

**NGĀTI KŌATA**

**and**

**TE PĀTAKA A NGĀTI KŌATA**

**and**

**THE CROWN**

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**DEED OF SETTLEMENT OF  
HISTORICAL CLAIMS**

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**21 December 2012**

## 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 Kōata and breached the Treaty of Waitangi and its principles;
- provides an acknowledgment by the Crown of the Treaty breaches and an apology;
- settles the historical claims of Ngāti Kōata;
- specifies the cultural redress, and the financial and commercial redress, that is to be provided in settlement to Te Pātaka a Ngāti Kōata, which has been approved by Ngāti Kōata as the governance entity to receive the redress;
- includes definitions of:
  - the historical claims; and
  - Ngāti Kōata;
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

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## DEED OF SETTLEMENT

**THIS DEED** is made between

**NGĀTI KŌATA**

and

**TE PĀTAKA A NGĀTI KŌATA**

and

**THE CROWN**

## MIHI

*E ngā aitanga a Ngāti Kōata, he whariki hao oranga tenei, hei whakatutuki i ngā moemoeā a  
ō koutou tūpuna. Haria atu tēnei taonga ki te ao, whāngaia, poiipoia, kia puawai ai. Mā nga  
hua ka puta, ka tū tangata ai koutou i mua i tō tātou Kaihanga.*

To the descendants of Ngāti Kōata, this (deed) is a prepared pathway which encircles wellbeing, as a fulfilment of the dreams of your ancestors. Take this taonga to the world, feed it, nurture it, so it will flourish. From the benefits derived you will be able to stand tall in the presence of our Creator.

## 1 BACKGROUND

### NEGOTIATIONS

- 1.1 Ngāti Kōata gave the mandated negotiator a mandate to negotiate a deed of settlement with the Crown and submitted a deed of mandate to the Crown in December 2005.
- 1.2 The Crown recognised the mandate on 3 October 2006.
- 1.3 The mandated negotiator and the Crown:
  - 1.3.1 by terms of negotiation dated 27 November 2007, agreed the scope, objectives, and general procedures for the negotiations; and
  - 1.3.2 by letter of agreement with Tainui Taranaki ki te Tonga Limited dated 11 February 2009, signed by Roma Hippolite and Allen McGregor Hippolite for Ngāti Kōata, agreed, in principle, that Ngāti Kōata and the Crown were willing to enter into a deed of settlement on the basis set out in the letter of agreement; and
  - 1.3.3 since the letter of agreement, have:
    - (a) had extensive negotiations conducted in good faith; and
    - (b) negotiated and initialled a deed of settlement.
- 1.4 The negotiation of this deed of settlement has formed part of a wider process of settling the historical claims of iwi with interests in Te Tau Ihu. This regional context is reflected in various aspects of this deed of settlement (including the redress that is joint redress with other iwi with interests in Te Tau Ihu).

### RATIFICATION AND APPROVALS

- 1.5 Ngāti Kōata have, since the initialling of the deed of settlement, by a majority of:
  - 1.5.1 98%, ratified this deed;
  - 1.5.2 97%, approved its signing on their behalf by the mandated signatories, the trustees of the Ngāti Kōata Trust; and
  - 1.5.3 95%, approved the trustees of Te Pātaka a Ngāti Kōata to receive the redress.
- 1.6 Each majority referred to in clause 1.5 is of valid votes cast in a ballot by eligible members of Ngāti Kōata.
- 1.7 Te Pātaka a Ngāti Kōata trustees approved entering into, and complying with, this deed by resolution of the trustees on 30 November 2012.
- 1.8 The Crown is satisfied:
  - 1.8.1 with the ratification and approvals of Ngāti Kōata referred to in clauses 1.5.1 and 1.5.3; and

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- 1.8.2 with Te Pātaka a Ngāti Kōata trustees' approval referred to in clause 1.7; and
- 1.8.3 that Te Pātaka a Ngāti Kōata trustees are appropriate to receive the redress.
- 1.9 The ratification process referred to in clauses 1.5 to 1.8, as it relates to the draft settlement bill, covers only:
  - 1.9.1 those parts of the draft settlement bill that relate specifically to Ngāti Kōata; and
  - 1.9.2 those general parts of the draft settlement bill that apply to Ngāti Kōata.

**AGREEMENT**

- 1.10 Therefore, the parties:
  - 1.10.1 in a spirit of co-operation and compromise, wish to enter, in good faith, into this deed settling the historical claims; and
  - 1.10.2 agree and acknowledge as provided in this deed.



## 2 HISTORICAL ACCOUNT

- 2.1 The Crown's acknowledgements and apology to Ngāti Kōata in part 3 are based on this historical account. The historical account is recorded in English and in te reo Māori.

### OVERVIEW OF NGĀTI KŌATA AND ARRIVAL IN TE TAU IHU

#### Ngāti Kōata Origins

- 2.2 Ngāti Kōata descend from their ancestress Kōata of the Tainui waka. Ngāti Kōata were a coastal iwi residing at Karereatua Pā in Kāwhia and on the northern side of Whaingaroa Harbour (Raglan) at Te Akau and Horea. Around 1820 a number of Ngāti Kōata left Waikato on the first of several heke (migration) southwards. One of the earlier heke they named "Te Heke Whirinui". Ngāti Kōata settled for a time in Taranaki before continuing on and settling on Kapiti Island with their whanaunga (relations) from other iwi who had also migrated south.
- 2.3 Ngāti Kōata first came to Te Tau Ihu (the northern South Island) in the mid-1820s following the battle of Whakapaeiti at Waiorua on Kapiti where Tūtepourangi, a paramount Te Tau Ihu chief was captured by a Ngāti Kōata rangatira. In return for the safety of his people and also for himself Tūtepourangi made a tuku of land in Te Tau Ihu to Ngāti Kōata. Tawhi, a Ngāti Kōata child who was taken captive by the people of Tūtepourangi during the battle of Whakapaeiti, was also returned safely to Ngāti Kōata. According to evidence given in the Native Land Court in 1892, the tuku of land was between Anatoto at the mouth of the Pelorus Estuary, including the Sounds and around the coast from Kaiua (Croisilles Harbour) to Cape Soucis, Whangamoā, Whakapuaka, Whakatū, Waimea, Motueka and on to Te Matau (Separation Point). Ngāti Kōata oral tradition also states that the tuku started at Anatoto at the mouth of the Pelorus Sound and included Kurupongi, Nga Kiore, Takapourewa and extended to Te Matau (Farewell Spit).
- 2.4 Following the tuku Ngāti Kōata conducted a 'takahia whenua' (or walking the land) through the district, thus cementing the boundaries of the tuku and making peace with the individual resident chiefs at Whitikareao, Te Raiti, Whangamoā, Whakapuaka and Whakatū. Ngāti Kōata took possession of the waka Te Awatea in Motueka as part of the tuku and used it to travel to Anawakau and Te Matau, and then back into Whakatū.
- 2.5 In further acknowledgement of the tuku and to strengthen the relationships of Ngāti Kōata in Te Tau Ihu, high ranking marriages were arranged between Ngāti Kōata and senior rangatira of the other iwi who were party to the tuku. Ngāti Kōata maintained a special relationship with this iwi.

#### Ngāti Kōata Settlement in Te Tau Ihu

- 2.6 The tuku established the first and main customary right for Ngāti Kōata in Te Tau Ihu. Through subsequent settlement and intermarriages Ngāti Kōata became the first of the five northern allied iwi to establish themselves as tangata whenua in Te Tau Ihu. Ngāti Kōata settled in several locations in Te Tau Ihu. Some settled at Punawai, near the mouth of the harbour in Nelson, others at Waimea, Pikimai (Cathedral Hill), and also Whakapuaka. Others settled at Rangitoto (D'Urville Island) under the chief Te Patete with settlements at Te Marua, Moawhitu, Awhitu, Manuhakapakapa and Ohana. The Raukawa Moana (Cook Strait) area became a rich resource base for

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Ngāti Kōata, as well as an important waterway between Te Tau Ihu and areas of kinship occupation back in the North Island.

- 2.7 Within two to three years the other North Island iwi of Kāwhia and Taranaki, who had kinship links to Ngāti Kōata, invaded Te Tau Ihu and established their own customary rights there. Some Ngāti Kōata under the chief Te Whetu also participated in the invasion.
- 2.8 Through customary usage and inter-iwi relationships, the rohe of Ngāti Kōata evolved in the 1830s and 1840s to extend from the Te Hoiere (Pelorus region) westward, including Rangitoto and the eastern Tasman Bay through to Whakatū/Nelson, the Waimea and finally Ruby Bay. Ngāti Kōata regard their rohe as including inland (southern) regions and not just the coastal areas. In several areas Ngāti Kōata customary rights overlapped and intersected with other iwi. Ngāti Kōata held their land and resources under customary tenure where tribal and hapū collective ownership was paramount.

**THE NEW ZEALAND COMPANY**

- 2.9 The New Zealand Company was a private land-settlement company formed in London in May 1839. It planned to establish settlements in New Zealand and quickly dispatched representatives to New Zealand to purchase land before the British Government established sovereignty and the sole right to purchase Māori land (pre-emption).
- 2.10 Colonel William Wakefield was the leader of the New Zealand Company's expedition. Instructions to Wakefield and other Company documents indicate that the Company intended to reserve one-tenth of the land the Company transacted for the benefit of certain Māori.
- 2.11 On 26 October 1839 the New Zealand Company entered into the Kapiti Deed with a number of chiefs. This purported to purchase approximately 20 million acres, including the entire northern South Island. Te Whetu, a chief of Ngāti Kōata who was in Porirua at the time for another take (purpose), was the only Ngāti Kōata chief to sign the deed. The deed was written only in English and translated orally into Māori. It included a provision that a portion of the land "suitable and sufficient for the residence and proper maintenance of the said chiefs, their tribes and families" would be reserved for them.

**THE TREATY OF WAITANGI**

- 2.12 In January 1840 Lieutenant-Governor William Hobson proclaimed that only land titles derived from the Crown would be recognised and that a Land Claims Commission would be established to investigate the validity of purchases already entered into between settlers and Māori, which would include the New Zealand Company deeds.
- 2.13 Hobson also sought to acquire sovereignty over New Zealand through the signing of a treaty with Māori. The first encounter between Ngāti Kōata and the Crown was on 11 May 1840 when several chiefs signed the Treaty of Waitangi at Rangitoto. The Treaty was not taken west of Rangitoto to the rest of Te Tau Ihu so other chiefs, including any other Ngāti Kōata chiefs, were not given an opportunity to consider or sign it.

## THE CLAIMS OF THE NEW ZEALAND COMPANY

- 2.14 In November 1840 the New Zealand Company and the British Government negotiated an arrangement for providing land by way of Crown grant to the Company in New Zealand on the basis that the Company had spent large sums of money associated with colonisation, including the purchase of land. When entering into the arrangement, the Crown appeared to have assumed that the Company's transactions were valid. Under the arrangement the Crown would grant the Company four acres of land for every pound spent on its colonisation operations. The lands to be granted to the Company were to be in the vicinity of Port Nicholson and New Plymouth. The arrangement indicated that the Crown would make reserves "for the benefit of" Māori out of any of the above land granted "according to the tenor" of any such stipulations already made by the Company. In respect of "all other lands", the Crown reserved to itself the ability to make arrangements it considered were "just and expedient for the benefit of" Māori.
- 2.15 Despite this arrangement the British Government still expected the Land Claims Commission to inquire into the validity of the Company's claims. In January 1841 the Crown appointed William Spain as a Land Claims Commissioner. By the time word of the November 1840 arrangement reached New Zealand it was clear to the Lieutenant-Governor William Hobson that there were serious problems with the Company's purchases.
- 2.16 In February 1841 the New Zealand Company issued a prospectus for its second settlement. It proposed to sell 201,000 acres in 1,000 allotments to settlers. Each allotment comprised one 1-acre Town Section, one 50-acre Suburban Section, and one 150-acre Rural Section.
- 2.17 In October 1841 the New Zealand Company sent an exploratory expedition led by Arthur Wakefield to Te Tai o Aorere (Tasman Bay) in search of suitable land for the new settlement. It was determined that Whakatū was the most suitable site for Nelson. Wakefield held several meetings with Māori and presented gifts to various chiefs in recognition of the Company taking possession of the land.
- 2.18 Ngāti Kōata oral tradition is that they encouraged New Zealand Company settlers to settle in Whakatū and one of their rangatira, Renata te Kauwhata, was the person charged with assisting the Company and settler boats by navigating them through the potentially dangerous passageway into the safe Nelson harbour. Renata te Kauwhata was recognised and honoured by Ngāti Kōata when he was buried in the urupa at Whakapuaka.
- 2.19 The first shiploads of New Zealand Company settlers arrived at Nelson in February 1842 and began occupying land. This created pressure on the Crown to resolve the Company's land claims. Commissioner Spain first inquired into the Company's claims affecting Te Tau Ihu in April 1843 while conducting hearings in Otaki by hearing evidence from some of the chiefs who signed the Kapiti deed.

## THE WAIRAU INCIDENT

- 2.20 In December 1842 the New Zealand Company went to Wairau to survey land for rural sections for settlers. The survey was strongly opposed by another iwi, who were whanaunga (relations) of Ngāti Kōata. The other iwi denied Wairau had been sold and made an appeal to Commissioner Spain and Arthur Wakefield to halt the survey. When the iwi obstructed and expelled the surveyors from the Wairau, a party of New Zealand Company officials, settlers, and the Nelson Police Magistrate attempted to

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arrest the iwi leaders. This resulted in the deaths of between four and nine Māori and 22 Pākehā in a clash at Tuamarina Stream in June 1843. The incident caused uneasiness between iwi and settlers and was detrimental to the relationship between the Crown and iwi of Te Tau Ihu, including Ngāti Kōata.

**THE SPAIN COMMISSION**

- 2.21 Land Claims Commissioner William Spain arrived in New Zealand in December 1841 to investigate the Company's claims. Spain was instructed by the Crown to ensure that a Protector of Aborigines was present at his hearings to represent and protect Māori interests. In June 1842, while conducting hearings in Wellington, Commissioner Spain examined some Company officials who were involved in the signing of the Kapiti deed. In 1843 at Otaki, some North Island chiefs who signed the Kapiti deed told Spain they had only sold specific and limited places in Te Tau Ihu and the deed had been inadequately translated.
- 2.22 In July 1844 Commissioner Spain sent his interpreter to Te Tau Ihu to ascertain the views of resident Māori about the deeds affecting their land. On 12 August 1844 he met with Māori in Nelson including a number from Rangitoto.
- 2.23 Spain commenced hearings at Nelson on 19 August 1844. He had conducted inquiries in other districts and was somewhat informed on Māori custom. By this time the Government had authorised Spain to assume a dual role: in addition to his inquiry, he had discretion to arbitrate negotiations between referees of the Company and Māori to complete the Company's purchases. Spain was still required to act in accordance with legislation that required him to investigate and report on the claims of the Company.
- 2.24 Spain heard the evidence of only one Māori witness. The witness testified that only a limited area had been transferred for European settlement. Company and Crown representatives then told the court that the witness was not telling the truth. After this testimony, Colonel Wakefield for the Company was granted an adjournment of the hearing for the day.
- 2.25 The following morning the New Zealand Company asked Spain to suspend the inquiry and implement the arbitration process that had already been used in other areas. Spain immediately agreed to this request. The Commissioner reported that he and two officials then met with the assembled Māori to discuss the "terms of the settlement we were anxious to accomplish". Ngāti Kōata were disadvantaged by not having the opportunity to present evidence on their view of the Company's claims. There was also no opportunity for other witnesses, who would have likely been involved in the arrival of Ngāti Kōata and other iwi in Te Tau Ihu, to record their history of settlement and customary rights in Te Tau Ihu at that time. Ngāti Kōata believe that this contributed to what they consider were later incorrect conclusions by the courts about Ngāti Kōata customary rights in Te Tau Ihu.
- 2.26 Following negotiations between Commissioner Spain, the referee for the Company (William Wakefield) and the referee for Māori an additional payment of £800 was made to iwi of Te Tau Ihu. It appears Māori had limited involvement and little influence in determining the amount offered to be paid. The payment of this money was characterised by Spain as another gift to Māori in order to assist European settlement rather than further payment for the land.
- 2.27 Deeds of release recorded receipt of this payment and relinquishment of Māori claims to land at Whakatū, Moutere, Motuweka, Riuwaka and Golden Bay. Two Ngāti Kōata

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chiefs Matiu te Mako and Mako Tarapiko signed the Whakapuaka deed of release, along with another iwi, and received a share of the compensation payment. The deed of release excepted all Māori pā, cultivations and burial places.

- 2.28 Spain made his final report on 31 March 1845 finding the Company was entitled to a limited grant of land. This was based on an acknowledgment by several North Island rangatira who signed the 1839 Kapiti deed of having at least included “Wakatu” and “Taitapu” in the purchase and Spain’s view that the ‘presents’ given by Captain Wakefield in 1841 and 1842 were understood by Māori to be payments for the permanent alienation of their land. Spain reached this finding despite Wakefield informing Māori at the time that the presents were only for allowing settlement, and were not to be considered as payment. Furthermore Spain’s acceptance of the presents as being payment could be viewed as inconsistent with the Crown right of pre-emption whereby any private land transactions made after January 1840 were null and void.
- 2.29 Spain recommended a total award of 151,000 acres to the Company in and around Nelson, Waimea, Moutere, Motueka and Golden Bay. This recommendation was confirmed by the Crown’s provisional deed of grant to the New Zealand Company signed 29 July 1845. The Company, however, objected to several aspects of the grant. As a result, the 1845 Crown grant was subsumed and replaced by a Crown grant in 1848. The 1848 grant included the area included in the 1845 grant, the area covered by the 1847 Wairau purchase, and some additional lands.

**THE TENTHS RESERVES**

- 2.30 The New Zealand Company originally intended in its plan for the Nelson settlement that an amount equal to one tenth of the 201,000 acres of town, suburban, and rural land offered for sale would be reserved for Māori. In 1842, soon after the establishment of the Nelson settlement, Henry Thompson selected 100 Nelson town sections (100 acres) and 100 suburban sections at Motueka and Moutere (5,000 acres) as ‘native reserves’ for Māori. It is not clear under whose instructions Thompson selected the native reserves. For Ngāti Kōata the reserves included the important pā, waka landing, and fishing station at Punawai in Nelson. However, like every other reserve, it went into the general pool of reserves rather than being set aside especially for Ngāti Kōata.
- 2.31 In 1845 Commissioner Spain recommended that one tenth of the 151,000 acres awarded to the New Zealand Company should be reserved, and existing pā, urupa cultivations, and ‘native reserves’ be ‘saved and excepted’ from the grant. These provisions were subsequently included in the Crown’s provisional deed of grant to the New Zealand Company in 1845. The plan attached to the Crown grant showed the 5,100 acres at Nelson, Moutere and Motueka that had been selected as ‘native reserves’ in 1842. The remaining 10,000 acres of reserves had not, at that time, been identified, surveyed or selected.
- 2.32 In 1847, in response to settler demands to reorganise the Nelson settlement and reduce the number of allotments in the settlement from 1,000 to 530, the Crown agreed to a proportionate reduction in the number of one-acre township sections reserved for Māori at Nelson from 100 to 53. The number of 50-acre suburban reserves remained unchanged.
- 2.33 The extent of the Nelson settlement reserves was finalised in 1848 when the Crown issued a new and final grant to the New Zealand Company. The 1848 grant excepted and reserved ‘all pāhs, burial places, and Native reserves’ defined on plans attached

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to the grant. Unlike the 1845 grant it did not except one-tenth of the land granted as 'native reserves'. The 1848 grant reserved at Nelson, Moutere, and Motueka the township and suburban areas that had already been surveyed and selected as reserves. These reserves amounted to 5,053 acres. These areas later became known as the Nelson and Motueka "tenths". The grant made no distinction between reserves intended to be leased and those reserves occupied and used by Māori. The Crown grant also excepted and reserved areas in the Wairau district and in Golden Bay. Following the 1848 grant no additional areas of land in Nelson and Motueka were created as native reserves. No rural tenths, as planned under the initial Company scheme, were ever reserved.

**ADMINISTRATION OF THE TENTHS**

- 2.34 The Nelson and Motueka tenths were managed as a general endowment for Māori. Between 1842 and 1977, Ngāti Kōata and other iwi had negligible involvement in the administration of the tenths estate. Until 1977 the tenths estate was administered by largely European institutions. In 1842 the Nelson agent was instructed to lease out the reserves and expend the revenue gained on projects for local Māori such as building a chapel, school and hospital. In 1848 a Board of Management, comprised of Europeans, was established to administer the estate. Following the enactment of the Native Reserves Act 1856, Government officers were appointed as Commissioners of Native Reserves to administer the vested land for 'the benefit' of Māori. Between 1873 and 1880 up to a third of the income went towards the administration of the trust. Other trust funds were expended in social areas.
- 2.35 During the nineteenth and early twentieth centuries, a time of minimal Crown spending on Māori, the tenths endowment fund was a source of material benefit to Te Tau Ihu Māori. However, in some cases, particularly relating to education and emergency relief, the tenths fund was used by the Crown as a partial replacement to Government spending. Trust funds were spent on providing welfare for Māori, including Ngāti Kōata, making payments for economic disasters as they arose, and on funding Māori roads, schools and medical needs. Before the beneficial owners of the tenths reserves were determined in 1892, funds from the tenths estate were spent on all Māori in Te Tau Ihu.
- 2.36 In 1882, the Public Trustee was given responsibility for the administration of the tenths. From 1887, perpetual leasing was the main form of leasing the tenths reserves. The Public Trustee saw perpetually renewable leases as the best way to generate income from the land. Under this system there was no limit on the number of times 21-year leases could be renewed. Rentals were tied to the valuation of the land and were infrequently reviewed. Over time the effects of inflation reduced rental returns and disadvantaged those with an interest in the rent.
- 2.37 In 1892 the Native Land Court, under Judge Mackay, presided over an application by the Trustee to determine those Māori beneficially interested in the tenths reserves. The first iwi to give evidence presented three witnesses over four days. The judge then decided to limit the remaining iwi, including Ngāti Kōata, to one witness each. Ihaka Tekateka gave evidence for Ngāti Kōata. The Judge had knowledge of the tuku to Ngāti Kōata but chose not to view it as relevant in assessing ownership of the tenths land. The Court found that four iwi, including Ngāti Kōata, had owned the land comprised within the several districts of the Nelson Settlement (Nelson, Moutere, Motueka, Golden Bay) at the time it "was acquired by the Company". The Court then called for the names of original vendors of the land to the Company. Following the completion of that list successors to the deceased were determined. Ngāti Kōata produced the largest list of individuals of the four iwi. The Court ordered in 1893 that

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253 people from the four iwi were the beneficiaries of the tenths and in 1895 that total was increased to 285 individual names.

- 2.38 The Court created 151 shares in the tenths estate and allocated these to the four iwi. Named Ngāti Kōata were awarded an interest in 20 of the 151 shares. This amounted to 13.25% of the reserves fund. It is not clear how the judge determined relative iwi interests to the 151 shares. Ngāti Kōata consider that the share they were awarded did not reflect their view of their customary interests in the lands of the Nelson settlement.
- 2.39 The Court considered that at the time of the sale to the New Zealand Company, Ngāti Kōata were one of two iwi who “owned” the Whakatū district, the location of the Nelson township reserves. However, the Court was not able under the relevant legislation to determine individual ownership for the several hundred separate titles of the Nelson tenths. Rather the funds accruing from the tenths were allocated for the benefit of all four iwi who were deemed to have owned the territory sold to the Company. Those individuals with a beneficial interest in the fund were entitled to a share of the net income based on their tribe’s proportionate interest in the tenths. Because the four iwi shares were aggregated into a single reserve fund and payments were made to individuals, Ngāti Kōata were unable to control their funds as a community. This undermined the rangatiratanga of Ngāti Kōata. Ngāti Kōata believe that they would have received more financial benefit from the tenths funds if they had been able control their funds as a community.

**TWENTIETH CENTURY ADMINISTRATION OF THE TENTHS**

- 2.40 In 1920 the Native Trustee took over administration of the tenths. By 1929, apart from 138 acres of occupied tenths, all of the tenths were subject to perpetual leases.
- 2.41 Reductions in the tenths estate occurred over the second half of the twentieth century. In 1955 the Māori Reserve Land Act empowered the Māori Trustee to compulsorily acquire tenths shares deemed to have become, through succession, too small to be economic. The Māori Affairs Amendment Act 1967 allowed the Māori Trustee to on-sell such interest to lessees. In 1970 the interests of 348 beneficiaries were acquired and on-sold to lessees. The Māori Affairs Amendment Act 1967 also authorised the Māori Trustee to sell reserves to lessees, provided a proportion of the beneficiaries holding sufficient shares agreed to sell their interests. By 1975 the Māori Trustee had sold 1,308 acres of tenths land. When the remaining tenths estate was transferred to Wakatu Incorporation in 1977, only 2,893 acres remained.

**CROWN PURCHASES**

- 2.42 Between 1847 and 1856 Crown agents purchased most of the remaining Māori land and claims to land in Te Tau Ihu through the Wairau, Waitohi, Pakawau, and Te Waipounamu transactions.
- 2.43 The Crown wanted to acquire the Pakawau block, in western Golden Bay, because it was rich in minerals, particularly coal. A deed of sale was signed in Nelson on 15 May 1852 following a hui attended by some 500 Māori. Ngāti Kōata were among the iwi who participated in the hui and signed the deed. The price of £550 reflected the agricultural value of the land only and not the potential value of the minerals it contained. The Crown provided two reserves for Māori totalling 265 acres from the 96,000 acre block.

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- 2.44 In 1853 the Crown set out to acquire most of the remaining unsold Māori land in Te Tau Ihu. It began by signing the Te Waipounamu Deed with another iwi at Porirua in August 1853. This deed purported to purchase the entire interests of Māori signing the deed to the Te Tau Ihu district. Ngāti Kōata in Te Tau Ihu were not involved in these negotiations. The deed provided for £5,000 purchase money, of which £2,000 was paid at the Porirua signing. The remaining £3,000 was to be distributed among other iwi residing in Te Tau Ihu, including Ngāti Kōata, who were recognised in the deed as conjoint owners of the land. Rangitoto Island was excluded from the sale. Ngāti Kōata were not signatories to the deed but the Ngāti Kōata chief Te Ōuenuku may have been present at the signing.
- 2.45 The Crown originally planned to send a land purchase agent to Nelson soon after the Deed was signed to arrange reserves and pay Ngāti Kōata and the other iwi their share of the purchase money. This did not occur. In November 1854, two Crown officials were sent to Te Tau Ihu to mark off the reserves for the Māori residents. They met Ngāti Kōata at Kaiaua where the chiefs indicated that they were willing to part with their land so long as they received ‘a fair share of the payment direct from the Government’. Ngāti Kōata pointed out the places they wanted reserved. Two reserves were laid out at Whangarae and Okiwi, but a third at Whangamoā was declined by the officials as they considered Ngāti Kōata had sufficient land at Rangitoto Island.
- 2.46 In December 1854 the Crown paid a second instalment of £2,000 of the purchase money to mainly members of other iwi at a hui in Wellington. The Ngāti Kōata chief Rawiri Te Ōuenuku was among those who signed the receipt for this payment but other Ngāti Kōata in Te Tau Ihu were not involved. In late 1855 Donald McLean, the Chief Land Purchase Officer, finally travelled to Te Tau Ihu to negotiate with resident Māori. By this time the entire £5,000 payment under the 1853 deed had been paid out to mainly non-resident Māori for their interests in Te Tau Ihu. Donald McLean was authorised to spend a maximum of £2,000 in his negotiations with Te Tau Ihu Māori. Instead of holding a single hui at Nelson with all resident right-holders, McLean entered into separate negotiations with Māori in several locations in Te Tau Ihu. On 5 March 1856 Ngāti Kōata signed a deed and received £100 for ‘all our lands in this island’ except for five reserves around Croisilles Harbour and Rangitoto. The deed also excluded Rangitoto Island, one of the main settlements of Ngāti Kōata, from the sale.
- 2.47 It is highly likely that when the Crown negotiated the Waipounamu purchases it emphasised to Māori the benefits that would follow from the Crown developing infrastructure and facilitating Pākehā settlement. Throughout all of its negotiations the Crown was inflexible on the issue of price. By these purchases the Crown acquired almost all remaining Ngāti Kōata land interests in Te Tau Ihu for a very low price except for the small Crown purchase reserves and Rangitoto Island.

