



NGARUAHINE

and

THE TRUSTEES OF TE KOROWAI O NGARUAHINE TRUST

and

THE CROWN

**DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

1 August 2014

[Handwritten signature]

PURPOSE OF THIS DEED

This deed:

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Ngaruahine 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 Ngaruahine;
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the trustees of Te Korowai o Ngaruahine Trust, who have been approved by Ngaruahine to receive the redress;
- includes definitions of:
 - the historical claims;
 - Ngaruahine;
- provides for other relevant matters; and
- is conditional on settlement legislation coming into force.



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DEED OF SETTLEMENT

THIS DEED is made between:

NGARUAHINE

and

THE TRUSTEES OF TE KOROWAI O NGARUAHINE TRUST

and

THE CROWN

**MO TE HOKINGA MAI,
E KORO**

E te koro o Taranaki e,

Te maunga o Tитоheа

Kua riro atu ra i te ringa raupatu o te Kawanatanga

Ko to putake, ko to tihi

Ko to rekereke, ko to katoa

He puna oranga mo te iwi

Ko o rerenga wai, ko o awa,

He puna oranga mo Papatuanuku

Ka whanga matou ki to hokinga mai

Hoki mai e koro,

Hoki mai ra e!

KARAKIA

*Tiakinga te kawa
Ko te kawa tuatahi
Ko te kawa tuarua
Ko te kawa tuatoru
Ko te kawa tuawha
Tiakinga te kawa
Ko te kawa tuarima
Ko te kawa tuaono
Ko te kawa tuawhitu
Ko te kawa tuawaru
Ko te kawa tuaiwa
Tiakinga te kawa
Ko te kawa muwai
Ma maru whakawiwi
Ko te whare ruarangi
E rere taku manu
Taku manu utiuti
Taku manu okaoka
Oka taku manu mamao e tane
E rere ki uta
E rere ki tai
Ki te wai ao
Ki te ao marama
E rongu ma tane whakairihia
Haumi e! Hui e! Taiki e.*

TAUPARAPARA

*Ko Maru!
Ko te wiwinga o te rangi
Ko kahukura ko Rongo mai
Ko haere iti ko Rehua
Ko ko watu i mua, ko ko watu te ihihī
Ko te hunakiko
Ko Toi-te-Huatahi
Ko Ikaroa
Ko Tangaroa
Ko Ruamano*

*Ko te pou o te waka ti na
Ko te pou o te waka toka
Ko te pou o te parapara
Ko te pou o tenei matua iwi
Ko te pou o Ngaruahinerangi
Ko te pou o Ranginui e tu nei*

*Tuturu waka maua kia ti na,
ti na
Haumi e! Hui e!
Taiki e*

*Piri papa te hoe
Awhi papa te hoe
Toi tu te hoe
Toi i rere te hoe
Te hoe na wai
Te hoe na Tekaunororoa
Te hoe na wai
Te hoe na Tekaununui
Te hoe na Ranginui e tu nei
Tena te waka ka tau
Ki tipua o te rangi
Ki tawhito i te rangi
Nga turanga whatu o Rehua
Ka pai ake au i toku hoe
Ko te roku o Whiti patatoa
Rere patatoa
Whiti pata toa
Mama pata toa
Wiwi pata toa
Te wai o taku hoe nei
Ko rangi turutua
Ko rangi ta maua
E tu Te Rangitake! Waiho*



WHAIKORERO

I ahu mai a Ngaruahinerangi mai i nga Ranginui e tu nei, ko Rangituhaha, ko Mareikura.

*Hei Mareikura
Te Rangiwhakataka
Taumakumaku o nga rangi
Te Parapara Wai o nga rangi*

*Te Maire Hou
O nga rangi Te Mata Waiwai
Te Tuara o nga rangi
Te Mata Uraura o nga rangi*

*Te Takinui
O nga rangi
Tu te Wanawana o nga rangi
Ao Ao Ariki o nga rangi
Kirikiri o Matangi
Te Toi o nga rangi
Ko Ngaruahinerangi iwi o Taranaki nui tonu e ai!*

Maungarongo i te whenua ki te pai ki nga tangata katoa. I te wa i timata ai te muru me te raupatu i te tau kotahi mano waru rau ono tekau ma toru. I eke mai ai nga hoia, nga pu, me nga purepo i te awa o Waitotara i te timatanga o te muru me te raupatu. I tera wa i a tatou te tino rangatiratanga o to tatou maunga, awa, whenua, ngahere, te takutaimoana, hinu, hou, nga whakairo, a tatou maoritanga, a tatou marae, a tatou maara, a tatou kainga, o tatou urupa. I te mutunga i te matenga o etahi o ratou i te raupatu. I murua katoatia te whenua.

Tekau nga tau e noho ana a tatou matua, a tatou tupuna i roto i te kore. Kore kau ratou i kaha ki te tou kai, ki te hi ika, ki te kahi mataitai, ki te kore kau i kaha o tatou tino rangatiratanga. E tu kirikau o tatou matua, o tatou whaea, a ratou uri, whanau, hapu, iwi. Me te tu warewaretia ratou katoa.

Ko nga kuia haria a ratou tamariki ki te roto i te ngahere. A ratou kai ko nga tuna, me nga hua rakau i roto i te ngahere. E wehi ana nga whaea, kei patua a ratou tamariki, mokopuna e nga hoia.

Koia nei nga mamae i pa ai ki o tatou matua tupuna i te wa o te muru me te raupatu. Ko o ratou mamae kei runga i a tatou katoa, nga roimata, nga hupe, me nga mamae kei runga tonu i a tatou katoa, a tatou tamariki me a tatou mokopuna.

E kore tenei mamae e warewaretia

'E kore au e mate, ka mate ko te mate, ka ora au'

— Na Ron Hudson i tuhi

MOTEATEA

Poua

*Poua no koe e te motu nei te kii atu hoki mai ki ahau
He hara Tapokopoko te ara i haere ai koe
E rongo ranei nga tohe a Potoru
Unuhia atu ra i te wehe o tipua
Koia Tangaroa unuhia*

Tareia

*Tareia mai taku hau ko tuku te uira i te rangi
Ko papa mania ko papa tahia na wai i tiki mai tahitahi
Na te toa nei na kuru koe i tiki mai tahitahi
Kia pai ai nga nohonga mo te tama nei
mo tu te na ngahau*

Tenei

*Tenei taku toa ko tawhirimatea
Tenei taku toa ko waitara ki te pahua
Ka whakakahoretia e ahau te pakanga ki te motu
Ka whiu atu ki te ao nei haere ai*

Koia

*Koia rangi hikitia
Koia rangi hapainga
Puehu te papa i Rangiatea
Ka haere tane ki roto hei Hine ngaro
Mo taku waka e takoto nei e hai*

PEPEHA

Mai Tangaroa ki Tawhiti pamamao, Hawaiki pamamao

Tawhitiroa, Hawaikiroa, Tawhitinui, Hawaikinui, Aotearoa

E tu, e tu ki uta

E tu, e tu ki tai

Tae noa ki te ngutu awa o Waingongoro ki Taungatara

Piki ake ki te tihi o Maunga Taranaki

Huri noa ki te Tonga

Haere tonu ki te Awa o Waingongoro, o Ngaruahine, Ngaruahinerangi

E pai, te pononga pai

E kotiti, te pononga pai

Haumi e! Hui e! Taiki e

1 BACKGROUND

BACKGROUND

- 1.1 In this background section, Nga Hapu o Ngaruahine (**Ngaruahine**) describe their korero tuku iho (Hapu history) about their origins. Ngaruahine also discuss their pursuit of redress and Waitangi Tribunal inquiries into their claims.

THE HAPU

- 1.2 The Hapu of Nga Hapu o Ngaruahine are known as:
- 1.2.1 Kanihi-Umutahi Hapu;
 - 1.2.2 Okahu-Inuawai Hapu;
 - 1.2.3 Ngati Manuhiakai Hapu;
 - 1.2.4 Ngati Tu Hapu;
 - 1.2.5 Ngati Haua Hapu; and
 - 1.2.6 Ngati Tamaahuroa-Titahi Hapu.
- 1.3 The Hapu of Ngaruahine are tangata whenua within their takiwa. They have held, and continue to hold, ahi-ka-roa (long occupation) since the original inhabitants first settled the land.

THE ORIGINS OF THE HAPU

Kanihi-Umutahi Hapu

- 1.4 According to tribal history, the people of this Hapu are the descendants of the tangata whenua tribes who landed at Te Rangatapu on the Te Rangihamutu waka, captained by Tamatea-Rokai. The tangata whenua tribes were known as Te Kahui-Maunga, Te Kahui-Toka, Te Kahui-Rere, Te Kahui-Tuu, Te Maru-Iwi and Te Tini-o-Tai-Tawaro, Te-ahui-Ruu Te-Kahui-Po and Te-Kahui-Tawake.
- 1.5 This Hapu also claims ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places on their journey including the Waingongoro River.
- 1.6 The eponymous tupuna of the Kanihi-Umutahi Hapu is the warrior chief Puawhato. The Kanihi-Umutahi people have historically resided on both the western and eastern banks of the Waingongoro River. The ancient Pa, Kanihi is located on the eastern bank of the river on a block of land known as Te Rua o Te Moko. The Kanihi-Umutahi people have been variously known or referred to as the 'Umutahi', 'Ketetahi' and 'Mawhitiwhiti' people, but choose to identify themselves today as 'Kanihi'.
- 1.7 The Kanihi-Umutahi Hapu has historically resided on the western and eastern banks of the Waingongoro River.

1: BACKGROUND



This taonga was given to Harry May Skeet (a surveyor) who surveyed the lands of Ngaruahine. Skeet Rd, which was named after Mr Skeet, starts at the top of Kanihi rohe.

Photo supplied by Nga Hapu o Ngaruahine

Okahu-Inuawai Hapu

- 1.8 According to tribal history, the people of this Hapu are the descendants of the tangata whenua tribes who landed at Te Rangatapu on the Te Rangiuamutu waka, captained by Tamatea-Rokai. The tangata whenua tribes were known as Te Kahui-Maunga, Te Kahui-Toka, Te Kahui-Rere, Te Kahui-Tuu, Te Maru-Iwi and Te Tini-o-Tai-Tawaro, Te-ahui-Ruu Te-Kahui-Po and Te-Kahui-Tawake.
- 1.9 This Hapu also claims ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Waingongoro River.
- 1.10 The eponymous tupuna of the Okahu-Inuawai Hapu is Hinekoropanga. She was an important kuia not only to her hapu but she played a significant role within Ngaruahine as a whole. Her brother was Puawhato the warrior chief and tupuna of the Kanihi-Umutahi people. Both sister and brother resided on the Waingongoro River, their pa being adjacent to one another. Okahutiti became an important Pa during the intertribal skirmishes with northern iwi.
- 1.11 The Okahu-Inuawai Hapu has historically resided on the western and eastern banks of the Waingongoro River. Although they choose to identify their Hapu with the name 'Okahu' they are also referred to as the Inuawai people.

1: BACKGROUND



Stone tiki. Manaia, South Taranaki

Collection of Auckland War Memorial
Museum Tamaki Paenga Hira 19883

Ngati Manuhiakai

- 1.12 This Hapu also claims ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Waingongoro River.
- 1.13 Ngateko on the Kapuni stream is one of the original landing places of the Wakaringaringa waka, captained by Mawakeroa, the other being Kaupokonui. Many of the people on that waka took up settlement here. The Kapuni stream marks the boundary between the takiwa of Ngati Manuhiakai and Ngati Tu Hapu.
- 1.14 The takiwa of the Ngati Manuhiakai extends from the tip of Maunga Taranaki into Te Moana O Tangaroa taking in Te Rere o Kapuni and Inaha Rivers. From east to west, the boundary extends from the western banks of the Waingongoro River to the eastern banks of the Raoa Stream.



This tiki was found on a farm on the corner of Manaia & Normanby Roads.

Collection of Puke Ariki (PA2009.139)

1: BACKGROUND

Ngati Tu

- 1.15 Ngati Tu also claim ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Kaipokonui River and Maraekura.
- 1.16 The name of the flat lands adjacent to the Kaipokonui River and lying between Pukekohe Pa and the Taoratai kainga is Maraekura, the 'courtyard of the precious heirloom Huna-kiko'. Turi had brought this with him from Hawaiki-Rangiatea. This cloak was used for ceremonial purposes on multiple occasions during Turi and his people's time in Taranaki. During one of these occasions Mareakura was named. According to sources Turi and his companions who included his son Turangaimua, and the tohunga Tapo, Kauika, Tuau, Hau-pipi, and Rakeiora, constructed an altar on Maraekura and spread the cloak upon it. The name therefore refers to this ceremony and the spreading of this 'precious heirloom' which represented the mana of Turi.
- 1.17 Ngateko on the Kapuni Stream was one of the original landing places of the Wakaringinga waka captained by Mawakeroa, the other being Kaipokonui. Many of the people on that waka took up settlement there with the Kapuni stream acting as a marker between for the boundary between the takiwa of Ngati Manuhiakai and Ngati Tu Hapu.



Waimate Village, Kapuni River (20 April 1962)

Alastair Buist

Collection of Puke Ariki (A78.256)

1: BACKGROUND

Ngati Haua

- 1.18 Ngati Haua claim ancestry from the Aotea Utanganui waka, captained by Turi-te-Ariki-nui. Aotea Utanganui set off from Hawaiki and travelled via Rangitahau (Kermadec Islands) and Tamaki before landing at the Aotea harbour. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Raoa River.
- 1.19 This Hapu traces their origin to the union between the tupuna of Ngati Haua, Te Auroa, and Hinengakau, the great ancestress of Atihaunui-a-Parangi from Whanganui. According to traditional history, Te Auroa met Hinengakau during a journey he undertook south to visit his kinfolk. Hinengakau was at the Whanganui River with her father when Te Auroa arrived there, and observed him as he dove into the Whanganui River and swam across. She was greatly impressed and asked her father to seek his hand in marriage which he solemnly did. The couple had twins, Ngati Haua Roa and Ngati Haua Piko, from whom Ngati Haua derive their name.
- 1.20 The Ngati Haua Hapu claim that their tuturu rohe extends seaward from the mouth of the Otakeho Stream following it inland to the Maunga, thence turning and following the eastern side of the Raoa Stream back to seaward, Tawhiti-nui, Hawaiki-nui, Tawhiti-roa, Hawaiki-roa, Tawhiti-pamamao, Hawaiki-pamamao. They claim that their whanaungatanga rohe extends from the western side of the Kaipokonui River of the Ngati Tu Hapu, to the eastern side of the Wahamoko Stream.



This kaukau was found in 1924 in the Manaia area.

Collection of Puke Ariki (A78.256)

Ngati Tamaahuroa-Titahi

- 1.21 According to tribal history, the people of this Hapu are the descendants of the tangata whenua tribes who landed at Te Rangatapu on the Te Ranguamutu waka, captained by Tamatea-Rokai. The tangata whenua tribes were known as Te Kahui-Maunga, Te Kahui-Toka, Te Kahui-Rere, Te Kahui-Tuu, Te Maru-Iwi and Te Tini-o-Tai-Tawaro, Te-ahui-Ruu Te-Kahui-Po and Te-Kahui-Tawake.
- 1.22 Ngati Tamaahuroa-Titahi share common ancestry with Taranaki Iwi. The eponymous ancestor Rua Taranaki originated from Taupo but re-settled on the Hangaataahua River, and was the first in a long line of Taranaki rangatira.

NGARUAHINE DEED OF SETTLEMENT

1: BACKGROUND

- 1.23 Ngati Tamaahuroa-Titahi also claim ancestry from the Aotea Utanganui waka which was captained by Turi.
- 1.24 The Ngati Tamaahuroa-Titahi Hapu claim that their takiwa extends from the mouth of the Taungatara Stream in the west to the mouth of the Raoa stream in the east, and thence from the moana to the Maunga. The Ngati-Tamaahuroa-Titahi Hapu are descendants of the people who landed at Oeo on the waka captained by Whiro in the fourteenth century.
- 1.25 The various awa that are located within the takiwa of Ngati Tamaahuroa-Titahi have great spiritual importance and are "the blood and veins of the takutaimoana, each of them with a story to tell". The wai that flows through these awa symbolises the link between the past and the present.



This patu was found in 1880 and was claimed by Tautai, who was living at Oeo.

Collection of Puke Ariki (A77.253)

1: BACKGROUND

THE PURSUIT OF REDRESS



'E kore au e mate, ka mate ko te mate, ka ora au'

Museum of New Zealand
Te Papa Tongarewa.

1: BACKGROUND

WAITANGI TRIBUNAL

- 1.26 For generations the people of Nga Hapu o Ngaruahine (**Ngaruahine**) - Kanihi-Umutahi Hapu, Okahu-Inuawai Hapu, Ngati Manuhiakai Hapu, Ngati Tu Hapu, Ngati Haua Hapu and the Ngati Tamaahuroa-Titahi Hapu - have sought redress for the their longstanding claims against the Crown.
- 1.27 The pursuit of redress has been expressed through petitions and protests and claims to the Waitangi Tribunal.

THE TARANAKI REPORT - KAUPAPA TUATAHI

- 1.28 On 19 June 1990, claims were filed by Mr Horsfall and others on behalf of Ngaruahine (Wai 132). A claim was also filed on 23 June 1989 by T J Whana (Wai 138). These claims were filed to have Ngaruahine grievances heard and reported on as part of the Waitangi Tribunal's Taranaki Inquiry (Wai 143).
- 1.29 The Tribunal's Inquiry into the Taranaki claims took place between September 1990 and June 1995. The Waitangi Tribunal released an interim report, *The Taranaki Report - Kaupapa Tuatahi*, on 11 June 1996.
- 1.30 The report dealt with 21 claims concerning the Taranaki rohe including the Crown's purchase of land, the Taranaki land wars and the confiscation of land under the New Zealand Settlements Act 1863.

Views of the Waitangi Tribunal in the Interim Taranaki Report

- 1.31 The Waitangi Tribunal, in the Interim Taranaki Report, expressed some preliminary views concerning the Taranaki claims including that:
- 1.31.1 "They could be the largest in the country. There may be no others where as many Treaty breaches had equivalent force and effect over a comparable time" (*section 1.1*);
- 1.31.2 "We see the claims as standing on two major foundations, land deprivation and disempowerment, with the latter being the main. By 'disempowerment', we mean the denigration and destruction of Maori autonomy or self-government" (*section 1.4*);
- 1.31.3 "This report has introduced the historical claims of the Taranaki hapu. It has shown the need for a settlement ..." (*section 12.3.1*); and
- 1.31.4 "Generous reparation policies are needed to remove the prejudice to Maori, to restore the honour of the Government, to ensure cultural survival, and to re-establish effective interaction between the Treaty partners" (*section 12.2*).
- 1.32 Ngaruahine also record the following Tribunal findings:
- 1.32.1 the whole history of Government dealings with Maori in Taranaki were the antithesis to that envisaged by the Treaty of Waitangi (*section 12.2*);
- 1.32.2 the war in south Taranaki was commenced by the Crown without just cause and was contrary to the Treaty of Waitangi (*section 4.10*);

1: BACKGROUND

- 1.32.3 the New Zealand Settlements Act 1863 and the confiscation of land in Taranaki, including the whole rohe of Ngaruahine, were inconsistent with the principles of the Treaty of Waitangi (*section 5.8*);
- 1.32.4 the Government's purchase of land after the confiscation period inadequately protected Maori interests and did not meet the required standards of sincerity, justice and good faith to be valid in terms of the Treaty (*section 12.2*); and
- 1.32.5 the imprisonments without trial of several hundred Maori was contrary to the Treaty of Waitangi (*section 8.20*).

