

TRUSTEES OF THE NGĀI TAI KI TĀMAKI TRUST
and
THE CROWN

SECOND DEED TO AMEND
NGĀI TAI KI TĀMAKI DEED OF SETTLEMENT

SECOND DEED TO AMEND NGĀI TAI KI TĀMAKI DEED OF SETTLEMENT

THIS DEED is made on the 28th day of July 2017

BETWEEN

TRUSTEES OF THE NGĀI TAI KI TĀMAKI TRUST

AND

THE CROWN

BACKGROUND

General

- A. On 7 November 2015, Ngāi Tai ki Tāmaki, the trustees of the Ngāi Tai ki Tāmaki Trust (“**trustees**”) and the Crown entered into a deed of settlement of historical claims (“**Deed of Settlement**”).
- B. On 27 June 2016, Ngāi Tai ki Tāmaki, the trustees and the Crown entered into a deed to amend the Deed of Settlement to record certain amendments relating to the payment of an on-account payment.
- C. The trustees and the Crown wish to enter into this deed to record further amendments to the Deed of Settlement in accordance with paragraph 5.1 of the general matters schedule to the Deed of Settlement.

IT IS AGREED as follows:

1 EFFECTIVE DATE OF THIS DEED

- 1.1 This deed takes effect when it is properly executed by the parties to it.

2 AMENDMENTS TO THE DEED OF SETTLEMENT

2.1 The Deed of Settlement:

2.1.1 is amended by making the amendments:

- (a) set out in schedule 1 to this deed; and
- (b) in relation to parts 2 and 3 of the Deed of Settlement, set out in schedule 2 and schedule 3 to this deed; but

2.1.2 remains unchanged except to the extent provided by this deed.

- 2.2 To avoid doubt, despite that parts 2 and 3 of the Deed of Settlement are being replaced in their entirety by parts 2 and 3 set out in schedules 2 and 3 to this deed, only the clauses in those parts that are being amended are shown redlined, for ease of reference.

3 DEFINITIONS AND INTERPRETATION

3.1 Unless the context otherwise requires:


- 3.1.1 terms or expressions defined in the Deed of Settlement have the same meanings in this deed; and
- 3.1.2 the rules of interpretation in the Deed of Settlement apply (with all appropriate changes) to this deed.

4 COUNTERPARTS

- 4.1 This deed may be signed in counterparts which together shall constitute one agreement binding on the parties, notwithstanding that both parties are not signatories to the original or same counterpart.

SECOND DEED TO AMEND NGĀI TAI KI TĀMAKI DEED OF SETTLEMENT

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


Hon Christopher Finlayson

WITNESS



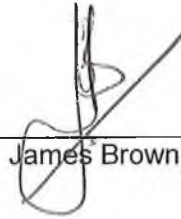
Name: Alexander LYONS

Occupation: Private Secretary

Address: 11/42 Abel Smith St, Wellington

SECOND DEED TO AMEND NGĀI TAI KI TĀMAKI DEED OF SETTLEMENT

SIGNED by the TRUSTEES OF THE
NGĀI TAI KI TĀMAKI TRUST
in the presence of –

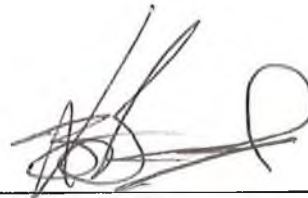


James Brown

WITNESS



Name: Renika Suptano
Occupation: Lawyer
Address: Hamilton



Laurie Beamish

WITNESS



Name: Renika Suptano
Occupation: Lawyer
Address: Hamilton



Lucy Steel

WITNESS




Name: Renika Suptano
Occupation: Lawyer
Address: Hamilton

SECOND DEED TO AMEND NGĀI TAI KI TĀMAKI DEED OF SETTLEMENT



Rewa Brown

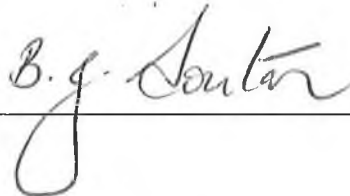
WITNESS


Name: Renka Sztiano
Occupation: Lawyer
Address: Hamilton

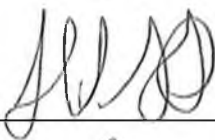

Carmen Kirkwood

WITNESS


Name: Renka Sztiano
Occupation: Lawyer
Address: Hamilton


Barry Soutar

WITNESS


Name: Jo-Anne Short
Occupation: Project Manager
Address: 58 Rama Crescent
Khandallah

SCHEDULE 1

AMENDMENTS TO THE DEED OF SETTLEMENT

Current reference	Amendment
Deed of Settlement	
Clause 1.5	<p>Replace “In a variation on this pēpeha, the phrase “Ngā pōtiki toa ā Taikehu” is applied to Taikehu’s Ngāi Tai people.” with:</p> <p>“In a variation on this pepeha, the phrase “Ngā pōtiki toa a Taikehu” is applied to Taikehu’s Ngāi Tai people.”</p>
Part 2	Replace part 2 with part 2 set out in schedule 2
Part 3	Replace part 3 with part 3 set out in schedule 3
Clause 4.8.3(a)	<p>Insert the following immediately after the words “redress property”:</p> <p>“(other than the Hūnua Falls property)”</p>
New clause 4.8.3(b)	<p>Insert the following new clause 4.8.3(b), and renumber the clause accordingly:</p> <p>“(b) to the Hūnua Falls property, on and from the date of its vesting in the trustees; or”</p>
Clause 4.8.4(a) and (b)	<p>Replace clause 4.8.4(a) and (b) with:</p> <p>“(a) a redress property (other than the Hūnua Falls Property); or</p> <p>(b) the Hūnua Falls property if that property vests in the trustees; or</p> <p>(c) a deferred selection property, or the commercial redress property if settlement of that property has been effected; or</p> <p>(d) any RFR land; and”</p>

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Current reference	Amendment
Clause 5.1.5(b)	Insert the following immediately after the words "management plan": ", to the extent it applies to Hihiorapa Urupā"
Clause 5.2.4(b)	Insert the following immediately after the words "management plan": ", to the extent it applies to Hūnua Falls property"
Clause 5.3.3	Replace the full stop and at the end of this clause with a colon
New clause 5.3.4	Insert the following new clause 5.3.4: "5.3.4 the settlement date under the Ngaati Whanaunga settlement legislation."
Clause 5.4	Replace the reference to "5.4 to 5.9" with "5.5 to 5.9"
Clause 5.6	Replace "is to be treated as if it were, for the purposes of the Forest and Rural Fires Act 1977, a State area within the meaning of section 2(1) of that Act" with: "is to be treated as if it were, for the purposes of the Fire and Emergency New Zealand Act 2017, public conservation land within the meaning of section 144 of that Act."
Clause 5.8.2	Insert the following immediately after the words "(as the Crown and owners agree),": "at least"
Clause 5.10.2	Replace the words "(except paragraph (db))" with: "(except subsection (2)(db))"
Clause 6.14	Replace clause 6.14 with: "6.14 The trustees: 6.14.1 for two years after the settlement date, may give the Crown a written notice of interest in accordance with part 6 of the

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Current reference	Amendment
	<p>property redress schedule in relation to any of the deferred selection properties described in subpart A of part 4 of the property redress schedule (being Macleans College site (land only), Glen Innes Police Station (land only), and Manukau Area Community Probation Centre) but, in the case of the Manukau Area Community Probation Centre, the right to give the Crown a written notice of interest in that property is subject to the trustees and the Crown agreeing a form of leaseback to the Crown of that property (excluding the amount of the initial rental) before a notice of interest is given in relation to it in accordance with paragraph 6.1.1 of the property redress schedule; and</p> <p>6.14.2 for five years after the settlement date, may give the Crown a written notice of interest in accordance with part 6 of the property redress schedule in relation to the deferred selection property described in subpart B of part 4 of the property redress schedule (being Musick Point property)."</p>
Clause 6.15	<p>Replace clause 6.15 with:</p> <p>"6.15 The trustees' rights under clause 6.14 to give the Crown a written notice of interest in the deferred selection properties in subparts A and B of part 4 of the property redress schedule is on, and subject to, the terms and conditions in part 6 of the property redress schedule."</p>
General matters	
Paragraph 6.1	<p>Insert the following new definition immediately after the definition of Ngaati Whanaunga:</p> <p>"Ngaati Whanaunga settlement legislation means legislation that settles the historical claims of Ngaati Whanaunga; and"</p>

SCHEDULE 2

2 HISTORICAL ACCOUNT

- 2.1 The Crown's acknowledgement and apology to Ngāi Tai ki Tāmaki in part 3 are based on this historical account.
- 2.2 According to their oral traditions, Ngāi Tai ki Tāmaki have maintained customary interests and ahi kā in Tāmaki, Hauraki, and Tīkapa Moana (Hauraki Gulf / Tīkapa Moana) since time immemorial.

Ngāi Tai ki Tāmaki and pre-Treaty transactions

- 2.3 Before Te Tiriti o Waitangi was signed, Ngāi Tai ki Tāmaki rangatira, often alongside rangatira of other iwi, were involved in land transactions relating to Ōtāhuhu, and Motuihe, Motutapu, and other inner-Gulf islands. Ngāi Tai consider that their tūpuna did not intend to permanently alienate their ancestral lands through transactions in the late 1830s. Rather, Ngāi Tai ki Tāmaki view those transactions as attempts by their tūpuna to foster ongoing, mutually beneficial relationships with Europeans.
- 2.4 Between 1836 and 1839 five iwi, including Ngāi Tai ki Tāmaki, negotiated transactions with a missionary for a large land block in Tāmaki. In 1837 the missionary wrote on the back of one of the deeds that the iwi and hapū who had sold the land would retain at least one third of the block "for their personal use for ever." There was uncertainty about the amount of land transacted. The exact size of the transaction has never been definitively established, but the first actual survey put it at 75,000 acres and in 1948 a Royal Commission concluded the block was nearly 83,000 acres in extent. The block incorporated a significant amount of land in the Ngāi Tai ki Tāmaki rohe.

Te Tiriti o Waitangi

- 2.5 Ngāi Tai ki Tāmaki understand that their ~~tupuna-tūpuna~~ welcomed the arrival of the Crown in 1840, which they envisaged as a continuation of the mutually beneficial relationships they had enjoyed with early European settlers and missionaries. On 4 March 1840 sixteen rangatira signed Te Tiriti o Waitangi at Karaka Bay at the entrance to the Tāmaki River. Ngāi Tai ki Tāmaki tradition records that two of the signatories were rangatira of Ngāi Tai ki Tāmaki.

The Land Claims Commission and the Crown's retention of "surplus" land

- 2.6 In 1840 the Crown established a Land Claims Commission to investigate pre-Treaty land transactions by private parties. If the land the Crown considered to have been validly purchased exceeded the amount it was willing to grant to individual claimants, the Crown's policy was to retain the balance of the land itself as "surplus," on the basis that the original pre-Treaty transaction had extinguished Māori customary title.
- 2.7 The missionary had recorded that at least one third of the land in the Tāmaki block should be permanently set aside for Māori occupation. In 1842 a Land Claims Commissioner

recommended that the Crown leave one-third of the purchase in the “undisturbed possession” of Māori. In 1844 the Crown had the case reviewed by another commissioner who recommended the Crown grant 5,500 acres to the missionary. The Crown would retain the remainder of the land, amounting to more than 78,000 acres, as “surplus”. The block and proposed reserve lands were not properly surveyed prior to either commissioner’s investigation. The Crown made no assessment of the adequacy of lands remaining in Ngāi Tai ki Tāmaki’s possession following its acquisition of a significant part of their rohe east of the Tāmaki river as “surplus” land.