**LOSS OF WHAKAPUAKA**

- 2.48 Ngāti Kōata lived at Whakapuaka with the earlier iwi following the tuku of Tūtepourangi. When the northern allies of Ngāti Kōata invaded Te Tau Ihu they surprised Ngāti Kōata at Whakapuaka and disturbed the peace that was there. Ngāti Kōata state that they continued to live at Whakapuaka following the invasion. Once the invasion was completed another northern iwi also claimed the area and began living at Whakapuaka. Ngāti Kōata recall that it was during this time that their rangatira Hohapata te Kahupuku heroically swam out to assist in the rescue of passengers from the stricken Delaware off the coast of Whakapuaka.



2: HISTORICAL ACCOUNT

- 2.49 During the 1850s, the Whakapuaka block of over 17,000 acres was excluded by another iwi from the Crown's Te Waipounamu purchase. In 1882 an individual from another iwi applied to the Native Land Court for an investigation of title to Whakapuaka. The Court held a title investigation in 1883. Ngāti Kōata were heard as a counter-claimant and asserted a right to the land on the basis of the tuku of Tūtepourangi and their ongoing occupation or ahi kaa. Ngāti Kōata witnesses also stated that in the 1830s an area within Whakapuaka had been gifted by Ngāti Kōata to the grandmother of the claimant and her child. The child had strong whakapapa links to Ngāti Kōata and the grandmother and child lived among Ngāti Kōata at Whakapuaka. A Crown official, acting in a private capacity, gave evidence at the hearing in support of the claimant. He was a long-standing friend of the claimant and, it appears, partially filled out the application for investigation on her behalf. The Court rejected the Ngāti Kōata counterclaim and title to the block was awarded solely to the claimant.
- 2.50 In 1895 the owner of the block forcibly evicted Ngāti Kōata, and others, from Whakapuaka and destroyed their dwellings.
- 2.51 From 1896 numerous petitions were sent to Parliament from other Māori seeking a rehearing of the Whakapuaka block. All were unsuccessful. In 1935, following the success of two petitions from another iwi to have the Whakapuaka case reheard, Ngāti Kōata also petitioned Parliament. The Ngāti Kōata petition argued that Ngāti Kōata had gifted the land, had continued to occupy it, and as the line of the original donee had died out the land should, according to Māori custom and law, be returned to Ngāti Kōata. On the recommendation of the Native Affairs Committee, Parliament agreed to add the Ngāti Kōata petition to the schedule of the Native Purposes Act 1934 so that it could be referred to the Native Land Court for inquiry.
- 2.52 A Native Land Court judge investigated the three petitions in 1935 and recommended a rehearing into the Whakapuaka case. This was given effect to by the Native Purposes Act 1936. The Native Appellate Court conducted a rehearing of Whakapuaka in 1937. The Ngāti Kōata case was rejected on the grounds that they had made an absolute gift of the land to another iwi in the mid-1830s. The Court also deemed their failure to appeal for 50 years was evidence that their claim had lapsed. Throughout the petitioning and rehearing process Ngāti Kōata relied on a lay member of the iwi to represent them, while the other iwi had professional legal representation. Ngāti Kōata sent a further four petitions to the Government before 1948, but the Native Affairs Committee refused to recommend further action on the matter. Ngāti Kōata continue to claim customary rights at Whakapuaka, including the urupa where many Ngāti Kōata tupuna are buried.

## CROWN PURCHASES AND RESERVES

### Inadequate Reserves

- 2.53 The deed signed in 1856 by Ngāti Kōata set aside five reserves for the iwi. Kaiaua (including Lake Otarawao), Okiwi, Whangarae, Onetea and Whangamoā. Although comparatively large in size compared to other reserves in Te Tau Ihu, the reserves had little flat land for cultivation. A Crown official reported in 1865 that the reserves 'are very useless, consisting chiefly of rough hillsides. The land is very poor'. Because of this Ngāti Kōata were forced to purchase land for cultivation from the provincial government.
- 2.54 In 1887 a Commission of Inquiry reported that landlessness was a significant problem for Māori in Marlborough. Ngāti Kōata individuals were among the 245 people

2: HISTORICAL ACCOUNT

identified as requiring additional land. The Crown accepted responsibility to provide additional land for landless Māori. A Landless Natives Commission, operating from 1897 until 1905, identified 4,064 South Island landless Māori, and recommended the allocation of 142,118 acres of land to those individuals. It was decided that additional land would be allocated to Te Tau Ihu Māori on the basis of 40 acres per adult and 20 acres per child, less any land held elsewhere.

- 2.55 In 1894 some Ngāti Kōata were awarded interests in two blocks at Raetihi and Te Māpou in the Croisilles Harbour. A total of 1,695 acres was reserved by the Crown but only 912 acres from the two blocks was required for allocation. In 1906 the South Island Landless Natives Act was enacted to facilitate the provision of titles to those allocated land. However the Crown failed to reserve the Te Māpou and Raetihi blocks under the act before it was repealed in 1909. Instead the land was reserved in 1911 under the Land Act 1908. Although some of the grantees were subsequently issued licenses to farm the land, the reservation of the blocks under the Land Act prevented the land from being granted to the owners.
- 2.56 In 1968 the Crown finally issued titles to the descendants of the named landless Māori at Te Māpou and Raetihi. The amount of land granted in 1968 was based almost entirely on the original 1894 allocations. The unallocated land, totalling 634 acres (121 acres in Te Raetihi and 513 acres in Te Māpou), remained in Crown ownership. There was no consideration in 1968 of reallocating the surplus land to the Māori owners or allocating the land based on the needs of the iwi members at the time. The land remaining land in Crown ownership eventually became public conservation land.
- 2.57 The Crown retained a 3 acre section at Te Māpou. This section contained a family urupa. After being approached and making inquiries, the Crown vested the section in Hippolite whānau trustees for use as an urupa.

**ALIENATION OF NGĀTI KŌATA RESERVES**

- 2.58 The five reserves allocated by the Crown to Ngāti Kōata in the 1856 Te Waipounamu deed were intended for the ongoing maintenance and support of the owners. In 1892 the Native Land Court investigated the ownership of Okiwi, Whangarae, Onetea and Whangamoā and named individual Ngāti Kōata owners for each block.
- 2.59 In passing the Native Land Act 1909 the Crown removed all existing restrictions on the alienation of Māori land blocks, making it easier for Māori to sell and purchasers to acquire land. The Act provided for meetings of owners to be called to vote on proposed land sales in blocks with more than ten owners. However such meetings had a quorum of only five owners and had no reference to the proportion of the shares owned by those who attended the meeting. The Act also introduced a range of checks which were supposed to ensure the validity of sales and ensure that no sales would result in landlessness. Prior to the Act only one of the Ngāti Kōata reserves had been alienated. From 1910 much of the Ngāti Kōata reserved land was sold to the Crown and private purchasers.

**Kaiaua / Lake Otarawao**

- 2.60 The Ngāti Kōata reserve at Kaiaua was estimated in 1856 to be 20 acres in size but was found on survey to be 476 acres. A Crown grant was issued for the reserve in 1866. Incomplete records indicate that the reserve may have been sold in 1871 but legal ownership of the block was not transferred until 1885. The Kaiaua Reserve included Lake Otarawao which was an important mahinga kai for Ngāti Kōata.

2: HISTORICAL ACCOUNT

Despite the sale, Ngāti Kōata continued to access the lake and collect resources there into the twentieth century. In 1992 a fish farming license was issued by the Crown over the lake which denied Ngāti Kōata access to a major mahinga kai.

**Okiwi**

2.61 The area of Okiwi reserve as stated in the deed was 400 acres, but it was recalculated after survey as 3,295 acres. After restrictions on alienation of Māori land were loosened in 1909, two private purchasers acquired the majority of the reserve by purchasing interests from most of the individual owners between 1909 and 1910. Only seven acres of the original reserve remain Māori freehold land. However, an additional 59 acres of land, exchanged for interests in Okiwi, is still held in Māori ownership today.

**Whangarae**

2.62 The Crown reserved 4,022 acres of land to Ngāti Kōata at Whangarae. The land, however, was isolated and out of the route of steamers. In 1900 Rewi Maaka and 16 others of Ngāti Kōata filed a petition to the Crown for assistance to purchase their own vessel arguing they were forced to pay “exorbitant charges” to take their produce to Nelson. They wished to trade and participate in the local economy so as to provide sustenance for their families. The Native Affairs Committee recommended the petition be referred to the Government for action but there is no record of what assistance was provided, if any at all. In 1932 the Crown acquired over 26 acres of Whangarae for roading under the Public Works Act.

2.63 In 1973 the Crown proposed to purchase Whangarae 1C (308 acres) for a scenic reserve and a meeting of owners voted in favour of the sale. Ngaroimata Waaka, a major shareholder who attended the meeting, opposed the sale and took steps under the Māori Affairs Act 1953 to seek a partition of the block and retain her interest in the land. However, before she could do so the majority decision from the meeting of owners was confirmed by the Māori Land Court, and the entire block became Crown land. The purchase price was £11,954. Over 3,500 acres of this reserve remains in individual private Māori ownership in small, marginal, non-contiguous blocks.

**Onetea**

2.64 The 20 acre Onetea Reserve is still in Māori ownership today. In the early 1860s, Karepa Te Whetu of Ngāti Kōata purchased a further 76 acres from the provincial government at Onetea for cultivation. In 1897 Te Whetu sold the additional land to a private purchaser. Ngāti Kōata protested to the Chief Surveyor that this land contained an urupā gifted by Te Whetu to Ngāti Kōata at the time of the 1897 sale and should have been excluded from the deed. In 1917 T. and J. Hippolite of Ngāti Kōata purchased three acres back from the owner, which included the urupā.

**Whangamoā**

2.65 The 1856 Te Waipounamu deed allocated Ngāti Kōata 100 acres at Whangamoā, south of the Whangamoā River. This reserve was located on what was known as the Whakapuaka block. Between 1914 and 1916, a private individual purchased the interests of most of the owners of the reserve. Only 2 acres remain in private (non-Ngāti Kōata) Māori ownership today.

### Remaining Ngāti Kōata Reserve Land

- 2.66 Although by the end of the twentieth century nearly half of the reserved land remained in Ngāti Kōata ownership this was almost entirely located in the Whangarae reserve. Moreover, this land was owned by Ngāti Kōata individuals rather than by the iwi. The vast majority of the Kaiuaa, Okiwi, Onetea and Whangamoa reserves had been sold.

### ALIENATION OF RANGITOTO

- 2.67 Rangitoto Island was excluded from the Crown's Te Waipounamu purchase. Rangitoto comprised isolated and steep coastal land that required significant capital to develop and improve. In 1883 the Native Land Court investigated the ownership of Rangitoto and issued a certificate of title to Ngāti Kōata for Rangitoto and the surrounding islands. The title showed only 79 Ngāti Kōata owners. There were subsequent complaints that a number of Ngāti Kōata had been omitted from the list of owners because they were absent from the area at the time of the hearing.
- 2.68 The relative shares of the owners of Rangitoto were not defined until 1895. The Native Land Court divided the island into 11 blocks and allocated shares in the blocks to individual owners. The titles awarded by the Native Land Court were made inalienable except by 21 year lease.
- 2.69 At this time the majority of the island was leased to Pākehā farmers. In the early 1900s some Ngāti Kōata land on Rangitoto was being leased at three pence per acre providing small returns for numerous owners. Although the Court made Rangitoto inalienable, the 1894 Native Land Court Act allowed the removal of restrictions on alienation if one-third of the owners agreed, and every owner had sufficient other land for their support. In 1908 and early 1909 restrictions on alienation were removed from 2,488 acres of Rangitoto that the owners, many of whom were absentees, wished to sell. Poor returns from leases and insufficient capital to develop the land were reasons given for wishing to sell the land.
- 2.70 Between 1910 and 1920, once existing restrictions on alienation were removed by the Native Land Act 1909, more than 19,296 acres of Rangitoto (about half of the island) was sold. By the mid-twentieth century much of the remaining Māori land on Rangitoto had become fragmented through the process of succession and partitioning. In at least two Rangitoto blocks, a number of owners' interests were worth less than \$50, deemed "uneconomic" and compulsorily acquired by the Māori Trustee. These interests were then sold to a single owner in each block. By 1997 approximately 35,620 acres of the original 41,923 acres had been alienated from Ngāti Kōata ownership, mostly to private purchasers. A substantial portion of Rangitoto is now a Crown reserve.

### RANGITOTO RESERVES

- 2.71 During the 1895 partition of Rangitoto seven small parcels of land were set apart as specific reserves for the benefit of all the owners. These were Ohana (20 acres) as a kāinga, Te Puna (4 acres) and Moawhitu (34 acres) as fishery easements, Omona (1 rood), Pawakaiwawe (1 rood), and Horea (2 roods) as urupā, and Otarawao (5 acres) as urupā and papakāinga.
- 2.72 Moawhitu was intended to provide access for Ngāti Kōata to an inland lagoon where eels were collected. However, drainage and reclamation of the lagoon from 1948 meant the easement no longer provided access. In 1976 the easement was gazetted as a Māori fishing ground for Ngāti Kōata and in 1982 the land was declared Māori

2: HISTORICAL ACCOUNT

freehold land. Since this time, access for Ngāti Kōata across private property to the lagoon has either been denied or remained difficult.

**LOSS OF ISLANDS SURROUNDING RANGITOTO**

- 2.73 In 1895, when Rangitoto was partitioned, the islands of Whakaterepapanui, Puangiangi, Tinui, Kurupongi, Moutītī, Hautai, Puna-ā-tawheke, Araiawa, Rahuinui, Tapoarere, Te Horo, Anatakapu, Te Kukukuru and Kataore were allocated to the ‘survivors’ and ‘successors’ of the original 79 Ngāti Kōata owners. In 1912 the Court determined the relative interests of the owners and in 1927 each of the larger islands - Tinui, Puangiangi, Whakaterepapanui and Kurupongi - were distributed to separate family groups of owners. The remaining islands were allocated to all owners.
- 2.74 In 1927 two private lessees expressed an interest in buying Puangiangi, but they were both denied by the District Māori Land Board as they did not have consent of all the owners. A Ngāti Kōata minority owner wanted to keep the island in Māori ownership and made an offer to buy the island, which was accepted by the owners. The buyer was given two months to pay. However, legal complications meant it would take longer than two months for the buyer to arrange the finance and a mortgage was refused. In 1929 the land was sold to a private purchaser following a meeting of owners held in Wellington.
- 2.75 In 1927 several owners agreed to sell Whakaterepapanui to a private purchaser for £200. Minority owner Pakake attempted to maintain his shares in Whakaterepapanui and was advised to sign a memorial of dissent against the sale. A Native Land agent unsuccessfully attempted to persuade Pakake to withdraw his opposition to the sale. The Māori Land Board president and Native Land Court Registrar refused to partition his small interest on the basis that it would be impracticable to partition off such a small area that would be of no use to the owner. Consequently the sale of the entire block proceeded. In 1977 the owner sold Whakaterepapanui to the Crown, who declared the island a recreational reserve in 1985.
- 2.76 Ngāti Kōata persistently refused to sell Kurupongi (Trios Islands) despite a number of attempts by the Crown to acquire the island for preservation purposes. In 1957, after six years of consultation with Ngāti Kōata, the island was gazetted as a wildlife sanctuary although Ngāti Kōata still retained ownership of the island and mutton birding and landing rights.

**LOSS OF ACCESS TO ISLANDS AT ENTRANCE TO CROISILLES HARBOUR**

- 2.77 The Crown’s 1856 Te Waipounamu deed of sale with Ngāti Kōata included the three islands at the entrance to Croisilles Harbour (Otuhaereroa, Motuanauru and Moukirikiri). These islands were a traditional source of titi, as well as being a maritime safety area and were therefore of great significance to Ngāti Kōata.
- 2.78 Ngāti Kōata continued to access the islands and collect resources following their sale to the Crown. This continued up until the late twentieth century. In 1980 the Crown declared the islands to be scenic reserves under the control and management of the Marlborough Sounds Maritime Park Board. Ngāti Kōata were not consulted about this decision and the gazetted of the islands as scenic reserves detrimentally impacted on their customary use of the islands.

### TAKAPOUREWA (STEPHEN'S ISLAND)

2.79 In 1891, the Crown, under the Public Works Act, took the entire 370 acres of Takapourewa for a lighthouse. In 1895 the Native Land Court determined compensation of £130 for this taking. Ngāti Kōata claim that only five acres were required for the lighthouse rather than the whole island. Takapourewa became a wildlife sanctuary in May 1966. In 1994 a deed signed by the Crown and Ngāti Kōata agreed that the island would be made a reserve under the Reserves Act 1977 to be administered by the Department of Conservation. The Deed required the Crown to consult with Ngāti Kōata on planning and management matters concerning the island. Ngāti Kōata have found mixed results from the operation of this deed.

### POOR WATER QUALITY

2.80 At the turn of the century poor water supply at Croisilles and Rangitoto was contributing to a high degree of illness among Māori in the region. Following an outbreak of typhoid at Whangarae in 1910 a deputation of Ngāti Kōata applied to the Minister of Native Affairs for assistance in securing good quality drinking water. The Māori health officer confirmed the situation and recommended that a reservoir should be built. It was not until 1914 that the reservoir was completed and water supply problems at Croisilles rectified.

2.81 In 1931 typhoid broke out at Madsen, on Rangitoto. The district medical officer reported that “the question of providing a better and safer water supply” for Ngāti Kōata whānau had been before the Health Department for some time. Health officials reported that Ngāti Kōata living at Rangitoto were “living under dangerous sanitary conditions” and that immediate action was required. In 1938 the Inspector of Health visited Rangitoto to assess the water supply and recommended that the settlement get their water from a gravity fed dam. There were, however, some misgivings among officials about proceeding with this scheme. As a result, by 1940 the problem had still not been resolved.

### THE NELSON HOSTEL

2.82 The Public Trustee used the Nelson tenths fund to establish a hostel in Nelson for Māori with an interest in the tenths reserves. Owing to the remote and inadequate nature of their reserves, many Ngāti Kōata came to Nelson for health, employment and educational reasons and used the hostel. It was also occupied by Ngāti Kōata while attending Native Land Court hearings. Ngāti Kōata from remote Rangitoto and the Sounds had the greatest distance to travel and stayed for long periods in the hostel. Although the hostel was intended as a temporary residence for Māori, permanent accommodation was difficult for Māori to obtain in Nelson.

2.83 The hostel also accommodated recovering patients who came to town for hospital treatment including those with communicable diseases. Often six families lived in the five bedroom hostel with families living in the kitchen and on the veranda. This overcrowding resulted in unhygienic conditions. In 1905 the district agent noted health risks from a cesspit near the hostel which he wanted to close. That same year the local doctor's salary was doubled owing to the demand for his medical services at the hostelry. A Crown official recommended in 1906 that a separate hostel should be built to cater for sick Māori. The Public Trustee gave some consideration to extending the hostel accommodation available for Māori in Nelson, but in the end no additional accommodation was provided.

2: HISTORICAL ACCOUNT

2.84 From the 1920s until its closure in 1949 residence at the hostel was dominated by Ngāti Kōata persons seeking work. In the 1930s, in response to overcrowding in the hostel, the Native Trustee arranged for relief work to take place on Rangitoto to encourage Ngāti Kōata residents to return to the land. In September 1940 the Department of Health took legal steps to compel the Native Trustee to close the hostel. Under the leadership of Arthur Elkington Ngāti Kōata protested and refused to leave the hostel. In 1949, following eviction notices and court hearings, the hostel was closed.

**EDUCATIONAL OPPORTUNITIES**

2.85 Under the 1867 Native School Act if Māori provided land, helped fund buildings and repairs, teacher salaries and books, a Native School could be established. In Te Tau Ihu tenths reserves funds also assisted these schools with books, salaries, fences, and medical supplies.

2.86 The Crown saw Native Schools as a means of assimilating Ngāti Kōata children into European culture. Accordingly, under the Native Schools Act 1867 English was the medium of instruction 'as far as practicable'. From the early years of the twentieth century the use of Te Reo Māori in native schools was officially prohibited. The discouragement of Te Reo Māori detrimentally impacted on the retention of Māori culture.

2.87 Two native schools were established in areas where Ngāti Kōata lived. In 1886 a native school was established on Rangitoto. However when the teacher left in 1890 the school was not reopened. In 1916 Ngāti Kōata were declined a native school on Rangitoto on the basis that the parents of the Māori children could speak English so the "need for schools of a special character" did not exist. A public school was opened on Rangitoto at Whareata Bay in 1917.

2.88 The Anglican Church established a native school at Whangarae in 1898. It had some limited Crown assistance. The Public Trustee also subsidised the school by making a payment from the Nelson tenths fund for each pupil whose parents were beneficiaries of the tenths estate. As in other remote areas of New Zealand, children from Rangitoto and Pelorus were separated from families for long periods of time to attend school with other Ngāti Kōata at Whangarae. Some Ngāti Kōata children possibly missed out on tenths funds because the information gathered by school teachers from parents about the tribal affiliations of their children, and then used by the Public Trustee to determine eligibility, was sometimes incomplete. In 1907 the Whangarae Native School became a public school under the administration of the Marlborough Education Board. Under the 1903 Education Act the Board was required to provide free and compulsory education to all primary school pupils, however the tenths funds continued to subsidise the school until at least 1911.

2.89 In 1917 the Whangarae School closed. Another school was eventually opened at Matapihi in Okiwi Bay and children from Rangitoto and Pelorus were once again separated from families to not only gain an education but to boost the numbers to keep the school open.

**FISHING RESERVES**

2.90 Ngāti Kōata were awarded title to the rocks and islets surrounding Rangitoto by the Native Land Court in 1883. In the mid-1980s, mindful of a need to ensure that the offshore islets would be administered according to tikanga Māori and Ngāti Kōatatanga for the benefit of their descendants in perpetuity, the owners took steps to

2: HISTORICAL ACCOUNT

have the islets and rocks off Rangitoto reserved under section 439 of the Māori Affairs Act 1953.

- 2.91 In 1984 and 1986 the outlying islands and rocks around Rangitoto were formally gazetted as Māori reserves for the descendants of the owners of Rangitoto as determined by the Native Land Court in 1883. One intended use of the islands under the reservation was for the purpose of “fishing grounds”. However the reservation only applied to the land above the high-water mark and not the adjacent waterway. Ngāti Kōata believe that these reserves should have included a water boundary in the gazette for an adjacent waterway surrounding the islands and rocks for the purpose of fishing grounds.

**CONCLUSION**

- 2.92 As a result of Crown land purchases and provision of insufficient reserves Ngāti Kōata have been left virtually landless in Te Tau Ihu. The passing of the vast majority of their rohe into Crown ownership has meant Ngāti Kōata has lost connection and access to many of their traditional resources and sites. This has impeded their carrying out their duties as kaitiaki. The alienation from their lands has also brought about the demise of a strong cultural base from which to teach te reo me ona tikanga to successive generations of rangatahi. Ngāti Kōata believe that the loss of cultural identity has been as significant as the loss of land and economic opportunities for the iwi.



## NGĀ TĀHŪ O TAWHITO

- 2.1 Te whakamohiotanga, me te whakapāhatanga a te Karauna ki a Ngāti Kōata, kei roto o wāhanga tuatoru, e tūāpapa ana i runga i tēnei kōrero o namata. Kua tuhia te kōrero rā ki roto i te reo Māori me te reo Ingarihi.

### HE WHAKAMĀRAMA MŌ NGĀTI KŌATA ME ĒTEHI KŌRERO MŌ TANA TAENGA MAI KI TE TAU IHU

#### Ngā Pūtake o Ngāti Kōata

- 2.2 He uri whakaheke a Ngāti Kōata nō tō rātou tupuna wahine nō Kōata, o te waka o Tainui. He iwi noho takutai a Ngāti Kōata i Karereatua, he pā tērā i Kāwhia, me te taha whakararo o te whanga o Whāingaroa, i Te Ākau me Hōrea. I te takiwā o te tau 1820 ka wehe atu ētehi o Ngāti Kōata i Waikato; ko te tuatahi tēnei o ngā heke whakarunga, arā, whaka-te-tonga. Ka kīa e rātou ko tētahi o ngā heke tuatahi ko “Te Heke Whirinui”. Ka noho atu a Ngāti Kōata ki Taranaki mō te wā, ka heke haere mai, ā, noho rawa atu i Kapiti me ō rātou whanaunga o ētehi atu iwi, kua heke mai i mua ki runga nei, noho ai.
- 2.3 I heke mai a Ngāti Kōata ki Te Tau Ihu i ngā tau tata ki 1825, i muri i te pakanga o Whakapaeiti i Waiorua i te moutere o Kapiti, i hopukina ai a Tūtepourangi, tētehi o ngā tino ariki o Te Tau Ihu e tētehi rangatira o Ngāti Kōata. I runga i ngā kī taurangi ka puta tana iwi, ka whakarauorangia hoki ia, ka tukua e Tutepourangi ētehi whenua i Te Tau Ihu ki a Ngāti Kōata. I riro herehere atu a Tawhi, tamaiti a Ngāti Kōata i ngā iwi o Tūtepourangi i te pakanga o Whakapaeiti. Ka whakahokia oratia hoki ia ki a Ngāti Kōata. E ai ki ngā tāpaetanga kōrero ki te Kōti Whenua Māori o te tau 1892, ko taua tuku whenua kei waenganui i Anatoto i te waha o te pūaha o Te Hoiere, tae atu ki ōna tini moutere me te tuawhenua tae atu i te ākau mai i Kaiaua ki Raetihi, rere ki Whangamoā, ki Whakapuaka, ki Whakatū, ki Waimea, ki Motueka, mutu rawa atu ki Te Matau. E ai ki ngā tātai kōrero a Ngāti Kōata i tīmata te tuku i Anatoto i te waha o Te Hoiere, ā, ka pā ki Kurupongi, ki Ngā Kiore, ki Takapourewa, taea noatia ki Te Matau.
- 2.4 Nō muri mai i te tuku ka huri a Ngāti Kōata ki te ‘takahi whenua’ puta noa i te rohe, hei whakapūmau i ngā whaitua o te tuku, hei hohou hoki i te rongo ki ngā rangatira takitahi e noho ana i Whitikareao, i Te Raiti, i Whangamoā, i Whakapuaka me Whakatū. I riro i a Ngāti Kōata te waka nei a Te Awatea, i Motueka, hei wāhi nō te tuku. Ka hōea e rātou i ngā haere ki Anawakau, ki Te Matau, hoki rawa mai ki Whakatū.
- 2.5 Hei whakaū i te tuku, hei whakamahana hoki i te whanaungatanga o Ngāti Kōata i Te Tau Ihu, ka whakaritea ngā moemoenga o ngā uri rangatira i waenganui i a Ngāti Kōata me ngā rangatira mana-nui o tērā atu iwi whai pānga ki te tuku. Ka noho motuhake tonu te whanaungatanga o Ngāti Kōata ki tēnei iwi.