THE PETROLEUM REPORT

- 1.33 In July 1999, Tohepakanga Ngatai lodged a claim with the Waitangi Tribunal on behalf of Ngaruahine (Wai 796) relating to the petroleum resources, including natural gas and condensate, located within their rohe. Within those boundaries are two major gas-condensate fields: the onshore Kapuni field and the offshore Kupe field.
- 1.34 In 2000 the Waitangi Tribunal granted urgency to the hearing of the petroleum claims. The hearing took place over a period of four days from 16 to 19 October 2000. The Waitangi Tribunal's *The Petroleum Report* was released in 2003.
- 1.35 At the hearing, the Crown and claimants agreed that prior to 1937, land ownership carried with it legal rights to the petroleum in the land (*section 5.2*).
- 1.36 Nga Hapu o Ngaruahine claimed that:
 - 1.36.1 in terms of customary law Maori have proprietary rights in the resources of their universe, including petroleum within their lands;
 - 1.36.2 those rights would have endured as long as Maori retained ownership of their lands and would have entitled them to profit from any commercial exploitation of their resources;
 - 1.36.3 Maori lost ownership of much of their traditional lands, often as a result of Crown acts and policies that have since been found to have been inconsistent with the principles of the Treaty of Waitangi;
 - 1.36.4 the accompanying loss of petroleum within that land occurred by the same Treaty-breaching means;
 - 1.36.5 the former Maori landowners hold a continuing Treaty-based interest in petroleum; and
 - 1.36.6 the Government breached the Treaty when it expropriated Maori rights in petroleum by way of the Petroleum Act 1937 and in particular by its failure to pay royalties over the advice of officials and Maori (*sections 1.4 and 4.1*).
- 1.37 Nga Hapu o Ngaruahine record the following findings and recommendations of the Waitangi Tribunal in respect of their claim:
 - 1.37.1 prior to 1937, Maori had legal title to the petroleum in their land; and

1: BACKGROUND

1.37.2 a Treaty interest was created in favour of Maori for the loss of legal title to petroleum by:

- (a) the alienation of land prior to 1937 by means that breached Treaty principles, including by pre-Treaty land transactions, Crown purchases pre-1865, raupatu, Native Land Court processes, public works takings and takings for survey liens; and
- (b) expropriation of petroleum under the Petroleum Act 1937 without payment of compensation to landowners and without provision being made for the ongoing payment of royalties to them (*section 7.1*).

1.38 The Waitangi Tribunal concluded that:

1.38.1 no relevant Crown asset capable of providing redress should be excluded from negotiations without good reason (*section 6.4.6*). Therefore, the Crown's royalty entitlements and its remaining interest in the Kupe petroleum mining licence should be available for inclusion in Treaty settlements (*section 7.1*); and

1.38.2 to exclude petroleum assets from settlements would be a further breach of the principles of the Treaty of Waitangi and recommended that the Crown withhold from sale the Kupe petroleum mining licence until either Maori interests were safeguarded or the petroleum claims were settled (*sections 7.1 and 7.2*).

1.39 In November 2003, following consideration of the Tribunal's findings in the Petroleum Report, the Crown proceeded with the transfer of its 11 percent share in the Kupe field to Genesis, with the Government stating that it did not agree with the Tribunal's findings and recommendations.

The Report on the Management of the Petroleum Resource

1.40 The Waitangi Tribunal's second Petroleum Report, *The Report on the Management of the Petroleum Resource*, was published in 2011. It considered the management of the petroleum resource. The hearings took place between 26 April and 6 May 2010.

1.41 Nga Hapu o Ngaruahine claimed that the regime for the management of petroleum, as governed by the Crown Minerals Act 1991 and the Resource Management Act 1991, is in breach of the Treaty of Waitangi principles. In particular they claimed that:

1.41.1 the current law was biased against Maori interests and culture and in favour of conflicting interests;

1.41.2 the processes established to apply the law not only failed to ensure effective participation by Maori, it acted as a deterrent or denied Maori involvement; and

1.41.3 there was a lack of reliable and sufficient sources of assistance for Maori to enable them to participate in resource management processes.

1.42 Nga Hapu o Ngaruahine record that in respect of their claim, the Waitangi Tribunal found that the petroleum management regime is not consistent with the Crown's obligations under the Treaty because of three systemic flaws:

1.42.1 Maori lack infrastructure and resource capacity to engage effectively with the Crown Minerals Act and the Resource Management Act regimes;

1: BACKGROUND

- 1.42.2 the Crown has failed to monitor the performance of its delegated Treaty responsibilities; and
- 1.42.3 Maori perspectives are not being adequately considered or protected in decision-making processes related to petroleum (*section 8.1*).
- 1.43 The Tribunal also found that the petroleum regime had specific flaws, including that it failed to provide enough protection for the small surviving Maori land base or for Maori interests in the management of petroleum in the Exclusive Economic Zone (*section 8.1*).
- 1.44 The Tribunal made 11 recommendations, which included:
- 1.44.1 the establishment of a ministerial advisory committee to provide advice directly to the Minister of Energy on Maori perspectives and concerns;
- 1.44.2 the re-establishment of district and regional representative bodies for tangata whenua, for the purpose, among other things, of considering petroleum management issues. Such bodies should be adequately resourced by central government and empowered with some decision-making responsibilities by local government;
- 1.44.3 the use of a small percentage of the Crown's petroleum royalties to establish a fund to which iwi and hapu could apply for assistance to help them participate more effectively in petroleum management processes;
- 1.44.4 greater use of joint hearings by local authorities on applications relating to petroleum management issues; and
- 1.44.5 reform of the Crown Minerals Act 1991, including strengthening the Treaty provisions, amending the compulsory arbitration requirements, and enhancing the protection of sites protection (*section 8.4.7*).
- 1.45 Nga Hapu o Ngaruahine also participated in the Waitangi Tribunal's Foreshore and Seabed Inquiry (Wai 1071) which took place in 2004.
- 1.46 In 2009, Nga Hapu o Ngaruahine Iwi Inc was mandated to negotiate, receive and administer the commercial fisheries settlement negotiated with the Crown.
- 1.47 In August 2010, the Crown recognised the mandate of Nga Hapu o Ngaruahine Iwi Inc. In June 2012 Nga Hapu received the quantum offer from the Minister for Treaty of Waitangi Negotiations.

1: BACKGROUND



*This whalebone waha ika was given by
Titokowaru to Premier John Ballance
sometime between 1884 and 1887.*

Collection of Puke Ariki
(A81.420)

1: BACKGROUND

SETTLEMENT ASPIRATIONS

Hikoi ki Te Waipounamu

- 1.48 In 2000, Taranaki journeyed to Te Waipounamu and travelled through Ngai Tahu's rohe to remember their tupuna who were imprisoned and died there as a result of raupatu. The people of the hikoi acted as ringawera on the journey. As a result, a taonga was gifted to the hikoi by the people of Arahura. This taonga was given the name 'Awhiowhio o nga Ringawera', which refers to the whirlwind way in which the ringawera of the hikoi came and went.
- 1.49 This taonga serves as a permanent reminder of the story of colonisation and its impact on Ngaruahine, and represents the visions of our tupuna who lie in Te Waipounamu.



This taonga pounamu was gifted to the hikoi by the people of the Arahura.

Photo supplied by Nga Hapu o Ngaruahine

Te Awhiowhio o nga Tupuna

- 1.50 On 19 February 2011, Nga Hapu delivered a presentation to the Minister of Treaty of Waitangi Negotiations entitled 'Te Awhiowhio o nga Tupuna'. The name was agreed on by a number of Ngaruahine kaumatua.
- 1.51 The name 'Te Awhiowhio o nga Tupuna' is a continual reminder that our tupuna aspired to great heights of learning, knowledge and vision to set the foundations for those yet to follow.
- 1.52 These aspirations have laid the foundation for Nga Hapu's pursuit of its Treaty settlement, and serves as a basis on which Ngaruahine can move forward as an iwi with our mana and rangatiratanga intact.

1: BACKGROUND

1.53 As a means of implementing Ngaruahine's settlement aspirations, Ngaruahine have identified six pou that reflects the aspirations their tupuna held for their mokopuna. These six pou indicate Ngaruahine's direction for settling their Treaty claims. They are as follows:

Nga Poutama

We are continually reminded that our Tupuna aspired to great heights of learning, knowledge and vision to set the foundations for those yet to follow. The Awhiowhio o nga Tupuna is our strategic plan. It is the key document to which our strategic goals align. We acknowledge the importance and capacity of Hapu achieving these strategic goals.



Pou 1 - Tipua Horonuku

Whanakeāngata tipuranga ko te Ao o Ngaruahinerangi
The development and growth of the world of Ngaruahinerangi

Pou 2 – Te Tuakiri o te Tangata

Ko te whakahou o te hinengaro o nga uri o Ngaruahinerangi
The rebirth of Ngaruahinetanga

Pou 3 – Tūrangawaewae

Ko te timatanga tenei o te tangata mo ake tonu atu
We are kaitiaki for our cultural, social, financial and political well being

Pou 4 – Te Poutama o Ngaruahine

Te kohingatanga o te Ao
The gathering together

Pou 5 – Te Poutama o Nehera

Nga kawa me nga tikanga o Ngaruahinerangi
The stewardship of Ngaruahine iwi

Pou 6 – Nga Pou o Rawa

Mo naianeī a muri, a mua, ma muri ka oti a mua
Those things past, those things present, those things yet to come

1: BACKGROUND

NEGOTIATIONS

- 1.54 The uri of Ngaruahine gave Nga Hapu o Ngaruahine Iwi Incorporated a mandate to negotiate a deed of settlement with the Crown by way of postal vote after a series of information hui. Nga Hapu has two representatives for each Ngaruahine hapu (Kanihi-Umutahi, Okahu-Inuiawai, Ngati Manuhiakai, Ngati Tu, Ngati Haua, Ngati Tamaahuroa-Titahi).
- 1.55 The Crown recognised the mandate of Nga Hapu on 24 August 2010.
- 1.56 Nga Hapu and the Crown:
- 1.56.1 by terms of negotiation dated 1 October 2010, agreed the scope, objectives, and general procedures for the negotiations;
- 1.56.2 by agreement dated 22 December 2012, agreed, in principle, that Ngaruahine and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
- 1.56.3 since the agreement in principle, have:
- (a) had extensive negotiations conducted in good faith; and
- (b) negotiated and initialled a deed of settlement.
- 1.56.4 The agreement in principle was signed at Parliament by Nga Hapu representatives and many other kaumatua and members of the Hapu who attended the signing.

RATIFICATION AND APPROVALS

- 1.57 Ngaruahine have:
- 1.57.1 on 4 June 2013, by a majority of 93% approved Te Korowai o Ngaruahine Trust to be the governance entity for Ngaruahine and the trustees of Te Korowai o Ngaruahine Trust receiving the redress; and
- 1.57.2 since the initialling of the deed of settlement, by a majority of 90%, ratified this deed.
- 1.58 Each majority referred to in clause 1.57 is of valid votes cast in a ballot by eligible members of Ngaruahine.
- 1.59 The trustees of Te Korowai o Ngaruahine Trust approved entering into, and complying with, this deed by resolution on 24 May 2014.
- 1.60 The Crown is satisfied:
- 1.60.1 with the ratification and approvals of Ngaruahine referred to in clause 1.57;
- 1.60.2 with the approval of the trustees of Te Korowai o Ngaruahine Trust referred to in clause 1.59; and
- 1.60.3 the trustees of Te Korowai o Ngaruahine Trust are appropriate to receive the redress.

1: BACKGROUND

AGREEMENT

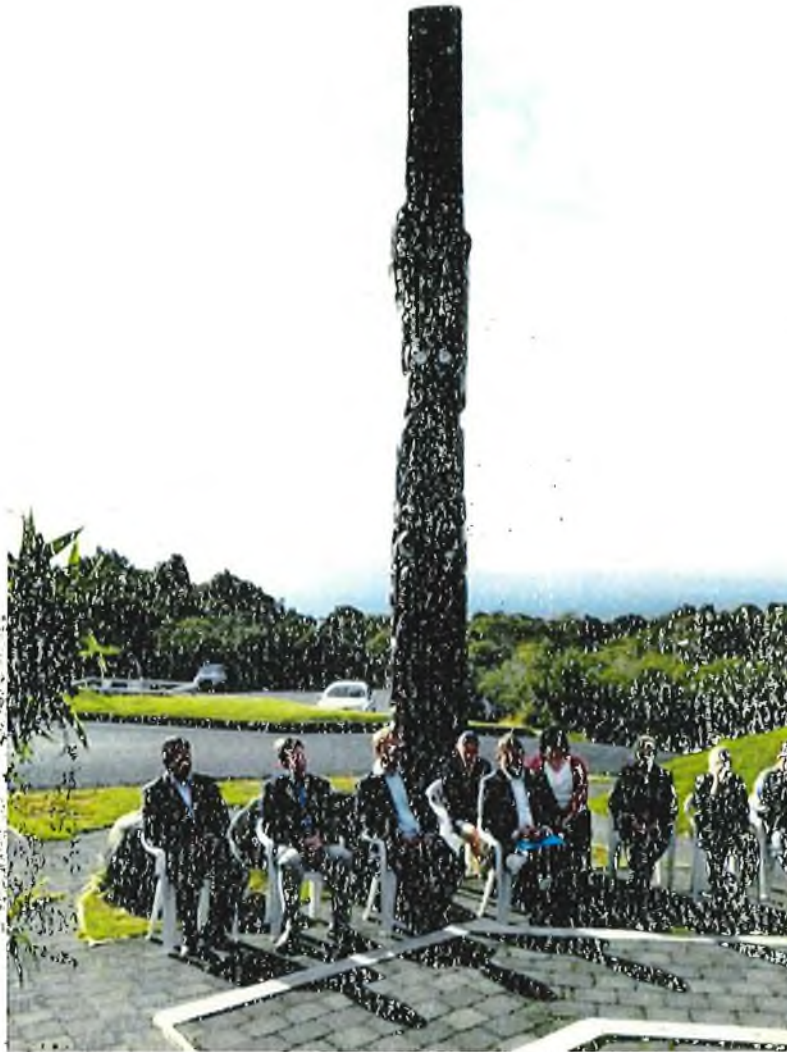
1.61 Therefore, the parties:

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

1.61.2 agree and acknowledge as provided in this deed.



1: BACKGROUND



Meeting with the Minister of Treaty Negotiations on 19 February 2011 near pou korero.

This pou kōrero o nga rangatira depicts a number of rangatira that connect with the history of Ngaruahine as an iwi. Standing at the top of the pou facing south is Titokowaru, regarded by historians as one of the greatest military strategists of his time but by us as a seeker of peace, truth and justice. Titokowaru looks out beyond his mountain retreat to his pa Te Ngutu o te Manu from where he preached peace and reconciliation and was attacked by the Crown's forces.

Supporting Titokowaru is Tawhiao the second Maori King. His presence symbolises the strong bond between Ngaruahine and the Kingitanga. Supporting both Tawhiao and Titokowaru is our tohunga Te Ua Haumene who developed the Pai Marire faith. Facing north-west towards Parihaka are our tohunga Te Whiti O Rongomai and Tohu Kakahi and at the bottom of the pou, lest we forget, is the word raupatu.

Photo supplied by Nga Hapu o Ngaruahine

Handwritten signature in blue ink.

2 HISTORICAL ACCOUNT

2.1. The Crown's acknowledgement and apology to Ngaruahine in part 3 are based on this historical account.



THE ORIGINS AND EARLY HISTORY OF NGARUAHINE

2.2 Nga Hapu o Ngaruahine is comprised of the Kanihi-Umutahi, Okahu-Inuawai, Ngati Manuhiakai, Ngati Tu, Ngati Haua and Ngati Tamaahuroa-Titahi hapu. Collectively, the rohe of these hapu lies between the mouths of the Taungatara Stream in the west, the Waingongoro River in the east, and the respective sources of these rivers on Taranaki maunga. Ngaruahine customary interests overlapped with those of neighbouring iwi at the edges of their rohe. In particular, Ngaruahine share close whakapapa links with

2: HISTORICAL ACCOUNT

Ngati Ruanui, a neighbouring iwi and, during the second half of the nineteenth century, were often referred to under that name.

- 2.3 In the 1840s and 1850s, Ngaruahine were prosperous and economically successful. Southern Taranaki Maori including Ngaruahine traded flax with Europeans from the mid-1830s, milled flour and sold bread by the mid-1840s, and traded tons of potatoes from the mid-1850s. Together, the moana and takutai moana (coastal area), the awa and ngahere of the rohe provided Ngaruahine with enough resources to meet their needs, and also to exchange goods with European settlements and overseas traders.

EARLY PURCHASES

- 2.4 In the late 1830s and 1840s, the New Zealand Company and the Crown made a series of land purchases in northern Taranaki. Concern among Maori in the region grew as large numbers of European settlers arrived to occupy the land. Taranaki Maori were unfamiliar with the process and effects of land purchases according to English land law.
- 2.5 Ngaruahine consistently opposed the sale of land in their rohe to Europeans, including missionaries. From the late 1840s, a series of meetings were held at which a number of Taranaki iwi, including Ngaruahine, made agreements to oppose further land sales. At an important meeting held at Manawapou in 1854, the Ngaruahine leader Titikowaru was the first signatory to an inter-tribal agreement to oppose sales within a large area of land extending from Okurukuru (the southern boundary of the Omata Block near New Plymouth) in the north to Taipake (near Kaiiwi) in the south. This was emphasised by the haka "E kore Taranaki e makere atu" (Taranaki will not be lost).
- 2.6 Throughout the 1850s, Crown agents sought to purchase land in northern Taranaki from individual Maori or small sub-groups, sometimes without the consent of key tribal leaders or the wider collective. Such sales presented a significant challenge to the authority and autonomy of iwi in the region, and led to several internal conflicts within other Taranaki iwi. Between 1855 and 1857, Ngaruahine people made several journeys north to support anti-land selling factions of other Taranaki iwi. By 1860, no land in the Ngaruahine rohe had been sold to the Crown, and Ngaruahine maintained a spiritual relationship with, and physical control over, their land and resources.
- 2.7 The cumulative effect of the Crown purchases in Taranaki carried out during the 1840s and 1850s created a situation that ultimately led to the outbreak of war. The Crown's efforts during 1859 and 1860 to purchase the Pekapeka block on the south bank of the Waitara River, which settlers were anxious to acquire, touched off the war.

NGARUAHINE AND THE FIRST TARANAKI WAR

- 2.8 In March 1859, Governor Gore Browne addressed a meeting in Taranaki and announced that "he would never consent to buy land without an undisputed title" and "would buy no man's land without his consent". He also said that he would not permit anyone to interfere in the sale of land "unless he owned part of it". However, Crown officials then proceeded to negotiate the purchase of the Pekapeka block near Waitara despite the stated objections of Wiremu Kingi, widely acknowledged as the principle rangatira of Waitara.
- 2.9 Surveying began in February 1860, only to be halted by local Maori. The Government responded by proclaiming martial law and sending Crown troops to support the survey. Kingi's supporters then erected a pa at Te Kohia at the south-west extremity of the block, and when Kingi refused to surrender it, on 17 March 1860, some 500 government troops began a bombardment of the pa. This marked the beginning of war in Taranaki.