- 2.8 In 1851, following Māori protest, the Crown paid compensation to other iwi for their lands within the Tāmaki block. In February 1854 the Crown paid Ngāi Tai ki Tāmaki £500 to relinquish their claims to land within the Tāmaki block, including any claims to the land that the missionary had recorded would be reserved for Māori. The Crown promised a reserve as part of the same agreement. In March 1854 the Crown granted the 6,063-acre Umupuia Reserve to Ngāi Tai ki Tāmaki. The reserve was a fraction of the size of the original Tāmaki block, and substantially less than the one-third the missionary had said would be set aside for Māori.

Pre-emption waiver transactions

- 2.9 Between March 1844 and November 1845, the Crown waived its right of pre-emption to allow land sales between Māori rights-holders and private individuals. The Crown originally intended for these transactions to be limited to “no more than a few hundred acres,” and to reserve ten percent of the land, or tenths, from each sale for public purposes, for the benefit of Māori. Settlers purchased land from Ngāi Tai ki Tāmaki on the Hauraki Gulf / Tīkapa Moana islands, the eastern side of the Wairoa River, and at Papakura.
- 2.10 In 1845 the Crown stopped issuing pre-emption waiver certificates and appointed Commissioners to investigate these transactions. As with pre-Treaty transactions, the Crown applied a “surplus” lands policy to pre-emption waiver transactions. As a result, the Crown retained approximately 3,000 acres as surplus land from pre-emption waiver transactions involving Ngāi Tai ki Tāmaki individuals. Once again, the Crown made no assessment as to the adequacy of lands remaining in Ngāi Tai ki Tāmaki’s possession following its acquisition of “surplus” lands. It also reneged on its commitment to reserve tenths.

Crown purchasing of Ngāi Tai ki Tāmaki lands at Mahurangi and Hūnua

- 2.11 Crown policy was to purchase land from Māori at a low price and on-sell it at high prices. Colonisation was to be funded by the substantial difference between the amount the Crown paid to purchase Māori land and the amount it received when it on-sold it to settlers.
- 2.12 In 1841, the Crown purchased a large block of land at Mahurangi and Omaha. The block was not surveyed at the time, but a recent estimate put its area at approximately 220,000 acres. The Ngāi Tai ki Tāmaki rangatira Tara Te Irirangi, Nuku and Te Hauā signed the deed along with nineteen others. In 1842 the Crown also purchased around 30,000 acres at Papakura from Ngāti Taihaua, a hapū with ancient and longstanding whakapapa to [Ngāi Ngāi Tai](#).
- 2.13 The Crown later asserted that the Mahurangi purchase included the islands of Rangitoto and Tiritirimatangi. In 1854 the Crown purchased Rangitoto again from a rangatira of another iwi. In 1866 the Native Land Court investigated title to Rangitoto Island. A number of individuals made a claim on the basis of their Ngāi Tai ki Tāmaki affiliations, though the

case was withdrawn by the claimants when the Crown showed them the 1854 deed of sale. In 1867 the Native Land Court heard the Tiritirimatangi case. The claimants included individuals with affiliations to Ngāti Taihaua. The Crown lodged a counter-claim for the island. The Court found that the Mahurangi deed could not have been intended to cover large islands such as Rangitoto and Tiritirimatangi since they were not specifically named, but held that the Crown had rights to Tiritirimatangi on account of local hapū allowing Europeans to occupy the island. Accordingly, the Court awarded Tiritirimatangi to the Crown. Ngāi Tai ki Tāmaki's shared customary interests in the islands were alienated through these processes.

- 2.14 In June 1853 and January 1854 the Crown purchased Ponui Island from other iwi in two separate transactions. In 1866 one of the sellers told the Native Land Court that the island had belonged to Ngāi Tai ki Tāmaki.
- 2.15 In March 1854 the Crown purchased the 15,000-acre Hūnua block from Ngāi Tai ki Tāmaki. The deed included a provision that ten percent of the proceeds of future sales of land from the block would be expended for schools and hospitals for Māori, medical visits, construction of mills, and annuities for Ngāi Tai ki Tāmaki chiefs. In 1927 a Royal Commission of Inquiry concluded that Crown expenditure on medical and school services for Māori in Auckland was performance of the "tenths" obligation. However, Ngāi Tai ki Tāmaki assert that subsequent generations of Ngāi Tai ki Tāmaki derived little benefit from this.
- 2.16 In July 1854 the Crown purchased the 9,000 acre Takapautotara block, located to the south of Hūnua, from Ngāi Tai ki Tāmaki and other iwi. The Crown made no reserves from the block.

Alienation of Motutapu

- 2.17 Motutapu is an island of great significance to Ngāi Tai ki Tāmaki. On 11 January 1840 Tara Te Irirangi and five others signed a deed conveying Motutapu and several other inner Gulf islands to a settler married to Ngeungeu of Ngāi Tai ki Tāmaki. Ngāi Tai ki Tāmaki consider that, as with other pre-Treaty transactions, Te Tara entered into the Motutapu deed in attempt to foster ongoing, mutually beneficial relationships with Europeans. On 15 December 1840 the settler lodged a claim for the islands to be heard by the Land Claims Commission, but died before the Commission investigated the claim.
- 2.18 Land Claims Commissioners subsequently investigated and reported on claims to Motutapu in 1844, 1854 and 1857. Their investigations traversed claims based on the 1840 transaction and two 1845 transactions conducted under a pre-emption waiver certificate. In 1857 the Land Claims Commissioner recommended that the Crown grant 2,560 acres to the six children of the settler who made the 1840 transaction and 1,409 acres to another settler whose claim derived from the transactions made under the pre-emption waiver regime. The Commissioner also recommended the Crown retain 82 acres for reserves and roads. The Crown granted the 2,560 acres to the settler's children, who were Ngāi Tai ki Tāmaki, in individualised European title. By 1870 the children's interests in Motutapu had been alienated.
- 2.19 Ngāi Tai ki Tāmaki subsequently petitioned Parliament seeking a determination of the interests of the children who were deceased when these alienations took place. Parliament forwarded the petitions to the Crown for consideration but the Crown did not investigate the interests of the deceased children. It considered that under the form of title granted in 1857 the interests of deceased owners would have legally passed directly to the other owners.

The Crown therefore concluded that the deceased children had no interests left to investigate. This failed to satisfy Ngāi Tai ki Tāmaki, who continued to press their claims in relation to Motutapu through successive generations.



War and raupatu

- 2.20 By the late 1850s rising tensions between the Crown and Māori had led to the establishment of the Kīngitanga in the Waikato. Ngāi Tai ki Tāmaki did not join the Kīngitanga when Pōtatau Te Wherowhero was set up as the first Māori King in 1858, or later in the nineteenth century. On 12 July 1863 the Crown invaded the Waikato when its forces crossed the Mangatāwhiri Stream. The Crown considered South Auckland and Hauraki lands strategically important because of the need to protect Auckland and the European settlements around it, and the supply line to the military forces entering the Waikato.
- 2.21 When hostilities commenced, the majority of Ngāi Tai ki Tāmaki, under the leadership of Hōri Te Whētuki and Honetana Te Irirangi, expressed loyalty to the Crown. Ngāi Tai ki Tāmaki did this to protect their iwi and their whenua from the effects of war.
- 2.22 A small number of Ngāi Tai ki Tāmaki individuals resisted the Crown's occupation of South Auckland and Hauraki lands and joined other iwi in the Hūnua guerrilla campaign. The Crown established militias in order to pursue those involved in attacks on Crown supply lines and redoubts along the Wairoa River.
- 2.23 In 1863 Parliament passed the New Zealand Settlements Act. The Act enabled the Crown to confiscate the lands of those iwi deemed to have been "in rebellion against Her Majesty's authority." The legislation provided for the creation of a Compensation Court to ascertain the compensation due to Māori whose lands were included in confiscation blocks but who had not taken up arms against the Crown and had not assisted or supported those who had. The Act did not provide for the return of land as compensation.
- 2.24 On 29 December 1864 the Crown proclaimed confiscation blocks in the Waikato. On 30 January 1865 the Crown proclaimed a confiscation block in East Wairoa. Ngāi Tai ki Tāmaki had interests in the 51,000-acre East Wairoa confiscation block.
- 2.25 The Crown did not include Ngāi Tai ki Tāmaki in a list it published on 7 April 1865 of iwi and hapū it considered to be in rebellion.
- 2.26 In May 1865 the Compensation Court heard claims to the East Wairoa confiscation block. The Court awarded Ngāi Tai ki Tāmaki claimants a total of £1200 in compensation for their interests in East Wairoa, comprising two payments of £100 for individual claims and a payment of £1000 for a wider Ngāi Tai ki Tāmaki claim. In October 1865 Parliament amended the New Zealand Settlements Act to allow the return of land through the Compensation Court and made provision for Māori to negotiate for the return of land that had already been the subject of Compensation Court hearings under the previous system. In 1871 the Crown granted Ngāi Tai ki Tāmaki individuals three small blocks in the upper Mangatāwhiri Valley totalling 250 acres. By 1872 a settler had purchased the blocks for a total of £17.
- 2.27 Around the time the Compensation Court called for Māori to register claims in respect of East Wairoa, Anaru Makiwhara accompanied the Commander of the Waikato Native Contingent to Te Kuiti on Crown business. Prior to his departure Makiwhara had not registered a claim for land at Hikurangi in the East Wairoa block, in which he and his whānau had interests they considered separate from the wider Ngāi Tai ki Tāmaki claim. However the Commander had obtained an assurance from the Chief Judge that the Court would not sit until he and Makiwhara were available to attend the hearing. Makiwhara

returned to Auckland before the expiry of the six month notice period required by the New Zealand Settlements Act to find that the Compensation Court had already sat to hear claims to the East Wairoa block.

- 2.28 Anaru Makiwhara and his older brother Patariki petitioned Parliament on behalf of their whānau in 1880, 1881, 1886 and 1888 seeking compensation for the loss of land at Hikurangi. Makiwhara also sent two letters directly to the Minister of Native Affairs in 1892. In 1881 the Native Affairs Committee recommended that the Government consider Makiwhara's claims, but the Native Minister refused to reopen matters that had already been before the Compensation Court. In 1886 the Native Affairs Committee referred Makiwhara's claims to the Government again. The Native Department conducted an investigation and reported to the Native Minister in 1887. The investigation found, as Makiwhara's petitions had asserted, that Makiwhara served with Crown forces during the Waikato War and that the rest of his whānau had not been in rebellion. Despite the report the Crown did not take any further action in 1887, nor after the Native Affairs Committee referred Makiwhara's claims to the Government again in 1888.
- 2.29 In 1924, Makiwhara, then aged 82, submitted another petition to Parliament in respect of Hikurangi and the East Wairoa confiscation. Twenty-three other members of Ngāi Tai ki Tāmaki signed the petition. In 1926 the Crown appointed the Sim Commission to inquire into ki Tāmaki Māori grievances arising from land confiscation, and included the East Wairoa block in the schedule of confiscated lands to be investigated. Makiwhara was scheduled to give evidence to the Commission but died shortly before the hearings.