#### Te Nohonohonga mai a Ngāti Kōata ki Te Tau Ihu

- 2.6 Nā tēnei tuku ka poua mai te whāinga take matua, te tika hoki i raro i ngā tikanga Māori mō Ngāti Kōata i Te Tau Ihu, he take tuku. Rā roto i ngā nohonohonga me ngā moemoenga whai i muri ka riro ko Ngāti Kōata te iwi tuatahi o ngā iwi whanaunga o Te Ika a Māui kia noho mai hei tangata whenua i Te Tau Ihu. I nohonoho mai a Ngāti Kōata ki ētehi takiwā o Te Tau Ihu. Ka noho ētehi i Punawai, tata tonu ki te pūau o te

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whanga o Whakatū, ka noho ētehi atu ki Waimea, ki Pikimai, me Whakapuaka. Ko ētehi kē ka noho i Rangitoto i raro i te rangatira nei i a Te Patete, me ōna kāinga i Te Mārua, i Moawhitu, i Āwhitu, i Manuhākapakapa me Ohana. Ka noho ko Raukawa Moana hei pātaka kai tuawhiti mō Ngāti Kōata, hei moana rerenga hoki mō ngā waka i waenganui i Te Tau lhu me ngā rohe i nōhia rā e ngā whanaunga i Te Ika a Māui.

- 2.7 I roto i te rua ki te toru tau, ka puta mai ngā taua a ngā iwi o Kāwhia me Taranaki, arā, he iwi noho whanaunga ki a Ngāti Kōata, ā, ka poua mai hoki tō ratou mana ki te whenua. Ko ētehi o Ngāti Kōata i raro i te rangatira nei i a Te Whetū i whai wāhi ki ngā taua whakaeke.
- 2.8 Nā ngā hokihokinga ki te tango kai, nā ngā herenga ā-whakapapa, ka hua mai ko te rohe o Ngāti Kōata i roto i ngā tekau tau mai i 1830, mai i 1840, tīmata ki Te Hoiere ahu whaka-te-hauāuru, tae atu ki Rangitoto me Te Tai o Aorere ki te rāwhiti, hoki mai ki Whakatū, ki Waimea ki te takutai ki te kōkoru o Māpua. Ki a Ngāti Kōata, ka uru anō hoki ngā takiwā o uta, o te tuawhenua ki te tonga ki tō rātou rohe, kāpā ia ko ngā takutai anake. I ētehi rohe ka inaki te mana whenua o Ngāti Kōata ki te mana whenua o ētehi atu iwi. I mea anō a Ngāti Kōata ko tō rātou whenua me ō ratou rawa tuku iho he mea pupuru i raro i ngā tikanga Māori, ko te hapū, ko te iwi, te tino rōpū whai take.

**TE KAMUPENE O NIU TIRENI**

- 2.9 I whakatūria te Kamupene o Niu Tirenī i Rānana i te marama o Mei 1839 hei kamupene whakanohonoho whenua, ehara ia i te Kamupene Karauna. Ko tāna kaupapa he waihanga tāone i Aotearoa, ā, tere tonu tāna tuku i āna kanohi ki Aotearoa ki te hoko whenua haere, i mua i te pounga mai o te mana whenua o Ingarangi e te Kāwanatanga o Ingarangi, me te rāhui i te mana hoko whenua mā taua Kāwanatanga anake.
- 2.10 Ko Kānara Wiremu Weikipiri (William Wakefield) te kaihautū o te ope o te Kamupene o Niu Tirenī. E ai ki ngā tohutohu ki a Weikipiri me ngā pukapuka a te Kamupene, ko te whakaaro ia o te Kamupene kia rāhuitia kotahi wāhi o te tekau o ngā whenua i hokona ai e te Kamupene hei painga mō ētehi tāngata Māori.
- 2.11 Nō te 26 o ngā rā o Oketopa 1839 ka hainatia te Titi o Kapiti e Te Kamupene o Niu Tirenī, ki ētehi rangatira. E ai ki tēnei tīti i riro tētehi 20 miriona eka te hoko, tae atu ana ki te katoa o te taha whaka-te-raki o Te Waipounamu. Kotahi anake te rangatira o Ngāti Kōata nāna te tīti i haina, ko Te Whetū. I te wā o te hainatanga, i Porirua a Te Whetu mō tētehi kaupapa kē anō. Ka tuhia te tīti ki te reo Pākehā anake, he mea whakamāori ā-waha noa iho. I roto i taua tīti tētehi whakaritenga kia wehea tētehi wāhi o te whenua “e tika ana, rarahi tonu hei mahi oranga mō te iwi pērā me aua rangatira, arā, ōna hapū katoa me ngā whānau” ki a rātou anō.

**TE TIRITI O WAITANGI**

- 2.12 Nō te marama o Hanuere 1840 ka puta te kī whai mana a Rūtene-Kāwana Wiremu Hopihana (William Hobson) heoi anō ngā taitara whenua ka whai mana ko ērā nā te Karauna i waihanga. Ka whakatūria hoki he Kōmihana whenua hei whātoro i te tōtika o ngā hokonga i oti i mua atu, i waenganui i ngā kaiwhakanoho whenua me te iwi Māori, tae atu ana ki ngā tīti o te Kamupene o Niu Tirenī.
- 2.13 Ko te whāinga hoki a Te Hopihana he rapu i te rangatiratanga o Aotearoa kia riro i te Karauna, mā te haina Tiriti ki te iwi Māori. I tūtaki tuatahi a Ngāti Kōata ki te Karauna i te 11 o Mei 1840, i te hainatanga a ētehi rangatira i Te Tiriti o Waitangi i Rangitoto.

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Kāore te Tiriti i kawea ki ngā takiwā ki te uru o Rangitoto ki te whānuitanga atu o Te Tau Ihu, kia āhei ai ētehi atu rangatira, tae atu ki ētehi atu rangatira o Ngāti Kōata, te whiriwhiri i ōna ritenga, te haina rānei.

**NGĀ KERĒME A TE KAMUPENE O NIU TIRENI**

- 2.14 Nō te marama o Nōema 1840 ka oti tētehi whakaritenga i waenganui i te Kamupene o Niu Tīreni me te Kāwanatanga o Ingarangi e tāpaetia ai he whenua, i raro i tētehi tuku Karauna, ki te Kamupene, i runga anō i te whakaaro, he nui ngā moni kua oti te Kamupene te whakapau mō te whakanoho i te whenua hou, mō ngā hoko whenua anō hoki. I te whakaaetanga ki tēnei whakaritenga, te āhua nei i whakaae te Karauna i roto i ōna whakaaro i taua wā, he tōtika tonu ngā hoko a te Kamupene. I raro i tēnei whakaaetanga mā te Karauna e tuku e whā eka whenua ki te Kamupene mō ia pauna ka whakapaua ki ōna whakahaere whakanoho whenua. Ko ngā whenua tērā e tukua ki te Kamupene he whenua i te takiwā o Pōneke, me Niu Pāremata. I raro i tēnei whakaaetanga ka whakaūngia mā te Karauna e rāhui ētehi whenua "hei painga mō" ngā tāngata Māori, arā, he wāhi nō ngā whenua ka tukua, e kōrerotia ake nei, "kia hāngai anō ki te wairua" o ngā whakaritenga whenua kua oti te rāhui mai e te Kamupene. Mō "ērā atu whenua katoa" ka whakaritea e te Karauna te mana kia huri ia ki ōna whakaritenga anō e whakaarotia ana he "tika, he tōtika hoki, hei painga mō" te iwi Māori.
- 2.15 Ahakoa tēnei whakaritenga i te hiahia tonu te Kāwanatanga o Peretānia kia wherawheratia te tika o ngā kerēme a te Kamupene e te Kōmihana mō ngā Take Whenua. Nō te marama o Hānuere 1841 ka whakaritea ko Wiremu Peina (William Spain) hei Kaikōmihana Take Whenua. Tae rawa ake te rongo mō te whakaaetanga o Nōema 1840 ki Aotearoa kua mārama kē ki te Rūtene Kāwana, ki a Wiremu Hopihana, he maha ngā whakararu nui o ngā hoko whenua a te Kamupene.
- 2.16 Nō te marama o Pēpuere 1841 ka whakaputaina e Te Kamupene o Niu Tīreni tāna puka hokohoko mō tana whakanohonga tuarua. Ko te whakaaro kia hokona te 201,000 eka, i roto i ngā tohanga 1,000, ki ngā kaiwhakanoho whenua. Kei roto i ia tohanga, kotahi 1-eka Whenua Tāone Tūturu, kotahi 50-eka Whenua Takiwā Tāone, kotahi 150-eka Whenua Tuawhenua.
- 2.17 Nō te marama o Oketopa 1841 ka tonoa e te Kamupene o Niu Tīreni tētehi ope, nā Āta Weikipiri (Arthur Wakefield) i hautū, ki Te Tai o Aorere, māna e rapu ētehi whenua tōtika mō te whakanohonga hou. Ka tau ko Whakatū te wāhi tino tōtika hei whakatūnga i te tāone o Whakatū. Ka tū ngā huihuinga a Weikipiri iki ētehi tāngata Māori, ka hoatu hoki he takoha ki ētehi rangatira hei manatunga mō te rironga o te whenua i te Kamupene.
- 2.18 E ai ki ngā tātai kōrero tuku iho nā Ngāti Kōata, nā rātou i akiaki ngā kaiwhakanoho whenua o Te Kamupene o Niu Tīreni, kia noho i Whakatū, ā, nā tētehi o ō rātou rangatira, nā Rēnata Te Kauwhata, i āwhina ngā poti o Te Kamupene me ō ngā kaiwhakanoho mai, arā, nāna i tohutohu tā rātou terenga mā te pūau mōrearea o taua wāhi ki roto i te whanga haumarua o Ōtamaiea. I whakanuia a Renata Te Kauwhata, i whakahōnoretia hoki e Ngāti Kōata i tōna tanumanga ki te urupā i Whakapuaka.
- 2.19 Ka tīmata te taetae mai o ngā kaipuke me ngā kaiwhakanoho whenua o Te Kamupene o Niu Tīreni ki Whakatū i te marama o Pēpuere 1842, ka tīmata hoki i reira tā rātou noho i te whenua. I konei ka tīmata nga ākinga i te Karauna kia oti wawe ngā taunahatanga whenua a te Kamupene te whakawā. I haere te uiuinga tuatahi a Kaikōmihana Peina ki ngā taunahatanga a te Kamupene e pā ana ki Te Tau Ihu i te marama o Āperira 1843 i a ia e noho ana ki ngā whakawā i Ōtaki. Ka noho ia ki te

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whakarongo ki ngā tāpaetanga kōrero a ētehi o ngā rangatira nāna i haina te tīti o Kapiti.

**TE WHAWHAI KI WAIRAU**

2.20 Nō te marama o Tīhema 1842 ka haere te Kamupene o Niu Tīreni ki Wairau, ki te rūri i ngā whenua mō ngā whenua tuawhenua mō ngā kaiwhakanoho whenua. Ka tino whakahētia te rūri e tētehi iwi kē atu, he iwi whanaunga nō Ngāti Kōata. Ka whakakāhoretia e tērā iwi te kōrero kua hokona a Wairau, me tana karanga ki te Kaikōmihana Peina rāua ko Āta Weikipiri kia whakamutua te rūri. Ka āraia e te iwi ngā mahi, ka panaia atu ngā kairūri i te Wairau. Kātahi ka haere tētehi rōpū, he āpiha nō Te Kamupene, he kaiwhakanoho whenua, me te Kaiwhakawā Pirihimana Matua o Whakatū, ki te mauhere i ngā rangatira o te iwi. Nā konei ka matemate ētehi o te taha Māori, i waenganui i te whā me te iwa pea ngā tūpāpaku, ā, e rua tekau mā rua ngā tūpāpaku o te taha Pākehā. I tū tēnei whawhai i te awa o Tuamarina, i te marama o Hune 1843. Ka tupu i konei te rangirua me te māngi i waenganui i ngā iwi me ngā kaiwhakanoho whenua, ka raru hoki i konei te hono tahitanga a te Karauna me ngā iwi o Te Tau Ihu, tae atu ki a Ngāti Kōata.

**TE KŌMIHANA A PEINA**

2.21 I tae mai te Kaikōmihana Taunahatanga Whenua a Wiremu Peina ki Aotearoa i te marama o Tīhema 1841, ki te tūhura i ngā taunahatanga a te Kamupene. Ka whakahautia a Peina kia whakarite i tētahi Kaitiaki i Te Iwi Taketake i ōna whakawākanga, hei kanohi, hei kaitiaki hoki mō ngā tika o te iwi Māori. I te marama o Hune 1842, i a ia e kawea ana i ngā whakawākanga i Te Whanga-nui-a-Tara, ka noho a Kaikōmihana Peina ki te uiui i ētehi o ngā āpiha Kamupene, nāna i kawea ngā hainatanga o te tīti o Kapiti. I te tau 1843 i Ōtaki, nā ētehi o ngā rangatira o Te Ika ā-Māui i kī ki a Peina, he ruarua anō, he whāiti anō ngā wāhi i hokona e rātou i Te Tau Ihu, kāore hoki i tika te whakamāori i te tīti. He rangatira ēnei i haina i te tīti o Kāpiti i mua.

2.22 Nō te marama o Hūrae 1844 ka tonoa e Kaikōmihana Peina tāna kaiwhakamāori ki Te Tau Ihu ki te kimi i ngā whakaaro o te hunga Māori e noho ana i reira mō ngā tīti e pā ana ki ō ratou whenua. Nō te 12 o ngā rā o Ākuhata 1844 ka tūtakitaki ia ki ngā Māori i Whakatū, me ētahi nō Rangitoto.

2.23 Ka tīmata ngā whakawā a Peina i Whakatū i te 19 o Ākuhata 1844. I kawea e ia ētahi uiuinga i ētahi atu rohe, ā, kua āhua taunga ia ki ngā tikanga Māori. I tēnei wā kua tukua e te Kāwanatanga he tūnga matarua ki a Peina: i tua atu i tāna uiui, kua tukua ki a ia te mana takawaenga i ngā kōrero i waenganui i ngā kaiwhakahaere o te Kamupene, me te iwi Māori, hei whakaoti i ngā hoko a te Kamupene. Ka herea tonutia a Peina kia āta mahi ia i runga anō i ngā whakaritenga a te ture, i whakahau rā i a ia kia tūhura, kia tuku pūrongo hoki mō ngā kerēme a te Kamupene.

2.24 I whakarongo a Peina ki ngā tāpaetanga a te tangata Māori kotahi anake. Ki tā taua kaikōrero, he wāhi iti noa te wāhi whenua i tukua i mua mō te whakanohonga mai i ngā tāngata Pākehā. Ka puta i konei ngā kōrero a te Kamupene me te Karauna kāore te kaikōrero rā i te kōrero i te pono. I muri i ēnei kōrero, ka tukua ki a Kānara Weikipiri, te tangata o te Kamupene, he takiwā kia hikina te hui mō taua rā.

2.25 I te aonga ake ka tonu te Kamupene o Niu Tīreni ki a Peina kia whakatārewatia te uiuitanga, kia whakatinanatia hoki ngā tikanga takawaenga kua oti kē te whakamahi i ētahi atu rohe. Whakaae tonu a Peina ki tēnei tonu. Ka puta te pūrongo a te Kaikōmihana i hui rātou ko ētahi āpiha e rua ki ngā tāngata Māori i te hui, ki te

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kōrerorero mō “ngā whakaritenga o te whakatau i tino hiahia rā mātou ki te whakaoti”. Ka raru i konei a Ngāti Kōata i te kore e tuku mai i tētehi wāhanga ki te tāpae kōrero mō ō rātou whakaaro mō ngā kerēme a te Kamupene. Kāore hoki ētehi atu kaikōrero i tukua kia tāpae i ā rātou tātai mō te nohonohonga mai, me ō rātou tika ki Te Tau Ihu i taua wā. He kaikōrero ēnei kāore e kore, i whai wāhi ki te nohonga mai o Ngāti Kōata me ētehi atu iwi ki Te Tau Ihu i ngā tau o mua. E ai ki a Ngāti Kōata ko te pūtake tēnei o ngā whakatau kāore kē nei i tika, a ngā kōti, mō ngā whāinga tika tuku iho o Ngāti Kōata i roto i Te Tau Ihu.

- 2.26 Nō muri i ngā takawaengatanga i waenga i a Kaikōmihana Peina, i te kaiwhakahaere mō te kamupene (Wiremu Weikipiri) me te kaiwhakahaere mō te taha Māori, ka hoatu tētehi atu utunga e waru rau pauna ki ngā iwi o Te Tau Ihu. Te āhua nei he iti noa te whāinga wāhi mai a te Māori, kāore hoki i whai mana te whakaaro Māori i roto i ngā whakatau mō te rahi o te utunga. Nā Peina te kī he momo takoha anō tēnei ki te Māori, hei āwhina i te whakanohonga mai a tauwiwi ki tēnei whenua, ehara i te utunga tāpiri mō te whenua.
- 2.27 I puta i ngā tīti whakawātea te tangohanga o tēnei utunga, me te tukunga rawatanga o ngā take Māori ki te whenua o Whakatū, o Moutere, o Motuweka, o Riuwaka me Te Tai Tapu. Tokorua ngā rāngatira o Ngāti Kōata, a Matiu Te Mako rāua ko Mako Tarapiko, i haina i te tīti whakawātea mō Whakapuaka, me ētehi atu iwi, ā, i riro i a rātou tētehi wāhi o te utunga kāpeneheihana. Kāore i tukua ngā pā Māori, ngā māra kai me ngā urupā katoa i raro i te tīti whakawātea.
- 2.28 I roto i tana pūrongo whakamutunga o te 31 Māehe 1845, me tana whakatau i whai wāhi te Kamupene ki tētahi tuku whenua iti. Nā runga tēnei i te whakaaetanga a ētehi rangatira o Te Ika a Māui, nāna i haina te tīti o Kāpiti i te tau 1839, i uru tonu a “Wakatū” me “Taitapu” ki roto i te hoko. Waihoki, ki te whakatau a Peina, ko ngā “takoha” i horahia mai e Kāpene Weikipiri i te tau 1841, me 1842 he utunga, i roto i ngā mahara a te hunga Māori, mō te tukunga rawatanga o tō rātou whenua. I pēnei te whakatau a Peina, ahakoa ngā whakamārama a Weikipiri ki te hunga Māori i taua wā, ko ngā takoha i horahia e ia mō te tuku i te whakanohonga kia haere, kāore i tika te kī he utu. I tua atu i tērā, ki te titiro pea i nāiane, i te taupatupatu te whakaae a Peina ki ngā takoha ki te tika motuhake mō te hoko ki te Karauna anake, i kīia ai ko ngā hokonga whenua ki te tangata kē i muri i te marama o Hānuere 1840, he kore mana, he kore tikanga.
- 2.29 Nā Peina i whakahau kia whakawhiwhia tētehi 151,000 eka ki te Kamupene i te takiwā, huri noa hoki i Whakatū, i Waimea, i Moutere, i Motueka me Te Tai Tapu. Ka whakapūmautia tēnei whakahau e te tīti tuku tārewa a te Karauna ki te Kamupene o Niu Tīreni i hainatia ai i te 29 o ngā rā o Hūrae 1845. Ahakoa rā, ka whakahēngia ētehi āhuatanga o te tuku e te Kamupene. Nā reira, ka horomia, ka whakakapia hokia te tuku Karauna o te tau 1845, i raro i tētehi tuku Karauna i te tau 1848. Ka uru te tuku o 1845, te whenua i uru ki te hoko o Wairau i te tau 1847, me ētehi atu whenua, ki te tuku o 1848.

**NGĀ WHENUA RĀHUI WHAKATEKAU**

- 2.30 Ko te hiahia tuatahi o te Kamupene o Niu Tīreni i tāna mahere mō te whakanohonga o Whakatū kia wehea tētehi wāhi kotahi i roto i te tekau o ngā eka 210,000 whenua tāone, whenua i te takiwā tāone, whenua pāmu hoki, ka rāhuitia mō te hunga Māori. I te tau 1842, i muri tata iho i te whakatūranga o te whakanohonga o Whakatū, ka whiria e Henare Tamihana ētehi whenua tāone 100 i Whakatū (100 eka) me ētehi whenua takiwā tāone 100 i Motueka me Moutere (5,000 eka), hei ‘whenua rāhui Māori’ mō te hunga Māori. Kāore i te marama i puta ngā whakahau ki a Tamihana

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mō ana whiringa i ngā whenua rāhui Māori i a wai. I roto i aua whenua rahui mō Ngāti Kōata ka uru ētehi pā nunui, ētehi ūnga waka, me te puna hī ika i Punawai i Whakatū. Ahakoa rā, i pēnei me ngā whenua rāhui katoa, arā, ka uru ki te tōpūtanga o ngā whenua rāhui, kāore tonu i wehea mō Ngāti Kōata motuhake.

- 2.31 I te tau 1845 ka puta ngā tohutohu a Kaikōmihana Peina kia rāhuitia kia whakatekau o ngā eka 151,000 i whakawhiwhia ki te Kamupene o Niu Tīreni, kia ‘tino tiakina, kia tino wehea’ hoki ngā pā i nōhia rā i taua wā, ngā urupā, ngā māra kai, me ‘ngā whenua rahui Māori’ i te tuku. Ka uru anō ēnei whakaritenga ki te tīti tuku tārewa a te Karauna ki te Kamupene o Niu Tīreni i te tau 1845. E ai ki te mahere i whakapiria rā ki te tuku a te Karauna, kua oti kē te tohu ngā eka 5,100 i Whakatū, i Moutere, me Motueka hei ‘whenua rāhui Māori’ i te tau 1842. Ko te toenga, ngā eka 10,000 kāore anō kia waitohungia, kāore anō kia rūritia, kia kōwhiria rānei.
- 2.32 I te tau 1847, i runga i ngā tono a ngā kaiwhakanoho whenua kia whakaputaina houtia anō te whakanohonga o Whakatū, kia whakahekea hoki ngā tohanga i te tāone mai i te 1,000 ki te 530, ka whakaae te Karauna kia heke kia pērā anō te hāngai, te maha o ngā whenua tāone kotahi-eka i rāhuitia mā ngā tāngata Māori i Whakatū i te 100 ki te 53. Kāore i whakarerekētia te maha o ngā whenua rāhui tāone 50 eka.
- 2.33 I whakaotingia te whānuitanga o ngā whenua rāhui o te whakanohonga o Whakatū i te tau 1848, i te putanga a te tuku hou, te tuku whakamutunga a te Karauna ki te Kamupene o Niu Tīreni. I roto i te tuku o 1848, ka wehea, ka tiakina hoki “ngā pā, ngā urupā me ngā Whenua Rāhui Māori katoa”, i ngā mahere i whakapiria rā ki te tuku. Kāore i pēnei i te tuku o 1845, arā, kāore i wehea kotahi whakatekau o ngā whenua i tukua hei ‘whenua rāhui Māori.’ I raro i te tuku o 1848 ka rāhuitia te tāone me ngā takiwā tāone i Whakatū, i Moutere, me Motueka kua oti kē te rūri, te whiriwhiri hoki hei whenua rāhui. Huia katoatia, ko te rahi o ēnei whenua rāhui e 5,053 eka. I muri nei ka mōhiotia ēnei wāhi ko ngā “whakatekau” o Whakatū, me Motueka. Kāore hoki he wehenga i raro i te tuku i ngā whenua rāhui i meatia rā mō te rīhi, me ngā whenua rāhui ka nōhia, ka whakamahia hoki e te iwi Māori. I kapea, i rāhuitia hoki e te tuku Karauna he whenua rāhui i te takiwā o Wairau, i Te Tai Tapu hoki. Nō muri mai i te tuku o 1848 kāore i waihanga ētehi rohe whenua hōu i Whakatū, i Motueka rānei, hei whenua rahui Māori.’ Kāore kau he whakatekau tuawhenua i whakaritea, mai i taua wā ki nāianei, ahakoa te kī ka pērā, i roto i te kaupapa tuatahi a te Kamupene.

**TE WHAKAHAERE I NGĀ WHAKATEKAU**

- 2.34 I whakahaeretia ngā whakatekau o Whakatū me Motueka hei whakawhiwhinga mō te iwi Māori whānui. I waenga i ngā tau 1842 me 1977, he iti noa te whāinga wāhi o Ngāti Kōata, me ētehi atu iwi ki ngā whakahaere o ngā whenua tekau. Kia tae mai ki 1977 i whakahaeretia ngā whenua whakatekau e ngā whakahaere Pākehā. Nō te tau 1842, ka tohutohungia te kano i Whakatū kia rīhitia ngā whenua rāhui, kia whakapaua hoki ngā moni mō ngā kaupapa mō ngā Māori o te takiwā, pēnei i te waihanga whare karakia, kura, hōhipera hoki. Nō te tau 1848, ka whakatūria he Poari Whakahaere, he Pākehā katoa, hei whakahaere i ngā whenua whakatekau. Nō te whakamananga o Te Ture Whenua Rāhui Māori 1856 ka whakaritea ētahi āpiha Kāwanatanga hei Kaikōmihana mō ngā Native Reserve, hei whakahaere hoki i ngā whenua i tohua rā, ‘hei painga’ mō te iwi Māori. I waenganui i te tau 1873 me te tau 1880 tata tonu ki te kotahi hautoru o ngā moni hua i whakapaua hei utu mō ngā whakahaere i ngā mahi a te Rōpū Kaitiaki. Ko ētehi atu pūtea kaitiaki i whakapaua ki ētehi atu mahi toko-i-te-ora.