2: HISTORICAL ACCOUNT

- 2.10 Warriors from southern Taranaki iwi soon travelled north to support those Maori fighting in the north. Ngaruahine warriors participated in the battle with Crown troops at Waireka on 28 March 1860.
- 2.11 In April 1861, after a year of fighting, a peace agreement was reached. The terms of peace included a Government promise to conduct an investigation into the purchase of the Pekapeka block. In the meantime, those Crown troops who had been sent to reinforce the survey of the Pekapeka block at the outbreak of war continued to occupy it. In response and, pending the promised inquiry, Maori maintained occupation of the Omata and Tataraimaka Blocks, which had been purchased by the Crown in 1847, but re-taken by Maori during the war.

THE SECOND TARANAKI WAR

- 2.12 On 12 March 1863, before the promised investigation of the Pekapeka block purchase had been completed, Governor Grey ordered Crown troops to reoccupy the Omata block. On 4 April, troops occupied the Tataraimaka block. Taranaki Maori had previously informed the Governor that they intended to retain Tataraimaka until such time that the British ended their occupation of Waitara. The Crown's re-occupation of Tataraimaka was therefore viewed as an act of war.
- 2.13 Two days after the Crown's re-occupation of the Tataraimaka Block, Grey investigated the Pekapeka purchase and, in the light of what he called "new facts", decided to renounce the purchase. However, his Government did not publically announce this until 11 May, over a month later.
- 2.14 In the meantime, regiments of Crown troops had been carrying provisions and equipment across Maori land between the Omata and Tataraimaka Blocks and New Plymouth. One week before the announcement to abandon the Pekapeka purchase was made, a group of Taranaki Maori attacked a party of soldiers moving between the blocks at Wairau, killing nine.
- 2.15 On the night of the attack, the Governor and Government Ministers met and agreed to confiscate the land between the Omata and Tataraimaka Blocks on which the attack had taken place. Ministers recommended that the Governor issue a proclamation that if those responsible for the attack were not given up within a month, iwi from western and southern Taranaki would be held "responsible as accessories to and participants in the crime". On 22 May 1863, the warship HMS Eclipse, with Governor Grey aboard, approached the coast at Tataraimaka to shell a number of pa in preparation for an attack against a large group of Maori who had gathered in the area, and who the Crown believed posed a threat to New Plymouth. On 4 June, 873 Crown troops attacked a pa located in the Tataraimaka block, killing twenty-eight Maori.
- 2.16 In late 1863 and 1864, fighting continued in lands to the north of the Ngaruahine rohe. However, some Ngaruahine warriors travelled north and participated in engagements with Crown forces.
- 2.17 In December 1864, Governor Grey instructed General Cameron to occupy areas between the Patea and Whanganui rivers in the south, and between the Tataraimaka block and the Stoney River further north. The "ultimate object" of these occupations was to facilitate the construction of a thoroughfare between Taranaki and Whanganui, and the establishment of military settlements along the coast.
- 2.18 In January 1865, General Cameron led troops north from Whanganui into southern Taranaki. Some Ngaruahine warriors travelled south from their rohe to meet his advance, fighting in the major engagement at Nukumaru. By May, Crown forces under

NGARUAHINE DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Cameron and Colonel Warre had established redoubts at Opunake and Waingongoro, on the northern and southern boundaries of the Ngaruahine rohe respectively. In June, small parties of Crown troops from these redoubts entered the Ngaruahine rohe, temporarily establishing Crown control of most of the Taranaki coast.

- 2.19 However, continued resistance from southern Taranaki Maori meant that the road remained impassable except to armed groups. In January 1866, Crown troops under the new Commander of Crown forces in Taranaki, Major-General Trevor Chute, re-entered the Ngaruahine rohe, traversing it twice over a five week period. Chute's forces conducted "bush scouring" campaigns designed to drive Maori from the area, and used "scorched earth" tactics which aimed to reduce the ability of those the Crown considered to be rebels to make war by destroying villages, food stores, livestock and crops. On one day Crown troops destroyed several important Ngaruahine kainga including Ahipaipa, Kanihi, Aotearoa, Weriwari, Katotauru and Mawhitiwhiti. Chute's report on these actions estimated that approximately twenty-one Maori were killed.
- 2.20 After the main body of Chute's force moved on, Crown troops and Maori warriors fighting on the side of the Crown remained in south Taranaki to inflict further damage, and to drive those Maori who had already abandoned the coast further into the bush. In October 1866, Crown forces attacked the Ngaruahine kainga of Te Pungarehu (near Te Ngutu o te Manu). During the attack and subsequent skirmishing, thirty people, mainly of Ngaruahine, were killed and nine others were taken to Camp Waihi as prisoners. Other attacks were made against Ngaruahine at Ketemarae and near Te Whenuku.



A battle between armed constulbary forces and the warriors of Titokowaru from the 1893 painting by artist Kenneth Watkins titled: The Death Of Von Tempsky at Te Ngutu o te Manu.

Collection of Puke Ariki (A66.590)

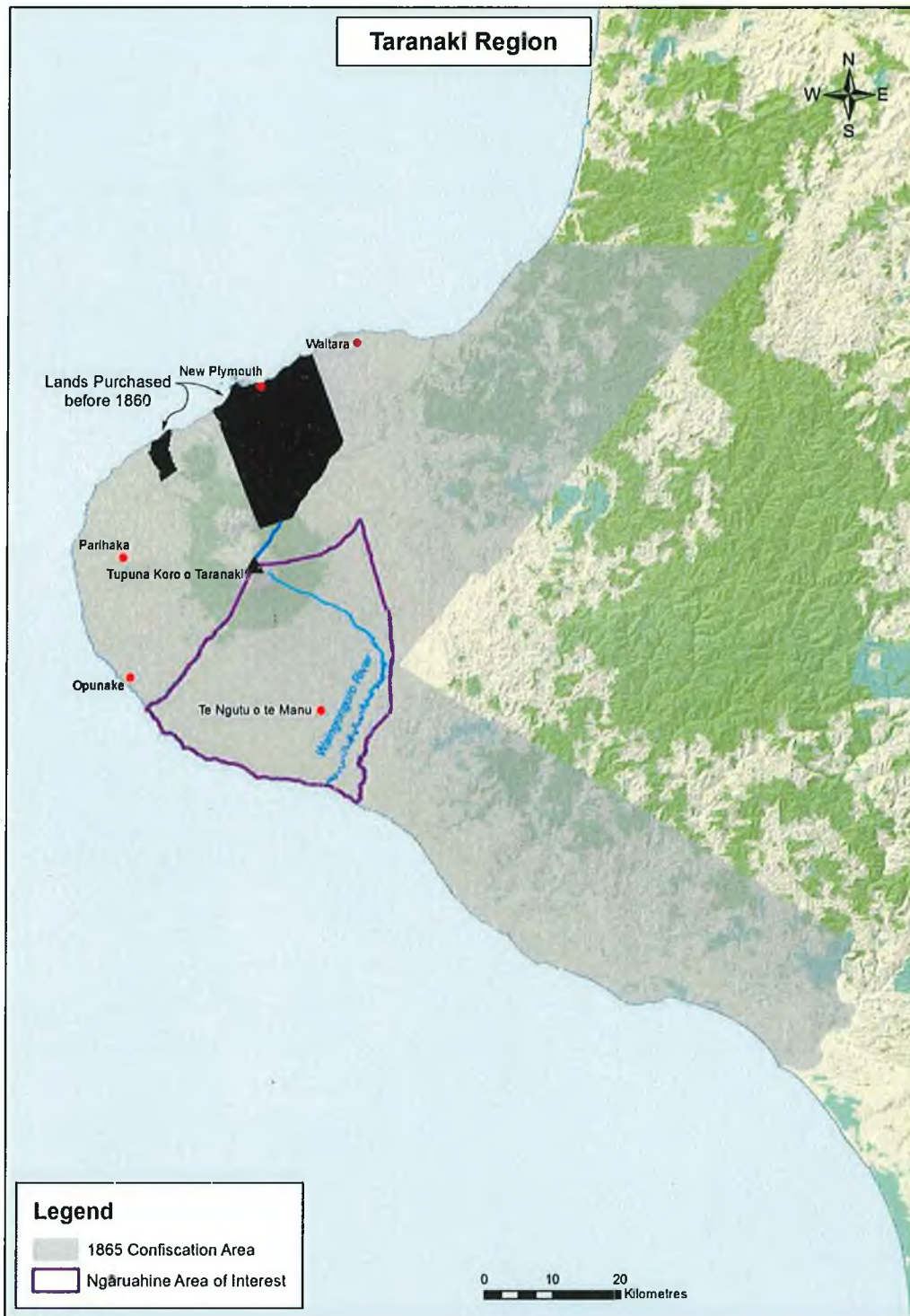
- 2.21 The military campaigns conducted by Crown forces during 1865 and 1866 devastated the Ngaruahine rohe. Settlements, property, cultivations and food-stores were destroyed, and people were forced to leave their homes and traditional food-gathering sites. As a result, Ngaruahine suffered significant social and economic disruption, including severe food shortages.

2: HISTORICAL ACCOUNT

THE CONFISCATION OF NGARUAHINE LANDS UNDER THE NEW ZEALAND SETTLEMENTS ACT 1863

- 2.22 In 1863, the Crown passed the New Zealand Settlements Act to provide "permanent protection and security of the well-disposed inhabitants of both races for the prevention of future insurrection and rebellion and for the establishment and maintenance of Her Majesty's authority and of Law and Order throughout the colony". The Act stated that the best means to achieve this was through "the introduction of a sufficient number of settlers able to protect themselves and to preserve the peace of the Country".
- 2.23 The terms of the New Zealand Settlements Act 1863 allowed the Governor to declare the land of any tribe a "district" for the purposes of the Act if he was satisfied that a "tribe, a section of a tribe, or any considerable number thereof" had been in rebellion since 1 January 1863. The Governor could then set apart "eligible sites for settlements for colonization" within such districts, at which point those sites would be deemed Crown land. The Act did not include a definition of "rebel", but it did state that no compensation would be given to persons engaged in, levying, or making war against the Queen since 1 January 1863.
- 2.24 The British Colonial Office had misgivings about the scope and application of the New Zealand Settlements Act, considering it "capable of great abuse". The Colonial Secretary cautioned the Governor to respect the lands of innocent people and tribes and to apportion punishment in relation to the degree of guilt. The Secretary instructed the Governor to withhold his consent to any confiscation which was not "just and moderate".
- 2.25 In January 1865, the Governor proclaimed "Middle Taranaki" a district for the purposes of the Act. This district covered the western part of the Taranaki region that lay between the Waitara River mouth in the north and the Waimate Stream in the south, and comprised approximately 560,000 acres. In September, the Crown declared two more large areas, named "Ngatiawa" and "Ngatiruanui" districts, to come under the Act. The Ngatiawa district extended north-east from the existing Middle Taranaki confiscation district to a line traced twenty miles due east from Parininihi on the northern Taranaki coast, and covered approximately 400,000 acres. The Ngatiruanui district, which covered an area occupied by several south Taranaki iwi including Ngaruahine, extended south-east from the Middle Taranaki district to the Whanganui River in the south, and covered approximately 453,000 acres. The September proclamation then declared all of southern Taranaki between the Hangatahaua and Waitotara Rivers (described as the "Ngatiruanui Coast") to be an "eligible site" for European settlement.
- 2.26 The amount of land confiscated enormously exceeded that which was necessary to achieve the original Act's purpose of introducing enough settlers to "protect themselves and preserve the peace of the Country". These confiscations were also indiscriminate in that they deprived both "loyal" and "rebel" Maori of the ownership and use of their lands, despite the statement, included in the 2 September declaration, that no land would be taken from "loyal inhabitants" except where "absolutely necessary for the security of the country".

2: HISTORICAL ACCOUNT



2.27 On the basis that some southern Taranaki Maori were deemed to have been in rebellion, the whole of south Taranaki, including all of the Ngaruahine rohe, was proclaimed confiscated. The result was that members of Ngaruahine who had never been engaged in conflict with the Crown had their lands confiscated, and were then made to establish their loyalty in the Compensation Court and through other processes in order to regain their lands.

Handwritten signature

2: HISTORICAL ACCOUNT

- 2.28 The peace proclamations of 2 September 1865 promised to restore land "at once" to those who were prepared to submit to the Queen's authority, but that promise was not fulfilled. Although approximately 26,600 acres were eventually returned to Ngaruahine as reserves through the West Coast Commissions, over 145,000 acres out of the approximately 172,000 acre Ngaruahine rohe was retained by the Crown and on-sold to settlers, depriving Ngaruahine of access to significant wahi tapu, food-gathering areas, and other culturally significant sites. The loss of land remains a significant source of grievance for Ngaruahine, who consider that there is no evidence that Ngaruahine as a whole were ever in rebellion.
- 2.29 In 1866, Parliament passed an Amendment to the New Zealand Settlements Act to retrospectively declare all "grants, awards and other proceedings" carried out under the authority of previous New Zealand Settlement Acts and their Amendments to be valid and beyond judicial scrutiny, even if statutory requirements had not been met.

NGARUAHINE AND THE COMPENSATION COURT AWARDS

- 2.30 A Compensation Court was set up under the New Zealand Settlements Act 1863 to compensate some of those Maori whose lands had been confiscated by the Crown. Maori who, for the purposes of the Act, had been found to be in arms against the Crown since January 1863, or to have supported those found to be in arms, could not receive compensation. The Court relied on the evidence of very few witnesses, rather than fully investigating the circumstances of each person affected. Maori claimants were not provided with legal counsel for Court proceedings as a matter of course. In Taranaki, claimants were represented by a "native agent" who simultaneously served as a Crown-appointed Civil Commissioner, tasked with reaching a settlement in the confiscated lands that was "so far as may be possible" acceptable to Maori and Europeans.
- 2.31 Public notifications of Compensation Court hearings for confiscated Ngaruahine lands were issued during the last half of 1866. The hearings began at New Plymouth in October and continued at Whanganui in December 1866, at a time when Crown forces were carrying out military operations in the Ngaruahine rohe. Court hearings were also held in New Plymouth and Whanganui, some distance away from the Ngaruahine rohe. Given that the Court required claimants to attend hearings or be excluded, these factors almost certainly limited the ability of Ngaruahine people to seek compensation through the Court.
- 2.32 In October 1866, the Court heard claims for compensation in the northern part of the "Ngatiruanui Coast" confiscation area, which included the western part of the Ngaruahine rohe. Soon after the hearings began, out-of-court agreements were reached which resulted in 12,000 acres of land between the Hangatahua and Kaipokonui Rivers being granted to 144 claimants. Of this area, 1,325 acres were awarded to fifteen people described as "Ngaruahine" or of the Ngatitū hapu of Ngaruahine. However, Ngaruahine tradition suggests that there was very little, if any, Ngaruahine participation in the discussions around these awards. Moreover, these awards were not defined on the ground and did not result in the granting of land to Maori.
- 2.33 In December 1866, Compensation hearings for the larger, "middle section" of the Ngatiruanui Coast block, which covered 428,000 acres, including the eastern part of the Ngaruahine rohe, were held in Whanganui. The Court eventually made awards of 17,264 acres to 119 "loyal" Maori, which amounted to just over four per cent of the block's area. However, most of these awards were located to the south of the Ngaruahine rohe.

2: HISTORICAL ACCOUNT

- 2.34 When the West Coast Commission began its investigations of Maori grievances arising from the confiscations and the compensation process in 1880, it found that none of the awards made within the Ngaruahine rohe had resulted in the return of land.
- 2.35 The September 1865 proclamation that effectively confiscated southern Taranaki, including the Ngaruahine rohe, was not consistently enforced through the introduction of European settlement. Between 1865 and 1867, settlers were placed on land to the north of the Hangatahua (Stoney) River and south of the Waingongoro, but not in the area between these rivers. Many Maori living in this area, which included the Ngaruahine rohe, continued to occupy the land, while others who had been displaced by the military campaigns of 1865-1866 began to return soon after the campaigns ended.

RESUMPTION OF CONFLICT IN SOUTH TARANAKI, 1868-1869



Titokowaru's flag

Museum of New Zealand Te Papa Tongarewa

- 2.36 At the start of 1867, Titokowaru, the chief of the Ngati Manuhiakai hapu of Ngaruahine, rebuilt the main Ngaruahine settlement of Te Ngutu o te Manu, which had been destroyed during the Crown's military campaign of 1866. Titokowaru was born in 1823, and converted to Christianity around 1845. He was literate and knowledgeable of the Bible, and spent considerable time living amongst Pakeha people. He also had deep knowledge of traditional Maori spirituality and had received training as a tohunga.
- 2.37 Following its reconstruction, Te Ngutu o te Manu hosted several hui at which Titokowaru began to campaign for peace in Taranaki. In February 1867, Ngaruahine and other iwi who had formerly opposed the Crown attended a hui at the settlement, and then sent a letter to Crown military commanders stating that they "wish to return to our former position and live in peace with the Pakehas." Ngaruahine wrote that they would "not molest anybody if nobody molested them".
- 2.38 In late 1867 and early 1868, Titokowaru travelled through Taranaki in an effort to re-unite iwi who had disagreed over land sales, and to convince them to abandon armed resistance to European encroachment. In November 1867, Taranaki magistrate James Booth described Titokowaru as having been "untiring in his efforts to bring other tribes to make peace". At one November meeting, Titokowaru declared that neither his people nor those over whom he had any influence would take up their guns again. In March 1868, he declared that the main meeting house at Te Ngutu o te Manu, Wharekura, had been built for "the King of Peace".

NGARUAHINE DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.39 In March 1868, a delegation of southern Taranaki Maori met Government officials and stated that although they accepted that land already taken for military settlements would remain in Pakeha hands, they would not assent to any further taking of land. Titokowaru and his people also opposed any further enforcement of confiscation in southern Taranaki, but maintained that any resistance would be through peaceful means.
- 2.40 Around the same period, however, European settlement was expanding further into southern Taranaki. Southern Taranaki iwi, including Ngaruahine, responded to the extension of European settlement by implementing the traditional law of muru, or ritual compensation, whereby property belonging to settlers was taken to balance the loss of land. Although muru did not involve acts of violence, a situation of significant tension soon arose between settlers and southern Taranaki Maori.
- 2.41 In May 1868, a Taranaki Crown Magistrate went to Te Ngutu o te Manu to demand the return of horses that had been taken by residents of the settlement. When his demands were refused, Crown troops went to the Ngaruahine village of Mawhitiwhiti and detained two men before continuing on to Te Ngutu o te Manu. There, after troops threatened to take everyone in the village prisoner, one resident volunteered to accompany the troops as a hostage. Three horses were returned the following day. However, Crown troops returned again the following afternoon, taking possession of two more horses and taking three Maori residents prisoner, apparently at random. Two were released due to a lack of any evidence against them. The third was detained for another week on suspicion of previously breaking into a settler's house, after which time he escaped and returned to Te Ngutu o te Manu.
- 2.42 On 9 June 1868, a group of Maori, including the escaped prisoner, killed three military settlers who were felling trees in the area around the Ngaruahine village of Ketemarae. The local Magistrate stated that the killings had been carried out with the knowledge and consent of Titokowaru. Ngaruahine believe that he had no knowledge of these actions. Three days later, a member of the Armed Constabulary was killed and, on 12 July Titokowaru's warriors attacked a redoubt at Turuturu Mokai north of Hawera, killing ten military settlers. By the middle of August, southern Taranaki was again at war.
- 2.43 Initially, fighting was conducted by only some Ngaruahine hapu, as the losses suffered during recent military campaigns had made other Ngaruahine hapu and neighbouring iwi unwilling to participate. In mid-August 1868, those hapu who had joined the fighting were outnumbered by Crown troops by approximately twelve to one. However, support began to come from other Southern Taranaki hapu and iwi after Titokowaru's forces won significant engagements, and as Titokowaru convinced previously neutral hapu to join him in the fighting. By November 1868, Titokowaru had achieved substantial command over much of southern Taranaki, and settlers feared that Titokowaru would attack the main European settlement at Whanganui and, beyond that, threaten the European presence in Taranaki.
- 2.44 In mid November, Titokowaru's forces built fortifications at Tauranga-ika, less than thirty kilometres north of Whanganui. They then conducted a series of raids on the settlement's hinterland in an attempt to provoke Government troops to engage on land of their own choosing; a tactic that Titokowaru had used with success before. On 2 February 1869, Government troops approached Tauranga-ika only to find it abandoned. For reasons that remain unclear, many of Titokowaru's followers withdrew their support and the campaign was abandoned.
- 2.45 For the remainder of 1869, Crown troops pursued Titokowaru and his remaining followers through southern Taranaki. During the course of this pursuit, two Crown Ministers visited the troops and offered a £1,000 "reward" for the capture of Titokowaru



2: HISTORICAL ACCOUNT

dead or alive, £15 for each chief, and £5 for each of his followers captured alive. Later, the British Colonial Office asked the New Zealand Government to explain the bounty offer, stating that it appeared "much at variance from the usual rules of war". In his written response, New Zealand's Governor, Sir George Bowen, acknowledged that the bounty was outside the usual rules of war, but justified it on the basis of the actions of Titokowaru and his followers.