The Native Land Court in the Ngāi Tai ki Tāmaki rohe

- 2.30 At the Kohimārama Conference of 1860, Governor Gore Browne asked Māori to consider the question of simplifying what the Crown considered the "difficulties and complications" of Māori land ownership. During the discussions, Hōri Te Whētuki of Ngāi Tai ki Tāmaki warned that a proposal to subdivide Māori land would not be good for the common people.
- 2.31 The Native Land Court was established under the Native Lands Acts of 1862 and 1865 and held its first hearings in the Tāmaki district in 1865. The Acts establishing the Native Land Court set aside the Crown's Article 2 Treaty right of pre-emption and enabled individual Māori to dispose of their property by lease or sale to private parties or the Crown once title had been granted. Any Māori individual could initiate a Native Land Court title investigation by submitting an application to the Court. When the Court decided to hear an application, all of those with customary interests had to participate in the hearing if they wished to be included in the Court's order regardless of whether or not they wanted a Crown title.
- 2.32 Customary tenure facilitated multiple forms of land-use through shared relationships with the land. The new land laws required those rights to be fixed within a surveyed boundary and did not necessarily include all those with a customary interest in the land. Under customary Māori title, land was held communally. The titles awarded by the Native Land Court did not reflect this customary tenure and vested collectively held lands in individuals instead of kinship groups and iwi. Over time, this contributed to the erosion of the traditional tribal structures of Ngāi Tai ki Tāmaki.
- 2.33 On 26 January 1865 Ngāi Tai ki Tāmaki rangatira applied for investigation of title to their lands within the 1854 Umupuia Reserve at Maraetai, and at Urungahau and Mātaitai. These lands were on the Ngāi Tai ki Tāmaki side of a demarcation boundary agreed between Ngāi Tai ki Tāmaki and their southern neighbours in 1858, which ran from Kōherurahi south to Te Aho o Matariki and was intersected by the northern border of the

East Wairoa confiscation block. A Crown-appointed Civil Commissioner stated in the Native Land Court that he had reconfirmed the demarcation boundary through negotiation with Ngāi Tai ki Tāmaki and the neighbouring iwi as part of the Compensation Court process. In the Native Land Court witnesses for both Ngāi Tai ki Tāmaki and the neighbouring iwi acknowledged the existence of the boundary, although many noted that its precise location was disputed. In early 1866 the neighbouring iwi lodged a counter-claim for the Whakakaiwhara block, which accounted for ten percent of the total area of the Maraetai reserve lands created for Ngāi Tai ki Tāmaki in 1854. The Civil Commissioner conducted out of court negotiations, during which Ngāi Tai ki Tāmaki agreed to pay £250 to the neighbouring iwi to withdraw its claim to Maraetai reserve lands. Despite some opposition among the Ngāi Tai ki Tāmaki leadership, they made the payment anyway, which equated to approximately fourteen percent of the total income received from sales of the Maraetai reserve lands.

- 2.34 At the same time, the Civil Commissioner told the Court that a claim put forward over Urungahau had been settled out of court. Ngāi Tai ki Tāmaki paid a further £100 to the neighbouring iwi, to ensure that iwi would take a passive role in hearings for the block. In 1871, Ngāi Tai ki Tāmaki lodged a counter-claim for the Te Kiripaka block on the other side of the demarcation boundary. The Court did not award Ngāi Tai ki Tāmaki any interest in the block.
- 2.35 The Crown required land blocks to be surveyed in order for the Native Land Court to investigate titles. Ngāi Tai ki Tāmaki bore the cost of surveying their customary lands for which they sought Crown-granted titles. In 1868 Hōri Te Whētuki asked the Chief Judge of the Native Land Court to adjudicate quickly upon title to five of the eleven blocks within the reserve set aside by the Crown for Ngāi Tai ki Tāmaki in 1854. Te Whētuki told the Chief Judge that he wanted to sell the five blocks to raise money for the survey of three other blocks within the reserve that Ngāi Tai ki Tāmaki wanted to secure titles to through the Court. The five reserve blocks were sold within ten months of the Court order. Ngāi Tai ki Tāmaki, like many other Māori, found they had to sell land to pay survey costs.
- 2.36 Between 1866 and 1871, approximately 16,000 acres of the approximately 20,000 acres awarded to Ngāi Tai ki Tāmaki by the Native Land Court was sold. By 1871 Ngāi Tai ki Tāmaki retained ownership of the 2,312-acre Mātaitai 1 block and the last Maraetai reserve block at Umupuia consisting of 1,376 acres.

Alienation of Remaining Lands

- 2.37 Throughout the late nineteenth and twentieth centuries most of Ngāi Tai ki Tāmaki's remaining lands were alienated to the Crown and private purchasers. The land retained by Ngāi Tai ki Tāmaki was surrounded by non-Māori landholdings and associated rural development. In 1875 a local authority began steps to take Ngāi Tai ki Tāmaki land at Maraetai for a road. Ngāi Tai ki Tāmaki objected to the passage of a road through their cultivations. The local authority surveyed the road in 1876. In 1879 the owners signed a deed consenting to the road running through their land. A plan attached to the deed showed two possible routes: one that passed through Ngāi Tai ki Tāmaki cultivations and another labelled "proposed deviation." The local authority subsequently built the road through the cultivated area and the "proposed deviation" remained unformed. In 1904 the Crown took further land for a road at Mātaitai under the Public Works Act 1894.
- 2.38 In 1946 the Crown purchased the 255-acre Mātaitai 1A2B5A2B block for a land settlement scheme for Māori returned servicemen. The Ngāi Tai ki Tāmaki vendors had been very hesitant to sell, but agreed after the Crown advised them that the property would be used

for the rehabilitation of a Ngāi Tai ki Tāmaki returned serviceman, and possibly one other. The Crown took possession of Mātaitai 1A2B5A2B from September 1946. In 1949 the block was declared Crown land committed to be used for Māori land development and settlement under the Native Land Amendment Act 1936. Although the Māori Affairs Department ran a dairy farm on the land and employed the Ngāi Tai ki Tāmaki serviceman, no returned serviceman was permanently settled there. In 1956 the Crown sold the land to a private purchaser without giving Ngāi Tai ki Tāmaki the opportunity to re-purchase the block.

- 2.39 In the early 1960s a local authority sought to acquire a coastal portion of the Maraetai block for a public recreation reserve. In 1962 one of the Ngāi Tai ki Tāmaki owners wrote to the Crown objecting to the local authority's proposal, on the grounds that the land in question contained an urupā and the site of an old ancestral marae. Ngāi Tai ki Tāmaki sought to have the Māori Trustee appointed as their agent to lease the land for commercial and residential development, and in 1963 the Māori Land Court vested the land in the Māori Trustee for leasing. However, in September 1967 the Māori Trustee concluded that commercial and residential developments on the land could not proceed because the land was zoned rural and had been designated a proposed recreation reserve by the local authority. The Māori Trustee then asked the Māori Land Court to vest a block of approximately 5 acres in him with permission to sell it to the local authority for a recreation reserve. The Māori Land Court approved the Māori Trustee's application in October 1967 and a purchase agreement was signed in November. A Ngāi Tai ki Tāmaki owner present at the hearing told the Court that some of the owners were very disappointed, but that they wanted to obtain the best price for their land in the face of the local authority's determination to acquire it.
- 2.40 By the end of the twentieth century, only 824 acres of the original 6,063-acre reserve at Maraetai remained in Ngāi Tai ki Tāmaki ownership. Only 641 acres of the original 2,312-acre Mātaitai 1 block remained in Ngāi Tai ki Tāmaki ownership. The 641 acres were divided into 14 blocks, ten of which were under ten acres.

Socio-economic issues

- 2.41 For Ngāi Tai ki Tāmaki, the loss of communal ancestral lands had a severe impact on their traditional tribal structure. Families left landless or with uneconomic land blocks had insufficient means to support themselves. From the 1880s Ngāi Tai ki Tāmaki increasingly left Umupuia in search of work. This dispersal of Ngāi Tai ki Tāmaki alienated many whānau and their descendants not only from their lands, but also from their iwi identity. This led to the loss of customary traditions, tribal authority and te reo me ona tikanga o Ngāi Tai ki Tāmaki.
- 2.42 Ngāi Tai ki Tāmaki remaining at Umupuia and Mātaitai survived on wages from manual work and the produce of subsistence farming and fishing. Ngāi Tai ki Tāmaki recount that many whānau lived in over-crowded and impoverished conditions. The sub-standard living conditions experienced by these whānau contributed to illness and enduring hardship.
- 2.43 The socio-economic conditions of Ngāi Tai ki Tāmaki continued to be well behind those of Pākehā New Zealanders after the Second World War. Ngāi Tai ki Tāmaki have long experienced higher infant mortality, lower life expectancy and higher unemployment than the Pākehā population.
- 2.44 Ngāi Tai ki Tāmaki state that in the years following the signing of Te Tiriti o Waitangi they struggled to retain their rangatiratanga in the face of the loss of almost all of their land, and the political, economic and cultural marginalisation that accompanied it.

HISTORICAL ACCOUNT IN TE REO

- 2.45 E kī ana ā rātou kōrero o nehe, kua roa a Ngāi Tai e mau ana ki ōna pānga taketake, tuku iho hoki me te ahi kā ki roto o Tāmaki, ki Hauraki, tae atu ki Tīkapa Moana (ki te Hauraki Gulf) mai i ngā wā o tuawhakarere.

Ko Ngāi Tai ki Tāmaki me ngā whakawhitinga whenua nō mua i te Tiriti

- 2.46 I mua i te hainatanga o Te Tiriti o Waitangi, ka uru ētahi rangatira nō Ngāi Tai me ētahi atu nō iwi kē, ki ngā whakawhitinga whenua e pā ana ki Ōtāhuhu, tae atu ki Motuihe, ki Motutapu me ētahi motu ki roto o Tīkapa Moana. E ai ki a Ngāi Tai, kāore ō rātou tūpuna i whakaaro kia whakangaro atu mō ake tonu atu ō rātou whenua tuku iho i roto i aua ngā whakawhitinga whenua i ngā tau tōmuri o ngā tau 1830. Moroki anō, ki ngā kōrero a Ngāi Tai, he manaakitanga kē ēnei whakawhitinga nā ō rātou tūpuna kia āta whiriwhiri hononga e whai hua ai mō rātou katoa me te hunga Pākehā.
- 2.47 Mai i te tau 1836 ki te tau 1839, e rima ngā iwi, me Ngāi Tai tonu, i whiriwhiri whakawhitinga me tētahi mihingare e pā ana ki tētahi poraka whenua i Tāmaki. I te tau 1837 ka tūhia e ia ki te uhi o tētahi o āna kirimana whakaae, me pupuru tonu e te iwi, e te hapū rānei, nāna te whenua i hoko, te toru tekau mā toru ōrau o te poraka “for their personal use for ever”. Kāore e mōhiotia ana te whānui o te whenua i whakawhitia ai. Kāore anō te nui o te whakawhitinga i āta whakatauria engari, ki tā te rangahau tuatahi i whakapae ai, e 75,000 eka te rahi ā, i te tau 1948, ki tā te Royal Commission whakataua, e tata ana ki te 83,000 eka kē te nui o te poraka. Ka whai wāhi te poraka ki te rahi o ngā whenua i te rohe o Ngāi Tai.

Te Tiriti o Waitangi

- 2.48 Kua mārama kē a Ngāi Tai ki te manaakitanga o ō rātou tūpuna i te taenga mai o te Karauna i te tau 1840 hei huarahi whakamua mō ngā hononga e whai hua ngātahi ai ō rātou tūpuna me ngā Pākehā tuatahi mai tae atu ki ngā mihingare. I te 4 o ngā rā o Māaehe i te tau 1840, tekau mā ono ngā rangatira i waitohu i Te Tiriti o Waitangi i Karaka Bay, i te wahapū o te Awa o Tāmaki. E ai ki ngā kōrero tuku iho a Ngāi Tai, tokorua ngā rangatira nō Ngāi Tai i waitohu i te Tiriti.

