 7.3.1 401 Achilles Avenue, Whangamata (jointly with Hako Tūpuna Trust, Ngāti Maru Rūnanga Trust, Ngāti Tamaterā Treaty Settlement Trust and Ngaati Whanaunga Ruunanga Trust):
- 7.3.2 8 Hanna Street, Te Aroha:
- 7.3.3 Corner Stanley Avenue/Ritchie Street, Te Aroha:
- 7.3.4 465-475 Stanley Road South, Te Aroha (jointly with Ngāti Maru Rūnanga Trust); and

#### ***Commercial redress properties***

- 7.3.5 37 Burgess Street, Te Aroha:
- 7.3.6 24 Gordon Avenue, Te Aroha:
- 7.3.7 35 Stanley Avenue, Te Aroha (jointly with Ngāti Tamaterā Treaty Settlement Trust):
- 7.3.8 1 Terminus Street, Te Aroha.

#### ***Kāinga Ora—Homes and Communities***

- 7.4 The parties acknowledge that the governance entity will be entitled to receive any right of first refusal offer received by the Pare Hauraki collective commercial entity under the Pare Hauraki Collective Redress Deed in respect of the following properties:

## DEED OF SETTLEMENT

### 7: COLLECTIVE REDRESS

Land holding agency	Kāinga Ora—Homes and Communities	
Property ID	Address	Legal Description
HSS0030380	Te Aroha	0.1012 hectares, more or less, being Lot 3 DPS 9235. All record of title SA12B/1137 for the fee simple estate.
HSS0030381	Te Aroha	0.1285 hectares, more or less, being Lot 4 DPS 9235. All record of title SA12B/1138 for the fee simple estate.
HSS0029880	Te Aroha	0.0771 hectares, more or less, being Lot 8 DPS 5179. All record of title SA22A/230 for the fee simple estate.
HSS0030440	Te Aroha	0.0623 hectares, more or less, being Lot 34 DPS 21776. All record of title SA23A/1295 for the fee simple estate.
HSS0030441	Te Aroha	0.0623 hectares, more or less, being Lot 32 DPS 21776. All record of title SA23A/1296 for the fee simple estate.
HSS0030677	Te Aroha	0.0509 hectares, more or less, being Lot 1 DPS 24997. All record of title SA24D/1488 for the fee simple estate.
HSS0030678	Te Aroha	0.0508 hectares, more or less, being Lot 2 DPS 24997. All record of title SA24D/1489 for the fee simple estate.
HSS0029166	Te Aroha	0.0839 hectares, more or less, being Lot 10 DPS 2147. All record of title SA9B/426 for the fee simple estate.

### CERTAIN PROPERTIES CEASE TO BE PARE HAURAKI COLLECTIVE REDRESS

- 7.5 As soon as reasonably practicable after the governance entity gives an election notice under paragraph 5.3 of the property redress schedule to purchase a deferred selection property, the Minister for Treaty of Waitangi Negotiations must give a notice to the relevant persons in accordance with the section of the Pare Hauraki Collective Redress legislation that corresponds to clause 224 of the Pare Hauraki Collective Redress Bill (Government Bill 220-1) that each deferred selection property for which an election notice has been given under paragraph 5.3 of the property redress schedule ceases to be RFR land for the purposes of the Pare Hauraki Collective Redress legislation.
- 7.6 To avoid doubt, clause 7.5 will only apply if the settlement date under the Pare Hauraki Collective Redress legislation has occurred.

## 8 HARBOURS

- 8.1 The Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine (and the harbours in those water bodies) are of great ancestral, spiritual, cultural, customary and historical significance to Ngāti Rāhiri Tumutumu.
- 8.2 Ngāti Rāhiri Tumutumu and the Crown acknowledge and agree that this deed does not provide for cultural redress in relation to Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine as that is to be developed in separate negotiations between the Crown and Ngāti Rāhiri Tumutumu.
- 8.3 Ngāti Rāhiri Tumutumu consider, but without in any way derogating from clause 8.2, negotiations with the Crown will not be complete until they receive cultural redress in relation to the Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine.
- 8.4 The Crown recognises –
- 8.4.1 the significant and longstanding history of protest and grievance on the Crown's actions in relation to Tīkapa Moana, including the 1869 petition of Tanumeha Te Moananui and other Pare Hauraki rangatira and the Kauaeranga Judgment; and
  - 8.4.2 Ngāti Rāhiri Tumutumu have long sought co-governance and integrated management of Tīkapa Moana and Te Tai Tamahine.
- 8.5 The Crown acknowledges that the aspirations of Ngāti Rāhiri Tumutumu for Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine include co-governance with relevant agencies in order to –
- 8.5.1 restore and enhance the ability of those water bodies to provide nourishment and spiritual sustenance;
  - 8.5.2 recognise the significance of those water bodies as maritime pathways (aramoana) to settlements throughout the Pare Hauraki rohe; and
  - 8.5.3 facilitate the exercise by Ngāti Rāhiri Tumutumu of kaitiakitanga, rangatiratanga and tikanga manaakitanga.
- 8.6 The Crown and iwi share many goals for natural resource management, including environmental integrity, the sustainable use of natural resources to promote economic development, and community and cultural well-being for all New Zealanders. The Crown recognises the relationships Ngāti Rāhiri Tumutumu have with natural resources, and that the iwi have an important role in their care.
- 8.7 The Crown agrees to negotiate redress in relation to Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine as soon as practicable, and will seek sustainable and durable arrangements involving Ngāti Rāhiri Tumutumu in the natural resource management of