- 2.46 In March 1869, contemporary newspapers reported that colonial forces, including both Maori fighting for the Government and Crown troops, had mounted expeditions with the purpose of either capturing "rebel" Maori or obtaining their heads in order to claim these rewards. These reports stated that Crown forces subsequently took the heads of three chiefs. Later accounts, based on the recollections of participating Crown troops, stated that at least eleven heads had been taken during this pursuit, including that of Matangi-o-Rupe, a chief of the Ngati Manuhiakai hapu of Ngaruahine, after his death in battle. These accounts also stated that a Crown military commander paid a bounty after a number of heads were presented to him, but that he subsequently ordered the practise to stop.
- 2.47 Government forces destroyed settlements and cultivations that they found during the pursuit through south Taranaki. Titokowaru and his Ngaruahine followers fled their lands, eventually finding refuge with another Taranaki iwi on the upper Waitara River. According to Ngaruahine oral tradition, many Ngaruahine people sought refuge on Mt Taranaki at this time.

THE ALIENATION OF CONFISCATED LAND BY THE CROWN

- 2.48 Ten years after the passing of the New Zealand Settlement Act 1863, the Crown had not enforced the confiscation of the large expanse of land between the Hangatahua (Stoney) and Waingongoro rivers, which included most of the Ngaruahine rohe. Because no European settlements had been established, the confiscation in this part of Taranaki was widely perceived by Maori and some officials as having been abandoned by the Crown.
- 2.49 In the early 1870s, members of Ngaruahine who had been displaced by the military campaign against Titokowaru, began to return to their lands, including the fertile Waimate plains. Crown officials acquiesced to this, noting that "it would be politically undesirable and ... practically impossible" to prevent Ngaruahine "occupying the country north of Waingongoro".
- 2.50 Around the same time, the demand for land across New Zealand, including in Taranaki, began to increase as a large-scale Crown spending programme led to increased immigration rates and public works developments. In Taranaki, the Crown's failure to enforce the confiscations in some areas compromised its ability to meet the demand for land. In 1872, the Native Minister, Donald McLean, wrote that the large area of land between the Waingongoro and Hangatahua rivers, "although nominally confiscated", would remain unavailable for settlement until Maori in the area were provided with "lands sufficient for their requirements". To this end, McLean instructed the Civil Commissioner in Taranaki to relocate as many of this area's Maori residents as possible onto an area of land between the Kaipokonui and Oeo rivers, near the centre of the Ngaruahine rohe. The Commissioner was instructed to compensate Maori who agreed to relinquish their lands at 5 shillings an acre.
- 2.51 In 1875, Native Minister McLean instructed the Civil Commissioner in Taranaki to cease purchasing confiscated lands, and to initiate instead a system of "gratuities" or informal cash payments. The Crown made these payments, known as "takoha", to those Maori who, in the agents' opinion, had an interest in the land prior to confiscation, or could

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most influence the delivery of "quiet possession" of the land. Takoha payments were effected without accompanying deeds, surveys or sketch plans for the blocks concerned.

- 2.52 One of the areas in which the Crown used takoha payments was the Waimate plains. Crown agents dispensed payments in an erratic and arbitrary manner, recordkeeping was poor, and it was not clear to whom takoha was paid. In 1880, the West Coast Commission found that almost half of the £8,924 expended on the acquisition of the Waimate Plains never reached Maori, but was instead used to cover "contingent expenses". The Commission described the takoha system as "simply make-believe" and the payments made as "nothing but secret bribery".
- 2.53 By the end of the 1870s, the Crown's inconsistent enforcement of confiscation in Taranaki, changing or contradictory statements made by Crown officials or Ministers about the status of the land, and the use of takoha payments to secure land already confiscated had created widespread confusion and left many Maori with little security about where they were to live.

NGARUAHINE AND THE CROWN INVASION OF PARIHAKA

- 2.54 During the mid-1860s, in response to Crown attacks on settlements in western Taranaki, the rangatira Te Whiti o Rongomai and Tohu Kakahi, relocated their people several times before establishing a permanent settlement at Parihaka, a remote village on the western slopes of Taranaki maunga. According to Ngaruahine, Tohu Kakahi had whakapapa connections to the Okahu hapu of Ngaruahine as well as other iwi of Taranaki.
- 2.55 Ngaruahine see Parihaka as a vital part of their history and identity. Parihaka aspired to a future in which Pakeha and Maori would live side by side in peace. To Ngaruahine, the teachings of the prophets at Parihaka offered hope and inspiration in very difficult times. People from across the region, including many affiliating to Ngaruahine, came to live at Parihaka for varying lengths of time. Ngaruahine today still share a house with other southern Taranaki iwi at Parihaka called Te Rangi Kapuia. Ngaruahine people continue to own shares in the Parihaka papakainga block.
- 2.56 By June 1878, the Crown was determined to open further Taranaki lands for European settlement, including the Waimate Plains. Titokowaru allowed the surveyors to begin work in the area after obtaining assurances from the Native Minister that large reserves would be made for Maori occupation on the Plains, that burial places, cultivations and fishing grounds would be protected, and that grants would be provided which could be used for covering the cost of fencing their reserves "and otherwise promoting their social improvement". Te Whiti and Tohu, who by this time wielded significant influence among many Taranaki Maori, also stated that the surveys should not be opposed.
- 2.57 Surveying continued for more than five months, often with Maori cooperation. However, by December 1878 many Ngaruahine were becoming concerned that the surveyors were not marking out the promised reserves. That month, after surveyors cut lines through Maori cultivations and bush clearings near the Ngaruahine settlements of Taikatu and Omaturangi, Ngaruahine people turned surveyors back and removed their pegs. In February 1879, Ngaruahine people again interrupted the survey of a town block at Manaia. In March, tensions increased further when a Crown surveyor refused to divert a road around important cultivations, export-quality grass-seed crops, and a burial ground at Okaiawa. While Titokowaru sought advice at Parihaka, his people continued to remove survey pegs over large areas of ground.

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- 2.58 In March 1879, Te Whiti ordered the surveyors to be peacefully evicted from the Waimate Plains. In the following weeks, communication between Parihaka and the Government broke down. Te Whiti and Tohu sent men out from Parihaka to plough land near Oakura on the Western Taranaki coast. The ploughmen said that their intention was to force the Governor to come to Taranaki to discuss land issues. In line with Te Whiti's instructions, the ploughing was carried out in a peaceful manner.
- 2.59 Many settlers felt threatened by the protests and demanded an increased armed presence, while others volunteered to serve in the event of a war. On 1 June, Governor Hercules Robinson and the New Zealand Premier, Sir George Grey, arrived in New Plymouth and began to arm large numbers of settlers. They also placed Armed Constabulary officers around the Taranaki district. However, the Crown also advised settlers, on several occasions, not to take the law into their own hands. On 22 June 1879, two hundred armed settlers gathered to restrain a group of ploughmen near Patea and move them off the land. On 25 June 1879, Premier Grey instructed the head of Crown forces in Taranaki to arrest any ploughmen whose actions were likely to lead to a disturbance of the peace.
- 2.60 Over the following month, Crown forces arrested 182 ploughmen at locations around Taranaki, including thirty-nine from the Hawera district around the eastern part of the Ngaruahine rohe. At least eleven of these men were identified at the time as Ngaruahine.
- 2.61 The first 136 men arrested appeared before the New Plymouth Magistrate Court and were transferred to Wellington to await trial in the Supreme Court. The final forty-six ploughmen arrested were tried in the New Plymouth Magistrate's Court. They were charged under the Malicious Injuries to Property Act 1867 with causing to damage to land exceeding £5 in value. Some were also charged with "conduct calculated to cause a breach of the peace". All were found guilty and sentenced to two months imprisonment in Dunedin, some with hard labour. All were required to pay £600 sureties each for good behaviour for a period of twelve months.
- 2.62 After the last ploughmen were arrested, Parliament passed the Maori Prisoners' Trial Act 1879. The preamble of this Act stated that it was necessary for "the ordinary course of law [to] be suspended", so that the Crown could alter the time and location of the prisoners' trials if "for any reason, it is expedient". The Act was extended in December by the Confiscated Lands Inquiry and Maori Prisoners' Trials Act 1879. In January 1880, the 136 prisoners awaiting Supreme Court trial were transferred to prisons in Dunedin and Hokitika.
- 2.63 Early in 1880, the Crown sent forces to repair and work on a coastal road through the Parihaka district. When the road reached the Parihaka block, Crown forces pulled down fences around Maori cultivations, exposing them to their horses and wandering stock. Some soldiers also looted Maori property.
- 2.64 Residents of Parihaka, who by this time included large numbers of Ngaruahine people, including nearly all of the people of the Ngaruahine chiefs Hone Pihama and Wiremu Manaia Hukanui, repaired the fences to protect their crops, and Crown forces pulled them down again. On 19 July 1880, Crown forces began to arrest the fencers. Four days later, Parliament passed the Maori Prisoners Act 1880, despite strong opposition from some Members. This Act stated that it was "not deemed necessary to try" those ploughmen who remained in prison, and also made the arrest of the fencers and their subsequent detention without trial lawful.

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- 2.65 Accordingly, all of the first 136 ploughmen arrested, including members of Ngaruahine, were deemed to be "lawfully detained", and continued to be held in South Island prisons without the benefits of a trial.
- 2.66 In August, Parliament passed the Maori Prisoners' Detention Act 1880 to ensure that fencers arrested after 23 July 1880 could also be detained under the provisions of the Maori Prisoners Act 1880, the terms of which had only applied to those who were already in custody at the time it was passed.
- 2.67 None of the first 157 fencers arrested received a trial. They too were sent to South Island prisons.
- 2.68 In September 1880, Parliament passed the West Coast Settlements (North Island) Act, which made criminal offences of some of the activities that had characterised the protests, such as removing survey pegs, erecting fences and ploughing. On 4 September, fifty-nine more fencers arrested were tried under this Act, found guilty of obstructing a constabulary road, and sentenced to two years of hard labour in Lyttleton. The last seven fencers arrested on 5 September were sent directly to Lyttleton without trial. No records of the tribal affiliations of the fencers arrested seem to have been made. However, those arrested were very likely broadly representative of the Parihaka population at the time, which included many Ngaruahine people.
- 2.69 In total, the Crown imprisoned 405 Maori, including 182 ploughmen and 223 fencers for their participation in the peaceful resistance campaigns of 1879 and 1880. Ngaruahine tribal sources record that the following prisoners were of Ngaruahine:

Mare	Ngaone	Rangimuia	Taketake
Tamati Kuku	Te Ihitua	Te Ika Ruka	Te Iki
Te Matoe	Te Ranui	Te Wiki	Te Hauarakerake
Heumatua	Hihi	Kaihe	Kingi Horomona
Kurawhero	Maha	Mitiwai	Pakeke
Pomaha	Porere	Rameka	Rangiao
Taihuru	Takutua	Tamoho	Te Kahupukoro
Te Manu	Te Raikaho	Tohe	Tukahu
Tutahi	Tutaione	Watakaraka	Whakawiria
Wharekakaho	Wiremu Hone	Wiremu Rapihana	Matangi Ruhau
Te Hano	Hawe	Wharematua Te Koti	Auturoa
Te Aka	Te Moretua	Paora	Koropaingaiti
Koti	Wharawharanui	Rahiri	Taiteariki
Wairau	Pokaiatua	Tupatea	Hera Pirika
Rangawhenua	Ngahina	Te Ngaruru	Katene
Pokai	Tarawa	Ngatai	Toherangi
Te Rama	Rangawhetu	Te Rahu	Korau
Whareaitu	Rangipungi	Tu te Rangiwaina	Heremaia
Rangionuku	Hauwhena	Hori	Piko
Te Wehi.			

- 2.70 On several occasions, senior Crown figures acknowledged that the duration of the prisoners' detention was determined more by the political situation in Taranaki than by the particular offences with which they had been charged, and in some cases, convicted. In January 1880, the Governor issued a proclamation in which he stated that "acts of lawlessness have taken place which endanger the peace of the country, and prisoners

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are held in prison till the confusion is brought to an end." In July, the Native Minister spoke in support of the Maori Prisoners Act 1880 by stating that "it mattered very little whether [the prisoners] had been brought to trial or not. If convicted they would not perhaps get more than 24 hours imprisonment for their technical offences. The trial meant nothing so far as the detention of the prisoners was concerned".

- 2.71 Numerous contemporary newspaper reports described the arrested ploughmen and fencers as political prisoners. In August 1880, the Crown-appointed West Coast Commission concluded its final report by stating that Taranaki Maori were being imprisoned "not for crimes, but for a political offence in which there is no sign of criminal intent".
- 2.72 Evidence suggests that some prisoners fell ill through a combination of harsh conditions, hard labour, and an unfamiliar climate. Contemporary reports described some of the Parihaka prisoners transferred to South Island jails experiencing gross overcrowding, several being subject to solitary confinement and placed on bread and water rations for up to seven weeks for "trifling offences", and some being physically abused. Prisoners later complained of insufficient rations, while at one location prisoners were reported to have been forced to swim out to sea and back at gunpoint for the "amusement" of prison sentries. The detrimental impact of these conditions was very likely compounded by the effects of exile.
- 2.73 On 7 October 1880, the Crown released twenty-five ploughmen as an "experiment" to gauge how Taranaki Maori, and the prisoners themselves, would react. None of the first twenty-five released prisoners were Ngaruahine. The next release of prisoners did not occur until December 1880, approximately eighteen months after the first ploughmen were arrested. This meant that the Crown detained the Ngaruahine prisoners without trial for at least seventeen months.
- 2.74 In January 1881, John Bryce resigned as Native Minister after failing to convince his colleagues of the need to advance on Parihaka. He was replaced by William Rolleston, who favoured a more moderate approach. Under Rolleston, the rest of the prisoners were released, and all were returned to Taranaki by June 1881. Those fencers released at this time had been in prison for between 10 and 12 months, while those ploughmen released had been in prison for almost two years. A few of those released were reported to be very unwell.
- 2.75 In June 1881, Crown forces engaged in road-making again opened fences surrounding cultivations near Parihaka. Residents of Parihaka, including Ngaruahine people, again repaired them. In August, Maori from Parihaka and surrounding settlements began to clear and fence traditional cultivation sites, some of which lay on coastal sections that the Government had already surveyed or sold to European settlers. As tensions increased, the Crown again increased the Armed Constabulary presence around Parihaka to more than 1,500 men. In October, John Bryce was sworn in once again as Native Minister,
- 2.76 On 5 November 1881, Native Minister John Bryce led 945 armed volunteers and 644 Armed Constabulary to Parihaka. After reading the Riot Act, Crown forces rode onto the marae at Parihaka and arrested Te Whiti and Tohu. Titikowaru and some other leaders were arrested a few days later. Over the following days, the Crown forcibly evicted some 1,600 men, women and children not originally from Parihaka from the settlement, and made them return to their previous homes. Contemporary reports stated that as many as 600 Maori from the Waimate Plains were evicted from Parihaka at this time. Crown forces ransacked houses, looting mats, cloaks, greenstone taonga, and other treasures. Troops stole or killed livestock and systematically destroyed forty-five acres of potato, taro and tobacco cultivations. Maori of Taranaki, including Ngaruahine, report

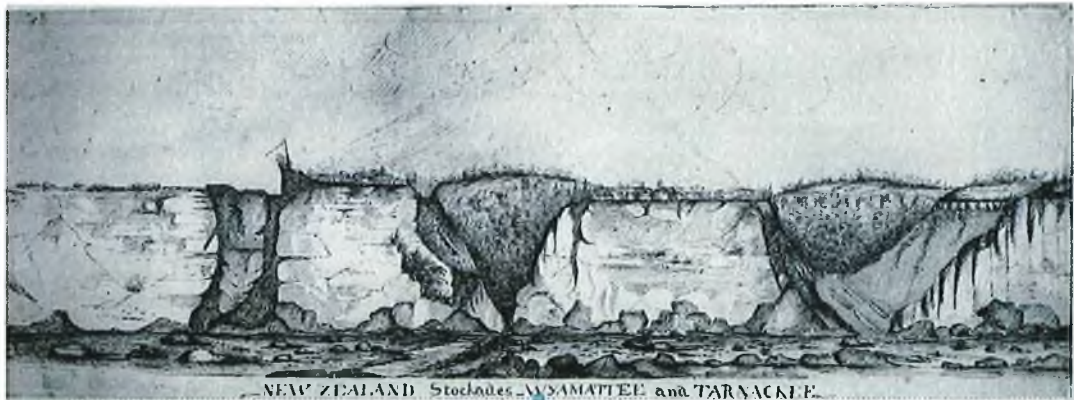
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that some women were raped and otherwise molested by members of the Crown's forces following the invasion of Parihaka.

- 2.77 The Crown initiated a pass system that regulated entry into Parihaka, and public meetings were banned in the settlement. The Crown subsequently extended the pass system to surrounding areas to prevent people returning to Parihaka.
- 2.78 Concerned that evicted Maori might seek reprisals against European settlers, Crown forces were deployed to search for arms across Taranaki, including in the Ngaruahine rohe. In northern Taranaki, these raids were also accompanied by destruction and looting.
- 2.79 After their arrest, the Crown charged Te Whiti and Tohu with sedition, and later transferred them to Addington gaol in Christchurch. The Crown postponed their trials and ultimately Parliament passed special legislation to provide for their imprisonment without trial. They were released in March 1883, fourteen months after their arrest.
- 2.80 Titikowaru was tried in May 1882. The charges against him were dismissed, but he was held in prison for eight months for failing to find two sureties of £250. In July 1882, Wiremu Hukanui Manaia, a leader of the Ngati Tu hapu of Ngaruahine, paid the money and Titikowaru was released.
- 2.81 In August 1882, Parliament passed another Act to indemnify those who, during the invasion of Parihaka, had carried out certain acts which "may have been in excess of legal powers".
- 2.82 In 1927, the Sim Commission concluded that the Crown was directly responsible for the destruction of houses and crops at Parihaka, and "morally if not legally" responsible for the acts of the soldiers who were brought into the settlement. It recommended a one-off payment of £300 as an acknowledgement of the wrong that was done to the people of Parihaka, including the destruction of crops and the looting of property.