Te Kōmihana Kerēme Whenua me te pupuru a te Karauna i ngā whenua “toenga”

- 2.49 I te tau 1840, ka whakatūria ai e te Karauna tētahi Kōmihana Kerēme Whenua hei uiui i ngā whakawhitinga whenua a ngā rōpū tūmataiti nō mua i te Tiriti. Me he nui ake te whenua i hokona ponotia ai i te rahi e hiahia ana kia whakaaetia ki te kaikerēme takitahi, ki tā te Karauna kaupapahere, me pupuru ki a ia anō te toenga o taua whenua hei ‘toenga’ nā runga i te tikanga, nā te whakawhitinga tuatahi o mua i te Tiriti hi whakaweto ngā mana tuku iho o te Māori.
- 2.50 Nā te mihingare i tuhi, kia rāhuitia mō ake tonu atu te toru tekau mā toru ōrau, neke atu, o te whenua i te poraka o Tāmaki hei kāinga mō te Māori. I te tau 1842, ka taunaki tētahi Kaikōmihana Kerēme Whenua kia waiho e te Karauna te toru tekau mā toru ōrau o te hokonga mō te “undisturbed possession” o te Māori. I te tau 1844 nā te Karauna i whakarite kia arotakea anō te take e te-tētahi Kaikōmihana anō ā, nāna i taunaki kia tohaina e te Karauna te 5,500 eka whenua ki te mihingare rā. Ā, mā te Karauna tonu e pupuru ki a ia te toenga o te whenua, e nui ake ana i te 78,000 eka, hei “toenga”. Kāore i āta rūrihia ngā whenua i mua i ngā uiuitanga a ngā kaikōmihana tokorua. Kāore te Karauna i āta arotake i

te tika me te nui o ngā whenua ka mau tonu i a Ngāi Tai ki Tāmaki i muri mai i te hokonga nui o ngā whenua ki te taha rāwhiti o te awa o Tāmaki, hei whenua “toenga”.

- 2.51 I te tau 1851, nō muri mai i ngā mahi porotēhi a te Māori, ka utua e te Karauna te kaumupeneheihana ki ētahi atu iwi hei utu mō ō rātou whenua i roto i te poraka o Tāmaki. I te marama o Pēpuere i te tau 1854, ka utua e te Karauna te £500 pāuna ki a Ngāi Tai kia tukuna ō rātou pānga tuku iho ki te whenua i te poraka o Tāmaki, tae atu ki te katoa o ngā kerēme ki te whenua, e ai ki ngā tuhinga a te mihingare, kua whakaritea kētia kia noho rāhui ai ki te Māori. Ka kī taurangi te Karauna tērā e whakaritea he whenua rāhui hei wāhanga o taua whakaaetanga. I te marama o Māehe i te tau 1854, ka whakaaetia e te Karauna te Whenua Rāhui o Umupuia, e 6,063 eka te rahi, ki a Ngāi Tai. He pakupaku kē noa atu te whenua rāhui i tō te nui o te poraka tuatahi o Tāmaki, ā, iti noa iho te nui i te 33 ōrau whenua i kī taurangi mai ai te mihingare, ka rāhuitia mō te Māori.

Whakawhitinga ā-whakarere mana hoko tuatahi

- 2.52 Mai i te marama o Māehe i te tau 1844 ki te marama o Neōema i te tau 1845, ka whakarere te Karauna i tana mana hoko tuatahi kia wātea ai ngā hokonga whenua ki waenganui i ngā Māori whai mana whenua, me ngā tāngata takitahi noa. Ko te hiahia tuatahi a te Karauna kia kua ēnei whakawhitinga e neke atu i te “no more than a few hundred acres” ā, kia rāhuitia anō te tekau ōrau o te whenua, ko ngā tekau ērā, mai i ia hokonga hei mahinga mō te marea, tae atu ki ngā painga oranga mō te Māori. Nā, ka hoko whenua ngā Pākehā mai i a Ngāi Tai i ngā motu o Tikapa Moana me te taha rāwhiti o te Awa o Wairoa, ā, ki Papakura anō hoki.
- 2.53 I te tau 1845, ka whakamutu te Karauna i tāna tuku tiwhikete whakarere mana hoko tuatahi ā, ka whakaingoatia ētahi Kaikōmihana hei uiui i ēnei whakawhitinga. He pērā anō i ngā whakawhitinga nō mua i te Tiriti, ka whakamahia e te Karauna he “kaupapahere ā-whenua toenga” ki ngā whakawhitinga whakarere mana hoko tuatahi. Ko te otinga atu, e tata ana ki te 3,000 eka whenua i purutia e te KaraunaKaruana hei whenua toenga mai i ngā whakawhitinga whakarere mana hoko tuatahi me ngā tāngata takitahi nō Ngāi Tai. Kāore hoki i āta tātarīhia e te Karauna te nui me te tika o ngā whenua e mau tonu rā ki a Ngāi Tai i muri mai i te rironga atu o ngā whenua “toenga”. Ka huri tuarā anō hoki te Karauna i tāna kī taurangi kia rāhuitia ngā tekau.

Te hokonga a te Karauna i ngā whenua o Ngāi Tai i Mahurangi me Hūnua

- 2.54 Ko te hoko whenua mai i te Māori, ā-utu iti kia hokona anō mō te utu nui rawa ake te kaupapahere a te Karauna. Mā te rerekētanga nui tonu i waenganui i te nui i utua ai e te Karauna hei hoko whenua, me te nui i riro ki a ia i te hokonga atu anō hoki ki ngā Pākehā, ka whiwhi pūtea ai te Karauna hei utu i te whakanohonoho tauhou ki Aotearoa.
- 2.55 I te tau 1841, ka hokona e te Karauna tētahi poraka whenua nui i Mahurangi me Ōmaha. Kāore te poraka i rūrihia i taua wā engari, nō ngā tau tata nei, e whakapaetia ana tana rahi he āhua 220,000 eka. Nā ngā rangatira nō Ngāi Tai, nā Tara Te Irirangi rātou ko Nuku, ko Te Hauā i waitohu te kirimana whakaae me ētahi atu tāngata tekau mā iwa. I te tau 1842, ka hokona e te Karauna tōna 30,000 eka whenua, nui iti ake, iti iho rānei, i Papakura mai i te hapū o Ngāti Taihaua, he hapū he tini ōna toronga whakapapa ki a Ngāi Tai.
- 2.56 Nō muri mai anō, ka kīia e te Karauna, i whai wāhi kē ngā motu o Rangitoto me Tiritirimatangi ki roto i te hokonga o Mahurangi. I te tau 1854 ka hokona anō e te Karauna a Rangitoto mai i tētahi rangatira nō iwi kē atu. I te tau 1866, ka uiuitia e te Kōti Whenua Māori te taitara, te mana rānei ki te motu o Rangitoto. Tērā te maha tāngata takitahi i tuku

kerēme atu nā runga i ō rātou whakapapa mai i a Ngāti Taihaua, engari ka unuhia te kēhi e ngā kaikerēme i muri i tā te Karauna whakaatu i te pukapuka hoko o te tau 1854 ki a rātou. I te tau 1867 i whakawākia te kēhi o Tiritirimatangi e te Kōti Whenua Māori. I roto i ngā kaikerēme ko ētahi kua whai hononga whakapapa ki a Ngāti Taihaua. Ka tāpaetia e te Karauna tētahi kerēme tautohe mō te motu. E ai ki te whakatau a te Kōti, kāore e hiahiatia ana kia whai wāhi mai ērā motu nui pērā i Rangitoto me Tiritirimatangi, ki te kirimana whakaae o Mahurangi, nā te kore i whakarāngitia. Heoi anō, ka whakatauria kētia e te Kōti, he mana ō te Karauna ki Tiritirimatangi, nā te whakaaetanga o ngā hapū o reira kia nohoia e te Pākehā te motu. Ka whai anō ko te whakaaetanga a te Kōti kia tukuna a Tiritirimatangi ki te Karauna. I roto i tēnei hātepe, ka whakangaro atu katoa ngā pānga tuku iho o Ngāi Tai ki ēnei motu.

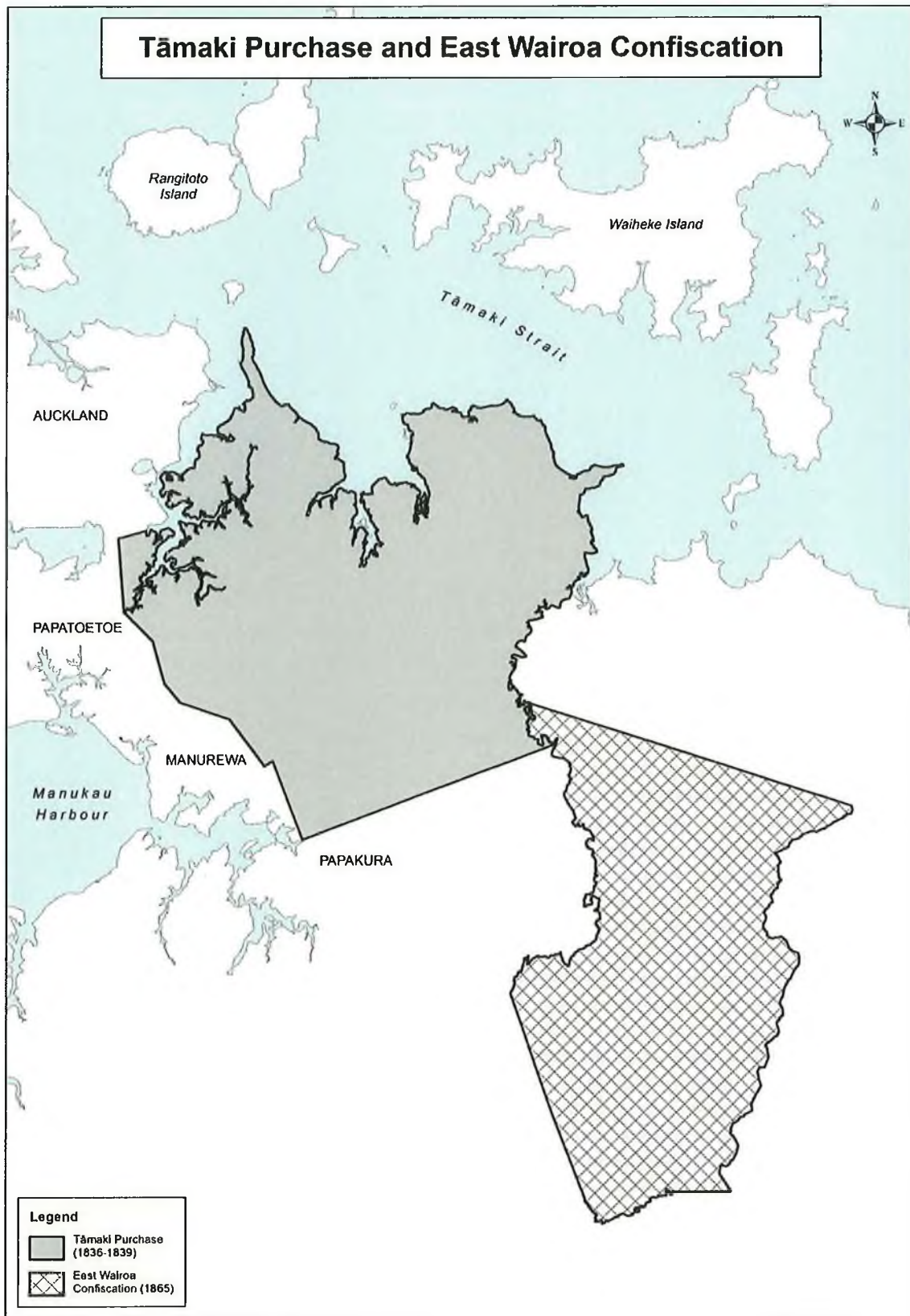
- 2.57 I te marama o Hūne i te tau 1853 me te marama o Hānuere i te tau 1854, ka hoko te Karauna i te motu o Pōnui i roto i ētahi whakawhitinga e rua, mai i ētahi atu iwi. I te tau 1866, ka whākina atu e tētahi o ngā kaihoko Māori ki te Kōti Whenua Māori, nō Ngāi Tai kē te motu.
- 2.58 I te marama o Māehe i te tau 1854 ka hokona e te Karauna te poraka o Hūnua, e-15,000 eka te nui, mai i a Ngāi Tai. Ka whakaritea e te kirimana whakaae te tekau ōrau o ngā pūtea whiwhi mai i ngā hokonga anō i taua poraka, hei whakatū kura, whakatū hōhipera anō mō te Māori, hei utu pire tākuta, hei hanqa mira, me ngā pūtea mā ngā rangatira o Ngāi Tai, hoki, i Tāmaki makaurau. He whakatinana tērā i te here o “ngā tekau”. I te tau 1927 i whakatau tētahi Kōmihana Roera Uiui ko tā te Karauna whakapau pūtea mō ngā taonga hauora, kura hoki mā ngā Māori i Tāmaki Makaurau koia ko te whakatinana i te here o “ngā tekau”. Heoi, Kei-kei te kī a Ngāi Tai, kāore rātou i whiwhi hua mai i ēnei whakawhitinga, he iti ngā hua i tēnei ki ngā whakatupuranga o muri mai o Ngāi Tai.
- 2.59 I te marama o Hūrae i te tau 1854, ka hoko te Karauna i te poraka o Takapautōtara, e 9,000 eka te rahi, ki te taha tonga o Hūnua, mai i a Ngāi Tai me ētahi atu iwi. Kāore te Karauna i whakatū rāhui mai i te poraka.