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- 2.35 I te rautau tekau mā iwa, me ngā tau tuatahi o te rautau rua tekau, kāore i nui ngā whakapaunga a te Kāwanatanga mō te iwi Māori, ā, ka noho ko te pūtea whakawhiwhinga whakatekau hei oranga mō ngā Māori o Te Tau Ihu. Ahakoa rā, i ētehi wāhanga, ko te mātauranga me ngā āwhina i ngā wā o te aitua whawhati tata ngā wāhanga matua, ka whakamahia aua pūtea e te Karauna hei whakakapi i tētehi wāhi o ngā whakapaunga Kāwanatanga. Ko ngā pūtea o ngā whakatekau hei hoatu oranga mō te iwi Māori, tae atu ki a Ngāti Kōata, ko te utu moni i ngā wā o te aituā tērā, ko te hoatu pūtea mō ngā rori Māori tērā, ko ngā kura tērā, ko ngā mahi hauora tērā. I mua i te whakataunga ko wai mā te hunga whai take o ngā tekau i te tau 1892, i whakapaua ngā moni mai i ngā whenua tekau mō ngā tāngata Māori katoa o Te Tau Ihu.
- 2.36 I te 1882, ka hoatu ki te Kaitiaki Tūmatanui te mana pīkau i ngā whakahaere i ngā whakatekau. Mai i te tau 1887, ko te rīhi mō ake tonu atu te tikanga rīhi matua mō ngā rāhui whenua whakatekau. Ki te titiro a te Kaitiaki Tūmatanui ko ngā rīhi ka āhei te whakahōu mō ake tonu te tino tikanga e hua mai ai he moni i ngā whenua. I raro i tēnei whakaritenga kāore he here mō te maha o ngā whakahounga o ngā rīhi 21 tau. He mea āta here ngā rēti ki te wāriu o te whenua, ā, kāore i pūputu te tiroiro i te rahi o te rēti. I roto i te wā nā te pupuhitanga o ngā wāriu i whakaheke ngā hua o te rēti, ka noho tērā hei taumahatanga mō te hunga whiwhi rēti.
- 2.37 I te tau 1892 nā te Kōti Whenua Māori i raro i a Tiatī Maaki i whakawā tētehi tono nā te Kaitiaki kia whakatauria tūturutia ko wai mā ngā Māori e tika ana ki roto i ngā rāhui whenua whakatekau. Ko te iwi tuatahi ki te tāpae kōrero ka kōrero ana kaitāpae e toru mō ngā rā e whā. I reira ka haukotia e te tiati te wā ka tukua ki ērā atu iwi, tae atu ki a Ngāti Kōata kia kotahi anake te kaitāpae. Nā Ihaka Tekateka i tāpae kōrero mō Ngāti Kōata. I mārama anō te Tiatī ki te tuku ki a Ngāti Kōata, heoi anō, ki tāna i whakatau ai, e kore aua mōhiotanga e kīia he mōhiotanga ka whiria hei wāhi o tana whakawā i te rangatiratanga o ngā whenua whakatekau. I kitea e te Kōti ko ngā iwi e whā, tae atu ki a Ngāti Kōata, ngā iwi pupuru i ngā whenua i roto i ngā rohe o te Whakanohonga o Whakatū (ko Whakatū, ko Moutere, ko Motueka, ko Te Taitapu) i te wā "i hokona ai e te Kamupene". Kātahi te Kōti ka karanga kia tāpaetia mai ngā ingoa o ngā kaihoko tuatahi o te whenua ki te Kamupene. Nō te otinga o taua rārangi ingoa ka whakatātūria ko wai mā ngā kaiwhakakapi o aua tāngata mate. Nā Ngāti Kōata i tāpae te rārangi ingoa nui rawa o ngā iwi e whā. Ka whakahau te Kōti i te tau 1893 kia 253 ngā tāngata o roto i ngā iwi e whā hei hunga whiwhi painga o ngā whakatekau, ā, nō te tau 1895 ka whakapikia ki te 285 ngā ingoa takitahi.
- 2.38 Ka waihangatia e te Kōti ētehi hea 151 i roto i ngā whenua whakatekau, ka tohangia ki ēnei iwi e whā. Ko ngā uri o Ngāti Kōata i whakaingoatia i whakawhiwhia ki tētehi 20 o ngā hea 151. Huia katoatia he 13.25 ōrau tēnei o te pūtea whakatekau. Kāore i te mārama he pēwhea i whakatauria ai e te tiati ngā pānga o ia iwi ki ngā hea 151. E ai ki a Ngāti Kōata kāore i hāngai te whakawhiwhinga hea ki a rātou ki tā rātou e mea ana he tika mō ō rātou pānga tuku iho ki ngā whenua o te whakanohonga o Whakatū.
- 2.39 Ki tā te Kōti, i te hoko ki te Kamupene o Aotearoa, ko Ngāti Kōata tētehi o ngā iwi e rua ko rātou ngā "iwi whai take" o te rohe o Whakatū, te wāhi kei reira ngā whenua rāhui o te tāone o Whakatū. Ahakoa rā, kāore i taea e te Kōti te whakatau i te hunga whai take takitahi mō ngā taitara e hia rau o ngā whakatekau o Whakatū, i raro i ngā ture e hāngai ana. I tohaina kētia ngā pūtea i ahu mai i ngā whakatekau hei painga mō ngā iwi e whā i kīia ko rātou ngā iwi pupuru i te whenua i hokona ai ki te Kamupene. Ko ngā tāngata takitahi he hea ō rātou i te pūtea, i kīia he tika kia whakawhiwhia tētehi wāhi o ngā moni hua, i muri i ngā whakapaupau ki a rātou, kia hāngai anō ki te pānga o tō rātou iwi ki ngā whakatekau. Nā te mea i huia ngā hea o ngā iwi e whā ki roto i tētehi pūtea takitahi, i haere hoki he utu ki ngā tāngata takitahi,

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kāore kē a Ngāti Kōata i āhei ki te whakahaere i āna moni hei rōpū kotahi. Ka raru i konei te rangatiratanga o Ngāti Kōata. E mea ana a Ngāti Kōata me i āhei rātou te whakahaere i ā rātou moni hei iwi takitahi, kua piki ake ngā painga ā-moni kua riro i a rātou i ngā pūtea whakatekau.

**TE WHAKAHAERE I NGĀ WHAKATEKAU I TE RAU TAU RUA TEKAU**

- 2.40 I te 1920, ka riro i te Kaitiaki Tūmatanui te mana pūkai i ngā whakahaere i ngā whakatekau. Nō te taenga ki te tau 1929, i tua atu i tētehi 138 eka o ngā whakatekau i nōhia, kua riro katoa atu ngā whakatekau i ngā rīhi mō ake tonu atu.
- 2.41 I tīmata ētehi hekenga i ngā whenua whakatekau i te haurua tuarua o te rau tau rua tekau. Nō te tau 1955 ka whakamanaia te Kaitiaki Māori i raro i te Ture Whenua Rāhui Māori kia hoko i ngā hea i ngā whakatekau i whakatauria he hea iti rawa mō te mahi moni, i raro i ngā wehewehenga hea ki ngā uri tokomaha. I raro hoki i te Ture Menamana mō Ngā Take Māori 1967 ka whakaaetia te Kaitiaki Māori kia hoko haere i aua pānga ki te hunga pupuri rīhi. I te tau 1970 ka riro ngā hea o te hunga whiwhi painga 348 te hoko, ā, hokona atu ana ki te hunga pupuru rīhi. I raro hoki i Te Ture Menamana mō Ngā Take Māori 1967 ka whakaaetia te Kaitiaki Māori kia hoko i ngā whenua rāhui ki ngā kaupupuru rīhi, me he mea he ōrautanga o te hunga pupuri hea i whakaae kia hoko i ō rātou pānga. Nō te tau 1975 kua hokona e te Kaitiaki Māori ētehi eka 1,308 o ngā whenua whakatekau. Nō te whakawhitinga o ngā whenua whakatekau whakamutunga ki te Kāporeihana o Wakatu i te tau 1977, e 2,893 noa iho ngā eka i te toe.

**NGĀ HOKO A TE KARAUNA**

- 2.42 I waenganui i ngā tau 1847 ki 1856 ka hokona e ngā kanohi o te Karauna te nuinga o ngā whenua Māori, me ngā take whenua hoki i Te Tau Ihu, nā ngā hoko o Wairau, o Waitohi, o Pākawau, me Te Waipounamu.
- 2.43 I te hiahia te Karauna ki te hoko i te poraka o Pākawau, i te hauāuru o Te Tai Tapu, nā te mea he maha ngā matū whenua i reira, ko te waro te mea nui. Ka hainatia he tīti hoko i Whakatū i te 15 o Mei 1852 i muri i tētehi hui, e 500 te hunga Māori i te hui. Ko Ngāti Kōata tētehi o ngā iwi i tae ake ki te hui, i haina hoki i te tīti. Kei tēnei whakaritenga te utu £550 ka kīa he utu mō te whāinga painga mō te mahi pāmu o te whenua o runga anake, kāore i uru te whāinga hua i roto i ngā tau o ngā matū o raro i te whenua. Ka whakaritea e te Karauna ētehi whenua rāhui e rua mā te iwi Māori, arā, e 265 ngā eka o roto i te poraka 96,000 eka te rahi.
- 2.44 Nō te tau 1853 ka huri te Karauna ki te hoko i te nuinga o ngā whenua Māori kāore i hokona i toe i Te Tau Ihu. Ko te tīmatanga ko te Tīti o Te Waipounamu ki tētehi iwi kē atu i Porirua i te marama o Ākuhata i te tau 1853. Ki tā ngā whakaritenga o tēnei tīti kua hokona ngā pānga katoa o te hunga Māori nāna i haina te tīti i te rohe o Te Tau Ihu. Kāore kē a Ngāti Kōata i Te Tau Ihu i whai wāhi ki ēnei whiriwhiringa. I raro i te tīti ka whakaritea he moni hoko e £5,000, ā, ka utua tētehi £2,000 o aua moni i te hainatanga i Porirua. Ko ērā atu £3,000 te tikanga ka tohaina ki ētehi atu iwi e noho ana i Te Tau Ihu, tae atu ki a Ngāti Kōata, i kīia rātou i roto i te tīti he rōpū whai take ngātahi i te whenua. Kāore kē te moutere o Rangitoto i uru ki te hoko. Kāore hoki a Ngāti Kōata i haina i te tīti, engari i tae ake pea te rangatira o Ngāti Kōata a Te Ōenuku ki te hainatanga.
- 2.45 Ko te whakaaro tuatahi o te Karauna kia tonoa he kanohi hoko whenua ki Whakatū i muri tata tonu i te hainatanga o te Tīti kia whakaritea ngā whenua rāhui, me te utu hoki i tōna wāhanga o ngā moni hoko e tika ana ki a Ngāti Kōata me ētehi atu iwi.



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Kāore tēnei i oti. Nō te marama o Nōema 1854, e rua ngā āpiha o te Karauna i tonoa ki Te Tau Ihu ki te tohu i ngā whenua rāhui mō ngā tāngata Māori noho i te whenua. Ka hui rātou ki a Ngāti Kōata i Kaiāua. I reira ka puta te kī a ngā rangatira, āe, i whakaae kia tukua atu tētehi wāhanga o ō rātou whenua mehemea ka utua tikatia mai “he wāhanga o te utunga e tika ana, kia utua hāngaitia mai e te Kāwanatanga.” Ka tohua e Ngāti Kōata ngā wāhi i hiahia ratou kia rāhuitia. E rua ngā whenua rāhui i whakaritea i Whangarae me Ōkiwi, engari tērā tētehi mea tuatoru i Whangamoa i whakakāhoretia e aua āpiha, nā te mea, ki a rātou he nui anō ngā whenua mō Ngāti Kōata i te moutere o Rangitoto.

2.46 I te marama o Tīhema 1854 ka utua e te Karauna tētehi wehenga tuarua, e £2,000 o te moni hoko, ko te nuinga ki ngā mema o ētehi iwi kē atu i tētehi hui i Pōneke. I uru anō te rangatira nei a Rāwiri Te Ōuenuku o Ngāti Kōata ki te hunga nāna i haina te rihīti mō tēnei utunga, engari kāore kau ētehi atu o Ngāti Kōata i Te Tau Ihu i whai wāhi ki te haina. I te takiwā o te mutunga o te tau 1855 kātahi anō ka haere te Kaihoko Whenua Matua a Tanara Makarini (Donald McLean) ki te Tau Ihu ki te takawaenga ki ngā tāngata Māori e noho ana i reira. Te taenga ki tērā wā kua utua te katoa o te utunga £5,000 i raro i te tīti o 1853 ki ētehi Māori, kāore te nuinga i te noho i reira, mō ō rātou pānga ki Te Tau Ihu. I herea a Tanara Makarini kia kaua e piki ake i te £2,000 ngā moni ka whakapaua i ana whakawhitiwhiti kōrero ki te hunga Māori o Te Tau Ihu. Kāore a Makarini i karanga i te hui kotahi i Whakatū ki te hunga whai pānga katoa, heoi anō, ka huri kē ki te kawē haere i ana whakawhitiwhiti kōrero ki te hunga Māori i ētehi takiwā o Te Tau Ihu. I te 5 o Māehe 1856 ka hainatia e Ngāti Kōata tētehi tīti, ka whiwhi hoki i te £100 mō ‘ō mātou whenua katoa i tēnei motu’ hāunga ia ētehi whenua rāhui e rima i te taha o Whangarae, me Rangitoto. Kāore kē a Rangitoto i uru ki te tīti, koia tētehi o ngā nohonga matua o Ngāti Kōata.

2.47 Kāore e kore nō te taenga mai a te Karauna ki te whakawhitiwhiti kōrero mō ngā hoko o Te Waipounamu ka whakanuia e ia ngā hua tērā ka taka mai ki te tangata whenua i te hanganga rawa nunui, me te whakangāwaritanga i te whakanohonga mai o te iwi Pākehā, ki te iwi Māori. I roto i āna whakawhitiwhiti katoa kāore te Karauna i nuku mō te taha ki te rahi o te utu. Nā ēnei hoko katoa i riro i te Karauna tata ki te katoa o ngā whenua o Ngāti Kōata i Te Tau Ihu mō te utu tino iti, hāunga ia ngā hoko whenua rāhui Karauna iti, me te moutere o Rangitoto.

**TE RIRONGA O WHAKAPUAKA**

2.48 I muri i te tuku a Tūtepourangi i noho a Ngāti Kōata i Whakapuaka, i te taha o ō mua iwi. Nō te whakaekenga o ngā tuarā o Ngāti Kōata nō te raki i Te Tau Ihu ka kōkiritia e rātou a Ngāti Kōata i Whakapuaka, me te whakapōraru i te noho pai o ngā iwi i runga i te rangimārie. E mea ana a Ngāti Kōata i te noho tonu rātou i Whakapuaka i muri i te kōkiritanga. I te mutunga o te whakaeke ka tae mai anō tētehi iwi o te raki ki te taunaha i te takiwā, ā, ka tīmata i reira tō rātou noho i Whakapuaka. Ki a Ngāti Kōata i taua wā nā tētehi o ō rātou tūpuna nā te rangatira a Hohapata te Kahupuku i hoe atu i runga i te whakaaro manawanui ki te whakarauora i ngā pahī o te kaupuke Delaware kua pūawhetia ki te takutai o Whakapuaka.

2.49 I roto i ngā tekau tau mai i 1850 ka wehea atu neke atu i te 17,000 eka, o Whakapuaka, e tētehi atu iwi i ngā hoko a Te Karauna i Te Waipounamu. Nō te tau 1882 nā tētehi tangata takitahi nō iwi kē i tonono ki te Kōti Whenua Māori kia tūhuruatia te taitara o Whakapuaka. Ka haere te tūhura taitara a te Kōti i te tau 1883. Ka rangona a Ngāti Kōata hei kaikōkiri whakahoki kōrero, ka puta tā rātou kī nō rātou kē te whenua i runga anō i te tuku a Tūtepourangi, me tō rātou take ahi-kā. I kī ngā kaitāpae kōrero a Ngāti Kōata i roto i te tekau tau mai i 1830 ka tukua tētehi wāhanga whenua i roto i Whakapuaka e Ngāti Kōata ki te tupuna kuia o te kaikōkiri take me

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tana tamaiti. He maha tonu ngā herenga ā-whakapapa a te tamaiti ki a Ngāti Kōata, ā, i te noho tonu hoki te kuia me tana tamaiti i waenganui i a Ngāti Kōata i Whakapuaka. Ka whakatakoto kōrero tētehi āpiha nō te Karauna, mōna nei anō, i te whakawākanga, hei tautoko i te kaikōkiri take. He tino hoa tūturu ia nō te kaikōkiri take, ā, te āhua nei nāna i whakakī tētehi wāhi mōna, o te pukapuka tonu mō te tūhuratanga. Ka whakahētia e te Kōti te kōkiri whakautu kōrero a Ngāti Kōata ā, ka whakawhiwhia te taitara o te poraka ki te kaikōkiri anake.

- 2.50 Nō te tau 1895 nā te tangata whai take ki te whenua i pana atu a Ngāti Kōata me ētehi atu anō hoki, i Whakapuaka, me te turaki i ō rātou whare i reira.
- 2.51 Mai i te tau 1896 he maha tonu ngā pitihana i tonoa ki te Pāremata e ētehi atu tāngata Māori, i te kimi whakawākanga anō o te whenua i Whakapuaka. I hinga katoa aua tonu. Nō te tau 1935, i muri i te otinga o ētehi pitihana e rua nā tētehi atu iwi kia rangona anō te take mō Whakapuaka, ka tāpaetia e Ngāti Kōata tāna pitihana ki te Pāremata. I kī te pitihana a Ngāti Kōata, nā te mea nā Ngāti Kōata i tuku te whenua, i noho roa hoki i reira mai i taua wā, ā, kua mate noa atu hoki te tangata i whiwhi whenua i a Ngāti Kōata, i raro i ngā tikanga Māori, i raro hoki i te ture Māori, me hoki te whenua ki a Ngāti Kōata. I runga anō i te tonu a te Komiti mō ngā Take Māori ka whakaae te Pāremata kia tāpiritia te pitihana a Ngāti Kōata ki te rārangi mahi o te Native Purposes Act o te tau 1934, kia pai ai te tuku ki te Kōti Whenua Māori kia tūhuratia.
- 2.52 Nā tētehi Tiati o Te Kōti Whenua i tūhura ngā pitihana e toru i te tau 1935, nāna hoki i whakahau kia rangona anō te take o Whakapuaka. I whakamanaia tēnei e te Native Purposes Act 1936. I whakatuwheratia anō e te Kōti Pīra Māori te take mō Whakapuaka i te tau 1937. Ka whakakāhoretia e te Kōti te take a Ngāti Kōata i runga i te tukunga rawatanga e Ngāti Kōata i te whenua ki tētehi atu iwi i ngā tau i te takiwā o 1835. He take tuarua i hinga ai, e ai ki te Kōti, nā te kore o Ngāti Kōata e hoki mai ki te pīra mō te 50 tau rā anō ka kīa kua mātaotao tā rātou take. Mō ngā pitihana, me te whakatuwheratanga anō i te take, he kaitohutohu kore tiwhikete tonu nō te iwi te māngai mō Ngāti Kōata, engari anō ētehi atu iwi, he roia whai tiwhikete tonu tō rātou. Ka tukua e Ngāti Kōata ētehi atu pitihana e whā ki te Kāwanatanga i mua i te tau 1948, engari ka whakakāhore te komiti mō ngā Take Māori i te whakaaro kia whakahautia ētehi atu mahi mō taua take. Kei te mau tonu a Ngāti Kōata ki tāna take tuku iho mō āna tika ki Whakapuaka, tae atu ki te urupā e tanumia ana te tini o ngā tūpuna o Ngāti Kōata.

## NGĀ HOKO ME NGĀ WHENUA RĀHUI A TE KARAUNA

### Ngā Whenua Rāhui Iti Rawa

- 2.53 I raro i te titi o 1856, nā Ngāti Kōata i haina, ka wehea ētahi whenua rāhui e rima mō te iwi. Ko aua whenua rāhui ko Kaiaua (me te Roto o Ōtarawao), ko Ōkiwi, ko Whangarae, ko Onetea me Whangamoā. Ahakoa he āhua rahi tonu ina whakatairitea ki ētehi atu whenua rāhui i Te Tau Ihu, he iti noa ngā whenua paparahi tōtika mō te whakatupu kai. I puta te kī a tētehi āpiha Karauna i te tau 1865 he 'koretake tonu ngā whenua rāhui, ko te nuinga he tahataha hiwi tītōhea. He koraha tonu te whenua'. Nā konei ka herea a Ngāti Kōata kia hoko whenua hei parautanga mai i te kāwanatanga o te takiwā.
- 2.54 Nō te tau 1887 ka whakahoki kōrero tētahi Kōmihana Rangahau ko te kore whenua tētehi raru nui mō te hunga Māori i Wairau. Ko ngā tāngata o Ngāti Kōata tonu ētehi o te hunga 245 i tohua hei tāngata tika kia whakawhiwhia he whenua tāpiri ki a rātou. I whakaae te Kāwanatanga ki te haepapa kia tukua atu e ia ētehi atu whenua mō ngā

2: HISTORICAL ACCOUNT

Māori whenua-kore. Ka whakatūria tētahi Kōmihana Mō ngā Tāngata Māori Whenua-Kore, mai i te tau 1897 ki te tau 1905, ka tohua hoki te hunga Māori 4,064 kore whenua i Te Waipounamu, me te tohutohu kia tohaina ngā eka 142,118 ki aua tāngata. Ko te whakatau ia, kia tohangia ētehi atu whenua ki ngā tāngata Māori o Te Tau Ihu i runga i te ritenga kia 40 eka mō ia pakeke, kia 20 eka mō ia tamaiti, me te tango anō i ētehi atu whenua i puritia rā i wāhi kē.

- 2.55 Nō te tau 1894 ka whakawhiwhia ētehi o Ngāti Kōata ki ētehi wāhanga whenua e rua i Raetihi me Te Māpou i Whangarae. I wehea ētehi eka 1,695 e te Karauna, engari ka hiahiatia e 912 eka anake mai i ngā poraka e rua mō te tohanga. I te tau 1906 ka whakatinanatia te Kōmihana Mō ngā Tāngata Māori Whenua-Kore o Te Waipounamu, hei whakangāwari i te hoatutanga o ngā taitara ki ērā i tohaina he whenua ki a rātou. Ahakoa rā, kīhai i wehea e te Karauna ngā poraka o Te Māpou me Raetihi i raro i te ture, i mua i tana mukunga i te tau 1909. Tēnā ko tēnei, i rāhuitia te whenua i te tau 1911 i raro kē i te Land Act 1908. Ahakoa i whakaputaina he raihana ki ētehi o te hunga whiwhi raihana i muri, hei pāmu i te whenua, nā te rāhuitanga o ngā poraka i raro i te Land Act i ārai te tuku o aua whenua ki te hunga whai take.
- 2.56 Nō te tau 1968 rā anō ka whakaputaina e te Karauna ōna taitara ki ngā uri o ngā Māori whenua kore i whakaingoatia i Te Māpou me Raetihi. Ko te rahi o ngā whenua i whakawhiwhia i te tau 1968 i tino hāngai tonu ki ngā tohanga o 1894. Ka noho ko ngā whenua kīhai i tohatohangia, huia katoatia e 634 eka (121 eka i Te Raetihi, 513 eka i Te Māpou), i roto i ngā ringa o Te Karauna. Kore rawa i whakaaro i 1968 kia tohatohangia ngā whenua tuwhene ki te hunga whai take Māori, kia tohatohangia rānei ngā whenua i runga i ngā āhuatanga e pā ana ki ngā uri o aua iwi i taua wā. Ko ngā whenua i te noho tonu i ngā ringaringa o te Kāwanatanga ka riro hei whenua mana Kāwanatanga mō nga tamariki a Tāne.
- 2.57 Ka puritia e Te Karauna e 3 eka ki Te Māpou, i roto rā tētehi urupā ā-whānau. Nō te whakapātanga atu me te uiuinga, ka tukua e te Karauna taua whenua ki ngā kaitiaki o te whānau Hippolite hei urupā mō rātou.

**TE RIRONGA ATU O NGĀ WHENUA RĀHUI O NGĀTI KŌATA**

- 2.58 I meatia ko ngā whenua rāhui i tohaina e te Karauna ki a Ngāti Kōata i te tīti o Te Waipounamu o 1856 hei āwhina i ngā mahi hāpai, mahi orange hoki mō ōna tāngata whai take. Nō te tau 1892 ka tūhuratia e Te Kōti Whenua Māori te rangatiratanga o Ōkiwi, o Whangarae, o Onetea me Whangamoa, me ngā tāngata takitahi o Ngāti Kōata mō ia wāhanga whenua.
- 2.59 I te whakamananga o te Native Land Act 1909 ka tangohia e te Karauna ngā here katoa i te rironga atu o ngā poraka whenua Māori, i ngāwari ake ai te hoko atu a te Māori, me te hoko mai o ngā kaihoko whenua. I raro i te Ture ka whakaritea kia āhei te hunga whai take i te whenua kia karangatia kia pōti mō ngā hoko whenua e whakaarotia ana, he neke atu i ngā tāngata whai take. Ahakoa rā he kōrama e rima noa iho o te hunga whai take te kōrama i whakaritea mō aua hui, kāore i whakaputa kōrero mō te ōrautanga o ngā hea i puritia e te hunga tae ake ki te hui. I raro i taua Ture ka whakaurua anō te matahuhuatanga o ngā here, i runga i te hiahia kia whakaūtia te tika o ngā hoko, kia tino āraia te huringa whenua-kore o te tangata i muri i aua hoko. I mua atu i te Ture kotahi anake o ngā whenua rāhui o Ngāti Kōata i hokona. Mai i 1910 ka hokona te tini o ngā whenua rāhui o Ngāti Kōata ki te Karauna me ngā tāngata kē.

### Kaiaua / Te Roto o Ōtarawao

2.60 Ko te matapae ia ko te whenua rāhui o Ngāti Kōata i te tau 1856, he 20 eka te rahi, engari i kitea i te rūri he 476 eka kē. I whakaputaina e te Karauna tana tuku mō te whenua rāhui i te tau 1866. E ai ki ngā rēkoata kōkau kua hokona pea te whenua rāhui i te tau 1871, engari kāore i whakawhitiria te rangatiratanga ā-ture o te poraka, kia eke rā anō ki te tau 1885. Ka uru te rāhui o Kaiaua te roto o Ōtarawao, tētehi mahinga kai tino nui ki a Ngāti Kōata. Ahakoa te hoko, i āhei tonu a Ngāti Kōata kia hoki tonu ki te roto ki te kōhi kai, kōhi rawa, taea noatia te rau tau rua tekau. Nō te tau 1992 ka whakaputaina he raihana mō te pāmu ika e te Karauna mō te roto, i whakakāhoretia ai te urunga o Ngāti Kōata ki tēnei mahinga kai nui.

### Ōkiwi

2.61 Ko te rahi o te whenua rāhui o Ōkiwi e whakahuatia ana i te tīti he 400 eka, ā, ka tātaia anō i muri i te rūri kia 3,295 eka. I muri i te wetenga o ngā here i te rironga atu o ngā whenua Māori i 1909, e rua ngā kaihoko nāna i hoko te nuinga o te whenua rāhui, nā te hoko i ngā pānga o te nuinga o te hunga whai take takitahi i waenga i te tau 1909 me te 1910. E whitu noa iho ngā eka o te whenua rāhui taketake e noho ana hei whenua taitara-wātea Māori i ēnei rā. Ahakoa rā tērā anō hoki ētehi whenua 59 eka i tauhokohokotia mō ngā pānga ki Ōkiwi kei te puritia e te Māori i ēnei rā.

### Whangarae

2.62 Nā te Karauna i whakarite tētehi 4,022 eka ki a Ngāti Kōata ki Whangarae. Heoi, kāore taua whenua i noho i te ara whakatere o ngā tima. Nō te tau 1900 ka tāpaetia e Rewi Maaka me ētehi atu 16 o Ngāti Kōata tā rātou pitihana ki te Karauna kia āwhinatia rātou kia hoko i tētehi kaupuke mō ratou, nā te mea kua utaina ētehi nama “tino nui rawa” ki runga i a rātou hei hari i ā rātou utanga mō te hoko ki Whakatū. Ko tā rātou hiahia ia kia hokohoko, kia whai wāhi i te ao ōhanga o te takiwā kia ora ai rātou me ō rātou whānau. Ko te whakatau ia o te Komiti mō ngā Take Māori kia tukua atu te pitihana ki te Kāwanatanga hei mahi māna i ētehi mahi, engari kāore i tuhia iho mehemea i puta he āwhina, kāre kau rānei. Nō te tau 1932 ka tangohia e te Karauna neke atu i te 26 eka i Whangarae mō ngā rori i raro i te Public Works Act.