THE WEST COAST COMMISSIONS



An 1834 sketch of the Waimate and Orangituapeka pa as seen from the Royal Navy ship HMS Alligator

Collection of Puke Ariki (A65.889)

- 2.83 During the short period between the ploughing and fencing campaigns of 1879 and 1880, the Crown established the first West Coast Commission "to make provision for an Inquiry into alleged Grievances of Aboriginal Natives in relation to certain Lands taken by the Crown under the authority of Law". The Commission's scope of inquiry was limited to the Compensation Court awards and specific Crown promises, and did not empower

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- the Commissioners to consider the justice of the confiscations or the compensation process.
- 2.84 The West Coast Commission held hearings around Taranaki and delivered three reports between March and August 1880. The Commission's final report recommended that the arrest and incarceration of those participating in the ploughing and fencing campaigns should end. The Commissioners urged the Crown to instead engage in dialogue with Te Whiti in an attempt to clarify the Crown's plans for the "disputed districts" and to bring peace to Taranaki.
- 2.85 The Commission's final report also found that the Government had failed, over a number of years, to fulfil promises about reserves for Maori. Several people of Ngaruahine and neighbouring iwi gave evidence before the Commission about the Crown's failure to define or grant reserves that had been promised, while others argued that the reserves they had received were different to those promised, or were situated outside of their traditional lands. The Commissioners stated that the inhabitants of the land between the Waingongoro and Oeo Rivers (mainly Ngaruahine) had been promised "more than once" that their "fishing-stations, burial-places, and cultivations would be respected", but that "what was then done was wholly inadequate to meet either their wishes or their wants".
- 2.86 In one instance, the Commission heard that the Okahu hapu of Ngaruahine had been promised eighty acres near the mouth of the Waingongoro River for use as a fishing reserve. The reserve, named Te Rangatapu, was never conveyed to Okahu, but was instead taken by the Crown for the military settlement of Ohawe. After failing to obtain replacement land suitable for a fishing station, Crown agents offered Okahu fifteen acres on the outskirts of the Ohawe settlement as fishing a reserve, on the condition that the hapu pay more than £150 for it. They declined.
- 2.87 One reserve that the Commissioners recommended became unavailable even before the hearings were concluded. In 1873, the Native Minister, Donald McLean, had promised a 1,000 acre reserve be granted to the Ngaruahine chief Toi Whakataka and his Okahu hapu, but this had not been granted. In 1880, the West Coast Commission initially recommended that the 1,000 acre reserve be granted to Whakataka and his people, but discovered when surveying started that the land was required "for other purposes". Whakataka was instead encouraged to accept part of a 10,000 acre "omnibus" reserve that had been established to cover "many indefinite promises alleged to have been made" by the Crown to a number of southern Taranaki tribes. While Whakataka did not agree initially, stating that he wanted all of his land back, the Commission's final report named Whakataka among those granted a portion of the 10,000 acre Tirotiromoana reserve. Seven years later, Whakataka took a case to the Native Land Court claiming that the 10,000 acre reserve had been divided among three other hapu, and that his people had been left with nothing.
- 2.88 After the Commissioners concluded their hearings, they issued a report describing the extent of the reserves that they thought were required to satisfy Maori grievances, and stressed that the situation in Taranaki needed to be addressed without delay. Parliament responded with the West Coast Settlements (North Island) Act 1880, which enabled the Governor to issue Crown grants for native reserves. In December 1880, the Governor delegated this work to a second West Coast Commission.
- 2.89 In total, the second West Coast Commission arranged grants for 201,395 acres in Taranaki, which were awarded to 5,289 persons at an average of thirty-eight acres each. Another 13,280 acres were later added, making a total of 214,675 acres returned in all.
- 2.90 The second West Coast Commission organised its recommendations by partitioning the Taranaki region into several "divisions". In Division Three, which lay between the

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Waingongoro and Taungatara rivers and corresponded closely with the Ngaruahine rohe, the first West Coast Commission had recommended the return of 28,300 acres to Maori out of a total area of approximately 172,000 acres. Out of these 28,300 acres, 25,000 were to be returned in the form of a broad "continuous reserve". The second Commission subsequently granted reserves in this division totalling 26,604 acres, allocated in forty-two grants to 676 grantees.



- 2.91 This worked out at about forty acres per named grantee; less than the fifty acres per man, woman and child minimum specified in Section 24 of the Native Land Act of 1873. The recommended 25,000 acre continuous reserve was divided into four separate blocks for the purpose of "intermixing European settlement". The removal of large strips of land to separate the blocks had the effect of reducing the reserve to 20,348 acres. The small size of the reserves was compounded by their poor quality. Seventy-five per cent of the land returned in the Ngaruahine rohe was in bush.

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- 2.92 Virtually all of the reserved land was granted under individualised title rather than to iwi or hapu. In addition, due to a misunderstanding of existing native land laws, some of the Ngaruahine chiefs who prepared the lists of grantees included some non-residents and distant relatives, in the hope that this would result in larger grants. Instead, it resulted in the grantees receiving smaller shares.

RESERVES AND TAURANGA WAKA

- 2.93 The Second West Coast Commission returned only three marae reserves (at Mawhitiwhiti, Hokorima, Weriweri) and ten tauranga waka (canoe landing sites), together totalling less than 300 acres, in trust to Ngaruahine as an iwi or its hapu. These tauranga waka reserves, mostly located near the sites of coastal kainga, were Te Rangatapu, Te Kawau, Inaha, Orangituapeka, Motumate, Waiohata, Otamare, Ahikuku, Ohounuku and Otumatua. Ngaruahine are of the view that there was also an additional reserve named Pukeoha which was inadvertently sold by the Crown. In the twentieth century these reserve areas were set aside by Order in Council for a number of defined purposes, including fishing grounds. For example, Te Rangatapu was set aside as a Native Reserve for a burial ground, fishing ground and as a place of historical interest. These purposes were redefined by Gazettal in 1977 as a Maori reservation for a burial ground, fishing ground, meeting place, marae, camping site, recreation ground and place of historical interest.
- 2.94 Apart from marae, these tauranga waka reserves are the only Ngaruahine lands still held by Ngaruahine as an iwi. While Ngaruahine have not had the resources to develop these lands in any way, they continue to be of great significance to the iwi, and remain in constant use.
- 2.95 Although a principal purpose of the establishment of the tauranga waka reserves was to recognise fishing grounds, Ngaruahine today regard their inshore fishery as severely depleted, partly as a result of the pollution of coastal waters by the operations of the dairying and mining industries.

THE PUBLIC TRUSTEE

- 2.96 The Crown returned all of the reserves to Maori with conditions regarding their occupation and use. Under the West Coast Settlement Reserves Act of 1881, the Crown placed Maori reserves under the administration of the Public Trustee, who was to act both for "the benefit of the natives" and "the promotion of settlement". The Act enabled the Public Trustee to lease or sell the reserves to non-Maori tenants. The 1881 Act was strongly opposed by the Maori Members of Parliament and in a number of petitions.
- 2.97 Most of the land under the Public Trustee's administration was leased without the consent of the owners. The first leases granted imposed rents based on the value of the land including any improvements that had been made, such as fencing, conversion to pasture, or building, but these were later reduced to reflect the value of the land in its "unimproved" state. In addition, rents were only reviewed at the end of each lease period. The Public Trustee retained ten per cent of all rents paid to cover the cost of administration, and also drew upon rents paid to cover the cost of constructing roads through the reserves and making other improvements. As a result, the Maori beneficial owners received little or no rent.
- 2.98 During the economic depression of the late 1880s, the Public Trustee allowed some lease-holders to fall into arrears with their rent. In 1887, Parliament amended regulations issued under the authority of the West Coast Settlement Reserves Act 1881

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to provide for rent reductions. The interest rate to be charged on overdue rent was also reduced. In response, Taranaki Maori, including Ngaruahine, increased their demands to have the control of their lands returned to them.

- 2.99 By 1890, fifty-eight per cent of the Waimate Plains continuous reserve had either been leased out by the Public Trustee (9,314 acres), or was advertised but not yet leased (3,180 acres).
- 2.100 In 1892, Parliament passed the West Coast Settlement Reserves Act to re-write the laws governing the leasing of the Taranaki reserves. This was largely an attempt to address the confusion and legal uncertainty that had come to characterise the application of leasing regulations after a decade of amendments to the original 1881 Act. The 1892 Act enabled European farmers to convert their fixed-term leases to perpetually-renewable leases of twenty-one year terms. The rent was to be based on the unimproved value of the land, and the Act made no provision for rent reviews during the lease period. In subsequent years, the Crown provided at least two further opportunities to make leases perpetual were given, and most lease-holders did so.
- 2.101 The leasing regime established by the Crown in the late nineteenth century had the effect of creating permanent European settlement on Maori reserved land. Many Maori in Taranaki, including Ngaruahine, view the perpetual leasing regime as an extension of the earlier confiscation.
- 2.102 Over time the effects of inflation eroded the value of rental returns. It is likely that the administration of the West Coast reserves by the Public Trustee and its succeeding bodies, the Native Trustee and the Maori Trustee, contributed to the gradual impoverishment of Ngaruahine during the late-nineteenth and early twentieth centuries.
- 2.103 In 1904, the Maori health officer, Sir Maui Pomare, visited Taranaki and reported that Maori people in the region felt demoralised and helpless because they had lost control over their lands. He wrote that "Their heritage has been taken away from them, and now in the abandon of despair, they say 'He aha te pai? (What is the good? The Public Trustee has eaten the heart of the melon, and we are given the rind)".
- 2.104 By 1912, Europeans held 138,510 of the remaining 193,966 acres of Taranaki reserve land under either thirty-year or perpetually-renewable leases, while Maori held only 24,800 under the less secure licences at will. A further 25,798 acres were held as "papakāinga or commonages", which referred to communal land upon which Maori homes and settlements rested. Most of the reserve lands promised to Maori for their use and occupation during the nineteenth century were used and occupied by European farmers.
- 2.105 In the mid-1930s, many of the original leases came up for renewal. The land valuation processes that were used resulted in the reduction of all rents, in some cases by more than fifty per cent, and occasionally to levels lower than those of the original terms. Reductions may have taken into account lowered income levels of farmers during the Great Depression. In 1934, Maori won a Supreme Court case against the valuation process which had underpinned the rent reductions. In 1935, after a series of meetings between deputations of lessees, Taranaki Members of Parliament, and Crown Ministers, the Crown passed legislation on the last sitting day of Parliament, which effectively overturned the decision. Maori complained to the Prime Minister that some of the valuations upon which the rents were based "amount to confiscation" and asked that no further leases be signed until their concerns were addressed.

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2.106 Maori continued to present petitions to Parliament, and in 1946 a deputation of Maori met with the Prime Minister, Peter Fraser. Fraser promised a searching inquiry, and a Royal Commission of Inquiry into the West Coast Settlement Reserves was established the following year. In 1948, the Commission published a report which condemned the 1935 Act, stating that its hurried passage through Parliament without Maori knowledge had deprived Maori of any opportunity to protest, despite its importance to their interests. The Commission also concluded that Maori had "suffered a grave injustice" as a result of the 1935 Act, and recommended that the beneficial owners should receive £30,000 in compensation.

GOVERNMENT INQUIRIES AND THE SIM COMMISSION

- 2.107 Between 1890 and 1975, at least twelve major Crown inquiries considered the administration of the leasing of Maori land. Several were highly critical. One of the earliest, the 1891 Rees-Carroll Commission, stated that "[t]he Maoris' rights were confiscated by one dash of the pen" and that "[i]t would be difficult to imagine a more flagrant case of legislative robbery." When considering the various Acts and Amendments passed up to 1912, the McArthur-Kerr Commission identified two main themes: that "every legislative measure has been in favour of the lessees" and that "on no occasion has the Native owner been consulted in reference to any fresh legislation".
- 2.108 The Sim Commission of 1926-27 was set up to investigate confiscations under the New Zealand Settlements Act 1863 and subsequent legislation, but its terms of reference were limited. It did not consider compensation for imprisonment or economic loss suffered. The Commission could only investigate whether confiscations exceeded what was "fair and just", and was not permitted to consider the claim of any Maori "who denied the Sovereignty of Her Majesty and repudiated Her authority", nor whether the New Zealand Parliament had the power to pass the confiscation laws.
- 2.109 The Commission had limited time and resources for its purpose and therefore did not fully investigate the return of land, wahi tapu and other taonga. Despite its limitations, the Sim Commission represented the first time that Taranaki Maori received serious consideration of their grievances.
- 2.110 With regard to the outbreak of war that led to the confiscations, the Sim Commission concluded that the Pekapeka block should not have been purchased without the consent of Wiremu Kingi and his people, and that the Crown's announcement that military operations were about to be undertaken against Wiremu Kingi's people in 1860 was made "before they had engaged in rebellion of any kind", and that in those circumstances they "had no alternative but to fight in their own self-defence". It found that "the occupation of Tataraimaka [in 1863] was, in the circumstances, a declaration of war against the Natives", and that war could have been avoided if the Waitara purchase had been abandoned before the occupation of Tataraimaka. The Commission stated that both the first and second Taranaki wars arose from the Waitara purchase.
- 2.111 For these reasons, the Commission argued that while those Maori who fought in the second Taranaki war "were engaged in rebellion within the meaning of the New Zealand Settlements Act 1863 ... they ought not to have been punished by the confiscation of any of their lands".
- 2.112 The Sim Commission recommended that the Crown should make annual reparations of £5,000, to be administered by a Board for the benefit of those Taranaki Maori whose lands had been confiscated. The Commission also recommended a single payment of £300 in acknowledgement of "the wrong that was done to the Natives at Parihaka", including the destruction of crops and the looting of residents' property. However, these

2: HISTORICAL ACCOUNT

payments were not discussed with the iwi concerned, and were never accepted as adequate. Payments were delivered in irregular sums and at irregular intervals each year until the Taranaki Maori Claims Settlement Act of 1944 provided for a regular annual £5,000 payment to the Taranaki Maori Trust Board. The 1944 Act also provided for the £300 Parihaka reparation to be paid, seventeen years after the Sim Commission first recommended it.

- 2.113 The Taranaki Maori Claims Settlement Act 1944 stated that Maori agreed to accept the sums in full settlement of claims relating to the confiscations and Parihaka. There is no evidence that Ngaruahine or any other iwi of Taranaki agreed to this. Neither these nor the previous annuities were inflation indexed, which subsequently became an issue for Taranaki Maori.

AMALGAMATION

- 2.114 During the middle years of the twentieth century, the partitioning of Taranaki Maori reserves for sale and their fragmentation through inheritance meant that many reserves became divided among large numbers of owners. In 1963, the Maori Trustee applied to the Maori Land Court to amalgamate all Taranaki reserves remaining under lease into a single title in order to simplify their administration. This led to the creation, of the Parininihi ki Waitotara Reserve, which brought together 71,640 acres of land with 4,491 beneficial owners under 496 separate leases. Together, these leases generated annual revenues of £41,000. As part of the amalgamation process, 5,830 shares worth less than \$20 each, belonging to 1,662 people, were vested in the ownership of the Taranaki Maori Trust Board, which held the income generated from these shares in a Taranaki education trust.
- 2.115 The amalgamation effectively conferred all beneficial owners with shares in every Taranaki reserve. However, it also meant that those Taranaki Maori owners, including Ngaruahine, no longer held a specific interest in their ancestral land. This severed the direct relationship between owners and traditional lands that underpins the whakapapa of all Taranaki Maori.
- 2.116 The Maori Affairs Amendment Act 1967 facilitated sales of reserve land. The Maori Trustee could sell the freehold to the lessee provided a proportion of the beneficial owners holding sufficient shares agreed to sell their interests, even if the former owners of the blocks were opposed to selling. Between 1968 and 1975 the Maori Trustee sold 16,325 acres from the Parininihi ki Waitotara Reserve.
- 2.117 In 1976, following the recommendation of the Commission of Inquiry into Maori Reserved Land, the amalgamated reserve was vested in the Parininihi ki Waitotara Incorporation. The establishment of the Parininihi ki Waitotara Incorporation has been a long-standing grievance for Ngaruahine, who view it as a corporate body rather than iwi body, because under its constitution and Te Ture Whenua Maori Act 1993, the Incorporation is tasked with promoting the interests of its 8,500 individual shareholders rather than those of the iwi and hapu of Taranaki. Some members of Ngaruahine do not have any shares in the Incorporation.
- 2.118 Following further inquiries in 1991 (the Marshall review) and 1993 (the Maori Reserved Lands Panel), Parliament passed the Maori Reserved Lands Amendment Act 1997. Parliamentary debates at the time recognised the long-standing prejudice that Taranaki Maori had suffered under the perpetual leasing of the West Coast Settlement Reserve lands.

2: HISTORICAL ACCOUNT

- 2.119 The Maori Reserved Lands Amendment Act 1997 made some improvements for Maori, including the introduction of seven-year rent reviews and a move towards market rentals. However, it did not terminate perpetual leases, and freehold title for Ngaruahine lands remained with the incorporation.
- 2.120 Today, less than five per cent of the area that was reserved for Maori following confiscation remains in Maori freehold ownership. Approximately 50,000 acres of Taranaki land remains under the perpetual leasing system. Many people of Ngaruahine today feel that the perpetual leasing regime also perpetuates their sense of loss, and that for this reason it would almost have been better to lose the land outright. Ngaruahine use the phrase "Muru, Raupatu, Muru Ano" to describe their experience of historical Crown actions which, taken cumulatively, have left Ngaruahine almost landless, and which have created a sense of grievance which has accumulated over time.

NATURAL RESOURCES AND ENVIRONMENTAL ISSUES

- 2.121 Approximately ninety per cent of the traditional Ngaruahine rohe lies on the fertile free-draining soils of the Mount Taranaki volcanic ring plain. This land is some of the richest in New Zealand and is crossed by many fresh water rivers and streams. The adjacent coastline also provided Ngaruahine with many vitally important resources including fish and shell-fish, edible plants, traditional medicines and items used for artistic and ceremonial purposes.
- 2.122 Today, the soils of Taranaki support around 1,731 dairy herds, which together produce 10.4 per cent of New Zealand's total milk solids. The South Taranaki district has more than 300,000 cows, and more herds than any other district in New Zealand. The many dairy farms located within the Ngaruahine rohe supply the largest single-site dairy factory in the world, located just south of Hawera.
- 2.123 Farming activity has had some detrimental impacts on the landscape and environment of Taranaki. Much of Taranaki was cleared of bush for pastoral farming and settlement, and in the ring plain and coastal areas of south Taranaki, less than ten per cent of the indigenous forest remains. This has contributed to increased rates of erosion and decreased biodiversity in some areas. Intensive agriculture has increased pressure on water resources and had some negative effects on soil and water quality.
- 2.124 The introduction of various exotic plant, animal, and fish species has led to indigenous fauna and flora being damaged or displaced. Together, environmental damage and the loss of important natural taonga have contributed to the loss of Ngaruahine knowledge systems, rituals, and art forms. Traditional Ngaruahine weaving has declined in part because of the displacement of pingao (an indigenous dune grass which was used to make a range of decorative and domestic items) through the introduction of marram grass and grazing animals. Ngaruahine also recall that hinu mud pools, which were coloured by seepage from underground oil reserves and used by Ngaruahine to dye pui-pui (traditional garments), kete (woven baskets) and wharaki (woven mats) have also been lost due to the effects of early oil exploration.
- 2.125 In 1937, Parliament passed the Petroleum Act to nationalise all petroleum resources in New Zealand and exclude land owners from receiving royalties from commercial oil fields. Maori leaders and opposition politicians objected at the time that the nationalisation of petroleum deprived Maori of the ability to earn royalties from the petroleum beneath their lands and was contrary to the principles of the Treaty of Waitangi.