Te rironga atu o Motutapu

- 2.60 He motu nui whakahirahira a Motutapu ki a Ngāi Tai. I te 11 o ngā rā o Hānuere i te tau 1840, nā Tara Te Irirangi me ētahi atu tokorima, i waitohu te kirimana whakaae, nā reira i whakawhiti atu ai a Motutapu me ētahi atu motu e tū ana ki roto o Tikapa Moana, ki te Pākehā i moea ai e Ngeungeu, nō Ngāi Tai. He rite ngā whakaaro o Ngāi Tai mō tēnei whakawhitinga whenua ki ērā atu whakawhitinga o mua i te Tiriti, e mea ana te iwi i uru atu a Tara ki te kirimana whakaae o Motutapu hei waihanga, hei manaaki hononga e whiwhi hua ngātahi ai rātou ko te Pākehā. I te 15 o ngā rā o Tihema i te tau 1840, ka tāpaetia e tētahi taua Pākehā he kerēme mō ngā motu kia uiuitia e te Kōmihana Kerēme Whenua engari, i mate atu te tangata rā i mua i te uiuitanga a te Kōmihana i tana kerēme.
- 2.61 Taka anō te wā, ā, i te tau 1844, i te tau 1854 me te tau 1857, ka huri te Kōmihana Kerēme Whenua ki te tātari, ki te whakahoki kōrero hoki mō ngā kerēme e pā ana ki Motutapu. Ka wherawherahia e rātou ngā kerēme mō te whakawhitinga whenua i te tau 1840, me ētahi whakawhitinga e rua nō te tau 1845, i oti ai i raro i te tiwhikete whakarere mana hoko tuatahi. Nō te tau 1857 i taunakitia e te Kaikōmihana Kerēme Whenua kia whakaaetia e te Karauna te 2,560 eka whenua ki ngā tamariki e ono a te Pākehā, nāna te whakawhitinga i te tau 1840 i whiriwhiri, me te 1,409 eka anō ki teētahi atu Pākehā, nāna te kerēme i takea mai i ngā hokonga ā-whakarere mana hoko tuatahi. Ā, ka taunakitia anō e te Kaikōmihana kia whakatūria te 82 eka hei rāhui, hei waihanga rori hoki. Ka whakaaetia e te Karauna te 2,560 eka ā-taitara Pākehā takitahi ki ngā tamariki a te Pākehā, he whakapapa anō ō rātou

ki a Ngāi Tai. Tae rawa mai ki te tau 1870, kua ngaro katoa ngā pānga o aua tamariki ki Motutapu.

- 2.62 Nō muri mai, ka tuku petihana a Ngāi Tai ki te Pāremata, e inoi ana kia whakaritea ngā pānga whenua o ngā tamariki kua mate rā i te wā o ēnei rironga whenua. Ka tukuna ~~te~~ ngā petihana e te Pāremata ki te Karauna hei tirohanga māna, engari auare ake. Ka whakatauria e te Karauna nā te momo taitara i whakaaetia ai i te tau 1857, ka tukuna hāngaitia nā runga i ngā tikanga o te ture ngā pānga o ngā tāngata Māori i mate rā ki ētahi atu tāngata whiwhi taitara. Nā reira te Karauna i whakatau ai, kāore he pānga ake o ngā tamariki mate hei uiuitanga mā te Karauna. Kāore i rata a Ngāi Tai, ā, ka pakanga tonutia ā rātou kerēme ki Motutapu i roto i ngā whakatupuranga o muri mai.



Te Pakanga me te Raupatu

- 2.63 Tae rawa mai ki ngā tau whakamutunga o ngā tau 1850, nā te piki o te riri ki waenganui i te Karauna me te Māori i tū ai te Kīngitanga i Waikato. Kāore a Ngāi Tai i piri atu ki te Kīngitanga i te whakatūranga o Pōtatau Te Wherowhero hei Kīngi Māori tuatahi i te tau 1858 ā, ka pērā anō i te roanga atu o te rautau tekau mā iwa. I te 12 o ngā rā o Hūrae i te tau 1863, ka urutomokia a Waikato e te Karauna i te whakawhitinga o āna hōia i te awa o Mangatāwhiri. E ai ki te Karauna he take rautaki ō ngā whenua o Tāmaki ki te Tonga me Hauraki, nā te hiahia kia whakamarumarutia a Tāmaki me ngā kāinga o ngā Pākehā e pātata ana, tae atu ki te huarahi whakarato i ngā ope hōia e uru atu ana ki roto o Waikato.
- 2.64 Nō te tīmatanga o ngā pakanga, ka tautoko te nuinga o Ngāi Tai, i raro i te ārahitanga o Hōri Te Whētuki rāua ko Honetana Te Irirangi, i te Karauna. He mahi tēnei nā Ngāi Tai hei whakamarumaruru i tō rātou iwi me ō rātou whenua i ngā pānga o te pakanga.
- 2.65 Tērā ētahi tāngata takitahi nō Ngāi Tai i tohe atu i te urutomokanga o te Karauna ki ngā whenua o Tāmaki ki te Tonga me Hauraki ā, ka hono atu ai ki ētahi atu iwi ki ngā mahi “guerrilla” i Hūnua. Ka whakatūria e te Karauna he ope hōia hei whaiwhai i ērā tāngata i whai wāhi ki ngā whawhai i ngā huarahi whakarato o te Karauna me ngā pā tūwatawata i te taha o te awa o Wairoa.
- 2.66 I te tau 1863 ka whakaturea e te Pāremata te New Zealand Settlements Act. Nā te Ture nei i āhei ai te Karauna ki te muru i ngā whenua nō ngā iwi i tapaina ai he tāngata “in rebellion against Her Majesty’s authority”. Ka whakaritea e te ture te hanga i te Kōti Kamupeneheihana hei whakatau i te nui o te kamupeneheihana e nama atu ana ki te Māori mō te riro whenua atu i ngā poraka i murua ai, ahakoa kāore rātou i mau pū atu ki te Karauna ā, kāore anō kia āwhina, kia tautoko rānei i te riri ki te Pākehā. Kāore te Ture i whakarite kia whakahoki whenua atu hei kamupeneheihana.
- 2.67 I te 29 o ngā rā o Tīhema i te tau 1864, ka pānuitia ngā whenua i murua i Waikato. I te 30 o Tīhema 1865 ka pānui te Karauna i tētahi poraka i murua i East Wairoa. He pānga anō ō Ngāi Tai ki te poraka i murua i East Wairoa, e 51, 000 eka tōna rahinga.
- 2.68 Kāore a Ngāi Tai i whakaurua ki te rārangi ingoa a te Karauna i whakaputa ai i te 7 o ngā rā o Āperira i te tau 1865 e whakahē ana i ngā iwi me ngā hapū hei “rebel”.
- 2.69 I te marama o Mei i te tau 1865, ka uiui kerēme te Kōti Kamupeneheihana mō te poraka i murua i East Wairoa. Ka whakaaetia e te Kōti te kamupeneheihana, £1200 pāuna-te nui, ki ngā kaikerēme o Ngāi Tai mō ō rātou pānga ki East Wairoa, inā ngā utu e rua mō te £100 pāuna-mō ngā kerēme takitahi noa, me tētahi utu mō te £1000 pāuna-hei utu i tētahi atu kerēme whānui ake nā Ngāi Tai. I te marama o Oketopa i te tau 1865, ka whakarerekēhia e te Karauna te New Zealand Settlers Act kia āhei ai te whakahoki whenua mā te Kōti Kamupeneheihana, ā, nāna anō i whakarite wā kia whiriwhirihia e te Māori te whakahokinga mai o ngā whenua kei raro i ngā uiuitanga a te Kōti Kamupeneheihana o te pūnaha o mua. I te tau 1871, ka whakaaetia e te Karauna ētahi poraka iti e toru i te mātāwai o te riu o Mangatāwhiri ki ētahi tāngata takitahi nō Ngāi Tai, huia katoatia e 250 eka te nui. I te tau 1872 ka hokona katoatia ngā poraka e tētahi Pākehā mō te £17-pāuna.
- 2.70 I te wā i karangahia ai e te Karauna-Kōti Kamupeneheihana kia rēhita kerēme te Māori e pā ana ki East Wairoa, ka whai haere a Anaru Makiwhara i te Commander o te Waikato Native Contingent ki Te Kuiti ki te whiriwhiri kaupapa a te Karauna. I mua i tana wehenga atu, ka kāore anō kia rēhita kerēme a Makiwhara mō ētahi whenua i Hikurangi, i roto i te poraka o

East Wairoa nā te mea, he pānga rerekē ō tōna whānau i ō te kerēme whānui ake o Ngāi Tai. Hāunga anō tērā, nā te Kaiwhakawā Matua i kī atu ki te Commander, kāore e tū te uiuitanga kia hoki rā anō rāua ko Makiwhara. Nō te hokitanga atu o Makiwhara ki Ākarana i mua i te paunga o te ono marama mai i te pānuitanga, he tikanga i whakaritea ai e te New Zealand Settlements Act, kua mutu kē te uiuitanga i ngā kerēme e pā ana ki te poraka o East Wairoa.