2.63 Nō te tau 1973 ka whakatakoto tikanga te Karauna kia hokona e ia a Whangarae 1C (308 eka) hei whenua rāhui whakakitekite, ā, ka pōti tētehi hui o ngā tāngata whai take kia haere tonu te hoko. I tae ake a Ngaroimata Waaka, tētehi kaipupuru hea matua, ki te hui. Ka whakahētia e ia te hoko, me tana whai i raro i Te Ture mō Ngā Take Māori 1953 kia kotingia te wāhanga whenua, kia puritia hoki ana pānga ki te whenua. Ahakoa tōna hiahia, i hohoro tonu te whakaū a Te Kōti Whenua Māori i te whakatau a te nuinga i te hui o te hunga whai take, ā, riro atu ana te poraka katoa hei whenua Karauna. Ko te utu mō te hoko e £11,954. Neke atu i te 3,500 eka o tēnei whenua rāhui kei te noho tonu i ēnei rā i roto i te rangatiratanga tūmataiti o te hunga Māori, engari he poraka moroiti, tītohea, he tawhiti tonu tētehi i tētehi.

### Ko Onetea

2.64 Kei ngā ringaringa tonu o te iwi Māori te Whenua Rāhui o Onetea i ēnei rā. I ngā tau tuatahi mai i 1860, nā Karepa Te Whetū o Ngāti Kōata i hoko tētehi atu 76 eka mai i te kāwanatanga ā-rohe i Onetea hei keringa māra. I 1897 nā Te Whetū i hoko aua whenua tāpiri ki tētehi kaihoko kē. Ka puta ngā kōrero whakahē a Ngāti Kōata ki te Kairūri Matua kia noho tonu ki roto i tēnei whenua tētehi urupā, nā Te Whetū i takoha ki a Ngāti Kōata i te wā o te hoko o 1897. Te tikanga kia māwehetia i te tīti. I te tau 1917 nā T. Hippolite rāua ko J. Hippolite o Ngāti Kōata i hoko tētehi toru eka mai i te tāngata whai take, ko te urupā tētehi wāhi.

### Ko Whangamoa

2.65 I raro i te tīti o 1856 o Te Waipounamu ka tohaina ki a Ngāti Kōata tētehi 100 eka i Whangamoa, ki te tonga o te awa o Whangamoa. Ko tēnei whenua rāhui kei te wāhi i mōhiohia i mua ko te poraka o Whakapuaka. I waenganui i nga tau 1914 me 1916 nā tētehi tangata takitahi i hoko ngā pānga o te nuinga o te hunga whai take i te whenua rāhui. E rua anake ngā eka kei ngā ringaringa o te hunga Māori (ehara i a Ngāti Kōata) i ēnei rā.

### Ngā Whenua Rāhui o Ngāti Kōata e Toe Ana

2.66 Ahakoa nō te taenga ki te mutunga o te rau tau rua tekau he tata ki te hāwhe o ngā whenua rāhui i noho ki ngā ringa o Ngāti Kōata, tata ki te katoa i te whenua rāhui o Whangarae. I tua atu i tēnei, nō ētehi tāngata takitahi o Ngāti Kōata tēnei whenua, ehara nō te iwi kē. Ko te tino nuinga o ngā whenua rāhui o Kaiaua, o Ōkiwi, o Onetea me Whangamoa kua oti kē te hoko.

### TE RIRONGA ATU O RANGITOTO

2.67 I hātepengia atu te moutere o Rangitoto i te hoko a te Karauna i Te Waipounamu. He whenua tītohea, he tūpoupou aua whenua, ā, he moni nui e tika ana hei whakamōmona, hei whakapai hei whenua tōtika. Nō te tau 1883 ka tūhuratia e Te Kōti Whenua Māori te rangatiratanga o Rangitoto, ka whakaputaina e ia he tiwhikete taitara ki a Ngāti Kōata mō Rangitoto me ōna moutere tūtata. E 79 noa iho ngā ingoa tāngata whai take o Ngāti Kōata i whakaaturia i te taitara. I puta he whakahē i ngā rā o muri mai, i katingia atu ētehi o te tini o Ngāti Kōata i te rārangi o te hunga whai take nā te mea kāore i te rohe i te wā o te whakawā.

2.68 Ko te ōrautanga o ngā hea o te hunga whai take o Rangitoto kāore i whakatauria, kia tae rā anō ki 1895. Nā te Kōti Whenua Māori i kotikoti te moutere kia 11 nga poraka, me tana tohatoha hea i roto i aua poraka ki ngā tāngata whai take takitahi. I whakaritea e te Kōti Whenua Māori ngā taitara nāna i whakawhiwhi hei taitara hokokore, hāunga te āhei kia tukua ki te rīhi mō te 21 tau.

2.69 I taua wā ka rīhitia te nuinga o te moutere ki ngā kaiahuwhenua Pākehā. I ngā tau tuatahi mai i 1900 i te rīhitia ētehi whenua nō Ngāti Kōata i Rangitoto mō te toru pene mō te eka, ā, he iti noa iho te hua mai i aua rīhi mō ngā tāngata whai take maha. Ahakoa kua oti kē te whakarite e te Kōti kia taitara hokokore a Rangitoto, nā te Ture Kōti Whenua Māori o 1894 i whakaae kia tangohia ngā aukati i te hoko me ka whakaae kotahi hautoru o te hunga whai take, mehemea hoki he whenua atu anō tō ia kaupupuru hei mahi oranga mōna. I te tau 1908 me ngā marama tuatahi o 1909 ka mukua ngā aukati i te hoko i ngā eka 2,488 o Rangitoto i hiahia ai ētehi o ngā tāngata whai take ki te hoko. Ko te tokomaha o taua hunga whai take kei wāhi kē e noho ana. Ko te pūtaka mō aua hoko, e ai ki ā rātou whakamārama, ko te iti o ngā moni rīhi, me te iti o ngā moni punga i a rātou hei whakamōmona i te whenua.

2.70 I waenga i te tau 1910 me 1920 nō te tangohanga i ngā aukati i te hoko i raro i te Ture Whenua Māori 1909, neke atu i te 19,296 eka o Rangitoto i hokona (tata ki te haurua o te moutere). Te taenga ki waenganui o te rau tau rua tekau kua wehewehengia tētehi wāhi nui o ngā whenua Māori i toe i runga o Rangitoto, nā te tini o ngā uri whakakapi mō ngā pānga, nā ngā kotikotinga hoki. I ngā wāhanga whenua Rangitoto e rua, neke atu pea, i heke iho ngā pānga o ētehi tāngata whai take i te \$50. Ka kīia ēnei he “huakore” me te rironga atu i raro i te whakahau, ki te Kaitiaki Māori. I reira ka hokona aua pānga ki te tangata whai take i ia poraka. Tae rawa atu ki 1997 kua riro atu tata ki te 35,620 eka o ngā eka 41,923 i ngā ringa o Ngāti Kōata,

2: HISTORICAL ACCOUNT

ko te nuinga ki ngā kaihoko takitahi. He rāhui Karauna tētehi wāhi tino nui o Rangitoto i ēnei rā.

**NGĀ WHENUA RĀHUI O RANGITOTO**

- 2.71 I te kotinga o Rangitoto o 1895 e whitu ngā maramara whenua moroiti i wehea hei whenua rāhui motuhake hei painga mō ngā tāngata whai take katoa. Ko aua maramara ko Ōhana (20 eka), hei kāinga, ko Te Puna (e 4 eka) me Moawhitu (34 eka) hei āheinga hī ika, ko Ōmona (1 rood), ko Pawakaiwawe (1 rood), ko Horea (e 2 rood) hei urupā, me Ōtarawao (e 5 eka) hei urupā, hei papakāinga hoki.
- 2.72 Ko te tikanga o Moawhitu hei haerenga mā Ngāti Koāta ki tētehi hāpua i te tuawhenua i haongia ai te tuna. Ahakoa rā, nā ngā mahi whakamimiti, whakakīki puna mai i te tau 1948 kua kore anō e wātea ki te tangata ki te haere, i raro i te āheinga tuatahi. Nō te tau 1976 ka kāhititia te āheinga hei puna ika Māori mā Ngāti Kōata, ā, i te tau 1982 ka kīia he whenua Māori taitara-wātea te whenua. Mai i taua wā kua whakakāhore rawatia, kua uaua rānei te whakawhiti a Ngāti Kōata i ngā whenua nō te tangata kē ki te hāpua.

**TE RIRONGA ATU O NGĀ MOUTERE HURI NOA I RANGITOTO**

- 2.73 Nō te tau 1895, nō te kotikotinga o Rangitoto, ka tohatohangia ngā moutere o Whakatererepapanui, o Pūangiāngi, o Tīnui, o Kurupongi, o Moutītī, o Hautai, o Puna-ā-tawheke, o Araiawa, o Rāhuinui, o Tāpoarere, o Te Horo, o Anatākapu, o Te Kukukuru, me Kataore ki ngā 'mōrehu' me ngā 'kaiwhakakapi' o ngā tāngata whai take tuatahi ake e 79 o Ngāti Kōata. I te tau 1912 ka whakatauria e te Kōti te ōrautanga o ngā pānga o te hunga whai take i te whenua, ā, i te tau 1927 ka tiria ia moutere rahi atu - a Tīnui, a Pūangiāngi, a Whakatererepapanui, me Kurupongi - ki ētehi rōpū kaupupuru ā-whānau. Ko te toenga atu o ngā moutere i tohaina ki te hunga whai take katoa.
- 2.74 I te tau 1927 e rua ngā kaupupuri rīhi i whakaputa i tō rāua hiahia ki te hoko i a Pūangiāngi, engari ka whakakāhoretia e te Poari Whenua Māori ā-Rohe, inā hoki kāore anō kia whakaae ngā tāngata katoa nō rātou te moutere. I te hiahia tētehi tangata o te hunga whai take tokoiti nō Ngāti Kōata kia noho tonu te whenua i roto i ngā ringaringa Māori, ā, ka tāpaetia e ia tana tikanga mō te hoko, me te whakaae a ngā rangatira o taua moutere. Ka whakaritea kia rua marama te wā hei utu mā te kaihoko. Ahakoa rā, nā ngā pokowhiwhitanga o te ture ka hipa atu i te rua marama mō te kaihoko kia whakarite moni taurewa, ā, ka whakakāhoretia he mōkete. Nō te tau 1929 i muri i tētehi hui i tū i Pōneke mō te hunga nō rātou taua moutere, ka hokona te whenua ki tētehi kaihoko.
- 2.75 Nō te tau 1927 ka whakaae ētehi o te hunga nō rātou taua moutere kia hokona a Whakatererepapanui ki tētehi kaihoko mō te £200. Tērā tētehi rangatira nō te hunga whai take tokoiti, ko Pakakē te ingoa, i ngana ki te pupuru i ōna hea i Whakatererepapanui, ā, ko te tohutohu ki a ia kia hainatia he puka maharatanga mō tana whakahē i te hoko. Ngana noa, ngana noa tētehi Āpiha Whenua Māori ki te kawē i ngā whakaaro o Pakakē kia unuhia e ia tāna whakahē i te hoko. Kāore i whakaae te perehitini o te Poari Whenua Māori rāua ko te Kairēhita o te Kōti Whenua Māori ki te koti i tōna pānga iti, i runga i te take ka kore he hua e puta i te kotinga o tētehi wāhi pērā rawa te iti, he wāhi e kore e taea te mahi orange mō te tangata whai take. Heoi anō ka haere te hoko o te wāhanga whenua katoa. Nō te tau 1977 ka hokona e te rangatira hōu te whenua o Whakatererepapanui ki te Karauna, ā, ka whakatauria e te Karauna he whenua rāhui hākinakina i te tau 1985.

2: HISTORICAL ACCOUNT

2.76 I whakakāhore a Ngāti Kōata i te hokonga o Ngā Kurupongi ahakoa ngā mahi kaha a te Karauna ki te hoko anō i te moutere mō ngā mahi whakaora momo koiora. Nō te tau 1957, i muri i ngā whakawhitiwhiti kōrero ki a Ngāti Kōata mō te ono tau, ka kāhitiia te moutere hei wāhi tapu mō ngā tamariki-a-Tāne, otirā ka noho tonu te whāinga take o te whenua ki a Ngāti Kōata, tae atu ki ngā tika ki te mahi tītī, me ngā tika ūnga waka.

**TE RIRONGA O TE ĀHEI KI NGĀ MOUTERE I TE PŪAU O KAIAUA**

2.77 I raro i te tīti hoko a Te Karauna o 1856 mō Te Waipounamu ki a Ngāti Kōata ka hokona anō hoki ētehi moutere e toru i te pūau o te wahapū o Kaiuaa (a Ōtūhaereroa, a Motuanauru me Moukirikiri). He tino puna tītī ēnei moutere, ā, he takiwā haumarū mō ngā waka me ngā kaupuke, nā reira he taonga nui rawa atu ēnei ki a Ngāti Kōata.

2.78 I hoki anō a Ngāti Kōata ki ngā moutere ki te takahi whenua, ki te kohikohi rawa i muri i te hokonga ki te Karauna. I pēnei tonu, taea noatia ngā tau whakamutunga o te rautau rua tekau. Nō te tau 1980 ka whakatauria e te Karauna ko aua moutere hei whenua rāhui whakakitekite i raro i te mana me ngā whakahaere o te Marlborough Sounds Maritime Park Board. Kāore i noho ki te whakawhitiwhiti kōrero ki a Ngāti Kōata mō tēnei whakatau, ā, ka noho ko te kāhiritanga o aua whenua rāhui whakakitekite hei rarunga nui mō te whakamahi i aua moutere mō ngā mahi tuku iho.

**KO TAKAPOUREWA**

2.79 Nō te tau 1891 ka tangohia e te Karauna te katoa o ngā eka 370 o Takapourewa hei pourewa rāiti whakatūpatō. Nō te tau 1895 ka whakawhiwhia e te Kōti Whenua Māori he kāpeneheihana £130 mō tēnei tangohanga. E mea ana a Ngāti Kōata e rima eka noa iho i hiahiaia mō te pourewa, kua ko te moutere katoa. Ka huri a Takapourewa hei wāhi tapu mō ngā tamariki-a-Tāne i te marama o Mei 1966. I te tau 1994 i raro i tētehi tīti i haina tahitia e te Karauna rāua ko Ngāti Kōata ka haere te moutere hei whenua rāhui i raro i Ture o Ngā Whenua Rāhui Māori 1977, kia whakahaeretia e te Papa Atawhai. I raro i te Tīti me hoki rawa mai te Karauna ki te whakawhitiwhiti kōrero ki a Ngāti Kōata mō ngā tikanga me ngā take whakahaere e pā ana ki te moutere. E ai ki a Ngāti Kōata i pai ētehi o ngā hua i puta i te whakatinanatanga o tēnei tīti, ko ētehi kāore i tino pai.

**TE KINO O TE WAI**

2.80 Nō te huringa o te rau tau ka kitea ko te kino o te wai i Kaiuaa me Rangitoto tētehi pūtaka nō ngā māuiuitanga maha i pā ki te hunga Māori o te rohe. I muri i te horapatanga o te taipō i Whangarae i te tau 1910 ka haere he tira nō Ngāti Kōata ki te Minita mō Ngā Take Māori ki te kimi āwhina kia whakapikia te pai o te wai inu. Ka whakapūmautia e te āpiha hauora Māori i pērā rawa te raruraru, me tāna whakahau kia hangaia he hikuwai. Nō te tau 1914 kātahi anō te hikuwai ka oti, ka tika ake i konei ngā rarunga o te wai ki Kaiuaa.

2.81 Nō te tau 1931 ka horapa te taipō i Haukawakawa, i Rangitoto. Ka takoto te pūrongo a te āpiha hauora ā-rohe kua roa te “take o te waihanga puna wai tōtika, haumarū kē atu” mō ngā whānau o Ngāti Kōata e noho ana i mua i te aroaro o te Tari o Te Ora. Ka puta ngā pūrongo a ngā āpiha hauora i te noho a Ngāti Kōata i Rangitoto “i tētehi kāinga mōrearea mō te hauora,” me te whakahau kia hohoro tonu te whakatika. Nō te tau 1938 ka toro atu te Kaitirotiro Hauora Matua ki Rangitoto kia āta tirohia te puna wai, me tana whakahau kia whāinuinutia te kāinga i tētahi matatara turu whakararo. Ahakoa rā, tērā hoki ngā māharahara a ētehi āpiha mō te whakaae ki tēnei tikanga. Nā reira nō te taenga ki 1940 kāore anō tēnei take kia tika.

## TE WHARENOHO I WHAKATŪ

- 2.82 I whakapau te Kaitiaki Tūmatanui i te pūtea whakatekau o Whakatū hei whakatū whare noho mō te iwi Māori whai pānga ki ngā whenua rāhui whakatekau. Nā te noho raungaiti, take-kore hoki o ētehi o ō rātou whenua rāhui he maha tonu te hunga o Ngāti Kōata i haere ake ki Whakatū mō ngā mahi, mō te hauora, mō te mātauranga, me te whakamahi i te wharenoho. Ka nōhia hoki taua whare e Ngāti Kōata i ana haerenga mai ki ngā whakawākanga o te Kōti Whenua Māori. Ko Ngāti Kōata mai i Rangitoto me ngā tini moutere o Te Hoiere te iwi he tawhiti rawa ō rātou haere, ā, ka noho i te wharenoho mō ngā wā roroa. Ahakoa i whakaarotia ko te wharenoho hei kāinga mō te Māori mō te wā poto, he uaua te kimi kāinga tūturu mō te Māori i Whakatū.
- 2.83 Ka noho hoki ngā tūroro i haere mai ki te hōhipera mō ō rātou mate i te wharenoho, tae atu ki ērā kua pāngia e ngā mate mauhoro. I ētehi wā e ono ngā whānau i te noho i te wharenoho e rima ōna rūma moe, he whānau kotahi i te kīhini, he whānau anō i te mahau o te whare. Nā tēnei noho pipiri ka tupu te māuiui. Nō te tau 1905 ka tuhia e te kanohi ā-rohe ngā mōreareatanga o te rua para tangata i te taha o te wharenoho, i hiahia ai ia ki te kati. I taua tau anō ka tōpūtia te utu ki te tākuta o te takiwā nā te nui o ngā mahi māna ki te taurima i ngā tūroro i te wharenoho. Ka whakahau tētehi āpiha Karauna i te tau 1906 kia hangaia he wharenoho motuhake hei atawhai i ngā tūroro Māori. Ka whakaaroaro te Kaitiaki Tūmatanui ki te whakawhānui i ngā kāinga noho i Whakatū mō te hunga Māori, heoi anō, kāre kau he whare hōu i whakaritea.
- 2.84 Mai i ngā tau mai i 1920 ki tōna katinga i te tau 1949 ko te whakamahinga nui o te whare noho hei kāinga noho mō Ngāti Kōata i haere mai ki te kimi mahi. I ngā tau mai 1930 ka whakaritea e Kaitiaki Māori kia haere ngā mahi tāpiri ki Rangitoto, kia hoki anō ai a Ngāti Kōata ki te whenua, hei rongoā mō te noho apiapi o te tangata i te wharenoho. Nō te marama o Hepetema 1940 ka whai Te Tari o Te Ora i ngā huarahi ture e tika ana kia whakahautia te Kaitiaki Māori kia katia te wharenoho. Ka piri a Ngāti Kōata i raro i te reo whakahau a Arthur Elkington ki te whakahē, ā, kāore rawa rātou i neke i te wharenoho. Nō te tau 1949, i muri i ngā pānui pana me ngā whakawākanga kōti, ka katia te wharenoho.

## NGĀ WHĀINGA WĀHI KI TE MĀTAURANGA

- 2.85 I raro i te Ture mō Ngā Kura Māori 1867 mehemea ka kaha te hunga Māori ki te hora whenua, ki te āwhina ki te whakaara moni hei hanga whare, me ngā whakatikatika, ngā utunga kaiako me ngā pukapuka, ka taea he Kura Māori te whakatū. I te rohe o Te Tau Ihu nā ngā pūtea rāhui whakatekau i āwhina ēnei momo kura ki ngā pukapuka, ki ngā utunga, ki ngā taiepa me ngā āwhina tākuta.
- 2.86 Ki te Karauna ko ngā Kura Māori tētehi huarahi akoako i ngā tamariki o Ngāti Kōata kia huri wawe ki ngā tikanga Pākehā, hei ara mō rātou i te ao. Nā reira i raro i te Ture mō Ngā Kura Māori o 1867 ka whakaritea kia noho ko te reo Pākehā hei reo tohutohu 'i ngā wāhi katoa e taea ai'. Mai i ngā tau tuatahi o te rau tau rua tekau he mea āta rāhui mārire i raro i ngā tikanga me ngā ture te kōrero i te reo Māori i ngā kura Māori. Nā tēnei takahi i te reo Māori i whakawaimeha ai te tukunga iho o ngā tikanga Māori ki te reanga hōu.
- 2.87 E rua ngā kura Māori i whakatūria i ngā wāhi kei reira a Ngāti Kōata e noho ana. I te tau 1886 ka whakatūria he kura Māori i Rangitoto. Ahakoa, nō te wehenga atu o te kaiako i te tau 1890 kīhai te kura i huakina mai anō. I te tau 1916 ka whakakāhoretia te tono a Ngāti Kōata mō tētehi kura Māori i Rangitoto i te mea kua mōhio ngā mātua o aua tamariki ki te kōrero Pākehā, nā reira "kāore he take o tētehi kura, arā, momo



2: HISTORICAL ACCOUNT

motuhake” i reira. Ka whakatuwheratia he kura tūmatanui i Rangitoto i te kōkoru o Whareata i 1917.

- 2.88 Ka whakatūria hoki e te Hāhi Mihingare he kura Māori i Whangarae i te tau 1898. He iti noa ngā āwhina a te Karauna i taua kura. Ka āwhina te Kaitiaki Tūmatanui i te kura, nā tētehi utunga i te pūtea whakatekau o Whakatū mō ia akonga, he tangata whai painga i ngā whenua tekau ōna mātua. Kāore i rerekē i ngā tamariki i ngā wāhi raungaiti katoa o Aotearoa, arā, ka wehea ngā tamariki o Rangitoto, o Te Hoiere i ō rātou whānau mō te wā roa kia haere tahi ai ki te kura me ētehi atu o Ngāti Kōata i Whangarae. He tika pea te kī, ka kapea ētehi tamariki, arā, kīhai i whiwhi i ngā pūtea whakatekau, nā te mea ko ngā whakapapa i kohia ai e ngā kaiako mō ngā pānga ā-iwi o aua tamariki kāore i oti pai. Nō muri ka whakamahia ēnei mōhiotanga e te Kaitiaki Tūmatanui hei whakatau i te hunga whai mana ki aua pūtea. Nō te tau 1907 ka huri te Kura Māori o Whangarae hei kura whānui i raro i te Whakahaere o Te Poari Mātauranga o Wairau. I raro i te Ture Mātauranga 1903 te tikanga kia horaina e te Poari he akoranga kore-utu, he akoranga ka whakahautia mō te katoa o ngā tamariki kura tuatahi, ahakoa rā, i haere tonu ngā pūtea whakatekau hei whirinaki i te kura, taea noatia ki te tau 1911.
- 2.89 Nō te tau 1917 ka kati te kura i Whangarae. Nāwai ā ka whakatuwheratia mai anō he kura i Matapihi i te Kōkoru o Ōkiwi, ā, ka wehea anō ngā tamariki i Rangitoto me Te Hoiere i ō rātou whānau, kia haere ki te kimi i te mātauranga, otirā kia whakapikia ai te tokomaha, e noho tuwhera ai te kura.

**NGĀ RĀHUI TAURANGA IKA**

- 2.90 I whakawhiwhia ngā taitara mō ngā toka me ngā moutere iti huri noa i Rangitoto ki a Ngāti Kōata e Te Kōti Whenua Māori i te tau 1883. Nō te taenga ki ngā tau i te takiwā o 1985 ka whakaaro te hunga whai take me mahi nui kia whakahaeretia aua moutere toka tū moana i runga anō i ngā tikanga Māori, me ngā ritenga o Ngāti Kōata, hei oranga mō ngā uri, mō ake tonu. Nā reira rātou i huri ai kia rāhuitia ngā moutere me ngā toka tū moana i raro i te tekiana 439 o Te Ture mō Ngā Take Māori 1953.
- 2.91 Nō ngā tau 1984 me 1986 ka āta kāhiritia ngā moutere me ngā toka huri noa i Rangitoto hei rāhui Māori mō ngā uri whakaheke o ngā tāngata whai take mō Rangitoto, i runga anō i ngā whakatau a Te Kōti Whenua Māori i te tau 1883. Ko tētehi o ngā whakamahinga i whakaarotia rā mō aua whenua, ko te whakamahi hei 'tauranga ika'. Ahakoa tēnei i pā te rāhui ki ngā whenua i kō mai o te tai pari, kāore ki te moana i te taha. E mea ana a Ngāti Kōata ko tōna tikanga kia noho he whaitua moana, arā, he tohu whenua i te moana i te kāhiti mō te moana e karapoti ana i ngā moutere, me ngā toka, hei tauranga ika.

**KUPU WHAKAMUTUNGA**

- 2.92 Nā runga i ngā hoko whenua a te Karauna me ngā whakaritenga whenua rāhui koretake kua tata te noho kore whenua a Ngāti Kōata i Te Tau Ihu. Nā te rironga atu o te tino nuinga katoa o tō rātou rohe ki roto i ngā ringaringa o te Karauna kua haukotia te aho ki ngā rawa tuku iho me ngā takahanga o ngā tūpuna, kua pōrewarewa te wairua, kua kore hoki e wātea mai aua rawa. Hei raruraru nui rawa atu tēnei mō te mana kaitiaki. Nā konā hoki, nā te kore tonu e noho ki ngā whenua o te iwi i mimiti ai ngā puna mātauranga o ngā tikanga, e ngawhā mai ai te reo me ōna tikanga ki ngā whakatupuranga hou, arā, ki te rangatahi. E mea ana a Ngāti Kōata hei rite tēnei rironga atu o te ao o Ngāti Kōata ki te rironga atu o te whenua, o ngā mahi whakatupu oranga mō te iwi.