2: HISTORICAL ACCOUNT

- 2.126 The Kapuni gas-field, located in the centre of the Ngaruahine rohe, is the largest on-shore gas-field in New Zealand. It has been in production since 1970, and has played a significant role in the development of the Taranaki energy infrastructure and other large industries in the region. The processing, distribution and export of hydrocarbons derived from the Kapuni field and other Taranaki oil and gas reserves have made a significant contribution to the economies of the Taranaki region and New Zealand.
- 2.127 The natural resources of south Taranaki make it one of the more prosperous regions in New Zealand. Ngaruahine feel, however, that their ability to take advantage of these resources has been severely limited by historic Crown actions. Many Ngaruahine feel aggrieved about living in relative poverty while their rich lands generate prosperity and economic growth.

CONTEMPORARY SOCIAL AND ECONOMIC INDICATORS

- 2.128 The massive loss of Ngaruahine lands arising from various Crown actions and omissions during the nineteenth and twentieth centuries has negatively impacted many areas of Ngaruahine life. The people of Ngaruahine have suffered from the effects of poverty, poor housing and degraded physical and spiritual health. Ngaruahine have been unable to develop a strong economic base, and the unemployment rate among Ngaruahine is more than double the national average. The proportion of Ngaruahine people without formal qualifications is significantly higher than the national average. Only a quarter of all Ngaruahine people continue to live in the Taranaki region, and even fewer live within their traditional rohe.
- 2.129 Despite these poor socio-economic outcomes, Ngaruahine have proved resilient. The Ngaruahine population is growing, the proportion of Ngaruahine people with formal qualifications is increasing, and their rate of unemployment is decreasing. While historic Crown education policies that actively discouraged Maori children from speaking Maori in schools, and the effects of colonisation generally, have meant that Ngaruahine has lost its distinctive mita or way of speaking, the level of proficiency in te reo Maori among Ngaruahine people is high compared to Maori across New Zealand.
- 2.130 Despite the effects of historic Crown action since 1840, including war, confiscation, the effects of the perpetual leasing system and environmental change, Ngaruahine look forward to a positive relationship with the Crown and a positive future for themselves.

3 ACKNOWLEDGEMENT AND APOLOGY

ACKNOWLEDGEMENT

- 3.1 The Crown acknowledges that recognition of the historical grievances of Ngaruahine is long overdue. The Crown hereby recognises the legitimacy of the grievances of Ngaruahine and makes the following acknowledgements.
- 3.2 The Crown acknowledges that prior to 1865, Ngaruahine had retained ownership and control over their lands, and were participating successfully in the trading economy.
- 3.3 The Crown acknowledges that:
- 3.3.1 the cumulative effect of the Crown's actions in purchasing land in Taranaki created tensions that led to the outbreak of war;
 - 3.3.2 it conducted a bush scouring campaign and used scorched earth tactics in southern Taranaki during 1865 and 1866 to reduce the ability of Maori, including Ngaruahine, to fight;
 - 3.3.3 these campaigns resulted in the devastation of a number of important Ngaruahine kainga, including Mawhitiwhiti and Ahipaipa, and forced Ngaruahine to flee their settlements and caused severe hardship for Ngaruahine;
 - 3.3.4 Ngaruahine suffered loss of life during the Taranaki wars; and
 - 3.3.5 the Taranaki wars constituted an injustice and were in breach of the Treaty of Waitangi and its principles.
- 3.4 The Crown acknowledges that:
- 3.4.1 Ngaruahine as an iwi was not in rebellion, and was unfairly treated as being in rebellion when the Crown proclaimed all of its land confiscated in 1865;
 - 3.4.2 the confiscations deprived Ngaruahine of access to their wahi tapu and sites of ancestral significance, traditional sources of food and other resources on that land, and had a devastating effect on the welfare, economy, culture and social development of Ngaruahine; and
 - 3.4.3 the confiscations were indiscriminate in extent and application, wrongful and unjust, and were in breach of the Treaty of Waitangi and its principles.
- 3.5 The Crown acknowledges that the prejudicial effects of the confiscations were compounded by the inadequacies of the compensation process, including:
- 3.5.1 holding Compensation Court hearings outside the Ngaruahine rohe at a time of significant upheaval, which restricted Ngaruahine participation; and
 - 3.5.2 the failure to return land to Ngaruahine for more than fifteen years after the confiscation.

NGARUAHINE DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.6 The Crown acknowledges that:
- 3.6.1 ongoing tensions over its confiscation in southern Taranaki contributed to the outbreak of further armed conflict between the Ngaruahine leader Titokowaru and the Crown in 1868-1869. The Crown also acknowledges that this conflict caused further displacement and hardship for Ngaruahine;
 - 3.6.2 it offered bounties for the capture of Titokowaru dead or alive, and for any of his followers alive; and
 - 3.6.3 members of Crown forces took the heads of some of Titokowaru's followers, including that of at least one Ngaruahine chief.
- 3.7 The Crown acknowledges that by the late 1870s, its failure to enforce the confiscation in the Ngaruahine rohe, its failure to return or reserve land as promised, and its use of informal cash payments (takoha) to open land for settlement had left Ngaruahine uncertain about the status of their lands and without security about where they were to live.
- 3.8 The Crown acknowledges that:
- 3.8.1 it detained members of Ngaruahine and other Maori of Taranaki for their participation in the peaceful resistance campaign initiated at Parihaka in 1879 and 1880;
 - 3.8.2 legislation was enacted which "suspended the ordinary course of law", and as a result most prisoners, including many Ngaruahine people, were detained without trial;
 - 3.8.3 the detention of those prisoners without trial for an unreasonably lengthy period assumed the character of indefinite detention;
 - 3.8.4 the imprisonment of Ngaruahine and other Maori of Taranaki in South Island gaols for political reasons inflicted unwarranted hardships on them and their whanau and hapu; and
 - 3.8.5 the treatment of these political prisoners:
 - (a) was wrongful, a breach of natural justice, and deprived them of basic human rights; and
 - (b) was a breach of the Treaty of Waitangi and its principles.
- 3.9 The Crown acknowledges that:
- 3.9.1 Ngaruahine provided material support to the Parihaka community, and that large numbers of Ngaruahine people were residing at Parihaka when Crown forces invaded the settlement in 1881;
 - 3.9.2 it inflicted serious damage on the prosperous Maori village of Parihaka and the people residing there, forcibly dispersed many of the inhabitants, and assaulted the human rights of the people;

NGARUAHINE DEED OF SETTLEMENT

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- 3.9.3 these actions caused great distress and were a complete denial of the Maori right to develop and sustain autonomous communities in a peaceful manner; and
- 3.9.4 its treatment of Ngaruahine people at Parihaka was unconscionable and unjust and that these actions constituted a breach of the Treaty of Waitangi and its principles.
- 3.10 The Crown acknowledges that:
- 3.10.1 the West Coast Commissions were inadequate in their scope and therefore did not fully address the injustices of the confiscations;
- 3.10.2 the reserves created for Ngaruahine by the second West Coast Commission in the 1880s were:
- (a) smaller than those recommended by the first West Coast Commission;
 - (b) mainly located in bush;
 - (c) almost all returned under non-customary individualised title; and
 - (d) not sufficient for the present and future needs of Ngaruahine; and
- 3.10.3 the Crown's actions with respect to the West Coast Settlement Reserves, considered cumulatively, including the imposition of a regime of perpetually renewable leases and the sale of large quantities of land by the Public and Maori Trustee:
- (a) ultimately deprived Ngaruahine of the control and ownership of the lands reserved for them in Taranaki; and
 - (b) were in breach of the Treaty of Waitangi and its principles.
- 3.11 The Crown acknowledges that the lands and other resources confiscated from Ngaruahine have made a significant contribution to the wealth and development of New Zealand.
- 3.12 The Crown acknowledges that its nationalisation of petroleum resources in New Zealand in 1937 caused a great sense of grievance within Ngaruahine that is still held today.
- 3.13 The Crown acknowledges that environmental degradation of Ngaruahine lands, waterways and coastal waters, including deforestation, freshwater and marine pollution, and the displacement of indigenous plants and animals from the effects of the dairy industry, resource extractive industries and other causes is a source of great distress for Ngaruahine.
- 3.14 The Crown recognises the efforts and struggles of Ngaruahine in pursuit of their claims for redress and compensation against the Crown for 140 years.
- 3.15 The Crown acknowledges that despite previous efforts made in the twentieth century, including the Sim Commission and the Taranaki Maori Claims Settlement Act 1944, it has failed to deal with the grievances of Ngaruahine in an adequate and appropriate way.

- 3.16 The Crown acknowledges that its breaches of the Treaty of Waitangi and its principles during the nineteenth and twentieth centuries have together significantly undermined the traditional systems of authority and economic capacity of the Ngaruahine iwi, and the physical, cultural and spiritual wellbeing of its people. The Crown acknowledges that it has failed to protect the rangatiratanga of Ngaruahine, in breach of its obligations under Article Two of the Treaty of Waitangi.

APOLOGY



Sketch of Titokowaru

Photo supplied by Nga Hapu o Ngaruahine

- 3.17 The Crown offers the following apology to the tupuna, the descendants, the hapu and the whanau of Ngaruahine.
- 3.18 The Crown regrets its actions that led to the outbreak of war in Taranaki. During those wars, Crown forces mounted numerous attacks against Ngaruahine kainga, and used scorched earth tactics that devastated Ngaruahine cultivations, livestock and food-stores. These actions caused severe hardship, deprivation, exile and death for many of your people. For both its actions and their effects, the Crown unreservedly apologises.
- 3.19 The Crown is sorry for the immense prejudice it caused by confiscating land that had sustained your tupuna for centuries. The raupatu was indiscriminate, unjust and unconscionable. The Crown deeply regrets the serious damage its actions have caused to Ngaruahine and its people.
- 3.20 The Crown deeply regrets its unjust treatment of those Ngaruahine people it imprisoned for taking part in campaigns of peaceful resistance. The Crown sincerely apologises to those tupuna it exiled hundreds of kilometres from their homes, to the whanau who grieved in their absence, to their descendents and to Ngaruahine.
- 3.21 The Crown deeply regrets and unreservedly apologises for its unconscionable actions at Parihaka, and for the harm those actions caused to the community and those Ngaruahine people who resided there.

NGARUAHINE DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.22 For generations, the Crown has failed to live up to its obligations to Ngaruahine under the Treaty of Waitangi. The effects of its actions over generations have damaged your autonomy, your cultural and spiritual heritage, and your ability to exercise customary rights and responsibilities. The Crown solemnly apologises to Ngaruahine for all its breaches of the Treaty of Waitangi and its principles.
- 3.23 The Crown hopes that this settlement and this apology will relieve the burden of grievance that Ngaruahine has carried for so many years, and will assist Ngaruahine to heal the wounds of the past. The Crown looks forward to building a relationship of mutual trust and co-operation with Ngaruahine founded on 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 full compensation of Ngaruahine is not possible;
 - 4.1.3 Ngaruahine intends 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 Ngaruahine and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Ngaruahine acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair in the circumstances.
- 4.3 Each party acknowledges that, in negotiating this settlement, within the context of wider settlement policy including the need by the Crown to consider the rights and interests of others, the parties have acted with an open and honest intent in relation to the settlement.

SETTLEMENT

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

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- (ii) under legislation; or
 - (iii) at common law (including in relation to aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or
 - (v) otherwise; or
- (b) be intended to affect any action or decision under the deed of settlement between Maori and the Crown dated 23 September 1992 in relation to Maori 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 4.6.3(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.

4.7 Clauses 4.5 and 4.6 do not limit clause 4.4.

REDRESS

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

4.8.1 is intended to benefit Ngaruahine collectively; but

4.8.2 may benefit particular members, or particular groups of members, of Ngaruahine if the trustees of Te Korowai o Ngaruahine Trust so determine in accordance with the procedures of Te Korowai o Ngaruahine Trust.

IMPLEMENTATION

4.9 The settlement legislation will, on the terms provided by sections 15 to 20 of the draft settlement bill:

4.9.1 settle the historical claims; and

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

4.9.3 provide that the legislation referred to in section 17 of the draft settlement bill does not apply:

(a) to a cultural redress property;

(b) a purchased deferred selection property that is not within the exclusive RFR area or the shared RFR area (but only on and from the date of transfer of the property to the trustees of Te Korowai o Ngaruahine Trust);

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- (c) to any land in the exclusive RFR area or the shared RFR area; or
- (d) for the benefit of Ngaruahine or a representative entity; and

4.9.4 require any resumptive memorial to be removed from a computer register for:

- (a) a cultural redress property;
- (b) a purchased deferred selection property that is not within the exclusive RFR area or the shared RFR area (from the date of transfer of any of those properties to the trustees of Te Korowai o Ngaruahine Trust); or
- (c) each allotment that is solely within the exclusive RFR area or the shared RFR area; and

4.9.5 provide that the rule against perpetuities and the Perpetuities Act 1964 does not:

- (a) apply to a settlement document; or
- (b) prescribe or restrict the period during which:
 - (i) the trustees of Te Korowai o Ngaruahine Trust may hold or deal with property; and
 - (ii) Te Korowai o Ngaruahine Trust may exist; and

4.9.6 require the Secretary for Justice to make copies of this deed publicly available.

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

5 CULTURAL REDRESS

TUPUNA KORO O TARANAKI

- 5.1 Ngaruahine and the Crown acknowledge that Tupuna Koro o Taranaki is of great traditional, cultural, historical and spiritual importance to iwi of Taranaki.
- 5.2 This deed does not provide for an apology, or any cultural redress, by the Crown in relation to any of the historical claims that relate to Tupuna Koro o Taranaki as that is yet to be developed in conjunction with Ngaruahine and other iwi of Taranaki.
- 5.3 Ngaruahine and the Crown agree that:
- 5.3.1 the trustees of Te Korowai o Ngaruahine Trust and the Crown will, as soon as practicable, work together with the mandated representatives of other iwi of Taranaki to develop an apology and cultural redress, for Ngaruahine and other iwi of Taranaki in relation to the historical claims, and for the historical claims of other iwi of Taranaki, that relate to Tupuna Koro o Taranaki; and
- 5.3.2 the apology and cultural redress for Ngaruahine in relation to the historical claims that relate to Tupuna Koro o Taranaki will not include any financial or commercial redress.

SPECIAL ACKNOWLEDGEMENT

- 5.4 For Ngaruahine, the Crown's acknowledgments as to the impact of the breaches of the Treaty on their tupuna to the effect that these breaches caused severe hardship and devastation to Ngaruahine, and in respect to the tupuna who were detained and imprisoned the Crown's actions were wrongful, a breach of natural justice, deprived them of basic human rights and inflicted unwarranted hardships on them and their whanau and hapu and the apology which reflects these actions, should be made at the ultimate destination of those that were detained without trial and lost their life away from their lands and whanau.
- 5.5 Following the settlement date Ngaruahine plans to undertake a hikoi, Te Hikoi ki te Waipounamu, through Te Waipounamu to the resting place of those tupuna.
- 5.6 The Crown acknowledges the importance to Ngaruahine of Te Hikoi ki te Waipounamu and the ceremonies at the resting places of their tupuna.
- 5.7 The Minister for Treaty of Waitangi Negotiations will attend one ceremony of Te Hikoi o te Waipounamu on behalf of the Crown to deliver the Crown apology. Senior Ministers and officials may attend to support the Minister.

5: CULTURAL REDRESS

CULTURAL REDRESS PROPERTIES

5.8 The settlement legislation will vest in the trustees of Te Korowai o Ngaruahine Trust on the settlement date:

In fee simple as a historic reserve

5.8.1 the fee simple estate in Waipakari property (as shown on deed plan OTS-023-05) as a historic reserve, with the trustees of Te Korowai o Ngaruahine Trust as the administering body; and

In fee simple as a historic reserve subject to an easement

5.8.2 the fee simple estate as a historic reserve, with the trustees of the Te Korowai o Ngaruahine Trust as the administering body of the reserve for each of the following sites:

- (a) Te Kohinga property (as shown on deed plan OTS-023-03) subject to the trustees of Te Korowai o Ngaruahine Trust providing a registrable right to drain stormwater in gross in favour of the South Taranaki District Council in relation to that site in the form set out in part 7.1 of the documents schedule; and
- (b) Te Ngutu o te Manu site A (as shown on deed plan (OTS-023-04), subject to:
 - (i) the trustees of Te Korowai o Ngaruahine Trust granting to the Crown a registrable easement in gross in favour of the Minister for Arts, Culture and Heritage in relation to that site; and
 - (ii) the parties agreeing to the form of the easement prior to the settlement date.

Te Poho o Taranaki

5.9 The settlement legislation will, on the terms set out in section 61 of the draft settlement bill:

5.9.1 vest in the trustees of Te Korowai o Ngaruahine Trust on the settlement date the fee simple estate in that area shown A on OTS-023-02A (subject to survey); and

5.9.2 in relation to that area shown B on OTS-023-02A:

- (a) provide that that area shown B on OTS-023-02A ceases to be a conservation area under the Conservation Act 1987; and
- (b) the fee simple estate in that area shown B on OTS-023-02A vests in the registered proprietor of computer freehold register TNH2/862 (Taranaki Registry).

5.10 In the event the Crown has not secured unconditional agreements for sale and purchase for the areas described in clause 5.9.1 and 5.9.2 before the settlement date, the parties acknowledge that the settlement legislation will provide that the matters contemplated in clause 5.9 will not take effect.



5: CULTURAL REDRESS

General

- 5.11 Each cultural redress property is to be:
- 5.11.1 as described in schedule 3 of the draft settlement bill; and
 - 5.11.2 vested on the terms provided by:
 - (a) sections 57 to 74 of the draft settlement bill; and
 - (b) part 2 of the property redress schedule; and
 - 5.11.3 subject to any encumbrances, or other documentation, in relation to that property:
 - (a) required by the settlement legislation; and
 - (b) in particular, referred to by schedule 3 of the draft settlement bill.

POTENTIAL PURCHASE OF KAIFI STREET AND TE NGUTU O TE MANU SITE B

- 5.12 The parties acknowledge that the trustees of Te Korowai o Ngaruahine Trust and South Taranaki District Council intend to enter into negotiations for the purchase by the trustees of the properties known as Kaifi Street property and Te Ngutu o te Manu site B, being properties of cultural significance to Ngaruahine.
- 5.13 In relation to the Kaifi Street property, section 81A of the draft settlement bill will provide that despite section 345(1) of the Local Government Act 1974, the trustees of Te Korowai o Ngaruahine Trust and the South Taranaki District Council may enter into an unconditional agreement for sale and purchase.
- 5.14 In the event the trustees of the Te Korowai o Ngaruahine Trust and the South Taranaki District Council reach an unconditional agreement for sale and purchase in relation to the purchase of the Kaifi Street property and/or Te Ngutu o te Manu site B within five years from and after settlement date, then clause 5.15 shall apply.
- 5.15 If this clause applies then Kaifi Street property and/or Te Ngutu o te Manu site B (as the case may be) will be transferred on the terms provided by:
- 5.15.1 the unconditional agreement for sale and purchase agreed between the parties; and
 - 5.15.2 in relation to Te Ngutu o te Manu site B, section 81 of the draft settlement bill will provide that:
 - (a) immediately before the transfer of Te Ngutu o te Manu site B to the trustees of Te Korowai o Ngaruahine Trust, the reservation of Te Ngutu o te Manu site B as a recreation reserve subject to the Reserves Act 1977 will be revoked; and
 - (b) sections 24 and 25 of the Reserves Act 1977 will not apply to the revocation of the reserve status.