- 2.71 Nā Anaru Makiwhara rāua ko tōna tuakana, nā Patariki i tuku petihana ki te Pāremata hei māngai mō tō rāua whānau i te tau 1880, i te tau 1881, i te tau 1886 me te atu-tau 1888 hei kimi kamupeneheihana mō te rironga o te whenua i Hikurangi. E rua anō ngā reta i tukuna hāngaitia atu e Makiwhara ki te Minita Māori i te tau 1892. I te tau 1881, ka taunakitia e te Kōmiti Māori kia uiuitia e te Kāwanatanga ngā kerēme a Makiwhara engari, kāore te Minita Māori i whakaae kia huakina anō ngā whenua kua tāpaetia kētia ki mua i te aroaro o te Kōti Kamupeneheihana. I te tau 1886 ka tukuna anō e te Kōmiti Take Māori ngā kerēme a Makiwhara ki te Kāwanatanga. Ka whakahaerehia e te Tari Māori tētahi uiuitanga ā, ka tukuna tāna pūrongo ki te Minita Māori i te tau 1887. Ko ngā kitenga o te uiuitanga i hāngai anō ki ngā petihana a Makiwhara, he mahi whawhai hei hōia a Makiwhara mō ngā ope a te Karauna i roto i ngā pakanga o Waikato ā, kāore hoki ōna whānau i uru ki te riri. Ahakoa te pūrongo, kāore te Karauna i whai atu i tēnei take i te tau 1887, i muri mai anō rānei i te tukunga anō a te Kōmiti Take Māori i ngā kerēme a Makiwhara ki te Kāwanatanga i te tau 1888.
- 2.72 I te tau 1924, nā Makiwhara anō, e 82 ngā tau o te kaumātua i taua wā, i tāpae petihana anō ki te Pāremata e pā ana ki a Hikurangi me te murunga o East Wairoa. E rua tekau mā toru anō ngā tāngata nō Ngāi Tai i waitohu i te petihana. I te tau 1926, ka whakaingoatia e te Karauna te Kōmihana Sim hei uiui haere i ngā nawe Māori i tupu ake ai i ngā murunga whenua, ā, ka whai wāhi anō te poraka o East Wairoa ki te uiuitanga o ngā whenua i murua ai. Ka whakaritea kia tū a Makiwhara ki te tuku kōrero ki mua i te Kōmihana engari ka mate atu te kaumātua i mua tata i ngā uiuitanga.

Te Kōti Whenua Māori i te rohe o Ngāi Tai

- 2.73 I te Huinga ki Kohimārama i te tau 1860, ka pātai atu a Kāwana Gore Browne ki ngā Māori kia whakaarohia me pēhea e whakangāwaritia ake ai ngā take whenua Māori, e mea ana te Karauna, he maha rawa ōna "difficulties and complications". I roto i ngā matapakanga, ka puta te whakatūpatotanga o Hōri Te Whētuki, kāore e tika, e pai rānei te kaupapa kia wāhia ngā whenua Māori.
- 2.74 I whakatūria Te Kōti Whenua Māori i raro i ngā Ture Whenua Māori i te tau 1862 me te tau 1865, ā, ka tū āna uiuitanga tuatahi i te rohe o Tāmaki i te tau 1865. Ka whakarere ngā Ture i tū ai te Kōti Whenua Māori i te mana hoko whenua tuatahi o te Karauna i raro i te Wāhanga 2 o te Tiriti. Ā, mā reira e āhei ai te Māori takitahi ki te tuku i ō rātou whenua mā te rīhi, mā te hoko atu rānei ki ngā rōpū tūmataiti ā, ki te Karauna rānei, kātahi ka whakaaetia te taitara. Ka taea e te Māori takitahi te tīmata uiuitanga ā-taitara i te Kōti Whenua Māori, mā te tāpae tonu noa iho ki te Kōti. Ka whakatauria e te Kōti kia uiuitia tētahi tonu, me taetae katoa mai ngā tāngata whai pānga tuku iho ki te uiuitanga mehemea kei te hiahia rātou kia whai wāhi ki te rārangi a te Kōti, ahakoa te kore hiahia ki te taitara a te Karauna.
- 2.75 Nā ngā hononga maha ki te whenua, he nui ngā āhuatanga whakamahi o ngā tikanga tuku iho. Nā ngā ture whenua hou i whakarite aua mana ki tētahi rohe kua āta rūrihia, ā, kāore pea i whai wāhi atu te tokomaha tāngata whai pānga ki te whenua. E ai ki ngā tikanga mana whenua tuku iho, nō tāngata maha te whenua. Kāore ngā taitara i whakaaetia e te

Kōti Whenua Māori i ū ki tēnei āhuetanga tuku iho, ā, ka whakaae whenua nō te tokomaha tāngata ki ngā tāngata takitahi kē, kua ki ngā hapū, iwi rānei. Ā, nā konā i memeha haere ai ngā hanganga, ngā tikanga ā-iwi o Ngāi Tai.

- 2.76 I te 26 o ngā rā o Hānuere i te tau 1865, ka tonu ētahi rangatira nō Ngāi Tai kia uiuitia te taitara o ō rātou whenua ki roto i te Rāhui o Umupuia i Maraetai ā, ki Urungahauhau, ki Mātaitai anō hoki. Nō te taha ki Ngāi Tai te aukatinga i whakaaetia ai e Ngāi Tai rātou ko ōna hoa tata ki te tonga, ki a Ngāi Tai ēnei whenua i te tau 1858. He rohe pōtae tēnei mai i Kōherurahi ki te tonga, tae atu ki Te Aho o Matariki, ā, kua whakawhitia e te taipā ki te raki o te poraka o East Wairoa i murua kētia. Nā tētahi Kaikōmihana Kāwanatanga, i whakaingoatia e te Karauna, te kōrero i te Kōti Whenua Māori, kua whakaūngia anō te rohe pōtae mā ngā whiriwhiringa kōrero me Ngāi Tai tae atu ki te iwi noho ki te taha, hei wāhanga o te hātepe o te Kōti Kamupeneheihana. I te Kōti Whenua Māori ka whakaaetia ngātahitia ngā kaikōrero nō Ngāi Tai me te iwi noho tata te rohe pōtae, engari i tautohetohetia te wāhi ake. I te tīmatanga o te tau 1866, ka tāpaetia e te iwi noho tata tētahi kerēme tautohe mō te poraka o Whakakaiwhara ā, tekau ōrau taua rahinga whenua o te whenua katoa i hangaia e Ngāi Tai hei rāhui i te tau 1854. Ka whakahaere whiriwhinga ā-waho o te Kōti te Kaikōmihana Kāwanatanga ā, ka whakaae a Ngāi Tai ki te utu i te £250 pāuna—ki te iwi noho tata kia tangohia ō rātou kerēme ki ngā whenua o te Rāhui o Maraetai. Ahakaoa ngā tautohetohenga ki waenganui i ngā rangatira o Ngāi Tai, ka utungia, ā, e kīia ana, he moni tata atu ki te tekau mā whā ōrau o ngā pūtea whiwhi katoa o ngā hokonga nui o ngā whenua o te Rāhui o Maraetai.
- 2.77 I taua wā tonu, ka whakamārama atu te Kaikōmihana Kāwanatanga ki te Kōti mō te whakataunga ā-waho o te Kōti o te tāpaetanga kerēme mō Urungahauhau. Ka utua e Ngāi Tai tētahi £100 pāuna—anō ki tētahi iwi pātata kia nohopuku rātou i roto i ngā uiuitanga e pā ana ki te poraka. I te tau 1871, ka tāpae kerēme tohe a Ngāi Tai mō te poraka o Te Kiripaka i tērā atu taha o te rohe pōtae. Kāore te Kōti i whakaae ki ngā pānga o Ngāi Tai ki te poraka.
- 2.78 I whakaritea e te Karauna kia rūrihia ngā poraka whenua i mua, ā, kātahi ka uiuitia e te Kōti Whenua Māori ngā taitara. Nā Ngāi Tai tonu i pīkau te utu kia rūrihia ō rātou whenua tuku iho i whāia e rātou ngā taitara whakaae a te Karauna. I te tau 1868, ka īnoi atu a Hōri Te Whētuki ki te Kaiwhakawā Matua o te Kōti Whenua Māori kia tere tāna whakatau taitara e pā ana ki ētahi poraka e rima o ngā poraka tekau mā tahi kei roto i te whenua rāhui kua whakaritea kētia e te Karauna ki a Ngāi Tai i te tau 1854. Ka kī atu a Te Whētuki ki te Kaiwhakawā Matua, i hiahia ia ki te hoko i aua poraka e rima hei mahi moni hei rūri haere i ētahi atu poraka anō i roto i te rāhui, he whenua e hiahiatia ana e Ngāi Tai kia whiwhi taitara mā ngā whakahaeretanga a te Kōti. I roto i te tekau marama i muri mai i te whakataunga a te Kōti, kua hokona atu ngā poraka rāhui e rima. He pērā anō a Ngāi Tai ki te nui o te Māori, i mate ki te hoko whenua hei pīkau i ngā utunga ā-rūri.
- 2.79 Mai i te tau 1866 tae atu ki te tau 1871, e tata ana ki te 16,000 eka o te 20,000 eka whenua, neke atu pea, i whakawhiwhia ai ki a Ngāi Tai e te Kōti Whenua Māori, i hokona katoatia. Taka rawa mai ki te tau 1871, ka toe ki a Ngāi Tai ko te 2,312 eka anake o te poraka o Mātaitai 1 me te poraka rāhui whakamutunga o Maraetai i Umupuia, 1,376 eka whenua te rahi.

Te murunga o ngā whenua e toe ana

- 2.80 I roto i ngā tau whakamutunga o te rautau tekau mā iwa tae atu ki te rautau e rua tekau, kua ngaro atu te nuinga o ngā whenua e toe ana ki a Ngāi Tai ki te Karauna, ki ngā kaihoko tūmataiti rānei. Ka karapotia ngā whenua ake o Ngāi Tai e ngā whenua o te Pākehā me

ngā whakawhanaketanga ā-tuawhenua. I te tau 1875, ka tīmata tētahi mana whakahaere ā-rohe ki te tango whenua nō Ngāi Tai i Maraetai hei rori. Ka tohe atu a Ngāi Tai ki te hiahia kia hanga rori mā roto i ō rātou māra. I te tau ~~1877~~1876, ka rūrihia e taua mana whakahaere ā-rohe te rori. Ā, i te tau 1879 ka whakaae atu ngā tāngata nō rātou te whenua ki te kirimana whakaae kia taea te rori te hanga mā roto i ō rātou whenua. E ai ki te mahere e tāpirihia ana ki te kirimana whakaae, e rua kē ngā huarahi ka taea - tētahi mā roto i ngā māra kai o Ngāi Tai, ā, ko tētahi atu, mā te “proposed deviation”. Ka mutu, ka hangaia e te mana whakahaere ā-rohe te rori mā ngā māra ake, ā, kāore i tutuki te “proposed deviation”. I te tau 1904, ka tangohia anō e te Karauna he whenua anō hei hanga rori i Maraetai, nā runga i te Public Works Act o te tau 1894.

2.81 I te tau 1946 ka hokona e te Karauna te poraka whenua, e ~~225255~~ eka, o Mātaitai 1A2B5A2B hei kaupapa noho whenua mō ngā hōia i hokihoki mai rā i te pakanga. Ka āhua whakatūpato ngā kaihoko Māori engari ka whakaaetia atu, nā te kī a te Karauna tērā ka whakamahia te whenua hei whakarauoratanga mō tētahi hōia nō Ngāi Tai me tētahi atu anō hoki. Ka riro atu a Maraetai 1A2B5A2B i te marama o Hepetema i te tau 1946. I te tau 1949 ka pānuitia te whenua hei whenua nō te Karauna, hei whakamahi mā te whakawhanaketanga ā-whenua Māori me te kaupapahere kia nohoia ki raro i te Native Land Amendment Act i te tau 1936. Hāunga anō te whakahaere pāmu miraka kau a te Tari Māori ki runga, me te whiwhinga mahi a te hōia nō Ngāi Tai, kāore rawa he hōia hokihoki mai kotahi i noho pūmau ki reira. I te tau 1956 ka hokona e te Karauna te whenua ki te tangata tūmataiti me te kore aro atu kia hokona anō e Ngāi Tai.