### 3 ACKNOWLEDGEMENTS AND APOLOGY

#### ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that it has failed to deal with the longstanding grievances of Ngāti Kōata in an appropriate way and that recognition of these grievances is long overdue.
- 3.2 The Crown acknowledges that it failed to adequately inform itself of and protect the interests, including the ongoing needs of Ngāti Kōata during the process by which land was granted to the New Zealand Company in 1848, and this failure was a breach of the Treaty of Waitangi and its principles.
- 3.3 The Crown acknowledges that in the reserves that became known as the Nelson and Motueka ‘tenths’ it failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Ngāti Kōata. The Crown acknowledges that this failure was in breach of the Treaty of Waitangi and its principles.
- 3.4 The Crown acknowledges that:
- 3.4.1 Ngāti Kōata had negligible involvement in the administration of the tenths reserves between 1842 and 1977;
- 3.4.2 on occasion, the Crown used tenths funds as a partial replacement to government spending; and
- 3.4.3 it was not until 1892, several decades after the establishment of the tenths, that the beneficiaries of the tenths fund were identified.
- 3.5 The Crown acknowledges that certain actions and omissions with respect to the administration of the Nelson and Motueka tenths reserves including the imposition of a regime of perpetually renewable leases, and permitting the Māori Trustee to sell ‘uneconomic interests’ and tenths land in the twentieth century, resulted in prejudice to those Ngāti Kōata who held a beneficial interest in the tenths reserves fund and were in breach of the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that in 1852 it sought to purchase the Pakawau block before Ngāti Kōata and other Māori became aware of the full potential value of its minerals, and the price paid reflected the agricultural value of the land only.
- 3.7 The Crown acknowledges that when it purchased most of the remaining Māori land in Te Tau Ihu between 1853 and 1856:
- 3.7.1 it did not negotiate with Ngāti Kōata as an iwi prior to signing the 1853 Te Waipounamu deed, and used the 1853 deed as the basis for its negotiations with resident Ngāti Kōata in 1856, whereby Ngāti Kōata alienated most of their remaining interests for a small price; and
- 3.7.2 it did not set aside adequate reserves for the present and future needs of Ngāti Kōata in Te Tau Ihu.
- The Crown acknowledges that it failed to adequately protect the interests of Ngāti Kōata when purchasing their land and this was a breach of the Treaty of Waitangi and its principles.

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.8 The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Ngāti Kōata, in particular the awarding of land to individual Ngāti Kōata rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation and alienation. This further contributed to the erosion of the traditional tribal structures of Ngāti Kōata. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.
- 3.9 The Crown acknowledges that the alienation of the Whakapuaka block has remained a significant grievance for Ngāti Kōata down to the present day. The Crown also acknowledges that it did not take steps to effect a reinvestigation of the Whakapuaka case until 1936.
- 3.10 The Crown acknowledges that it failed to issue title to the Ngāti Kōata owners of the Te Māpou and Te Raetihi “landless natives” reserves until 1968. The Crown’s failure to implement the scheme effectively meant that it did nothing to alleviate the landless position of those Ngāti Kōata in Te Tau Ihu and this was a breach of the Treaty of Waitangi and its principles.
- 3.11 The Crown acknowledges that since 1856 much of Ngāti Kōata’s reserve land, Rangitoto Island, and its surrounding islands, including Puangiangi and Whakaterepapanui, have been alienated from Ngāti Kōata ownership. This included the Crown’s acquisition of Takapourewa Island for public works purposes and purchase of part of Whangarae reserve for scenery preservation purposes.
- 3.12 The Crown acknowledges that several islands at the entrance to Croisilles Harbour continued to be used by Ngāti Kōata as mahinga kai following their sale to the Crown in 1856. The Crown also acknowledges that when it declared the islands as scenic reserves in 1980 this detrimentally impacted on Ngāti Kōata’s customary use of the islands.
- 3.13 The Crown acknowledges that it made several attempts to acquire ownership of Kurupongi Island from Ngāti Kōata. The Crown also acknowledges that by gazetting Kurupongi as a wildlife sanctuary in 1957 the Crown took effective control of the island, although Ngāti Kōata retained ownership and mutton birding rights.
- 3.14 The Crown acknowledges that the cumulative effect of the Crown’s actions and omissions left Ngāti Kōata virtually landless. The Crown’s failure to ensure that Ngāti Kōata retained sufficient land was a breach of the Treaty of Waitangi and its principles.
- 3.15 The Crown acknowledges that the discouragement of the use of Te Reo Māori in Native Schools established in areas where Ngāti Kōata lived detrimentally impacted on the retention of Ngāti Kōata culture.
- 3.16 The Crown acknowledges that the isolation and poor quality of their reserve land at Croisilles and Rangitoto, and the lack or slow delivery of social services in these areas, resulted in poor economic and health conditions for Ngāti Kōata communities. The Crown also acknowledges that these circumstances forced many Ngāti Kōata to leave their land and seek economic, social and educational opportunities elsewhere, including outside of Te Tau Ihu.
- 3.17 The Crown acknowledges that through the alienation of most of their land Ngāti Kōata have lost control over many of their significant sites and resources. This has had an ongoing impact on the ability of Ngāti Kōata to maintain spiritual connections to their ancestral lands.

3: ACKNOWLEDGEMENTS AND APOLOGY

**APOLOGY**

- 3.18 The Crown makes the following apology to Ngāti Kōata, to their ancestors and to their descendants.
- 3.19 When Ngāti Kōata rangatira signed the Treaty of Waitangi at Rangitoto Island in May 1840, they entered into a relationship with the Crown based on hope and mutual respect. However, the Crown accepts and is deeply sorry that it has not always fulfilled its obligations under the Treaty of Waitangi and, for this, unreservedly apologises to Ngāti Kōata.
- 3.20 The Crown regrets and apologises for its failure to properly respect the rangatiratanga of Ngāti Kōata. Crown actions, moreover, left Ngāti Kōata virtually landless in Te Tau Ihu and alienated them from many of their most sacred sites. For this too the Crown apologises. Their disconnection from their lands, marginalised Ngāti Kōata in the economic development of Te Tau Ihu, and had devastating consequences for the social, cultural, and spiritual wellbeing of Ngāti Kōata. Those consequences continue to be felt today.
- 3.21 With this apology and settlement the Crown seeks to atone for its wrongs. The Crown hopes that through this apology and settlement it can build a new, positive and enduring relationship with Ngāti Kōata based on mutual trust and co-operation and respect for the Treaty of Waitangi and its principles.

## 4 SETTLEMENT

### ACKNOWLEDGEMENTS

- 4.1 Each party acknowledges that:
- 4.1.1 the other parties have acted honourably and reasonably in relation to the settlement; but
  - 4.1.2 it is not possible:
    - (a) to assess the loss and prejudice suffered by Ngāti Kōata as a result of the events on which the historical claims are or could be based; or
    - (b) to fully compensate Ngāti Kōata for all loss and prejudice suffered;
  - 4.1.3 Ngāti Kōata intend their foregoing of full compensation to contribute to New Zealand's development; and
  - 4.1.4 the settlement is intended to enhance the ongoing relationship between Ngāti Kōata and the Crown (in terms of Te Tiriti o Waitangi / the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Ngāti Kōata acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair in the circumstances.

### SETTLEMENT

- 4.3 Therefore, the settlement legislation will provide that, on and from the settlement date:
- 4.3.1 the historical claims are settled;
  - 4.3.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
  - 4.3.3 the settlement is final.
- 4.4 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.
- 4.5 Without limiting clause 4.4, nothing in this deed or the settlement legislation will:
- 4.5.1 extinguish or limit any aboriginal title or customary right that Ngāti Kōata may have; or
  - 4.5.2 constitute or imply an acknowledgement by the Crown that any aboriginal title or customary right exists; or
  - 4.5.3 except as provided in this deed or the settlement legislation:
    - (a) affect a right that Ngāti Kōata may have, including a right arising:
      - (i) from the Treaty of Waitangi or its principles; or

**4: SETTLEMENT**

- (ii) under legislation; or
  - (iii) at or recognised by common law (including common law relating to aboriginal title or customary law or tikanga); or
  - (iv) from a fiduciary duty; or
  - (v) otherwise; or
- (b) affect any action or decision under the deed of settlement between Māori and the Crown dated 23 September 1992 in relation to Māori fishing claims; or
- (c) affect any action or decision under any legislation and, in particular, under legislation giving effect to the deed of settlement referred to in clause 4.5.3(b), including:
- (i) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; or
  - (ii) the Fisheries Act 1996; or
  - (iii) the Maori Fisheries Act 2004; or
  - (iv) the Maori Commercial Aquaculture Claims Settlement Act 2004.

4.6 Clause 4.5 does not limit clause 4.3.

**REDRESS**

4.7 The redress, to be provided in settlement of the historical claims:

4.7.1 is intended to benefit Ngāti Kōata collectively; but

4.7.2 may benefit particular members, or particular groups of members, of Ngāti Kōata if Te Pātaka a Ngāti Kōata trustees so determine in accordance with the procedures of Te Pātaka a Ngāti Kōata.

**IMPLEMENTATION**

4.8 The settlement legislation will, on the terms provided by sections 24 to 30 of the draft settlement bill:

4.8.1 settle the historical claims;

4.8.2 subject to clause 4.9, exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement;

4.8.3 despite clauses 4.8.1 and 4.8.2, preserve the plaintiffs' ability to appeal on the proceedings filed in the High Court as CIV-2010-442-181;

4.8.4 provide that the legislation referred to in section 26 of the draft settlement bill does not apply:

- (a) to land in the Nelson Land District or Marlborough Land District; or
- (b) for the benefit of Ngāti Kōata or a representative entity;

4: SETTLEMENT

- 4.8.5 require any resumptive memorials to be removed from the certificates of title to, or the computer registers for, land in the Nelson Land District or Marlborough Land District;
- 4.8.6 provide that the rule against perpetuities and the Perpetuities Act 1964 do not:
- (a) apply to a settlement document; or
  - (b) prescribe or restrict the period during which:
    - (i) Te Pātaka a Ngāti Kōata trustees may hold or deal with property; or
    - (ii) Te Pātaka a Ngāti Kōata may exist; and
  - (c) require the Secretary for Justice to make copies of this deed publicly available.
- 4.9 Notwithstanding clause 4.8.2, the settlement legislation will not exclude the jurisdiction of any court, tribunal, or other judicial body in respect of the interpretation or implementation of this deed or the settlement legislation.
- 4.10 Part 1 of the general matters schedule provides for other actions in relation to the settlement.

## 5 CULTURAL REDRESS

### HE UHI TĀKAI (OVERLAY CLASSIFICATION)

*He Uhi Tākai - "covering which wraps around"*

*nō Puhanga & Ngarau Tupaea, Pirihira Paul from te waiata 'Keiha'*

5.1 In recognition of the importance of the following sites to Ngāti Kōata, as reflected in the statement of Ngāti Kōata values, the settlement legislation will, on the terms provided by sections 55 to 73 of the draft settlement bill:

5.1.1 declare each of the following sites is subject to He Uhi Takai:

- (a) Takapourewa / Takapourewa Nature Reserve (as shown on deed plan OTS-202-107);
- (b) Whakaterepapanui Island / Wakaterepapanui Island Recreation Reserve (as shown on deed plan OTS-202-34);
- (c) Rangitoto ki te Tonga / D'Urville Island site (as shown on deed plan OTS-202-36); and
- (d) French Pass Scenic Reserve (as shown on deed plan OTS-202-35),  
together the "**sites**";

5.1.2 provide the Crown's acknowledgement of the statement of Ngāti Kōata values in relation to each of the sites;

5.1.3 require the New Zealand Conservation Authority, and any relevant conservation board when approving or otherwise considering any conservation management strategy, conservation management plan or national park management plan in respect of each of the sites to have particular regard to:

- (a) the statement of Ngāti Kōata values; and
- (b) the protection principles (which are directed at the Minister of Conservation avoiding harming or diminishing Ngāti Kōata values in relation to each of the sites);

5.1.4 require the New Zealand Conservation Authority and any relevant conservation board before approving any conservation management strategy, conservation management plan or national park management plan in respect of each of the sites to:

- (a) consult with Te Pātaka a Ngāti Kōata trustees; and
- (b) have particular regard to the views of Te Pātaka a Ngāti Kōata trustees as to the effect of the policy, strategy or plan on:
  - (i) the Ngāti Kōata values for the site; and



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- (ii) the protection principles (which are directed at the Minister of Conservation avoiding harming or diminishing the Ngāti Kōata values in relation to each of the sites);
  - 5.1.5 provide that where Te Pātaka a Ngāti Kōata trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to the sites, the New Zealand Conservation Authority will, before approving the strategy, give Te Pātaka a Ngāti Kōata trustees an opportunity to make submissions in relation to those concerns;
  - 5.1.6 require the application of He Uhi Tākai to be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the sites;
  - 5.1.7 require the Director-General of Conservation to take action in relation to the protection principles that relate to each of the sites; and
  - 5.1.8 enable the making of regulations and bylaws in relation to the sites.
- 5.2 The statement of Ngāti Kōata values, the protection principles and the Director-General of Conservation's actions are in part 1 of the documents schedule.

**NGĀ TAPUWAE O NGĀ TŪPUNA (STATUTORY ACKNOWLEDGEMENT)**

*Ngā Tapuwae o Ngā Tūpuna - "Footprints of our tupuna - places they trod"*

*nō te Akomanga Reo Kaumatua o Ngāti Kōata*

- 5.3 The settlement legislation will, on the terms provided by sections 39 to 48 of the draft settlement bill:
- 5.3.1 provide the Crown's acknowledgement of the statements by Ngāti Kōata of their particular cultural, spiritual, historical, and traditional association with the following areas:
    - (a) Maungatapu (as shown on deed plan OTS-202-44);
    - (b) Matapehe (as shown on deed plan OTS-202-45);
    - (c) Moawhitu (Rangitoto ki te Tonga / D'Urville Island) (as shown on deed plan OTS-202-53);
    - (d) Askews Hill quarry site in Taipare Conservation Area (as shown on deed plan OTS-202-56);
    - (e) Cullen Point (as shown on deed plan OTS-202-112);
    - (f) Penguin Bay (Rangitoto ki te Tonga / D'Urville Island) (as shown on deed plan OTS-202-57);
    - (g) Otuhaereroa Island (as shown on deed plan OTS-202-129);
    - (h) Motuanauru Island (as shown on deed plan OTS-202-130);
    - (i) Maitai River and its tributaries (as shown on deed plan OTS-202-64);

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- (j) Waimea River, Wairoa River, and Wai-iti River and their tributaries (as shown on deed plan OTS-202-66);
- (k) Te Hoiere / Pelorus River and its tributaries (as shown on deed plan OTS-202-70); and
- (l) Whangamoā River and its tributaries (as shown on deed plan OTS-202-102);

5.3.2 require:

- (a) relevant consent authorities, the Environment Court and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement;
- (b) relevant consent authorities to forward to Te Pātaka a Ngāti Kōata trustees:
  - (i) summaries of resource consent applications affecting a relevant area; and
  - (ii) copies of any notices served on the consent authority under section 145(10) of the Resource Management Act 1991; and
- (c) relevant consent authorities to record the statutory acknowledgement on certain statutory planning documents under the Resource Management Act 1991;

5.3.3 enable Te Pātaka a Ngāti Kōata trustees and any member of Ngāti Kōata, to cite the statutory acknowledgement as evidence of the association of Ngāti Kōata with any of the areas;

5.3.4 enable Te Pātaka a Ngāti Kōata trustees to waive the rights specified in clause 5.3.2 in relation to all or any part of the areas by written notice to the relevant consent authority, the Environment Court or the New Zealand Historic Places Trust (as the case may be); and

5.3.5 require that any notice given pursuant to clause 5.3.4 include a description of the extent and duration of any such waiver of rights.

5.4 The statements of association are in the documents schedule.

**COASTAL STATUTORY ACKNOWLEDGEMENT**

5.5 The parties acknowledge that the coastal statutory acknowledgement provided for under clause 5.7 applies to the coastal marine area of Te Tau Ihu as a whole, but that the individual iwi with interests in Te Tau Ihu have particular areas of interest within that coastal marine area.

5.6 Ngāti Kōata acknowledge that they intend to exercise any rights under the coastal statutory acknowledgement provided for in clause 5.7 in a manner that is consistent with tikanga.

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- 5.7 The settlement legislation will, on the terms provided by sections 39 to 48 of the draft settlement bill:
- 5.7.1 provide the Crown's acknowledgement of the statement of coastal values of Ngāti Kōata in relation to the particular cultural, spiritual, historical, and traditional association of Ngāti Kōata with the Te Tau Ihu coastal marine area (as shown on deed plan OTS-202-63);
- 5.7.2 require:
- (a) relevant consent authorities, the Environment Court and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement;
  - (b) relevant consent authorities to forward to Te Pātaka a Ngāti Kōata trustees:
    - (i) summaries of resource consent applications affecting the area; and
    - (ii) copies of any notices served on the consent authority under section 145(10) of the Resource Management Act 1991; and
  - (c) relevant consent authorities to record the statutory acknowledgement on certain statutory planning documents under the Resource Management Act 1991;
- 5.7.3 enable Te Pātaka a Ngāti Kōata trustees, and any member of Ngāti Kōata, to cite the statutory acknowledgement as evidence of the association of Ngāti Kōata with any part of the Te Tau Ihu coastal marine area;
- 5.7.4 enable Te Pātaka a Ngāti Kōata trustees to waive the rights specified in clause 5.7.2 in relation to all or any part of the Te Tau Ihu coastal marine area by written notice to the relevant consent authority, the Environment Court or the New Zealand Historic Places Trust (as the case may be); and
- 5.7.5 require that any notice given pursuant to clause 5.7.4 include a description of the extent and duration of any such waiver of rights.

5.8 The statement of coastal values is in part 2.1 of the documents schedule.

**RURUKU NGĀ TAI**

5.9 The following text contains a statement by Ngāti Kōata of their maritime association.

**Ngāti Kōata Values**

5.10 The marine or sea areas Cook, Abel and Stephens are culturally, spiritually, historically and traditionally significant to Ngāti Kōata, as kaitiaki of this area. Ngāti Kōata occupation followed the gift or tuku to Ngāti Kōata during the battle of Whakapaeiti where the chief Tutepourangi was taken captive by Ngāti Kōata. To ensure the safety of his people and himself he offered Rangitoto and surrounds as a peace settlement. According to Ngāti Kōata tradition, the tuku of land started from Anatoto at the mouth of the Pelorus Sounds and included Kurupongi, Nga Kiore, Takapourewa and on to Te Hiku o te Matau (Farewell Spit).

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- 5.11 Ngāti Kōata were the first of the northern allies to settle in Te Tau Ihu and since that time Ngāti Kōata have continually plied the seas and sounds as captains, navigators and crewmen on waka, transports, fishing vessels and pleasure craft.
- 5.12 Examples of Ngāti Kōata knowledge of the Cook Strait include when William Wakefield first met a leading chief of Ngāti Kōata, Te Whetu who lived on Rangitoto, on 29 September 1839 at a bay to the north of Anaho (Ship Cove). Ngāti Kōata were using the area as a temporary base while they waited for the weather to clear so that they could cross Cook Strait to attend the tangi of Te Rauparaha's sister, Waitohi, at Mana.

**Te Awatea / Te Awatea Hou**

- 5.13 Te Awatea was a waka taken by Ngāti Kōata as part of uplifting the tuku from the iwi of Tutepourangi. This waka was reputed to be so fast that it could give another waka a head start of up to half the distance and still beat it. The first trip of Te Awatea under the command of Ngāti Kōata was from Motueka to Anawakau and Te Matau, and then back into Whakatū. This waka was so important to Ngāti Kōata that when it was no longer used it was buried in a swamp to both preserve it, and to protect its mana.
- 5.14 Later in the 1990's as part of a collaboration with the other iwi of Te Tau Ihu Te Awatea Hou was built and travelled many waters under the command of Ngāti Kōata skippers and navigators, including crossing the Cook Strait twelve times under paddle power. The waka was paddled from Picton to Wellington, Picton to Paremata, Picton to Havelock, Picton to D'Urville Island, to Nelson, to Motueka, to Kaiteriteri and as far as Takaka. Te Awatea Hou has travelled the North Island including crossing the isthmus from the Waitemata Harbour to the Onehunga Harbour (similar to the Tainui waka). Te Awatea Hou was also taken to Waitangi for the 1990 Bi-centennial celebrations and visit by HRH Queen Elizabeth.
- 5.15 Because of Ngāti Kōata training in Cook Strait, the iwi have a good appreciation of tide and wind conditions. When crossing Cook Strait in the waka Te Awatea Hou Ngāti Kōata acknowledge the tikanga that was passed down about Nga Whatu, the Brothers Islands. It was a violation of tikanga for anyone who had not crossed Cook Strait by water to look forward to the Brothers. You had to be blindfolded on your first trip until you were past the Brothers, then you had to look backwards to the Brothers. That had a lot to do with the mana of Maturangi's wheke. In legend, Nga Whatu are the eyes of that wheke.

**Fishing Grounds**

- 5.16 Gathering kaimoana and taking it across the Cook Strait on Ngāti Kōata boats to Porirua whānau, or further north to the Kingitanga whānau has been and still is an important role for Ngāti Kōata seafarers and fisherman. One Ngāti Kōata kaumatua knew all of the Hapuku fishing grounds from Cape Egmont to Cape Farewell which he had learnt from waiata handed down from the old people. Some of those fishing grounds that he referred to were miles off Stephens Island and in the early days Ngāti Kōata only had row boats for fishing. Later when the iwi started using diesel-driven trawlers they found some of these fishing grounds. For example, in early days the canoes around D'Urville Island used to gather at Rahuinui rock and Tunahaiki rock and head out to the proper fishing grounds, Rakautara, which is between D'Urville Island and Separation Point.

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5.17 Ngāti Kōata have also provided evidence and examples of their enhancement practices to seed and protect traditional kaimoana beds. The iwi and iwi members have been involved with marine farming since its inception. Ngāti Kōata were also instrumental in the Foreshore and Seabed claim.

**Boats and Fishermen**

5.18 Ngāti Kōata boats such as the Heta, Tinui, Belfast, Gleam, Marlborough, Destiny, Manu and the Verdun plied the Cook Strait and Tasman Bay, Golden Bay water ways regularly. Often they were called upon to help move the iwi members, other times it was to help gather or cultivate the kaimoana. The Belfast regularly crossed Cook Strait as she was the only local D'Urville Island boat with an open water survey that allowed her to transport fee-paying passengers and supplies across Cook Strait. The young people's knowledge of Cook Strait tides, weather patterns, reefs, currents etc. had its beginnings from accompanying their tūpuna on such voyages. The Destiny was the escort and the support vessel for Te Awatea Hou in all of her Cook Strait crossings and most of her Tasman Bay/Golden Bay voyages.

5.19 Apart from private owners, the iwi of Ngāti Kōata have also owned fishing boats including the Kelvic, Te Ruruku and Kawharu (these last two vessels were renamed after Kōata tūpuna).

5.20 Ngāti Kōata boats and divers were used to carry out the paua survey on the northern west coast in the early 1990s.

5.21 Ngāti Kōata fishermen were some of the original Nelson Scallop fishermen. One kaumatua was part of the pioneer scallop fishing fleet that discovered the commercial scallop beds in Tasman and Golden Bays.

5.22 The Ngāti Kōata Trust also holds and operates on behalf of the iwi a marine mammal watching permit.

**Navigation and Safety**

5.23 Ngāti Kōata taught their youth to read the surges that run up the beach, the swells and the pattern of the swells, the fish behaviour, the sky and the cloud movements to be able to make a judgement call on the proposed success of the journey. Nothing is as simple as one would like it to be, because the current in Cook Strait has been known to run one way for up to 36 hours.

5.24 Ngāti Kōata also used to navigate by the skyline. Navigation at night or in restricted visibility for some iwi members was by facing stern-ward and reading the hills. They set their heading by identifying the tops of the hills behind them until the skyline in front became visible. Some iwi members could find the channels and the little bays purely by navigating by the skyline.

5.25 The French Pass (Te Aumiti) lighthouse is unique in the world because the warning lights are opposite. When you are in the red sector of the light it means it is all clear, there is no danger. When you are in the white sector of the light you're going to run into problems, like rocks. This is because a white light can be seen from a further distance than the red lights. Also if you are in the vicinity of the Beef Barrel and the other rocks you can't see the red light. Ngāti Kōata used the main channel between the two beacons but due to local knowledge they also used an unmarked channel immediately on the Island side of the beacon, and a further unmarked channel called Fisherman's Passage on the Island side of the reef.

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- 5.26 Because of the large catchment of the Tasman and Golden Bays, very strong tidal currents are generated between Separation Point and D'Urville Island, creating massive sea conditions which seafarers are not aware of until they've been caught out by making a direct line crossing.
- 5.27 Ngāti Kōata have long shared a concern about the shipping accidents at French Pass, which is perhaps one of the most dangerous pieces of water in the southern hemisphere. Because Ngāti Kōata are familiar with, and have navigated that water for generations, they provided land on one of the islands owned by them in 1999 for Maritime Safety to place a navigation light at no cost.
- 5.28 Maritime experts from Ngāti Kōata have also been used in the past to survey coastlines from Taranaki to Nelson and around the Marlborough Sounds.

**Iwi Management Plan**

- 5.29 Ngāti Kōata have developed an iwi management plan and:
- 5.29.1 have lodged the iwi management plan with the following local authorities:
- (a) Tasman District Council;
  - (b) Nelson City Council; and
  - (c) Marlborough District Council; and
- 5.29.2 that iwi management plan includes a marine management plan; and
- 5.29.3 the local authorities listed in clause 5.29.1 have an obligation under the Resource Management Act 1991 to take into account that iwi management plan when preparing or changing a regional policy statement or regional coastal plan.

**Ruruku Ngā Tai**

- 5.30 The name of this statement was given by the kaumatua of Ngāti Kōata and is Ruruku Ngā Tai; reflecting the continuing process of carving through the waterways on our waka.
- 5.31 Ngāti Kōata associations with the sea areas Cook, Abel and Stephens are central to our history, identity, kaitiakitanga and mauri. This moana incorporates our cultural values; Ngāti Kōata have mana, whakapapa associations and history in the sea areas Cook, Abel and Stephens. Ngāti Kōata have tikanga and kawa, including tapu and noa in the sea areas Cook, Abel and Stephens.
- 5.32 The traditional kaitiaki relationship is emphasised through the spiritual relationship between Ngāti Kōata and the natural environment. The mauri is a critical element of the spiritual life force of this area, and is therefore an important relationship for Ngāti Kōata. Ngāti Kōata have mana in the sea areas Cook, Abel and Stephens.

**TE WAKA HOURUA (DEEDS OF RECOGNITION)**

*Te Waka Hourua - "A double hull waka - two entities as one navigating the seas"*

*nō Rosemary Hippolite te whakaaro*

5.33 The Crown will, by or on the settlement date, provide Te Pātaka a Ngāti Kōata trustees with a copy of each of the following:

5.33.1 a deed of recognition, signed by the Minister of Conservation and Director-General of Conservation, relating to the parts of the following areas owned by the Crown and managed by the Department of Conservation:

- (a) Maungatapu (as shown on deed plan OTS-202-44);
- (b) Matapehe (as shown on deed plan OTS-202-45);
- (c) Moawhitu (Rangitoto ki te Tonga / D'Urville Island) (as shown on deed plan OTS-202-53);
- (d) Askews Hill quarry site in Taipare Conservation Area (as shown on deed plan OTS-202-56);
- (e) Cullen Point (as shown on deed plan OTS-202-112);
- (f) Penguin Bay (Rangitoto ki te Tonga / D'Urville Island) (as shown on deed plan OTS-202-57);
- (g) Otuhaereroa Island (as shown on deed plan OTS-202-129);
- (h) Motuanauru Island (as shown on deed plan OTS-202-130);
- (i) Maitai River and its tributaries (as shown on deed plan OTS-202-64);
- (j) Waimea, Wairoa, and Wai-iti Rivers and their tributaries (as shown on deed plan OTS-202-66);
- (k) Te Hoiere / Pelorus River and its tributaries (as shown on deed plan OTS-202-70); and
- (l) Whangamoā River and its tributaries (as shown on deed plan OTS-202-102);

5.33.2 a deed of recognition, signed by the Commissioner of Crown Lands, relating to the parts of the following areas owned and managed by the Crown:

- (a) Maitai River and its tributaries (as shown on deed plan OTS-202-64);
- (b) Waimea River, Wairoa River, and Wai-iti River and their tributaries (as shown on deed plan OTS-202-66);
- (c) Te Hoiere / Pelorus River and its tributaries (as shown on deed plan OTS-202-70); and
- (d) Whangamoā River and its tributaries (as shown on deed plan OTS-202-102).