POUWHENUA

- 5.16 The parties acknowledge that the trustees of Te Korowai o Ngaruahine Trust will be seeking the erection of pouwhenua on Crown land within the area of interest.



5: CULTURAL REDRESS

CULTURAL FUND

- 5.17 On the settlement date the Crown will pay the trustees of Te Korowai o Ngaruahine Trust \$661,000.00 (plus GST, if any).
- 5.18 The trustees of Te Korowai o Ngaruahine Trust may, at their discretion, apply some or all of such amount to:
- 5.18.1 purchase culturally significant properties situated on local authority or private land; and
- 5.18.2 projects of cultural significance, such as the construction and erection of pouwhenua.

KAITIAKI REDRESS

- 5.19 Ngaruahine consider that their ability to act as kaitiaki and rangatira in their rohe has been undermined through the loss of their lands and resources and exclusion from management of the land and resources in their rohe.
- 5.20 Ngaruahine sought through this settlement to enhance their involvement in the management of the land and waterways through relationship agreements with the Crown and local government and by means of increased participation in management of our natural resources. The Crown has therefore agreed, with the support of the regional council, to provide redress to the Ngaruahine that reflects this strong relationship and provides Ngaruahine with a kaitiaki role.

KAITIAKI AREA

- 5.21 The Crown acknowledges the role of Ngaruahine as kaitiaki over their area of interest and the adjacent coastal marine area (**kaitiaki area**) being the areas that are within the kaitiaki area as shown on OTS-023-01 and OTS-023-56.
- 5.22 The settlement legislation will, on the terms provided by sections 29 to 36 of the draft settlement bill, provide for the Crown to acknowledge:
- 5.22.1 the longstanding traditional, cultural and historical association of Ngaruahine with the kaitiaki area; and
- 5.22.2 the Ngaruahine statement of association with the kaitiaki area, the text of which is set out in part 2 of the documents schedule.

KAITIAKI PLAN

- 5.23 The settlement legislation will, on the terms set out in sections 75 to 80 of the draft settlement bill, provide that:
- 5.23.1 Te Korowai o Ngaruahine Trust may from time to time prepare a plan in relation to the kaitiaki area (**kaitiaki plan**) and lodge it with the relevant local authority; and
- 5.23.2 the purpose of the kaitiaki plan is to identify:
- (a) the values and principles of Ngaruahine in relation to the kaitiaki area; and

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- (b) the resource management issues of significance to Ngaruahine in relation to the kaitiaki area.
- 5.24 The settlement legislation will, on the terms set out in section 78 of the draft settlement bill, provide that a relevant local authority must, when reviewing or preparing a policy statement or plan:
- 5.24.1 take into account the kaitiaki plan, to the extent that the kaitiaki plan is relevant to resource management issues and relates to the kaitiaki area within the local authority's jurisdiction;
- 5.24.2 include in the policy statement or plan a statement of the resource management issues of significance to Ngaruahine as set out in the kaitiaki plan; and
- 5.24.3 refer to the kaitiaki plan to the extent that it is relevant in an evaluation of a proposed statement or proposed plan under section 32 of the Resource Management Act 1991.
- 5.25 The kaitiaki plan does not have the effect of granting or creating rights under the Marine and Coastal Area (Takutai Moana) Act 2011.
- 5.26 Ngaruahine may lodge the kaitiaki plan with any government department which has a role in the management of land and natural resources in the kaitiaki area.
- 5.27 If the kaitiaki plan is lodged under clause 5.26, that government department may have regard to the kaitiaki plan when exercising powers and functions:
- 5.27.1 within the kaitiaki area; and
- 5.27.2 that relate to the purpose of the kaitiaki plan.
- 5.28 The Ministry for the Environment will, following a request by Te Korowai o Ngaruahine Trust to provide technical support in the preparation of the initial kaitiaki plan:
- 5.28.1 meet with Te Korowai o Ngaruahine Trust to agree the nature and scope of the technical support to be provided by the Ministry; and
- 5.28.2 provide to Te Korowai o Ngaruahine Trust the agreed technical support.

TE WHARIKI O NGARUAHINE

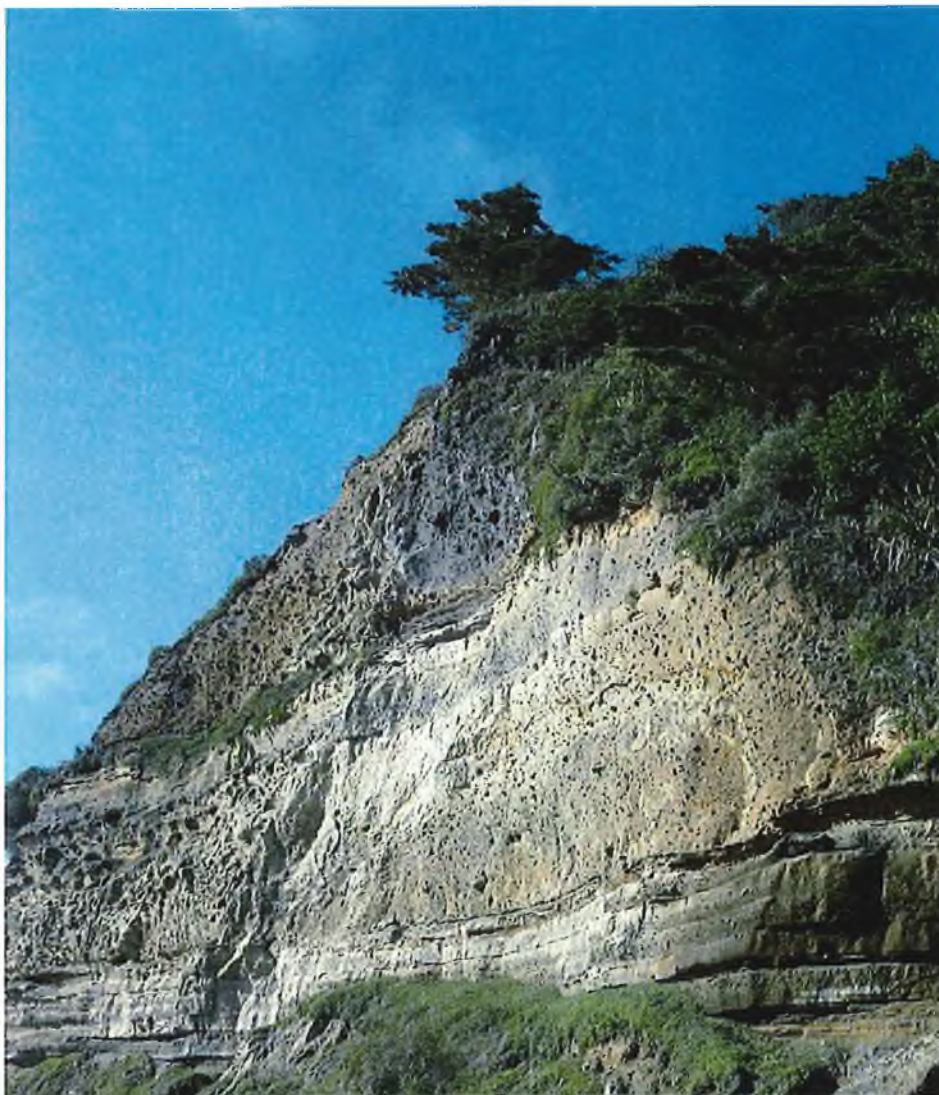


Photo of Kaupokonui cliff face, over which there will be an overlay classification.

Photo supplied by Nga Hapu o Ngaruahine

5.29 The settlement legislation will, on the terms provided by sections 42 to 56 of the draft settlement bill:

5.29.1 declare each of the following sites is subject to Te Whariki o Ngaruahine:

- (a) Kapuni Stream-Ohawe Marginal Strip (as shown on deed plan OTS-023-06);
- (b) Kaupokonui-a-Turi (being Kaupokonui Recreation Reserve) (as shown on deed plan OTS-023-08);
- (c) Kaupokonui-Manaia Marginal Strip (as shown on deed plan OTS-023-07);
- (d) Oeo-Kaupokonui Marginal Strip (as shown on deed plan OTS-023-09);

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- (e) Ohawe-Hawera Marginal Strip (as shown on deed plan OTS-023-10);
and
 - (f) Waingongoro River No 4 Marginal Strip (as shown on deed plan OTS-023-11);
- 5.29.2 provide the Crown's acknowledgement of the statement of Ngaruahine's values in relation to each of the sites;
- 5.29.3 require the New Zealand Conservation Authority, or a relevant conservation board:
- (a) when considering a conservation document, in relation to the sites, to have particular regard to the statement of Ngaruahine's values, and the protection principles, for each of the sites; and
 - (b) before approving a conservation document, in relation to the sites, to:
 - (i) consult with the trustees of Te Korowai o Ngaruahine Trust; and
 - (ii) have particular regard to its views as to the effect of the conservation document on Ngaruahine's values, and the protection principles, for each of the sites;
- 5.29.4 provide that where the trustees of Te Korowai o Ngaruahine Trust advise the New Zealand Conservation Authority in writing that it has significant concerns about a draft conservation management strategy in relation to a site, the New Zealand Conservation Authority will, before approving the strategy, give the trustees of Te Korowai o Ngaruahine Trust an opportunity to make submissions in relation to those concerns;
- 5.29.5 require the Director-General of Conservation to take action in relation to the protection principles; and
- 5.29.6 enable the making of regulations and bylaws in relation to the sites.
- 5.30 The statement of Ngaruahine's values, the protection principles, and the Director-General's actions are in the documents schedule.

STATUTORY ACKNOWLEDGEMENT

- 5.31 The settlement legislation will, on the terms provided by sections 29 to 36 of the draft settlement bill:
- 5.31.1 provide the Crown's acknowledgement of the statements by Ngaruahine of their particular cultural, spiritual, historical and traditional association with the following areas:
- (a) Awatuna Stream and its tributaries (as shown on deed plan OTS-023-18);
 - (b) Inaha Stream and its tributaries (as shown on deed plan OTS-023-35);
 - (c) Kahouri Stream and its tributaries (as shown on deed plan OTS-023-36);
 - (d) Kapuni Stream and its tributaries (as shown on deed plan OTS-023-37);

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- (e) Kapuni Stream-Ohawe Marginal Strip (as shown on deed plan OTS-023-06);
- (f) Kaupokonui-a-Turi (being Kaupokonui Recreation Reserve) (as shown on deed plan OTS-023-08);
- (g) Kaupokonui-Manaia Marginal Strip (as shown on deed plan OTS-023-07);
- (h) Kaupokonui Stream and its tributaries (as shown on deed plan OTS-023-19);
- (i) Kaupokonui Stream Marginal Strip (as shown on deed plan OTS-023-12);
- (j) Konini Stream and its tributaries (as shown on deed plan OTS-023-38);
- (k) Manganui River and its tributaries (as shown on deed plan OTS-023-20);
- (l) Mangarangi Stream and its tributaries (as shown on deed plan OTS-023-39);
- (m) Mangatawa Stream and its tributaries (as shown on deed plan OTS-023-21);
- (n) Mangatoki Stream and its tributaries (as shown on deed plan OTS-023-40);
- (o) Mangatoromiro Stream and its tributaries (as shown on deed plan OTS-023-41);
- (p) Mangawhero Stream and its tributaries (as shown on deed plan OTS-023-22);
- (q) Mangawhero Stream Marginal Strip (as shown on deed plan OTS-023-13);
- (r) Motumate Stream and its tributaries (as shown on deed plan OTS-023-42);
- (s) Ngaruahine Coastal Marine Area (as shown on deed plan OTS-023-56);
- (t) Oeo-Kaupokonui Marginal Strip (as shown on deed plan OTS-023-09);
- (u) Oeo Stream and its tributaries (as shown on deed plan OTS-023-23);
- (v) Ohawe-Hawera Marginal Strip (as shown on deed plan OTS-023-10);
- (w) Omiti Stream and its tributaries (as shown on deed plan OTS-023-24);
- (x) Opuhi Stream and its tributaries (as shown on deed plan OTS-023-43);
- (y) Otakeho Stream and its tributaries (as shown on deed plan OTS-023-25);
- (z) Ouri Stream and its tributaries (as shown on deed plan OTS-023-26);

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- (aa) Ouri Stream Marginal Strip (as shown on deed plan OTS-023-14);
- (bb) Paetahi Stream and its tributaries (as shown on deed plan OTS-023-27);
- (cc) Patea River and its tributaries (as shown on deed plan OTS-023-28);
- (dd) Piakau Stream and its tributaries (as shown on deed plan OTS-023-44);
- (ee) Punehu Stream and its tributaries (as shown on deed plan OTS-023-29);
- (ff) Raoa Stream and its tributaries (being Rawa Stream and its tributaries) (as shown on deed plan OTS-023-30);
- (gg) Taikatu Stream and its tributaries (as shown on deed plan OTS-023-31);
- (hh) Taungatara Stream and its tributaries (as shown on deed plan OTS-023-32);
- (ii) Tawhiti Stream and its tributaries (as shown on deed plan OTS-023-45);
- (jj) Te Popo Stream and its tributaries (as shown on deed plan OTS-023-46);
- (kk) Tuikonga Stream and its tributaries (as shown on deed plan OTS-023-47);
- (ll) Wahamoko Stream and its tributaries (as shown on deed plan OTS-023-48);
- (mm) Waihi Stream (Hawera) and its tributaries (as shown on deed plan OTS-023-49);
- (nn) Waihi Stream (Oeo) and its tributaries (as shown on deed plan OTS-023-50);
- (oo) Waikaretu Stream and its tributaries (as shown on deed plan OTS-023-51);
- (pp) Waimate Stream and its tributaries (as shown on deed plan OTS-023-52);
- (qq) Waingongoro River and its tributaries (as shown on deed plan OTS-023-33);
- (rr) Waingongoro River No 1 Marginal Strip (as shown on deed plan OTS-023-15);
- (ss) Waingongoro River No 2 Marginal Strip (as shown on deed plan OTS-023-16);
- (tt) Waingongoro River No 4 Marginal Strip (as shown on deed plan OTS-023-11);
- (uu) Waingongoro Stream Marginal Strip (as shown on deed plan OTS-023-17);

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- (vv) Waiokura Stream and its tributaries (as shown on deed plan OTS-023-53);
 - (ww) Waipaepaeiti Stream and its tributaries (as shown on deed plan OTS-023-54);
 - (xx) Waipaepaenui Stream and its tributaries (as shown on deed plan OTS-023-34); and
 - (yy) Waipuku Stream and its tributaries (as shown on deed plan OTS-023-55);
- 5.31.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement;
- 5.31.3 require relevant consent authorities to forward to the trustees of Te Korowai o Ngaruahine Trust:
- (a) summaries of resource consent applications within, adjacent to or directly affecting a statutory area; and
 - (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991;
- 5.31.4 require relevant consent authorities to record the statutory acknowledgements on statutory planning documents under the Resource Management Act 1991 that relate to the statutory areas;
- 5.31.5 enable the trustees of Te Korowai o Ngaruahine Trust, and any member of Ngaruahine, to cite the statutory acknowledgement as evidence of Ngaruahine's association with an area;
- 5.31.6 enable the trustees of Te Korowai o Ngaruahine Trust to waive the rights specified in clauses 5.31.2 to 5.31.4 in relation to all or any part of the areas by written notice to the relevant consent authority, the Environment Court or Heritage New Zealand Pouhere Taonga (as the case may be); and
- 5.31.7 require that any notice given pursuant to clause 5.31.6 include a description of the extent and duration of any such waiver of rights.
- 5.32 The statements of association are in the documents schedule.

DEEDS OF RECOGNITION



This tata (canoe bailer) was recovered from a swamp within the rohe of Ngaruahine. The overall shape is complete but the interior is yet to be hollowed out.

Collection of Puke Ariki (A77.397)

5.33 The Crown must, by or on the settlement date, provide the trustees of Te Korowai o Ngaruahine Trust with a copy of each of the following:

5.33.1 a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:

- (a) Awatuna Stream and its tributaries (as shown on deed plan OTS-023-18);
- (b) Kaupokonui Stream and its tributaries (as shown on deed plan OTS-023-19);
- (c) Kaupokonui Stream Marginal Strip (as shown on deed plan OTS-023-12);
- (d) Manganui River and its tributaries (as shown on deed plan OTS-023-20);
- (e) Mangatawa Stream and its tributaries (as shown on deed plan OTS-023-21);
- (f) Mangawhero Stream and its tributaries (as shown on deed plan OTS-023-22);
- (g) Mangawhero Stream Marginal Strip (as shown on deed plan OTS-023-13);
- (h) Oeo Stream and its tributaries (as shown on deed plan OTS-023-23);
- (i) Omiti Stream and its tributaries (as shown on deed plan OTS-023-24);

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- (j) Otakeho Stream and its tributaries (as shown on deed plan OTS-023-25);
- (k) Ouri Stream and its tributaries (as shown on deed plan OTS-023-26);
- (l) Ouri Stream Marginal Strip (as shown on deed plan OTS-023-14);
- (m) Paetahi Stream and its tributaries (as shown on deed plan OTS-023-27);
- (n) Patea River and its tributaries (as shown on deed plan OTS-023-28);
- (o) Punehu Stream and its tributaries (as shown on deed plan OTS-023-29);
- (p) Raoa Stream and its tributaries (being Rawa Stream and its tributaries) (as shown on deed plan OTS-023-30);
- (q) Taikatu Stream and its tributaries (as shown on deed plan OTS-023-31);
- (r) Taungatara Stream and its tributaries (as shown on deed plan OTS-023-32);
- (s) Waingongoro River and its tributaries (as shown on deed plan OTS-023-33);
- (t) Waingongoro River No 1 Marginal Strip (as shown on deed plan OTS-023-15);
- (u) Waingongoro River No 2 Marginal Strip (as shown on deed plan OTS-023-16);
- (v) Waingongoro Stream Marginal Strip (as shown on deed plan OTS-023-17); and
- (w) Waipaepaenui Stream and its tributaries (as shown on deed plan OTS-023-34); and

5.33.2 a deed of recognition, signed by the Commissioner of Crown Lands, in relation to the following areas:

- (a) Awatuna Stream and its tributaries (as shown on deed plan OTS-023-18);
- (b) Kaupokonui Stream and its tributaries (as shown on deed plan OTS-023-19);
- (c) Manganui River and its tributaries (as shown on deed plan OTS-023-20);
- (d) Mangatawa Stream and its tributaries (as shown on deed plan OTS-023-21);
- (e) Mangawhero Stream and its tributaries (as shown on deed plan OTS-023-22);
- (f) Oeo Stream and its tributaries (as shown on deed plan OTS-023-23);
- (g) Omiti Stream and its tributaries (as shown on deed plan OTS-023-24);
- (h) Otakeho Stream and its tributaries (as shown on deed plan OTS-023-25);



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- (i) Ouri Stream and its tributaries (as shown on deed plan OTS-023-26);
- (j) Paetahi Stream and its tributaries (as shown on deed plan OTS-023-27);
- (k) Patea River and its tributaries (as shown on deed plan OTS-023-28);
- (l) Punehu Stream and its tributaries (as shown on deed plan OTS-023-29);
- (m) Raoa Stream and its tributaries (being Rawa Stream and its tributaries) (as shown on deed plan OTS-023-30);
- (n) Taikatu Stream and its tributaries (as shown on deed plan OTS-023-31);
- (o) Taungatara Stream and its tributaries (as shown on deed plan OTS-023-32);
- (p) Waingongoro River and its tributaries (as shown on deed plan OTS-023-33); and
- (q) Waipaepaenui Stream and its tributaries (as shown on deed plan OTS-023-34).