2.82 I ngā tau tuatahi mai i 1960 ka tono tētahi mana ā-takiwā ki te hoko i tētahi wāhanga i te takutai moana o te poraka o Maraetai hei rāhui papa rēhia. I te tau 1962, ka tuhi tētahi o ngā kaupupuru nō Ngāi Tai ki te Karauna ki te whakahē i te hiahia a te mana ā-takiwā, i runga i te whakaaro, he urupā, he marae hoki e tū ana i reira i tētahi wāhi o te whenua, i mua. I tono anō a ~~Ngāi Tai~~Ngāi Tai kia noho ko te Kaitiaki Māori tō rātou māngai, māna ngā whenua e rīhi mō te whanaketanga arumoni, kāinga noho anō hoki, ā, nō te tau 1963 ka tukua te whenua e te Kōti Whenua Māori ki te Kaitiaki Māori mō te rīhi. Ahakoa tērā, i te tau 1967 ka whakatau te Kaitiaki Māori e kore e taea te kawē whakamua ngā whanaketanga arumoni, kāinga noho rānei, nā te mea kua oti kē te whenua te whakaingoa he takiwā ahuhenua, ā, kua tohua hoki hei rāhui papa rēhia e te mana o te takiwā. Ka tono te Kaitiaki Māori i reira ki te Kōti Whenua Māori kia tukua mai tētahi poraka āhua rima eka ki te Kaitiaki Māori, kia āhei ia te hoko i taua wāhi ki te kaunihera ā-rohe hei rāhui papa rēhia. Ka whakaae te Kōti Whenua Māori ki te tono a te Kaitiaki Māori i te marama o Oketopa 1967. Ka hainatia te kirimana hoko i te marama o Nōema. E ai ki tētahi kaupupuru nō ~~Ngāi Tai~~Ngāi Tai i tae ake ki te hui, i te tino pouri rātou mō te hoko i te whenua, engari i te hiahia rātou kia whiwhi painga tōtika te iwi mō te whenua, me te mōhio, i te tino hīkaka te mana o te takiwā ki te hoko.

2.83 I te mutunga o te rautau e rua tekau, e 824 eka anake o te rāhui i Maraetai e 6,063 eka, e purutia tonutia ana e Ngāi Tai. O te 2,312 eka o te poraka o Mātaitai 1, e 641 eka anake te toenga whenua ki a Ngāi Tai. Ka wehewehea ngā eka e 641 ki ngā poraka tekau mā whā, ā, tekau o aua poraka, he iti iho i te tekau eka.

Take ā-papori, ā-ōhanga

2.84 He pānga nui rawa atu tō te murunga o ngā whenua tuku iho o Ngāi Tai ki ā rātou whakahaeretanga Māori taketake. Ka noho whenua kore ngā whānau, ā, kāore e taea ngā āhuetanga o te oranga mai i ngā poraka whenua ōhanga kore. Mai i ngā tau 1880, ka wehewehe haere a Ngāi Tai i Umupuia ki te kimi mahi. Nā tēnei maramara haere o Ngāi Tai ka noho wehe anō ngā whānau me ō rātou uri i ō rātou whenua, tae atu ki tō rātou

tuakiri hei Ngāi Tai. Ā, ka whai i muri ko te ngaromanga o ngā tikanga tuku iho, o te mana whakahaere ā-iwi, o te reo me ngā tikanga o Ngāi Tai.

- 2.85 Ka whiwhi oranga ngā mea o Ngāi Tai i noho atu ki Umupuia me Mātaitai mai i ngā mahi rehe me te mahi pāmu, mahi hī ika anō. Ka kī mai a Ngāi Tai he nui ngā whānau i noho i tēnā whare, i tēnā whare, kikī ana i te tangata, tae atu ki ngā āhuatanga o te pōharatanga me te kore mahi. Nā ēnei āhuatanga o te kino o te hauora, ka pā ngā māuiuitanga me te rawakoretanga ki a Ngāi Tai.
- 2.86 Ka heke haere tonu ērā āhuatanga ā-papori, ā-ōhanga mō Ngāi Tai i muri mai anō i te pakanga tuarua o te ao, ā, he taumaha ake te mate tamariki, te hekenga o te wā ora me te teitei ake o te kore mahi i ō te Pākehā tatauranga.
- 2.87 Ka kī a Ngāi Tai, i ngā tau i muri mai i Te Tiriti o Waitangi, ka ngana tonu rātou kia mau ki tō rātou ake rangatiratanga ahakoa te ngaromanga atu o ō rātou whenua, tae atu ki te wehewehenga ā-tōrangapū, ā-ōhanga, ā-ahurea anō hoki i whai mai i te taha.

SCHEDULE 3

3 ACKNOWLEDGEMENT AND APOLOGY

ACKNOWLEDGEMENT

- 3.1 The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngāi Tai ki Tāmaki in an appropriate way and recognition of these grievances is long overdue.
- 3.2 The Crown acknowledges that by participating in land transactions Ngāi Tai ki Tāmaki sought to establish mutually beneficial relationships with Europeans and, from 1840, the Crown. The Crown further acknowledges that lands transacted by rangatira of Ngāi Tai ki Tāmaki contributed to the development of Auckland and New Zealand as a whole.
- 3.3 The Crown acknowledges that in approving the pre-1840 Tāmaki purchase -
- 3.3.1 it retained “surplus lands” in the block, including land in which Ngāi Tai ki Tāmaki had interests as well as land the missionary who made the transaction agreed would return to Māori ownership, and this has long been a source of grievance for Ngāi Tai ki Tāmaki; and
 - 3.3.2 it failed to ensure the block was properly surveyed and to require an assessment of the adequacy of lands that Ngāi Tai ki Tāmaki retained before acquiring the “surplus”, and thereby breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.4 The Crown acknowledges that -
- 3.4.1 it retained Ngāi Tai ki Tāmaki lands, including lands in eastern Wairoa, Papakura and the inner Hauraki Gulf / Tikapa Moana, as “surplus” from pre-emption waiver claims and that its policy of taking surplus land has long been a source of grievance for Ngāi Tai ki Tāmaki; and
 - 3.4.2 it failed to correctly apply all of the regulations which governed pre-emption waiver transactions; and
 - 3.4.3 it did not always protect Ngāi Tai ki Tāmaki interests during investigations into these transactions; and
 - 3.4.4 its policy of taking surplus land from pre-emption waiver purchases breached the Treaty principles of active protection and the duty to act fairly and reasonably towards Ngāi Tai ki Tāmaki when it failed to ensure an assessment of the adequacy of lands that Ngāi Tai ki Tāmaki retained for their needs. The Crown also acknowledges that this failure was compounded by

flaws in the way the Crown implemented the policy in further breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- 3.5 The Crown acknowledges that by failing to set aside one-tenth of the lands transacted during the pre-emption waiver period for public purposes, especially the establishment of schools and hospitals for the future benefit of Māori including Ngāi Tai ki Tāmaki, it breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that the alienation of inner Hauraki Gulf / Tikapa Moana islands, with their deep ancestral associations to the iwi, remains a major grievance for Ngāi Tai ki Tāmaki.
- 3.7 The Crown reiterates its previous acknowledgement in the Waikato-Tainui settlement that its representatives and advisers acted unjustly and in breach of Te Tiriti o Waitangi/the Treaty of Waitangi by sending Crown forces across the Mangatāwhiri in July 1863, and occupying and subsequently confiscating land in the Waikato region. For the purpose of the present settlement, the Crown further acknowledges that subsequent Crown military activity and occupation north of the Mangatāwhiri led to death and dislocation within the rohe of Ngāi Tai ki Tāmaki.
- 3.8 The Crown acknowledges that -
- 3.8.1 after the war it confiscated 51,000 acres of land at East Wairoa in which Ngāi Tai ki Tāmaki held interests; and
 - 3.8.2 it broke its promise that those, including Ngāi Tai ki Tāmaki, who had not taken up arms during the war would not be deprived of their lands through the confiscation; and
 - 3.8.3 Ngāi Tai ki Tāmaki lands were confiscated even though the majority of the iwi expressed loyalty during the war; and
 - 3.8.4 the prejudice created by the confiscation was compounded by inadequacies in the Compensation Court process; and
 - 3.8.5 it returned only 250 acres of land to Ngāi Tai ki Tāmaki in individualised title, which was inconsistent with customary tenure; and
 - 3.8.6 Ngāi Tai ki Tāmaki pursued compensation over many years for land confiscated in the East Wairoa block; and
 - 3.8.7 the confiscation was unjust and excessive, and in breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.9 The Crown acknowledges that -
- 3.9.1 it introduced the native land laws without consulting Ngāi Tai ki Tāmaki; and

- 3.9.2 the individualisation of title imposed by the native land laws was inconsistent with Ngāi Tai ki Tāmaki tikanga; and
- 3.9.3 the Native Land Court title determination process carried significant costs, including survey and hearing costs, which led to further alienation of Ngāi Tai ki Tāmaki land; and
- 3.9.4 the operation and impact of the native land laws, in particular the awarding of land titles to individual Ngāi Tai ki Tāmaki rather than to the iwi or hapū, made those lands more susceptible to partition, fragmentation and alienation. This contributed to the erosion of the traditional tribal structures of Ngāi Tai ki Tāmaki. The Crown failed to take adequate steps to protect those structures and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.10 The Crown acknowledges that its agent pressured Ngāi Tai ki Tāmaki to pay their rivals to withdraw challenges to the Ngāi Tai ki Tāmaki applications for title to the Whakakaiwhara and Urungahauhau blocks.
- 3.11 The Crown acknowledges that Ngāi Tai ki Tāmaki permanently lost the ownership and use of land at Mātaitai despite the Crown's assurance that this land would be used for the rehabilitation of returned servicemen, including a Ngāi Tai ki Tāmaki serviceman, when it purchased the land.
- 3.12 The Crown acknowledges that by 1880 Ngāi Tai ki Tāmaki were left virtually landless, and the Crown's failure to ensure that they retained sufficient land for their present and future needs was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. This hindered the social, economic and cultural development of Ngāi Tai ki Tāmaki, and undermined the ability of Ngāi Tai ki Tāmaki to protect and manage their taonga, including te reo Māori, and their wāhi tapu, and to maintain spiritual connections to their lands. The Crown further acknowledges that this has severely impacted on the well-being of Ngāi Tai ki Tāmaki today, and has compromised the ability of Ngāi Tai ki Tāmaki to exercise manaakitanga in their traditional rohe.