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- 5.34 A deed of recognition will require that, if the Crown is undertaking certain activities within an area that the deed relates to, Te Pātaka a Ngāti Kōata trustees will be consulted, and regard given to their views, concerning the association of Ngāti Kōata with the area as described in a statement of association.

**KA TIKA TE REO KA PUAWAI (CONSERVATION STATUTORY ADVISER)**

*Ka Tika te Reo ka Puawai - "When the dialogue is correct, the Kaupapa will blossom"*

*nō Wahanui Elkington*

- 5.35 In clause 5.36:
- 5.35.1 **Takapourewa** means that site shown on deed plan OTS-202-117;
- 5.35.2 **Whangarae** means that site shown on deed plan OTS-202-118; and
- 5.35.3 **Moawhitu** means that site shown on deed plan OTS-202-39.
- 5.36 The settlement legislation will, on the terms provided by sections 147 and 148 of the draft settlement bill, provide:
- 5.36.1 for the appointment of Te Pātaka a Ngāti Kōata trustees as statutory advisers in relation to Takapourewa, Whangarae and Moawhitu;
- 5.36.2 for Te Pātaka a Ngāti Kōata trustees as statutory advisers to provide advice to the Minister of Conservation in relation to restoration of native flora and management of native fauna species at or proposed to be relocated to Takapourewa, Whangarae and Moawhitu; and
- 5.36.3 that the Minister of Conservation must have regard to the advice of Te Pātaka a Ngāti Kōata trustees as statutory advisers when making decisions on the matters set out in clauses 5.36.2;
- 5.37 The settlement legislation will provide that if Te Pātaka a Ngāti Kōata trustees purchase the Whangarae Estuary DSP under clause 6.11 then, from the actual TSP settlement date, that site will not form part of Whangarae under clause 5.35.2.

**HE WHIRINGA WHAKAARO (TAKAPOUREWA OPERATIONAL PLAN)**

*He Whiringa Whakaaro - "Thoughts / ideas which bind parties"*

*nā Ngāti Kōata Kaumatua Te Reo Class*

- 5.38 The Director-General of Conservation and Te Pātaka a Ngāti Kōata trustees will jointly prepare and approve an operational plan for Takapourewa / Takapourewa Nature Reserve being 150.3314 hectares, more or less, being Sections 1, 2, and 3 SO 15162, Nelson Land District (**Takapourewa operational plan**).
- 5.39 The parties will commence preparation of the Takapourewa operational plan no later than three months after the settlement date.
- 5.40 The Takapourewa operational plan will be completed and approved by the parties no later than two years after the settlement date.



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- 5.41 The Takapourewa operational plan will come into force once it is approved and signed by:
- 5.41.1 Te Pātaka a Ngāti Kōata trustees; and
  - 5.41.2 the Department of Conservation's Nelson/Marlborough Conservator on behalf of the Director-General of Conservation.
- 5.42 The Takapourewa operational plan will, among other things, set out the process for customary use of fauna and flora by Ngāti Kōata.
- 5.43 The Director-General of Conservation and Te Pātaka a Ngāti Kōata trustees will undertake a review of the Takapourewa operational plan no later than 10 years (or such other term as agreed in writing by the Director-General of Conservation and the Te Pātaka a Ngāti Kōata trustees) after the date upon which that plan comes into force, or after the completion of the last review (as the case may be).
- 5.44 The parties may agree at any time that the Takapourewa operational plan be amended to address any new issues that the parties consider need to be addressed before the next review of that plan.
- 5.45 To avoid doubt:
- 5.45.1 except as expressly provided, nothing in this clause 5.45 derogates from the deed of settlement between Her Majesty the Queen of New Zealand and Ngāti Kōata no Rangitoto ki te Tonga Trust and James Hemi Elkington dated 29 November 1994 (**the 1994 Deed of Settlement**) in relation to Takapourewa; and
  - 5.45.2 the absence of a Takapourewa operational plan does not prevent the Director-General of Conservation from exercising statutory functions in relation to Takapourewa / Takapourewa Nature Reserve, provided that those functions are exercised in a manner consistent with:
    - (a) section 4 of the Conservation Act 1987 in relation to the principles of the Treaty of Waitangi; and
    - (b) the 1994 Deed of Settlement in relation to Takapourewa.

**TANGI WAIRUA TE MATANGI (STATEMENT OF HISTORICAL ASSOCIATION)**

*Tangi Wairua te Matangi - "A breeze which brings a spiritual call"*

*nā Ngāti Kōata waiata - Tommy Taurima*

- 5.46 The settlement legislation will, on the terms provided by section 154 of the draft settlement bill, provide the Crown's acknowledgement of the statement by Ngāti Kōata of their historical association with West of Separation Point / Te Matau.
- 5.47 The statement of historical association with West of Separation Point / Te Matau is in part 2.2 of the documents schedule.

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**NGĀ MAUNGA KŌRĒRŌ (PROTOCOLS)**

*Ngā Maunga Kōrērō - "Lofty mountains communicating - Two parties of importance negotiating"*

*nō Wahanui Elkington*

- 5.48 Each of the following protocols will, by or on the settlement date, be signed and issued to Te Pātaka a Ngāti Kōata trustees by the responsible Minister:
- 5.48.1 the conservation protocol;
  - 5.48.2 the fisheries protocol;
  - 5.48.3 the taonga tūturu protocol; and
  - 5.48.4 the minerals protocol.
- 5.49 A protocol sets out how the Crown will interact with Te Pātaka a Ngāti Kōata trustees with regard to the matters specified in it.

**FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOLS**

- 5.50 A deed of recognition and a protocol will be:
- 5.50.1 in the form in the documents schedule; and
  - 5.50.2 issued under, and subject to, the terms provided by sections 31 to 38 and section 49 of the draft settlement bill.
- 5.51 A failure by the Crown to comply with a deed of recognition or a protocol is not a breach of this deed.
- 5.52 To avoid doubt, despite clause 5.51:
- 5.52.1 a deed of recognition is enforceable in its own right; and
  - 5.52.2 a protocol is enforceable in the manner set out in section 34 of the draft settlement bill.

**NGĀ MARAMARA HIRAHIRA (CULTURAL REDRESS PROPERTIES)**

*Ngā Maramara Hirahira - "Important Shavings - although they're the shavings remaining from a carving, they have importance. Maramara are the leftovers and hirahira denotes everything has a tapu, even the leftovers"*

*nō Rosemary Hippolite te whakaaro*

- 5.53 The settlement legislation will vest in Te Pātaka a Ngāti Kōata trustees on the settlement date:

**In fee simple**

- 5.53.1 the fee simple estate in the following site:
- (a) Catherine Cove;

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**In fee simple subject to easements**

5.53.2 the fee simple estate in the following site (excluding any improvements), subject to the Minister of Conservation providing Te Pātaka a Ngāti Kōata trustees with a registrable right to convey water, and Te Pātaka a Ngāti Kōata trustees providing a registrable easement (containing certain restrictive covenants) in relation to that site in the forms included in the documents schedule:

- (a) Whangarae Bay (Okiwi Bay);

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

5.53.3 the fee simple estate in each of the following sites, subject to Te Pātaka a Ngāti Kōata trustees providing a registrable covenant in relation to that site in the form included in the documents schedule:

- (a) Lucky Bay (the covenant applies to only that part of the site indicated as "A" on the deed plan);
- (b) Wharf Road (Okiwi Bay); and
- (c) Whangarae Estuary (the covenant applies to only that part of the site indicated as "A" on the deed plan);

**As a recreation reserve**

5.53.4 the fee simple estate in the following site (excluding any improvements) as a recreation reserve:

- (a) Mātangi Āwhio (Nelson), to be vested jointly as tenants in common with the Ngāti Tama ki Te Waipounamu Trust, the Ngāti Rarua Settlement Trust, the Te Ātiawa o Te Waka-a-Māui Trust and the Kurahaupō iwi with the Nelson City Council being the administering body for the reserve; and

**As a scenic reserve**

5.53.5 the fee simple estate in the following site as a scenic reserve with Te Pātaka a Ngāti Kōata trustees as the administering body:

- (a) Moukirikiri Island.

5.54 Each cultural redress property will be:

5.54.1 as described in schedule 3 of the draft settlement bill;

5.54.2 vested on the terms provided by sections 75 to 137 of the draft settlement bill; and

5.54.3 subject to or together with any encumbrances in relation to that property:

- (a) required by clause 5.53 to be provided by Te Pātaka a Ngāti Kōata trustees; or

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- (b) required by the settlement legislation; and
- (c) referred to in schedule 3 of the settlement legislation.

5.55 Part 2 of the property redress schedule applies in relation to the vesting of the cultural redress properties.

5.56 The general location of each cultural redress property is shown on a deed plan in the attachments. These deed plans are indicative only and are subject to clause 5.54.1.

**HE PUTANGA HUA (RIGHT OF WAY FOR MOAWHITU FISHING RESERVE)**

*He Putanga Hua - "An opening towards abundance"*

*nō Wahanui Elkington*

5.57 The settlement legislation will, on the terms provided by section 137 of the draft settlement bill, require the Minister of Conservation to provide Te Pātaka a Ngāti Kōata trustees with an unregistered right of way easement in gross over part of Rangitoto ki te Tonga / D'Urville Island Scenic Reserve in the form included in part 5 the documents schedule.

**FRENCH PASS RECREATION RESERVE AND FRENCH PASS LIGHTHOUSE RESIDENCE**

5.58 The parties acknowledge that despite the French Pass Recreation Reserve and French Pass Lighthouse Residence being listed as financial and commercial redress pursuant to clause 6.15, the right of first refusal over those properties reflects the cultural significance of the properties to Ngāti Kōata.

**VESTING OF FRENCH PASS SCHOOL AND TEACHERS' RESIDENCE**

5.59 As the Ministry of Education has determined that it no longer requires French Pass School and teachers' residence for a public work, the settlement legislation will, on the terms provided by sections 131 to 134 of the draft settlement bill, provide that:

5.59.1 the Chief Executive of LINZ will determine if all or any part of the French Pass School and teachers' residence is subject to rights or obligations that would be inconsistent with vesting that land in Te Pātaka a Ngāti Kōata trustees;

5.59.2 as soon as practicable after the Chief Executive of LINZ makes a determination under clause 5.59.1, but not before the settlement legislation comes into force, the Secretary for Education will give written notice to Te Pātaka a Ngāti Kōata trustees setting out:

- (a) the legal description of any area that is free of such rights and obligations (**cleared land**); and
- (b) the legal description of any part of the French Pass School and teachers' residence that is not cleared land;

5: CULTURAL REDRESS

5.59.3 where the determination under clause 5.59.1 identifies any cleared land, the notice under clause 5.59.2 will also include:

- (a) the date that the cleared land will vest in Te Pātaka a Ngāti Kōata trustees, which must be the later of:
  - (i) the settlement date; or
  - (ii) the day that is 10 working days after the date on which the notice is given; and
- (b) the description of any encumbrance that will apply to the vesting of the cleared land; and

5.59.4 on the date specified under clause 5.59.3(a) the fee simple estate in the cleared land will vest in Te Pātaka a Ngāti Kōata trustees subject to, or together with, any encumbrances specified under clause 5.59.3(b).

**TE KUPU WHAKAIRO (MEMORANDUM OF UNDERSTANDING)**

*Te Kupu Whakairo - "Carving the Word"*

*nā Ngāti Kōata Kaumatua Te Reo Class*

- 5.60 The Crown will, within six months of the settlement date, provide Te Pātaka a Ngāti Kōata trustees (or other persons nominated by the trustees) with two copies of a memorandum of understanding signed by the Director-General of Conservation relating to Whangarae Bay being Section 3 SO430484.
- 5.61 The memorandum of understanding will require that, if the Department of Conservation is undertaking certain activities within Whangarae Bay, Te Pātaka a Ngāti Kōata trustees (or other persons nominated by the trustees) will be consulted, and regard given to their views, to respect the association of members of Ngāti Kōata with Whangarae Bay.
- 5.62 If Te Pātaka a Ngāti Kōata trustees (or other persons nominated by the trustees) wish to enter into the memorandum of understanding, they will within 20 business days of receiving it from the Crown under clause 5.60:
- 5.62.1 counter-sign both copies of the memorandum of understanding; and
  - 5.62.2 return one counter-signed copy of the memorandum of understanding to the Crown.

5: CULTURAL REDRESS

**NEW AND ALTERED GEOGRAPHIC NAMES**

5.63 The settlement legislation will, on the terms provided by sections 138 to 141 of the draft settlement bill, from the settlement date:

5.63.1 assign each of the following new geographic names to the location set opposite it:

<b>New geographic name</b>	<b>Location (NZTopo50 map and grid references)</b>	<b>Geographic feature type</b>
Te Punawai Pā	BQ26 221313	Pā
Te Ope-a-Kupe Rock	BP29 036549	Rock
Ōmāhuri	BP28 641554	Isthmus
Te Ana-o-Rongomaipapa Bay	BQ29 880174	Bay
Te Araruahinewai	BR25 985840	Locality
Paratītahi Tarns	BS24 873616	Lake
Matapihi Bay	BP27 565496	Bay
Kahuroa Hill	BQ28 692398	Hill
Pukekoikoi Hill	BP25 005559	Hill
Paraumu Tarn	BS24 873611	Lake
Otauirā Pā	BQ29 897212	Pā
Mangatāwhai	BR25 917770	Locality

5.63.2 alter each of the following existing geographic names to the altered geographic name set opposite it:

<b>Existing geographic name (gazetted, recorded or local)</b>	<b>Altered geographic name</b>	<b>Location (NZTopo50 map and grid references)</b>	<b>Geographic feature type</b>
Queen Charlotte Sound (Totaranui)	Queen Charlotte Sound / Tōtaranui	BQ28 764302 - BP30ptBQ30 134549 BP29,BQ29, BQ28	Sound
Port Underwood	Te Whanganui / Port Underwood	BQ29 943246 BQ29 945249	Bay
Pelorus Sound	Pelorus Sound / Te Hoiere	BP28 810530 - BQ28 645318	Sound

**NGĀTI KŌATA DEED OF SETTLEMENT**

**5: CULTURAL REDRESS**

<b>Existing geographic name (gazetted, recorded or local)</b>	<b>Altered geographic name</b>	<b>Location (NZTopo50 map and grid references)</b>	<b>Geographic feature type</b>
Drumduan	Horoirangi / Drumduan	BQ26 334407	Hill
Cloudy Bay	Te Koko-o-Kupe / Cloudy Bay	BQ29 934109	Bay
Separation Point	Separation Point / Te Matau	BN25 998854	Point
Lake Angelus	Rotomaninitua / Lake Angelus	BS24 789628	Lake
Mount Campbell	Pukeone / Mount Campbell	BP24 876475	Hill
Fighting Bay	Ōraumoā / Fighting Bay	BQ29 005250	Bay
Angelus Peak	Maniniaro / Angelus Peak	BS24 788604	Hill
Mount Freeth	Te Tara-o-Te-Marama / Mount Freeth	BQ28 816278	Hill
Greville Harbour	Greville Harbour / Wharariki	BN28 672797 BP28	Harbour
Goulter Hill	Hikurangi / Goulter Hill	BR28 669007	Hill
Waikoropupu River	Te Waikoropupū River	BN24 826791 - BP24 734772	Stream
Whakitenga Bay	Whakakitenga Bay	BP28 630553	Bay
Onamalutu River	Ōhinemahuta River	BQ27 556153 - BQ28 675082	Stream
Tasman Bay	Tasman Bay / Te Tai-o-Aorere	BP26ptBP27 240600 BP25, BP27, BQ25, BQ26	Bay
Port Gore	Te Anamāhanga / Port Gore	BP29 036578 BP30ptBQ30	Bay
Church Hill	Pikimai / Church Hill	BQ26 238305	Hill
Pickersgill Island	Matapara / Pickersgill Island	BP29 076426 BP30ptBQ30	Island
Mount Robertson	Tokomaru / Mount Robertson	BQ29 855221	Hill
Tory Channel	Tory Channel / Kura Te Au	BQ29 969351 - BP30ptBQ30 106369	Strait

**NGĀTI KŌATA DEED OF SETTLEMENT**

**5: CULTURAL REDRESS**

<b>Existing geographic name (gazetted, recorded or local)</b>	<b>Altered geographic name</b>	<b>Location (NZTopo50 map and grid references)</b>	<b>Geographic feature type</b>
Robin Hood Bay	Waikutakuta / Robin Hood Bay	BQ29 902207	Bay
Torrent Bay	Rākauroa / Torrent Bay	BP25 048669	Bay
Lake Constance	Rotopōhueroa / Lake Constance	BS24 720417	Lake
Attempt Hill	Takapōtaka / Attempt Hill	BP28 731771	Hill
Rabbit Island	Moturoa / Rabbit Island	BQ25 119313 BQ26	Island
Mount Robert	Pourangahau / Mount Robert	BS24 843688	Hill
Split Apple Rock	Tokangawhā / Split Apple Rock	BP25 017592	Rock
Gowan River	Te Kauparenui / Gowan River	BR24 662729 - BR24 641821	Stream
Travers Saddle	Poukirikiri / Travers Saddle	BS24 778472	Saddle
Opawa River	Ōpaoa River	BR28 710055 - BR29 875045 BQ28	Stream
Whareata Bay	Whareātea Bay	BN28 788810	Bay
Golden Bay	Golden Bay / Mohua	BN25 901946 BM24,BM25,BN25	Bay
Cable Bay	Rotokura / Cable Bay	BP26ptBP27 346440	Bay
Pelorus River	Te Hoiere / Pelorus River	BQ28 638317 - BR26 250058	River
Boulder Bank	Te Pokohiwi / Boulder Bank	BR29 914025	Boulder bank
Blue Lake	Rotomairewhenua / Blue Lake	BS24 717436	Lake
Howard River	Hinemōatū / Howard River	BR24 736813 - BS24 747699	River
Ship Cove	Meretoto / Ship Cove	BP29 044498	Bay
Te Aumiti (French Pass)	Te Aumiti / French Pass	BP28 703695	Strait



5: CULTURAL REDRESS

Existing geographic name (gazetted, recorded or local)	Altered geographic name	Location (NZTopo50 map and grid references)	Geographic feature type
Canaan Downs (local name not recorded)	Pikikirunga / Canaan Downs	BP25 910676	Area
Arthur Range	Wharepapa / Arthur Range	BP25 897580 - BQ23 590134	Range
Whites Bay	Pukatea / Whites Bay	BQ29 884176	Bay
Ruby Bay	Te Mamaku / Ruby Bay	BQ25 075358	Bay
Speargrass Creek	Te Horowai / Speargrass Creek	BR24 808769 - BS24 797635	Stream
Adele Island	Motuareronui / Adele Island	BP25 050633	Island
Red Hill	Maungakura / Red Hill	BR25 048917	Hill
Arapawa Island	Arapaoa Island	BQ30 100398	Island
Riwaka River	Riuwaka River	BP25 936559 - BP25 001540	Stream
Riwaka River North Branch	Riuwaka River North Branch	BP25 915577 - BP25 936559	Stream
Riwaka River South Branch	Riuwaka River South Branch	BP24 853474 - BP25 936559	Stream
Tutumopo	Tūtūmāpou Hill	BQ27 545287	Hill

**RELATIONSHIPS WITH LOCAL AUTHORITIES**

5.64 Following the signing of this deed of settlement, the Minister for Treaty of Waitangi Negotiations will write to the following local authorities encouraging each authority to enter into a Memorandum of Understanding with Te Pātaka a Ngāti Kōata trustees in relation to the interaction between Ngāti Kōata and that authority:

5.64.1 Nelson City Council;

5.64.2 Tasman District Council;

5.64.3 Marlborough District Council; and

5.64.4 Buller District Council.

**NGĀ NGARU WĀWĀHIA (LETTERS OF INTRODUCTION)**

*Ngā Ngaru Wāwāhia - "Breaking through the waves - making open the pathway. Also provides link to our Tainui roots"*

*nā Ngāti Kōata Kaumatua Te Reo Class*

- 5.65 No later than six months after the settlement date, the Minister for Arts, Culture and Heritage will write to the chief executive of Te Papa Tongarewa inviting Te Papa Tongarewa to enter into a relationship with Te Pātaka a Ngāti Kōata trustees for the purpose of Te Papa Tongarewa compiling an inventory of Ngāti Kōata taonga tūturu which are held by Te Papa Tongarewa.
- 5.66 No later than six months after the settlement date, the Minister for Arts, Culture and Heritage will write to the chief executive of the following museums inviting each museum to enter into a relationship with Te Pātaka a Ngāti Kōata trustees:
- 5.66.1 Canterbury Museum;
- 5.66.2 Otago Museum;
- 5.66.3 Nelson Provincial Museum; and
- 5.66.4 any additional museum notified to the Minister for Arts, Culture and Heritage by Te Pātaka a Ngāti Kōata trustees by the date that is four months after the settlement date.

**RIVER AND FRESHWATER ADVISORY COMMITTEE**

- 5.67 The parties acknowledge that:
- 5.67.1 the iwi with interests in Te Tau Ihu have agreed to form an advisory committee in relation to the management of rivers and fresh water;
- 5.67.2 the advisory committee is intended to work in a collaborative manner with the common purpose of promoting the health and wellbeing of the rivers and fresh water within the jurisdiction of the relevant councils;
- 5.67.3 in undertaking its work the advisory committee will respect and operate in a manner that recognises that while some resource management issues will be of generic interest to all iwi with interests in Te Tau Ihu, other issues may be of interest primarily to particular iwi;
- 5.67.4 the formation of the advisory committee provides a foundation for the participation of the iwi with interests in Te Tau Ihu in the management by the relevant councils of rivers and fresh water, and the relevant councils and iwi may work together to enhance that participation through other means;
- 5.67.5 the relevant councils may, without further inquiry, accept any advice from the advisory committee as being in accordance with the procedural requirements of the advisory committee; and
- 5.67.6 the iwi participating in the advisory committee will each contribute equally to meeting the costs of the advisory committee.

5: CULTURAL REDRESS

5.68 The settlement legislation will, on the terms provided by sections 155 to 161 of the draft settlement bill, provide:

5.68.1 for the establishment of an advisory committee in relation to the management of rivers and fresh water within the jurisdictions of:

- (a) Marlborough District Council;
- (b) Nelson City Council; and
- (c) Tasman District Council;

together the “**relevant councils**”;

5.68.2 subject to clause 5.68.3, for the advisory committee to be comprised of a maximum of eight members, with one member to be appointed by each of the governance entities for the eight iwi with interests in Te Tau Ihu;

5.68.3 that following the settlement date, any of the governance entities for the eight iwi with interests in Te Tau Ihu may give notice to the other governance entities of its intention to appoint a member to the advisory committee;

5.68.4 for the opportunity for the advisory committee to provide timely advice to each of the relevant councils, in response to an invitation, in relation to the management of rivers and fresh water under the Resource Management Act 1991:

- (a) prior to a relevant council making decisions on the review of policy statements or plans under section 79 of the Resource Management Act 1991;
- (b) prior to a relevant council preparing or changing policy statements or plans under clause 2 of Schedule 1 of the Resource Management Act 1991; and
- (c) prior to a relevant council notifying a proposed policy statement or plan under clause 5 of Schedule 1 (with reference to section 32) of the Resource Management Act 1991;

5.68.5 that the relevant councils will, when exercising functions and powers in relation to the matters set out in clause 5.68.4, extend an invitation to the advisory committee to provide advice in relation to the management of rivers and fresh water under the Resource Management Act 1991;

5.68.6 that where a relevant council extends an invitation to the advisory committee to provide advice, the advisory committee must provide any advice no later than two months after the date upon which the invitation is received by the advisory committee (or such other period as may be agreed between a relevant council and the committee);

5.68.7 that where the time period specified in clause 5.68.6 has been complied with, the relevant councils will, when exercising functions and powers in relation to the matters set out in clause 5.68.4, have regard to the advice of the advisory committee to the extent that advice relates to the management of rivers and fresh water under the Resource Management Act 1991;

5: CULTURAL REDRESS

- 5.68.8 for the advisory committee to:
- (a) regulate its own procedure;
  - (b) operate on the basis of consensus decision-making;
  - (c) have a quorum of a majority of the members of the committee; and
  - (d) nominate an address for service and advise the relevant councils of this address;
- 5.68.9 that the advisory committee may request information from the relevant councils on the carrying out by the relevant councils of the functions and powers referred to in clause 5.68.4;
- 5.68.10 that upon receipt of a request under clause 5.68.9, the relevant councils will, where reasonably practicable, provide information to the advisory committee on the matters contained in that request;
- 5.68.11 that the advisory committee may request that one or more representatives of the relevant councils attend a meeting of the advisory committee;
- 5.68.12 that where reasonably practicable the relevant councils will comply with a request under clause 5.68.11, and that council may determine the appropriate representatives to attend any such meeting;
- 5.68.13 that each relevant council will not be required to attend any more than four meetings in any one calendar year;
- 5.68.14 that the advisory committee will give a relevant council at least 10 business days notice of any such meeting;
- 5.68.15 that the advisory committee will provide a meeting agenda with any request made under clause 5.68.11;
- 5.68.16 that subject to the prior written agreement of the advisory committee and a relevant council, the advisory committee may provide advice to that council on any other matter under the Resource Management Act 1991;
- 5.68.17 that any agreement between a relevant council and the advisory committee under clause 5.68.16 may be terminated by either party by notice in writing;
- 5.68.18 that, to avoid doubt, the obligations under this clause 5.68 are additional to, and do not derogate from, any other obligations of a relevant council under the Resource Management Act 1991.

**MINERALS FOSSICKING**

- 5.69 The settlement legislation will, on the terms provided by sections 142 to 146 of the draft settlement bill, provide:
- 5.69.1 for any member of Ngāti Kōata who has written authorisation from Te Pātaka a Ngāti Kōata trustees to access river beds within specified types of public conservation land in the relevant fossicking area (as shown on deed plan OTS-202-120):

**5: CULTURAL REDRESS**

- (a) for the purpose of searching for and removing any sand, shingle or other natural material in a river bed by hand; and
  - (b) without an authorisation under the conservation legislation; and
- 5.69.2 that, to avoid doubt, a person exercising the right under clause 5.69.1(a) must comply with all other lawful requirements, including under the Resource Management Act 1991, the Crown Minerals Act 1991, and any minerals programme under the Crown Minerals Act 1991.

**CULTURAL REDRESS GENERALLY NON-EXCLUSIVE**

5.70 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.