## **DEED OF SETTLEMENT**

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### **8: HARBOURS**

Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine that are based on Te Tiriti o Waitangi/the Treaty of Waitangi.

- 8.8 This deed does not address the realignment of the representation of iwi on the Hauraki Gulf Forum under the Hauraki Gulf Marine Park Act 2000. This matter will be explored in the negotiations over Hauraki Gulf / Tīkapa Moana.
- 8.9 The Crown owes iwi a duty consistent with the principles of Te Tiriti o Waitangi/the Treaty of Waitangi to negotiate redress for Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine in good faith.
- 8.10 Ngāti Rāhiri Tumutumu are not precluded from making a claim to the Waitangi Tribunal in respect of the process referred to in clause 8.7.

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

### **SETTLEMENT LEGISLATION**

- 9.1 The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 9.2 The settlement legislation must provide for all matters for which legislation is required to give effect to this deed of settlement.
- 9.3 The draft settlement bill proposed for introduction to the House of Representatives –
  - 9.3.1 may be in the form of an omnibus bill that includes bills settling the claims of the Iwi of Hauraki; and
  - 9.3.2 must comply with the relevant drafting conventions for a government bill; and
  - 9.3.3 must be in a form that is satisfactory to Ngāti Rāhiri Tumutumu and the Crown.
- 9.4 The Crown must not after introduction to the House of Representatives propose changes to the draft settlement bill other than changes agreed in writing by Ngāti Rāhiri Tumutumu and the Crown.
- 9.5 Ngāti Rāhiri Tumutumu and the governance entity must support the passage of the draft settlement bill through Parliament.

### **SETTLEMENT CONDITIONAL**

- 9.6 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 9.7 However, the following provisions of this deed are binding on its signing:
  - 9.7.1 clauses 5.13, 5.20, 5.21, 5.22, 6.7 to 6.11 and 9.4 to 9.11:
  - 9.7.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

### **EFFECT OF THIS DEED**

- 9.8 This deed –
  - 9.8.1 is “without prejudice” until it becomes unconditional; and
  - 9.8.2 may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.

## DEED OF SETTLEMENT

### 9: SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

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- 9.9 Clause 9.8.2 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

#### TERMINATION

- 9.10 The Crown or the governance entity may terminate this deed, by notice to the other, if –
- 9.10.1 the settlement legislation has not come into force within 36 months after the date of this deed; and
  - 9.10.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.
- 9.11 If this deed is terminated in accordance with its provisions –
- 9.11.1 this deed (and the settlement) are at an end; and
  - 9.11.2 subject to this clause, this deed does not give rise to any rights or obligations; and
  - 9.11.3 this deed remains “without prejudice”; but
  - 9.11.4 the parties intend that –
    - (a) the on-account payments; and
    - (b) any Pare Hauraki Early Release Commercial Redress Property, if that property is transferred pursuant to the Pare Hauraki Collective Redress Deed; and
    - (c) the early release commercial property referred to in clause 6.3: and
    - (d) the cultural redress on-account payment referred to in clause 5.35,are taken into account in any future settlement of the historical claims.

## 10 GENERAL, DEFINITIONS, AND INTERPRETATION

### GENERAL

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

### HISTORICAL CLAIMS

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

## DEED OF SETTLEMENT

### 10: GENERAL, DEFINITIONS, AND INTERPRETATION

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10.2.2 includes every claim to the Waitangi Tribunal to which clause 10.2.1 applies that relates exclusively to Ngāti Rāhiri Tumutumu or a representative entity, including the following claims:

- (a) Wai 663 – Te Aroha Lands claim:
- (b) Wai 695 – Te Aroha Land and Mountain claim:
- (c) Wai 1737 – Descendants of Harete Te Wharau claim:

10.2.3 includes every other claim to the Waitangi Tribunal to which clause 10.2.1 applies, so far as it relates to Ngāti Rāhiri Tumutumu or a representative entity, including the following claims:

- (a) Wai 100 – Hauraki claim:
- (b) Wai 373 – Maramarua State Forest claim:
- (c) Wai 374 – Auckland Central Railways Land claim:
- (d) Wai 650 – Athenree Forest and Surrounding Lands claim.