ACKNOWLEDGEMENT IN TE REO

- 3.13 Ka whakaae te Karauna i hapa, nā tāna kore whakawhitiwhiti kōrero e pā ana ki ngā nawe me ngā mamaetanga mai rā anō o Ngāi Tai ki Tāmaki, nā runga i ngā tikanga pono, me te mōhio anō hoki kua roa rawa te whakatikatika o ēnei nawe e tārewa tonu ana.
- 3.14 Ka whakaae te Karauna nā te whai wāhitanga atu o Ngāi Tai ki Tāmaki ki ngā whakawhitinga whenua, ka kitea te hiahia o te iwi ki te waihanga hononga e whiwhi painga ngātahi ai rātou ko ngā Pākehā, ā, mai i te tau 1840, ka perā anō ngā hua ka puta ki te Karauna. Ka whakaae anō te Karauna, nā ngā whakawhitinga whenua a ngā rangatira nō Ngāi Tai ki Tāmaki i whakapakari te whakawhanaketanga o Tāmaki Makaurau me Aotearoa nui tonu.
- 3.15 Ka whakaae te Karauna, nā tāna whakaaetanga ki te hokonga o Tāmaki i mua i te Tiriti –

- 3.15.1 ka pupurutia ki a ia anō ngā “whenua toenga” o te poraka, tae atu ki te whenua i whai pānga anō ai a Ngāi Tai ki Tāmaki ki roto, me te whenua i whakaaetia ai e te mihingare, nāna te whakawhitinga i whakarite, kia whakahokia rā ki te Māori ā, kua noho tonu tēnei nawe whenua hei mamaetanga ki a Ngāi Tai ki Tāmaki, mai anō;
- 3.15.2 ka hapa ia ki te āta rūri i te poraka whenua nā, ā, kāore hoki i whakarite kia arotakengia, kia whai whakaaro ake anō ki te tika me te rahi o ngā whenua o Ngāi Tai i mua i te rironga o te “toenga”, ā, nā konā i takahi ai i Te Tiriti o Waitangi me ōna mātāpono.
- 3.16 Ka whakaae te Karauna –
- 3.16.1 nāna i muru ngā whenua o Ngāi Tai ki Tāmaki i Wairoa ki tai, i Papakura, tae atu ki roto o Tikapa Moana, hei whenua “toenga” mai i ngā kerēme ā-whakarere mana hoko tuatahi. Mai anō tēnei mamae o Ngāi Tai ki Tāmaki e ngau ana, arā, te riro whenua toenga, hei nawe mō Ngāi Tai ki Tāmaki;
- 3.16.2 nāna i hapa ki te whakatau tika i te katoa o ngā whakaritenga whakahaere i ngā whakawhitinga ā-whakarere mana hoko tuatahi;
- 3.16.3 kāore i āta manaakitia i ngā wā katoa ngā pānga whenua o Ngāi Tai i roto i ngā uiuitanga o aua whakawhitinga whenua;
- 3.16.4 nā tāna kaupapahere ki te tango whenua toenga, mai i ngā hokonga ā-whakarere mana hoko tuatahi, ka takahia ngā mātāpono o Te Tiriti e pā ana ki te āta whakamarumarū, tae atu ki te haepapa kia pono, kia tika āna mahi katoa ki a Ngāi Tai ki Tāmaki. Ā, nā tāna hapa ki te arotake i te tika me te nui o te whenua e toe tonu ana ki a Ngāi Tai ki Tāmaki hei oranga ake mō rātou, ka takahia anō te kī taurangi kia manaakitia a Ngāi Tai ki Tāmaki. Ka whakaae anō te Karauna, nā ngā ngoikoretanga o te whakahaere a te Karauna i taua kaupapahere, ka hē rawa atu, ā, he takahi anō tērā i Te Tiriti o Waitangi me ōna mātāpono.
- 3.17 Ka whakaae te Karauna, nā tāna korenga, nā tāna hapa ki te whakarite i te tekau ōrau o ngā whenua i whakawhitia ki a Tauīwi i te wā o te whakarere mana hoko tuatahi hei mahinga tūmatanui, inā hoki rawa ki te whakatū kura me te whakatū hōhipera hei painga mō ngā uri whakatupu, tae atu ki a Ngāi Tai ki Tāmaki, ka takahia anō Te Tiriti o Waitangi me ōna mātāpono.
- 3.18 Ka whakaae te Karauna, kei te ngau tonu hei mamae nui ki a Ngāi Tai ki Tāmaki te rironga atu o ngā motu ki roto o Tikapa Moana me ōna wāhi tapu.
- 3.19 Ka whakatauria anō e te Karauna āna whakaaetanga i whakatakotohia ai i te whakataunga o Waikato me Tainui, he mahi takahi mana ā āna māngai, kaitohutohu anō hoki ki te tuku hōia a te Karauna ki te whakawhiti i te Awa o Mangatāwhiri i te marama o Hūrae i te tau 1863, tae atu ki te rironga, ā, hei muri atu, te murunga whenua i te rohe pōtae o Waikato. Hei whakawhāiti mai ki tēnei whakataunga, ka whakaae anō te Karauna, he tino parekura i whāia, nā te urutomokanga o ngā hōia a te Karauna ki Mangatāwhiri ā, ka wehewehea ngā tāngata ki roto i te rohe ake o Ngāi Tai ki Tāmaki.

3.20 Ka whakaae te Karauna –

- 3.20.1 nō muri mai i te pakanga, e 51,000 eka te nui o ngā whenua i murua i East Wairoa, ā, he pānga tonu nō Ngāi Tai ki Tāmaki ki roto;
- 3.20.2 nāna i huri tuarā ki tāna kī taurangi ki te Māori, tae atu ki a Ngāi Tai ki Tāmaki, e mea ana, kāore e murua ngā whenua o ngā iwi nohopuku i te wā o te pakanga, hei muri mai i te wā o te rironga whenua;
- 3.20.3 ahakoa te noho tautoko a te nuinga o te iwi i roto i te pakanga, whakangaromia tonutia atu ngā whenua o Ngāi Tai o Tāmaki;
- 3.20.4 nā ngā ngoikoretanga o te hātepe whakahaere a Te Kōti Kamupeneheihana i kino ake ai te tāmi anō o te kiriweti i tupu mai i te murunga whenua;
- 3.20.5 e 250 eka whenua anake ā-taitara takitahi te nui i whakahokia ki a Ngāi Tai ki Tāmaki ā, he takahi tērā i ngā tikanga tuku iho e pā ana ki te whenua;
- 3.20.6 e hia kē nei ngā tau a Ngāi Tai ki Tāmaki e kimi kamupeneheihana ana mō ngā whenua i murua i East Wairoa; ā
- 3.20.7 he takahi mana, he nui rawa atu te murunga, ā, he takahi anō tērā i Te Tiriti o Waitangi me ōna mātāpono.

3.21 Ka whakaae te Karauna -

- 3.21.1 ka whakaturea ngā ture whenua Māori me te kore aro atu ki a Ngāi Tai ki Tāmaki;
- 3.21.2 he takahi i ngā tikanga o Ngāi Tai ki Tāmaki te takitahitanga o te mana whenua i whakaritea e ngā ture whenua Māori;
- 3.21.3 he utunga nui tonu ō te hātepe uiui mana whenua o Te Kōti Whenua Māori, tae atu ki ngā utu ā-rūri, ā-uiui anō, ā, he riro whenua atu nō Ngāi Tai ki Tāmaki te otinga;
- 3.21.4 nāna i whakaae taitara atu ki ngā tāngata takitahi nō Ngāi Tai ki Tāmaki, kua ki te iwi, ki te hapū rānei, ā, ka ngāwari ake te wehewehe, te whakaitiiti me te whakangaromanga whenua. Ka whāia ko te memeha haere o ngā hanganga, ngā tikanga tuku iho o Ngāi Tai ki Tāmaki. Ka hapa anō te Karauna ki te whakamarumarū i ēnei tikanga ā, he takahi tērā i Te Tiriti o Waitangi me ōna mātāpono.

3.22 Ka whakaae te Karauna, i āki tā rātou āpiha i a Ngāi Tai ki Tāmaki kia utungia ō rātou kaitohetohe kia tango i tā rātou tohe ki ngā tono a Ngāi Tai ki Tāmaki, e pā ana ki ngā poraka whenua o Whakakaiwhara me Urungahauhau.

3.23 Ka whakaae te Karauna, ka ngaro i a Ngāi Tai ki Tāmaki te mana whenua me te mana whakamahia whenua i Mātaitai ahakoa te whakatau a te Karauna ka whakamahia te

whenua hei whakarauora i ngā hōia hokihoki mai i te pakanga, tae atu ki tētahi hōia nō Ngāi Tai ki Tāmaki, i te wā o tāna hokonga whenua.

- 3.24 Ka whakaae te Karauna, taka mai ki te atu-tau 1880, kua tata iwi whenua kore a Ngāi Tai ki Tāmaki, ā, nā te hapa o te Karauna ki te whakarite kia rahi anō ngā whenua ki a Ngāi Tai mō ō rātou oranga o nāianeī, mō mua hoki, he takahi anō tērā i Te ~~Tiriti~~ Tiriti o ~~Waitanga~~ Waitangi me ōna mātāpono. Nā konā i raru ai te whakawhanaketanga ā-papori, ā-ōhanga, ā-tikanga anō hoki o Ngāi Tai ki Tāmaki ā, ka raru anō ō rātou kaha ki te whakamarumarū, ki te whakahaere hoki i ā rātou taonga, tae atu ki te reo Māori, me ō rātou wāhi tapu ā, kia pupurutia ō rātou hononga ā-wairua ki ō rātou whenua. Ka whakaae anō te Karauna, he mahi kino rawa atu ngā pānga ki te oranga tonutanga o Ngāi Tai ki Tāmaki i ēnei rā ā, kua waimehatia te kaha o Ngāi Tai ki Tāmaki ki te whakahaere manaakitanga ki roto i tō rātou rohe tuku iho.

APOLOGY

- 3.25 The Crown makes this apology to Ngāi Tai ki Tāmaki, to your tūpuna and to your mokopuna.

Ngāi Tai ki Tāmaki sought to establish mutually beneficial relationships with European settlers and the Crown by welcoming them into your rohe and offering land, but the Crown did not honour this gesture. Instead, its acts and omissions undermined relationships that should have been based on good will and mutual benefit. The Crown broke its promise to protect your interests, confiscated your whenua, and promoted policies which had devastating economic, social and cultural consequences for Ngāi Tai ki Tāmaki.

For its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles and for the prejudice its acts and omissions have caused Ngāi Tai ki Tāmaki, the Crown unreservedly apologises.

The Crown hopes this settlement will lead to a new relationship that fulfils the expectations of your tūpuna and mokopuna, a relationship marked by cooperation, partnership, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

APOLOGY IN TE REO

- 3.26 Ko tēnei te whakapāha a te Karauna ki a Ngāi Tai ki Tāmaki, ki ō koutou tūpuna me ā koutou mokopuna.

Nā ngā mahi manaaki a Ngāi Tai ki Tāmaki ki ngā Pākehā me te Karauna, ki roto i tō koutou rohe, me te tuku whenua anō, i ngana koutou ki te hanga hononga e whai hua ngātahi ai ngā iwi e rua, engari kāore te Karauna i mau kī taurangi ai ki tēnei whakaritenga. Heoi anō, nā āna mahi me āna hapa i turaki ngā hononga ā-manaakitanga, ā-painga huhua mō te katoa. Ka whati te Karauna i tāna kī taurangi ki te whakamarumarū i ō koutou pānga, nāna i muru ō koutou whenua ā, nāna anō i whakatairanga kaupapahere i tupu ake ai ngā pānga kino rawa atu e pā ana ki te ōhanga, ki te iwi, ki ngā tikanga anō hoki o Ngāi Tai ki Tāmaki.

SECOND DEED TO AMEND NGĀI TAI KI TĀMAKI DEED OF SETTLEMENT

Mō āna takahitanga i Te Tiriti o Waitangi me ōna mātāpono, tae atu ki te kiriweti i pā ki a koutou, nā āna mahi me āna hapa ki a Ngāi Tai ki Tāmaki, ka mātua tuku i te whakapāha kore mutunga atu.

Ko te tūmanako o te Karauna, mā tēnei whakataunga ka whai mai tētahi hononga hou e whakatinanatia ai ngā wawata o ō koutou tūpuna, mokopuna anō hoki ā, he hononga e tohu ai i te mahi ngātahi, i te manaakitanga me te whakauteute i Te Tiriti o Waitangi me ōna mātāpono.