**POST-SETTLEMENT ON-TRANSFER**

5.71 The parties acknowledge that:

- 5.71.1 while the cultural redress properties will transfer from the Crown to Te Pātaka a Ngāti Kōata trustees on settlement date, the intention of Ngāti Kōata is to on-transfer specific cultural redress properties to whānau groups/entities when practicable;
- 5.71.2 the specific cultural redress properties are:
  - (a) Catherine Cove;
  - (b) Whangarae Bay (Okiwi Bay); and
  - (c) Wharf Road (Okiwi Bay); and
- 5.71.3 any such on-transfer would be subject:
  - (a) in relation to any cultural redress property over which Te Pātaka a Ngāti Kōata trustees must provide the Crown with a registrable covenant, to Te Pātaka a Ngāti Kōata trustees first obtaining, in accordance with the relevant covenant in part 5 of the documents schedule, the agreement of the relevant whānau group/entity to the terms of that covenant; and
  - (b) to any encumbrance or other requirement or restriction provided for in this deed or the draft settlement bill.

## 6 FINANCIAL AND COMMERCIAL REDRESS

### FINANCIAL REDRESS

- 6.1 The Crown will pay Te Pātaka a Ngāti Kōata trustees on the settlement date an amount equal to:
- 6.1.1 \$11,760,000;
- less:
- 6.1.2 the on-account payment totalling \$507,643.84 referred to in clause 6.3; and
- 6.1.3 the total transfer values of:
- (a) the commercial redress properties (excluding the licensed land properties) being transferred on settlement date; and
  - (b) the licensed land properties, being \$5,784,616, being transferred on settlement date.
- 6.2 The parties acknowledge that the amount in clause 6.1.1 has been calculated having regard to the following:
- 6.2.1 \$3,010,000, which Te Pātaka a Ngāti Kōata trustees may, at their discretion, receive either in cash or in the form of commercial redress properties with which Ngāti Kōata has a cultural association; and
- 6.2.2 \$8,750,000;
- provided that nothing in this clause 6.2 shall:
- 6.2.3 create any obligation, duty or trust of any sort on Te Pātaka a Ngāti Kōata trustees in respect of the cash settlement amount; or
- 6.2.4 imply or infer that any redress provided by the Crown to Te Pātaka a Ngāti Kōata trustees is for any purpose other than the settlement of the historical claims.

### ON-ACCOUNT PAYMENT

- 6.3 The parties acknowledge that before the date of this deed the Crown paid \$507,643.84 to Ngāti Kōata on account of the settlement.

### COMMERCIAL REDRESS PROPERTIES

- 6.4 The Crown will transfer the properties listed in the table in part 3 of the property redress schedule to Te Pātaka a Ngāti Kōata trustees on the settlement date.
- 6.5 The table in part 3 of the property redress schedule specifies the commercial redress properties to be leased back to the Crown immediately following the transfer of those properties to Te Pātaka a Ngāti Kōata trustees. Where the lease is a registrable ground lease, Te Pātaka a Ngāti Kōata trustees will be purchasing only the bare land, the ownership of improvements remaining unaffected by the purchase. The forms of

**6: FINANCIAL AND COMMERCIAL REDRESS**

lease to be entered into between Te Pātaka a Ngāti Kōata trustees and the relevant land holding agency are set out in part 6 of the documents schedule.

6.6 The transfer of a commercial redress property under clause 6.4 by the Crown to Te Pātaka a Ngāti Kōata trustees are to be on the terms and conditions in part 6 of the property redress schedule and will be:

6.6.1 subject to, and where applicable with the benefit of, the encumbrances provided in the disclosure information in relation to that property; and

6.6.2 in the case of a licensed land property, in addition to any encumbrances referred to in clause 6.6.1, where set out in the table in part 3 of the property redress schedule, also subject to:

(a) the Crown providing to Te Pātaka a Ngāti Kōata trustees before the registration of the transfer for the licensed land property, a right of way easement on the terms and conditions set out as "type B" in part 7 of the documents schedule (subject to any variations in form necessary only to ensure its registration); and

(b) the parties to the easement referred to in clause 6.6.2(a) being bound by the easement terms from settlement date.

6.7 The Crown acknowledges that right of way easements in gross previously entered into to provide access to Crown forest land are likely to be a continuing requirement for the ongoing management of the licensed land properties. The Crown therefore agrees to consult with Te Pātaka a Ngāti Kōata trustees and the relevant licensees, with a view to assigning those easements where an ongoing requirement is agreed.

**LICENSED LAND PROPERTIES**

6.8 The settlement legislation will, on the terms provided by sections 168 to 171 and 173 to 176 of the draft settlement bill, provide for the following in relation to a licensed land property:

6.8.1 its transfer by the Crown to Te Pātaka a Ngāti Kōata trustees:

6.8.2 it to cease to be Crown forest land upon registration of the transfer:

(a) the Crown to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 terminating the Crown forestry licence, in so far as it relates to the licensed land, at the expiry of the period determined under that section, as if:

(i) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land to Māori ownership; and

(ii) the Waitangi Tribunal's recommendation became final on settlement date;

(b) Te Pātaka a Ngāti Kōata trustees to be the licensor under the Crown forestry licence, as if the licensed land had been returned to Māori ownership on the settlement date under section 36 of the Crown Forest Assets Act 1989, but without section 36(1)(b) applying; and

6: FINANCIAL AND COMMERCIAL REDRESS

6.8.3 for rights of access to areas that are wāhi tapu.

**ACCUMULATED RENTALS**

6.9 The Crown, Ngāti Kōata, Ngati Toa Rangatira, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui and Ngāti Rārua have agreed to allocate the accumulated rentals associated with the Te Tau Ihu licensed land as follows:

Ngati Toa Rangatira	50%
Ngāti Tama ki Te Tau Ihu	12.5%
Te Ātiawa o Te Waka-a-Māui	12.5%
Ngāti Rārua	12.5%
Ngāti Kōata	12.5%

6.10 Accordingly, the settlement legislation will, on the terms provided by section 170 of the draft settlement bill, provide that:

6.10.1 in relation to a licensed land property, Te Pātaka a Ngāti Kōata trustees will, from the settlement date, be confirmed beneficiaries under clause 11.1 of the Crown Forestry Rental Trust Deed; and

6.10.2 Te Pātaka a Ngāti Kōata trustees are entitled to 12.5% of the accumulated rentals associated with the Te Tau Ihu licensed land on the settlement date despite clause 11.1(b) of the Crown Forestry Rental Trust Deed.

**DEFERRED SELECTION PROPERTIES**

6.11 Te Pātaka a Ngāti Kōata trustees may, for three years after the settlement date, purchase the properties listed in part 4 of the property redress schedule on the terms and conditions in parts 5 and 6 of the property redress schedule.

6.12 If Te Pātaka a Ngāti Kōata trustees purchase the Whangarae Estuary DSP under clause 6.11:

6.12.1 from the actual TSP settlement date for that site, the covenant described in clause 5.53.3(c) will no longer apply to that part of Whangarae Estuary indicated as "A" on the deed plan OTS-202-124 and Te Pātaka a Ngāti Kōata trustees and the Crown will do all things reasonably necessary to effect such surrender; and

6.12.2 on or before the actual TSP settlement date for that site Te Pātaka a Ngāti Kōata trustees must provide the Crown with a registrable conservation covenant in relation to the Whangarae Estuary DSP on the same terms and conditions as the conservation covenant referred to in clause 5.53.3(c).

6.13 The table in part 4 of the property redress schedule specifies the deferred selection property to be leased back to the Crown immediately following any transfer of that property to Te Pātaka a Ngāti Kōata trustees. As the lease is a registrable ground lease, Te Pātaka a Ngāti Kōata trustees will be purchasing only the bare land, the ownership of improvements remaining unaffected by the purchase. The form of lease to be entered into between Te Pātaka a Ngāti Kōata trustees and the Ministry of Education is set out in part 6.1 of the documents schedule.



**SETTLEMENT LEGISLATION**

- 6.14 The settlement legislation will, on the terms provided by sections 162 to 167 of the draft settlement bill, enable the transfer of the commercial redress properties and the deferred selection properties.

**RIGHT OF FIRST REFUSAL OVER GENERAL RFR LAND**

- 6.15 Te Pātaka a Ngāti Kōata trustees are to have a right of first refusal in relation to a disposal by the Crown or Housing New Zealand Corporation of the properties listed in part 4 of the attachments.

- 6.16 The right of first refusal set out in clause 6.15 is to be on the terms provided by sections 177 to 207 of the draft settlement bill and, in particular, will apply:

6.16.1 for a term of 169 years from the settlement date; and

6.16.2 only if the general RFR land:

- (a) is vested in, or the fee simple estate in it is held by the Crown or Housing New Zealand Corporation on the settlement date; and
- (b) is not being disposed of in the circumstances provided by sections 185 to 196 of the draft settlement bill.

**RIGHT OF FIRST REFUSAL OVER DEFERRED SELECTION RFR LAND**

- 6.17 Te Pātaka a Ngāti Kōata trustees, in common with the Ngāti Tama ki Te Waipounamu Trust, the Ngāti Rārua Settlement Trust, the Te Ātiawa o Te Waka-a-Māui Trust and each of the Kurahaupō iwi are to have a right of first refusal in relation to a disposal by the Crown or NZTA of the deferred selection RFR land (such land excludes the property described as Nelson High/District Courthouse in the property redress schedule of the Ngāti Apa ki te Rā Tō deed of settlement).

- 6.18 The right of first refusal set out in clause 6.17 is to be on the terms provided by sections 177 to 207 of the draft settlement bill and, in particular, will apply:

6.18.1 for a term of 100 years from settlement date; and

6.18.2 only if the deferred selection RFR land is not being disposed of in the circumstances provided by sections 185 to 196 of the draft settlement bill.

**RIGHT OF FIRST REFUSAL OVER SPECIFIED AREA RFR LAND**

- 6.19 Te Pātaka a Ngāti Kōata trustees, in common with all the iwi with interests in Te Tau Ihu, are to have a right of first refusal in relation to a disposal by the Crown of the specified area RFR land.

- 6.20 The right of first refusal set out in clause 6.19 is to be on the terms provided by sections 177 to 207 of the draft settlement bill and, in particular, will apply:

6.20.1 for a term of 100 years from settlement date; and

6.20.2 only if the specified area RFR land:

**6: FINANCIAL AND COMMERCIAL REDRESS**

- (a) is vested in, or the fee simple estate in it is held by, the Crown, on the settlement date; and
- (b) is not being disposed of in the circumstances provided by sections 185 to 196 of the draft settlement bill.

**RIGHT OF FIRST REFUSAL OVER SETTLEMENT IWI RFR LAND**

- 6.21 Te Pātaka a Ngāti Kōata trustees, in common with the Ngāti Tama ki Te Waipounamu Trust, the Ngāti Rārua Settlement Trust and the Te Ātiawa o Te Waka-a-Māui Trust is to have a right of first refusal in relation to a disposal by the Crown of the settlement iwi RFR land.
- 6.22 The right of first refusal set out in clause 6.21 is to be on the terms provided by sections 177 to 207 of the draft settlement bill and, in particular, will apply:
- 6.22.1 for a term of 169 years from settlement date; and
  - 6.22.2 only if the settlement iwi RFR land:
    - (a) is vested in, or the fee simple estate in it is held by the Crown on the settlement date; and
    - (b) is not being disposed of in the circumstances provided by sections 185 to 196 of the draft settlement bill.

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

### **SETTLEMENT LEGISLATION**

- 7.1 Within 12 months after the date of this deed, the Crown will propose a bill for introduction to the House of Representatives that includes Parts 4 to 6 of the draft settlement bill, provided that the Crown has signed deeds of settlement with all of the iwi with interests in Te Tau Ihu.
- 7.2 The bill proposed for introduction may include changes:
- 7.2.1 of a minor or technical nature; or
  - 7.2.2 where clause 7.2.1 does not apply, where those changes have been agreed in writing between Te Pātaka a Ngāti Kōata trustees and the Crown.
- 7.3 Ngāti Kōata and Te Pātaka a Ngāti Kōata trustees will support the passage through Parliament of the settlement legislation that gives effect to the Ngāti Kōata deed of settlement.
- 7.4 Ngāti Kōata, Te Pātaka a Ngāti Kōata trustees and the Crown will maintain open channels of communication, and work together as is necessary during the passage of the bill through the House of Representatives.

### **SETTLEMENT CONDITIONAL**

- 7.5 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 7.6 Despite clause 7.5, upon signing:
- 7.6.1 this deed is “without prejudice” until it becomes unconditional and, in particular, it may not be used as evidence in proceedings before, or presented to, a court, tribunal, or other judicial body; and
  - 7.6.2 the following provisions of this deed are binding:
    - (a) clauses 7.5 to 7.9 of this deed;
    - (b) clauses 8.4 to 8.14 of this deed; and
    - (c) paragraph 1.3 and parts 3 to 6 of the general matters schedule.
- 7.7 Clause 7.6.1 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

### **TERMINATION**

- 7.8 The Crown or Te Pātaka a Ngāti Kōata trustees may terminate this deed, by notice to the other, if:
- 7.8.1 the settlement legislation giving effect to this deed has not come into force within 30 months after the date of this deed; and

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

7.8.2 the terminating party has given the other party at least 40 business' days notice of an intention to terminate.

**ON TERMINATION**

7.9 If this deed is terminated in accordance with its provisions, it:

7.9.1 (and the settlement) are at an end; and

7.9.2 does not give rise to any rights or obligations; but

7.9.3 remains "without prejudice".

## 8 INTEREST, GENERAL, DEFINITIONS AND INTERPRETATION

### INTEREST

- 8.1 The Crown will pay Te Pātaka a Ngāti Kōata trustees on the settlement date interest on \$8,242,356.16 (being the amount referred to in clause 6.2.2 less the amount referred to in clause 6.3).
- 8.2 The interest payable under clause 8.1 is payable:
- 8.2.1 for the period from 11 February 2009, being the date of the letter of agreement, to (but not including) 11 February 2011; and
  - 8.2.2 for the period from the date of the initialling of this deed, being 7 October 2011, to (but not including) the settlement date; and
  - 8.2.3 for both the periods in 8.2.1 and 8.2.2, at the rate from time to time set as the official cash rate, calculated on a daily basis but not compounding.
- 8.3 The interest is:
- 8.3.1 subject to any tax payable in relation to it; and
  - 8.3.2 payable after withholding any tax required by legislation to be withheld.

### GENERAL

- 8.4 The general matters schedule includes provisions in relation to:
- 8.4.1 the effect of the settlement and its implementation;
  - 8.4.2 taxation, including indemnities from the Crown in relation to taxation;
  - 8.4.3 the giving of notice under this deed or a settlement document; and
  - 8.4.4 amending this deed.

### HISTORICAL CLAIMS

- 8.5 In this deed, **historical claims**:
- 8.5.1 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 Kōata, 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;
    - (ii) under legislation;
    - (iii) at common law, including aboriginal title or customary law;

8: INTEREST, GENERAL, DEFINITIONS AND INTERPRETATION

(iv) from fiduciary duty; or

(v) otherwise; and

(b) arises from, or relates to, acts or omissions before 21 September 1992:

(i) by, or on behalf of, the Crown; or

(ii) by or under legislation; and

8.5.2 includes every claim to the Waitangi Tribunal to which clause 8.5.1 applies that relates exclusively to Ngāti Kōata or a representative entity, including the following claims:

(a) Wai 184 - Whangarae 1C claim;

(b) Wai 220/1220 - Cape Soucis Land claim;

(c) Wai 566 - Ngāti Kōata iwi claim;

(d) Wai 1007 - Ngāti Kōata Marine Farming and Aquaculture Claim; and

(e) Wai 1733 - D'Urville Island Scenic Reserve claim;

8.5.3 includes every other claim to the Waitangi Tribunal to which clause 8.5.1 applies, so far as it relates to Ngāti Kōata or a representative entity, including the following claims:

(a) Wai 56 - Nelson Lands and Fisheries claim;

(b) Wai 102 - Te Runanganui Te Tau Ihu o Te Waka a Maui claims;

(c) Wai 172 - Makara lands claim;

(d) Wai 262 - Indigenous Flora and Fauna and Cultural Intellectual Property claim; and

(e) Wai 648 - Grace Saxton, George Hori Toms and Colonial Laws of Succession claim within the Te Tau Ihu Inquiry;

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

8.6.1 a claim that a member of Ngāti Kōata, or a whānau, hapū, or group referred to in clause 8.9.1(c), may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in clause 8.9.1(a); and/or

8.6.2 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 8.6.1.

8.7 To avoid doubt, the term "historical claims" does not include the contemporary aspects of the:

8.7.1 Wai 262 - Indigenous Flora and Fauna Intellectual Property) claim; and

8.7.2 Wai 1007 - Ngāti Kōata Marine Farming and Aquaculture claim.

8: INTEREST, GENERAL, DEFINITIONS AND INTERPRETATION

8.8 To avoid doubt, clause 8.5.1 is not limited by clauses 8.5.2 or 8.5.3.

**NGĀTI KŌATA**

8.9 In this deed **Ngāti Kōata** means:

8.9.1 the collective group composed of individuals who are descended from:

- (a) Te Kōata; and
- (b) any other recognised ancestor of Ngāti Kōata who exercised customary rights predominantly in relation to the Ngāti Kōata area of interest at any time after 6 February 1840, including the tūpuna of Ngāti Kōata set out in clause 8.11; and

8.9.2 every individual referred to in clause 8.9.1; and

8.9.3 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 8.9.1.

8.10 For the purposes of clause 8.9:

8.10.1 a person is **descended** from another person if the first person is descended from the other person, or from a union of persons by:

- (a) birth; or
- (b) legal adoption;

8.10.2 **Ngāti Kōata area of interest** means the area of interest in part 1 of the attachments; and

8.10.3 **customary rights** means rights according to tikanga Māori (Māori customary values and practices) including:

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

8.11 For the purposes of clause 8.9 the tūpuna of Ngāti Kōata are:

Akitini, Te Ratapu Hoani;	Ipukohu, Wi Kawhena
Haea, Riria;	Kahuia, Hariata
Hamuera, Ani;	Kahuia, Raima
Hamuera, Hiamoe;	Kahupuku or Te Kahapuku, Hohapata
Harokaka;	Kahupuku or Te Kahapuku, Pirimona
Haromi, Tieme;	Kaka, Horo
Hawea, Haro;	Karewaho, Kereama
Hawea, Tehora;	Katene, Waikawakawa, Tengī
Hemi, Hakaraia	Kawharu, Mokau
Hemi, Ina	Kawharu, Ngamuka

8: INTEREST, GENERAL, DEFINITIONS AND INTERPRETATION

Hemi, Kipa	Kawharu, Ngapera
Hemi, Te Pou	Kawharu, Rangiaukaha
Hemi, Watene	Kawharu, Raniera
Hiko, Matenga	Kawharu, Roka
Hipparaiti, Raima	Kawharu, Rora
Hohaia, Kotua	Kawharu, Ruihi
Hohapata, Hare	Kawharu, Te Hona
Hohapata, Maaka	Kawharu, Tewera
Hohapata, Mere	Kiharoa, Haromi
Hohapata, Pita	Kiharoa, Hohaia
Hohapata, Rahapa	Kiharoa, Maaka
Hohapata, Reupene	Kiharoa, Takarehu
Hohapata, Te Pohe	Kiharoa, Tame
Horokaka	Kiharoa, Tiemi Haromi
Horomona, Takuna	Kiharoa, Wi
Horomona, Hohepa;	Kowhai, Miriama
Hukaroa, Haneta Hone	Kurua, Hohepa
Hukaroa, Honi	Kurua, Mariria
Hukaroa, Maraia Hone	Kurua, Rore
Hukaroa, Pene Hoani	Kurua, Teemutini or Te Mutini
Hukaroa, Rangiruhia Hone	Maaka, Mere
Hukaroa, Tamati	Maaka, Rewi
Hukaroa, Tame	Maaka, Te Rongopai
Hukaroa, Turi Hoani	Maata, Karepa
Hukaroa, Wetekia Hoani	Maata/Mata, te Kotua
Iharaira, Hapiata	Mahikai, Amiria
Ipukohu, Kimakima	Mahikai, Wetini
Maki, Hori	Pakake, Riria
Manaa, Te Hiita	Pakake, Rora
Matahirangi, Huriana	Pakake, Taare
Matakara	Pakake, Taimona
Matene, Heni	Pakake, Te Ahu
Matiu, Kuti	Pakake, Wiremu Omira or Omeara
Matiu, Matiu	Pakake, Harirota
Matiu, Pirihira	Pakake, Hoani
Maui, Tamati	Pakake, Hura
Moeroa or Moerua	Pakake, Rawinia
Mohoao	Pakake, Rawiri
Mohoao, Hariata	Pakake, Ruta



8: INTEREST, GENERAL, DEFINITIONS AND INTERPRETATION

Mohoao, Karina	Pakake, Te Whati
Moho-Ao, Raimona	Pakake, Tihoi
Mokena, Ruiha or Raiha	Pakerehua, Rore
Ngaihape, Noa	Paretahuna, Karo
Ngapera	Parewhakana, Makarini
Ngaru	Parewhanake, Rei
Ngatipare, Mita Karaka	Patete, Mata Tepene
Niutone	Patete, Patete Tiaho
Nohorua, Maraea	Patete, Turi or Haimona
Nopera, Mohi	Pau, Renata
Nukumai, Tipene	Pehi, Aperahama
Ohiohi, Renata	Pene, Hira
Oenuku, Kaaro	Pene, Patara
Oenuku, Makarini	Pirangi, Hakapa
Oenuku, Mihi	Pirangi, Hakopa
Oenuku, Ruta	Puaha, Raiha
Oenuku, Teo	Pungaia, Hori
Pakake, Hemaima	Rangihaua, Rutu Te Roera
Pakake, Maraea	Rangimatoru, Hera
Pakake, Mere	Rangiriri, Paipai
Pakake, Pohe	Rangitahana
Raniera, Ngamuka	Te Kairangi, Atanatiu
Rapana, Wetini	Te Kanae, Wi Neira
Rei, Ihaka	Te Kawe, Huria
Rei, Tireni	Te Kawhaki, Renata
Renata, Hokipera	Te Kawhaki, Ruka
Renata, Pao	Te Kukunga, Pairama
Renata, Peita	Te Mako, Matiu
Rene, Ruta	Te Maroro, Hone
Rene, Te Ho	Te Moni, Mere
Rongonui, Pouhawaiki	Te Oenuku, Rene
Ruka, Taare	Te Pahu, Taimona
Rupine, Rewi	Te Parehuia, Riria
Taiko, Rapana	Te Patete, Haimona
Taiko, Tahuai (Hona)	Te Patete, Mere
Takitahi	Te Patete, Rangiriri
Tako, Ruta	Te Patete, Ruka
Takuna, Pekahou	Te Patete, Tepene
Tangirere	Te Patete, Turi

8: INTEREST, GENERAL, DEFINITIONS AND INTERPRETATION

Tarahape, Rangikino	Te Putu, Hapiata or Apiata
Tarapiko, Maaka	Te Putu, Iharaira
Tawhe	Te Rama, Hoani
Te Aooterangi, Piahana	Te Rei, Ngakuru
Te Aooterangi, Wirihana Tikapa	Te Rei, Rangitakaroro
Te Aoterangi, Karetopira	Te Rei, Wharehuia
Te Araiohaiti, Hohua	Te Roharoha, Pita
Te Araiohaiti, Noa	Te Ruatahoro, Amiria
Te Hau, Wikitoria	Te Rukunga, Pairama
Te Hiko	Te Ruruku
Te Hiko, Hanikamu	Te Ruruku, Hemi
Te Horenga, Riria	Te Ruruku, Hoera
Te Hukaroa, Paratene	Te Ruruku, Hori
Te Ipo, Hariata	Te Ruruku, Maraea Matiu
Te Ipukohu, Hohaia	Te Ruruku, Matiu
Te Kaha	Te Ruruku, Pene Hoera
Te Kahurangi	Te Ruruku, Tama Hoera
Te Kahurangi, Hohepa	Te Ruruku, Tepene or Tipene
Te Kahurangi, Riria	Te Ruruku, Tiripa Tawhe
Te Kahuraro, Hariata	Te Ruruku, Waiehu Matiu
Te Ruruku, Wetekia Hoera	Tengi, Katere
Te Tahua, Makarini	Tengi, Te Waaka
Te Teke, Kerehi	Tipene, Mataa
Te Titi, Hoani	Tiramoho, Meri
Te Tuki, Rupine (Reupene)	To Ohioi, Renata
Te Uiwaero, Reihana	Toarangatira, Harota
Te Uruunga, Maraea	Toitoi
Te Wakarua, Haimona	Tuha
Te Weiti	Tungia, Ngahuka
Te Wera	Tutawake
Te Wharepuhi	Uekateka
Te Wharepuhi, Renata	Waikawakawa
Te Whatawharangi, Rawiri	Waru, Peti Te Wakahae
Te Whetu	Wauwau
Te Whetu, Karepa	Wauwau, Ariana
Te Whetu, Te Uaro	Wauwau, Erama
Tekateka	Wauwau, Kotahi
Tekateka, Harena	Wauwau, Pourewa
Tekateka, Huria	Wauwau, Tiripa

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

Tekateka, Ihaka	Whakaroro, Aperahama Pehi
Tekateka, Teoti	Wharepuhi
Tengi, Aperahama	Whiro, Roka
Tengi, Karepa	Wiremu, Karepa
	Wirihana, Tara

**MANDATED NEGOTIATOR AND SIGNATORIES**

8.12 In this deed:

8.12.1 **mandated negotiator** means the following individual:

- (a) Roma Hippolite; and

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

- (a) Jeanette Grace;
- (b) Celia Hawea;
- (c) Roma Hippolite;
- (d) Rahui Katene;
- (e) Tama Ruruku;
- (f) Tahua Solomon; and
- (g) Ngawai Webber.

**ADDITIONAL DEFINITIONS**

8.13 The definitions in part 5 of the general matters schedule apply to this deed.

**INTERPRETATION**

8.14 The provisions in part 6 of the general matters schedule apply in the interpretation of this deed.

**SIGNED** as a deed on **21 December 2012**

**SIGNED** for and on behalf of )  
**NGĀTI KŌATA** by the mandated )  
signatories in the presence of: )

\_\_\_\_\_  
Rahui Katene

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Celia Hawea

Witness Name:

Occupation:

\_\_\_\_\_  
Tama Ruruku

Address:

\_\_\_\_\_  
Jeanette Grace

\_\_\_\_\_  
Roma Hippolite

\_\_\_\_\_  
Tahua Solomon

\_\_\_\_\_  
Ngawai Webber

**SIGNED** by the Trustees of )  
**TE PĀTAKA A NGĀTI KŌATA** )  
in the presence of: )

\_\_\_\_\_  
Rahui Katene

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Celia Hawea

Witness Name:

Occupation:

\_\_\_\_\_  
Tama Ruruku

Address:

\_\_\_\_\_  
Jeanette Grace

\_\_\_\_\_  
Roma Hippolite

\_\_\_\_\_  
Tahua Solomon

\_\_\_\_\_  
Ngawai Webber

**SIGNED** for and on behalf of )  
**THE CROWN** by the Minister )  
for Treaty of Waitangi Negotiations )  
in the presence of: )

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Hon Christopher Finlayson

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Signature of Witness

Witness Name:

Occupation:

Address:

**SIGNED** for and on behalf of )  
**THE CROWN** by the Minister of Finance )  
only in relation to the indemnities given in )  
Part 2 (Tax) of the General Matters Schedule )  
of this Deed in the presence of: )

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Hon Simon William English

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Signature of Witness

Witness Name:

Occupation:

Address:

**Other witnesses / members of Ngāti Kōata who support the settlement**

**Other witnesses / members of Ngāti Kōata who support the settlement**

**Other witnesses / members of Ngāti Kōata who support the settlement**



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