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

10.3.1 a claim that a member of Ngāti Rāhiri Tumutumu, or a whānau, hapū, or group referred to in clause 10.5.2, may have that is, or is founded on, a right arising as a result of being descended from a tupuna or ancestor who is not referred to in clause 10.5.1:

10.3.2 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 10.3.1.

10.4 To avoid doubt, clause 10.2.1 is not limited by clauses 10.2.2 or 10.2.3.

#### NGĀTI RĀHIRI TUMUTUMU

10.5 In this deed, **Ngāti Rāhiri Tumutumu** means –

10.5.1 the collective group composed of individuals who descend from a Ngāti Rāhiri Tumutumu tupuna or ancestor; and

10.5.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 10.5.1, including the following Ngāti Rāhiri Tumutumu hapū:

- (a) Ngāti Kopirimau:
- (b) Ngāti Rāhiri:



## DEED OF SETTLEMENT

### 10: GENERAL, DEFINITIONS, AND INTERPRETATION

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- (c) Ngāti Te Ruinga:
- (d) Ngāti Hue:
- (e) Ngāti Tumutumu:
- (f) Ngāti Kotopara:
- (g) Ngāti Te Atua:
- (h) Ngāti Te Kaha:
- (i) Ngāti Haumia:
- (j) Ngāti Tau; and

10.5.3 every individual referred to in clause 10.5.1.

10.6 For the purposes of clause 10.5.1 –

10.6.1 a person is descended from another person if the first person is descended from the other by –

- (a) birth; or
- (b) legal adoption; or
- (c) whangai (Māori customary adoption) in accordance with Ngāti Rāhiri Tumutumu tikanga (Māori customary values and practices of Ngāti Rāhiri Tumutumu); and

10.6.2 **Ngāti Rāhiri Tumutumu tupuna or ancestor** means an individual who –

- (a) exercised customary rights by virtue of being descended from –
  - (i) Te Ruinga; or
  - (ii) Rāhiri; and
  - (iii) a recognised tupuna or ancestor of any of the groups listed in clause 10.5.2; and
- (b) exercised customary rights predominantly in relation to the area of interest after 6 February 1840; and

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

## DEED OF SETTLEMENT

### 10: GENERAL, DEFINITIONS, AND INTERPRETATION

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

#### MANDATED NEGOTIATORS AND SIGNATORIES

10.7 In this deed –

10.7.1 **mandated negotiators** means the following individuals:

- (a) Nicola Jane Scott, Tauranga:
- (b) Jill Lisa Taylor, Auckland; and

10.7.2 **mandated signatories** means the following individuals:

- (a) Nicola Jane Scott, Tauranga:
- (b) Jill Lisa Taylor, Auckland.

#### ADDITIONAL DEFINITIONS

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

#### INTERPRETATION

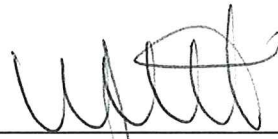
10.9 Part 7 of the general matters schedule applies to the interpretation of this deed.

## DEED OF SETTLEMENT

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**SIGNED** as a deed on 26 September 2025

**SIGNED** for and on behalf  
of **NGĀTI RĀHIRI TUMUTUMU** by  
the mandated signatories in the  
presence of –



Nicola Jane Scott



Jill Lisa Taylor

### WITNESS



Name:

Ron Hooper

Occupation:

Public Servant

Address:

Wellington 6023  
New Zealand

## DEED OF SETTLEMENT

**SIGNED** by the **TRUSTEES OF THE NGĀTI TUMUTUMU TRUST** as trustees of that trust and for and on behalf of **NGĀTI RĀHIRI TUMUTUMU** in the presence of –

  
\_\_\_\_\_  
Nicola Scott

  
\_\_\_\_\_  
Daniel John Braid

  
\_\_\_\_\_  
Michael Francis Barker

  
\_\_\_\_\_  
Mike Lobb

  
\_\_\_\_\_  
Norm Hill

### WITNESS

  
\_\_\_\_\_

Name:

Ron Hooper

Occupation:

Public servant

Address:

Wellington 6023  
New Zealand

## DEED OF SETTLEMENT

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

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

  
\_\_\_\_\_  
Hon Paul Goldsmith

**WITNESS**

  
\_\_\_\_\_

Name:

Ren Hooper

Occupation:

Public servant

Address:

Wellington 6023  
New Zealand

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

\_\_\_\_\_  
Hon Nicola Willis

**WITNESS**

\_\_\_\_\_

Name:

Occupation:

Address:

DEED OF SETTLEMENT

People of Ngāti Rāhiri Tumutumu signed below to indicate their support for the settlement

*you*  
*Amie*  
*Emergence*  
*Aika*  
*Amie*  
Mahurea

*AK*  
*Ac.*  
*Wlu*  
*OSCAR*  
*Boston*  
*gfbah.*  
*Hon Rick Sanders*  
*CCN 2015 - 2023*

*g*  
*NOAH*

*Copper Cooper*

*LT*

*George Rindin*  
*Waiora*