5.34 Each area that a deed of recognition relates to includes only those parts of the area owned and managed by the Crown.

5.35 A deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation, or the Commissioner of Crown Lands, as the case may be, must, if undertaking certain activities within an area that the deed relates to:

5.35.1 consult the trustees of Te Korowai o Ngaruahine Trust; and

5.35.2 have regard to its views concerning Ngaruahine's association with the area as described in a statement of association.

RELATIONSHIP AGREEMENTS

5.36 By or on settlement date, the trustees of Te Korowai o Ngaruahine Trust will sign a relationship agreement with each of the following government departments:

5.36.1 Ministry for the Environment; and

5.36.2 Ministry of Business, Innovation and Employment in relation to petroleum and minerals.

5.37 A relationship agreement sets out how the government department will interact with the trustees of Te Korowai o Ngaruahine Trust with regard to the matters specified in it.

5.38 The relationship agreements will be in the form in the documents schedule.

PROTOCOLS

5.39 Each of the following protocols must, by or on the settlement date, be signed and issued to the trustees of Te Korowai o Ngaruahine Trust by the responsible Minister:

5.39.1 the fisheries protocol;

5.39.2 the taonga tuturu protocol; and

5.39.3 the conservation protocol.

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- 5.40 A protocol sets out how the Crown will interact with the trustees of Te Korowai o Ngaruahine Trust with regard to the matters specified in it.

FORM AND EFFECT OF DEEDS OF RECOGNITION, PROTOCOLS AND RELATIONSHIP AGREEMENTS

- 5.41 Each deed of recognition and protocol will be:
- 5.41.1 in the form in the documents schedule; and
- 5.41.2 issued under, and subject to, the terms provided by sections 21 to 28 and 37 to 41 of the draft settlement bill.
- 5.42 A failure by the Crown to comply with a deed of recognition, protocol or relationship agreement is not a breach of this deed.

AGREEMENT WITH SOUTH TARANAKI DISTRICT COUNCIL

- 5.43 The parties acknowledge that the trustees of Te Korowai o Ngaruahine Trust and the South Taranaki District Council propose to enter into an agreement in relation to how those two parties will interact on relevant matters including the joint future management of the Te Ngutu o te Manu site A and other sites.

LETTERS OF INTRODUCTION

- 5.44 As soon as reasonably practical after the date of this deed, the Minister for Treaty of Waitangi Negotiations will write a letter of introduction to each of the agencies, local authorities, museums and other entities listed in part 6 of the documents schedule, to introduce the trustees of Te Korowai o Ngaruahine Trust and encourage each entity to establish or enhance an ongoing relationship with Ngaruahine.

REGIONAL COUNCIL REPRESENTATION

Background to Regional Council representation

- 5.45 As part of these negotiations, Ngaruahine, Te Atiawa, Taranaki Iwi, the Crown and the Taranaki Regional Council (the **Council**) have worked together to develop a framework for iwi involvement in the decision-making processes of the Council (the **regional council representation arrangements**).
- 5.46 Ngaruahine, Te Atiawa and Taranaki Iwi sought a model that would enable the iwi of Taranaki to have a place at the Council decision-making table and a voice on major Council policy and regulatory decisions affecting them and the region.
- 5.47 The Council considers that having direct input from iwi across a wide range of Council functions will be of benefit to the Council and iwi with the potential to improve the quality of Council decisions.
- 5.48 In the negotiations the parties have sought to agree arrangements that will be:
- 5.48.1 transparent and clear as to purpose, intent and operation;
- 5.48.2 efficient, simple and affordable; and
- 5.48.3 durable and of enduring benefit for all parties.

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- 5.49 The regional council representation arrangements that have been agreed between the three iwi, the Crown and the Council provide for direct iwi representation on the Council's two principal standing committees.
- 5.50 The regional council representation arrangements enable and encourage the involvement of all iwi of Taranaki including those not currently in settlement negotiations.

Purpose and objectives of arrangements

- 5.51 The purpose of the regional council representation arrangements is to provide an effective mechanism for the iwi of Taranaki to contribute to the decision-making processes of the Council.
- 5.52 The objectives of the regional council representation arrangements are to achieve:
- 5.52.1 direct iwi participation in the decision-making processes of the Council;
 - 5.52.2 direct iwi input into a wide range of Council policy, regulatory and advocacy work, not restricted to resource management planning functions;
 - 5.52.3 effective, workable and meaningful representation for the iwi of Taranaki that is also cost-effective for the Council and will deliver benefits for both parties; and
 - 5.52.4 an inclusive approach that encourages the participation of all iwi of Taranaki.

Shared principles for arrangements

- 5.53 The regional council representation arrangements are based on a commitment to establishing and maintaining a positive, co-operative and enduring relationship between the iwi of Taranaki and the Council which acknowledges the following shared principles:
- 5.53.1 respect for the mana and cultural and spiritual values of the iwi of Taranaki;
 - 5.53.2 respect for the roles and responsibilities of the Council;
 - 5.53.3 a desire for a relationship between the iwi of Taranaki and the Council that is:
 - (a) mutually beneficial; and
 - (b) based on good faith, a spirit of co-operation, goodwill, openness, flexibility and understanding and respect for the positions of both parties;
 - 5.53.4 recognition that effective iwi participation in local government decision-making is positive for the iwi of Taranaki, the Council and the communities of Taranaki;
 - 5.53.5 recognition that the arrangements are for the benefit of all iwi of Taranaki to the extent that those iwi wish to participate in the regional council representation arrangements;
 - 5.53.6 a commitment to the success of the regional council representation arrangements; and

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5.53.7 recognition that the regional council representation arrangements do not replace or usurp the relationships between individual iwi and hapu and the Council.

Iwi representation on Council committees

- 5.54 Clauses 5.55 and 5.56 apply to the following standing committees of the Council:
- 5.54.1 the Policy and Planning Committee; and
 - 5.54.2 the Consents and Regulatory Committee,
- (together **the relevant committees**).
- 5.55 The iwi of Taranaki will have the right to nominate three members for appointment to each of the relevant committees.
- 5.56 The Council must appoint three iwi members to each of the relevant committees, being those persons nominated under clause 5.55 (**the iwi appointees**).
- 5.57 Unless otherwise provided for, the iwi appointees will have the same status as if those appointees were appointed by the Council under clause 31 of Schedule 7 of the Local Government Act 2002.

Function of committees

- 5.58 The functions of the Policy and Planning Committee are to:
- 5.58.1 deal with all matters of policy developed either in-house or by third parties;
 - 5.58.2 prepare and review regional policy statements, plans and strategies and convene as a hearing committee as and when required for the hearing of submissions;
 - 5.58.3 monitor plan and policy implementation;
 - 5.58.4 develop biosecurity policy;
 - 5.58.5 undertake and develop other policy initiatives;
 - 5.58.6 advocate, as appropriate, for the Taranaki region; and
 - 5.58.7 develop and endorse submissions prepared in response to the policy initiatives of other organisations, including central government and local government.
- 5.59 The functions of the Consents and Regulatory Committee are to:
- 5.59.1 deal with all matters in relation to resource consents, compliance monitoring and pollution incidents;
 - 5.59.2 consider and make decisions on resource use consent applications under the Resource Management Act 1991;
 - 5.59.3 ensure adequate compliance, monitor resource consents and receive information on enforcement actions undertaken in the event of non-compliance under the Resource Management Act 1991;

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5.59.4 consider and make decisions on monitoring associated with plant and animal pest management and receive information on enforcement action undertaken in the event of non-compliance under the Biosecurity Act 1993; and

5.59.5 undertake other functions related to the above matters.

Criteria and process for iwi appointments

5.60 Following the date of this deed the trustees of Te Korowai o Ngaruahine Trust will work with the other iwi of Taranaki to develop criteria and a process for the selection of the iwi nominees.

5.61 The process in clause 5.60 will be undertaken in consultation with the Council.

5.62 The criteria for iwi appointments to the relevant committees must reflect merit-based appointments including appropriate knowledge, skills and capability to participate effectively in the work of each committee.

5.63 Ngaruahine must, prior to the introduction of the draft settlement bill, provide the criteria and process for iwi nominations referred to in clause 5.60 to the Crown.

5.64 The criteria and process for iwi appointments must be in a form that is satisfactory to the Crown to ensure that the purpose of the regional council representation arrangements will be achieved.

Members to act in interests of committee

5.65 Members appointed under clause 5.56 must:

5.65.1 act in the interests of the committee to which they are appointed; and

5.65.2 bring an iwi perspective to that committee.

Change in committee structure

5.66 The parties acknowledge that:

5.66.1 the Council may from time to time adopt a different committee structure; and

5.66.2 that change in committee structure may lead to:

(a) being removed;

(b) being modified;

(c) being dealt with (in whole or in part) by another existing committee; or

(d) being dealt with (in whole or in part) by a new committee.

5.67 Prior to making any of the changes referred to in clause 5.66, the Council will engage with the iwi of Taranaki to discuss the proposal.

5.68 The Council must use its best endeavours to ensure that where any changes in committee structure referred to in clause 5.66 are made, such changes do not diminish the nature of the representation of the iwi of Taranaki that is provided through this deed.

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5: CULTURAL REDRESS

5.69 In the event of any dispute in relation to whether any proposed changes under clause 5.66 will diminish the nature of the representation of the iwi of Taranaki that is provided through this deed, that dispute will be referred to:

5.69.1 the general manager of the Te Korowai o Ngaruahine Trust;

5.69.2 the chief executive of the governance entity for any of the other iwi of Taranaki that are participating in the arrangements; and

5.69.3 the chief executive of the Council.

5.70 The general manager and chief executives referred to in clause 5.69 will work through the dispute in an open and constructive manner and in a manner that reflects the purpose, objectives and shared principles underpinning the regional council representation arrangements.

Remuneration and expenses

5.71 The members of the committees appointed under clause 5.56 will be entitled to the same remuneration and expenses as are payable to the other member of those committees.

CULTURAL REDRESS GENERALLY NON EXCLUSIVE

5.72 Where cultural redress is non-exclusive, the Crown may do anything that is consistent with the cultural redress, including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.

5.73 However, the Crown must not enter into another settlement with another iwi or hapu that provides for the same redress where that redress has been made available exclusively for Ngaruahine.

5.74 Clause 5.72 is not an acknowledgement by the Crown or Ngaruahine that any other iwi or group has interests in relation to land or an area to which any of the non-exclusive cultural redress relates.

6 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

- 6.1 The Crown must pay the trustees of Te Korowai o Ngaruahine Trust on the settlement date \$54,000,000, being the financial and commercial redress amount of \$67,500,000, less the on-account payment.

ON-ACCOUNT PAYMENT

- 6.2 The parties acknowledge that on 11 July 2013 the Crown paid \$13,500,000 to the trustees of Te Korowai o Ngaruahine Trust on account of the settlement.

DEFERRED SELECTION PROPERTIES

- 6.3 The trustees of Te Korowai o Ngaruahine Trust for two years after the settlement date, have a right to elect to purchase the deferred selection properties described in part 3 of the property redress schedule on, and subject to, the terms and conditions in part 4 of the property redress schedule.

SETTLEMENT LEGISLATION

- 6.4 The settlement legislation will:
- 6.4.1 on the terms provided by sections 87 to 93 of the draft settlement bill, enable the transfer of the deferred selection properties; and
 - 6.4.2 in relation to the deferred selection property known as 'Kaipi Street Conservation Area', provide that immediately before any transfer to the trustees of Te Korowai o Ngaruahine Trust, it ceases to be a conservation area under the Conservation Act 1987.

RIGHT OF FIRST REFUSAL OVER EXCLUSIVE RFR LAND

- 6.5 The trustees of Te Korowai o Ngaruahine Trust are to have a right of first refusal in relation to a disposal by the Crown or a Crown body of the exclusive RFR land, being land within the exclusive RFR area that, on the settlement date:
- 6.5.1 is vested in the Crown; or
 - 6.5.2 the fee simple for which is held by the Crown.
- 6.6 The right of first refusal set out in clause 6.5:
- 6.6.1 is to be on the terms provided by sections 94 to 123 of the draft settlement bill and
 - 6.6.2 in particular, to apply:
 - (a) for a term of 172 years from the settlement date; but
 - (b) only if the specified area RFR land is not being disposed of in the circumstances provided by sections 105 to 111 of the draft settlement bill.



RIGHT OF FIRST REFUSAL OVER SHARED RFR LAND

- 6.7 The trustees of Te Korowai o Ngaruahine Trust, in common with the trustees of Te Kahui o Taranaki, are to have a shared right of first refusal in relation to a disposal by the Crown or a Crown body of the shared RFR land, being land within the shared RFR area that, on the settlement date:
- 6.7.1 is vested in the Crown; or
 - 6.7.2 the fee simple for which is held by the Crown.
- 6.8 The right of first refusal set out in clause 6.7:
- 6.8.1 is to be on the terms provided by sections 94 to 123 of the draft settlement bill; and
 - 6.8.2 in particular, will apply:
 - (a) for a term of 172 years from the settlement date; but
 - (b) only if the shared RFR land is not being disposed of in the circumstances provided by sections 105 to 111 of the draft settlement bill.
- 6.9 The settlement legislation will provide:
- 6.9.1 that any shared right of first refusal the trustees of Te Kahui o Taranaki may have in accordance with clause 6.7 is subject to settlement legislation being passed approving those rights; and
 - 6.9.2 those rights shall commence on and from the settlement date as defined in the legislation that settles the historical claims of the Taranaki Iwi.

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7 SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

SETTLEMENT LEGISLATION

- 7.1 As soon as is reasonably practicable following the date of this deed, the Crown will propose the draft settlement bill for introduction to the House of Representatives.
- 7.2 The draft settlement 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 by the trustees of Te Korowai o Ngaruahine Trust and the Crown.
- 7.3 Ngaruahine and the trustees of Te Korowai o Ngaruahine Trust must support the passage through Parliament of the settlement legislation.

SETTLEMENT CONDITIONAL

- 7.4 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 7.5 However, the following provisions of this deed are binding on its signing:
- 7.5.1 clauses 7.3 to 7.10; and
 - 7.5.2 paragraph 1.3 and parts 4 to 7 of the general matters schedule.

EFFECT OF THIS DEED

- 7.6 This deed:
- 7.6.1 is "without prejudice" until it becomes unconditional; and
 - 7.6.2 in particular, may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 7.7 Clause 7.6 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 the trustees of Te Korowai o Ngaruahine Trust may terminate this deed, by notice to the other, if:
- 7.8.1 the settlement legislation has not come into force within 30 months after the date of this deed; and
 - 7.8.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.

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NGARUAHINE DEED OF SETTLEMENT

7: SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

- 7.9 If this deed is terminated in accordance with its provisions:
- 7.9.1 this deed (and the settlement) are at an end; and
 - 7.9.2 subject to this clause, this deed does not give rise to any rights or obligations; and
 - 7.9.3 this deed remains "without prejudice".
- 7.10 The parties intend that if this deed does not become unconditional under clause 7.4:
- 7.10.1 the on-account payment will be taken into account in any future settlement of the historical claims; and
 - 7.10.2 the Crown may produce this deed to any Court or tribunal considering the quantum of redress to be provided by the Crown in relation to any future settlement of the historical claims.



8 GENERAL, DEFINITIONS AND INTERPRETATION

GENERAL

- 8.1 The general matters schedule includes provisions in relation to:
- 8.1.1 the implementation of the settlement;
 - 8.1.2 the Crown's:
 - (a) payment of interest in relation to the settlement; and
 - (b) tax indemnities in relation to redress;
 - 8.1.3 giving notice under this deed or a settlement document; and
 - 8.1.4 amending this deed.

HISTORICAL CLAIMS

- 8.2 In this deed, **historical claims**:
- 8.2.1 means every claim (whether or not the claim has arisen or been considered, researched, registered, notified or made by or on the settlement date) that Ngaruahine, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that:
- (a) is, or is founded on, a right arising:
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law, including aboriginal title or customary law; or
 - (iv) from fiduciary duty; or
 - (v) otherwise; and
 - (b) arises from, or relates to, acts or omissions before 21 September 1992:
 - (i) by, or on behalf of, the Crown; or
 - (ii) by or under legislation; and
- 8.2.2 includes every claim to the Waitangi Tribunal to which clause 8.2.1 applies that relates exclusively to Ngaruahine or a representative entity, including the following claims:
- (a) Wai 559 - Okahu and others (John Hooker, Lawa Nuku) claim;
 - (b) Wai 132 - Ngaruahine Land Claim (E Taha and others); and

NGARUAHINE DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS AND INTERPRETATION

- (c) Wai 138 - Te Whana Whanu Trust Claim (T Whana and others); and
- 8.2.3 includes every other claim to the Waitangi Tribunal to which clause 8.2.1 applies, so far as it relates to Ngaruahine or a representative entity, including the following claims:
- (a) Wai 54 - Nga Iwi o Taranaki Claim (Makere Rangiata Love & others) claim;
- (b) Wai 131 - Taranaki Maori Trust Board Claim (Hamiora Raumati and others);
- (c) Wai 552 - Araukuku Lands, Forest and Fisheries (L Turahui);
- (d) Wai 143 - Taranaki Claims (Taranaki Consolidated Claims); and
- (e) Wai 796 - Petroleum Claim but only insofar as this claim relates to acts or omissions before 21 September 1992.
- 8.3 However, historical claims does not include the following claims:
- 8.3.1 a claim that a member of Ngaruahine, or a whanau, hapu or group referred to in clause 8.6.2, 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 8.6.1;
- 8.3.2 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 8.3.1.
- 8.4 To avoid doubt, the settlement of the historical claims of Ngaruahine does not affect the right of iwi, hapu or whanau who are members of Ngaruahine to apply for the recognition of protected customary rights or customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011.
- 8.5 To avoid doubt, clause 8.2.1 is not limited by clauses 8.2.2 or 8.2.3.

NGARUAHINE

- 8.6 In this deed, **Ngaruahine** means:
- 8.6.1 the collective group composed of individuals who descend from one or more of Ngaruahine's tupuna; and
- 8.6.2 every whanau, hapu, or group to the extent that it is composed of individuals referred to in clause 8.6.1, including the following groups:
- (a) Kanihi-Umutahi hapu;
- (b) Okahu-Inuawai hapu;
- (c) Ngati Manuhiakai hapu;
- (d) Ngati Tu hapu;
- (e) Ngati Haua hapu; and
- (f) Ngati Tamaahuroa-Titahi hapu; and

8: GENERAL, DEFINITIONS AND INTERPRETATION

8.6.3 every individual referred to in clause 8.6.1.

8.7 For the purposes of clause 8.6.1:

8.7.1 a person is descended from another person if the first person is descended from the other by:

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

8.7.2 **Ngaruahine tupuna** means an individual who exercised customary rights by virtue of being descended from:

- (a) Turi Arikiniui; or
- (b) Rongorongongo; or
- (c) a recognised tupuna of any of the groups referred to in clause 8.6.2; and
who exercised customary rights predominantly in relation to Ngaruahine's area of interest any time after 6 February 1840;

8.7.3 **customary rights** means rights according to tikanga Maori (Maori customary values and practices), including:

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

MANDATED NEGOTIATORS AND SIGNATORIES

Nga Hapu o Ngaruahine

8.8 Nga Hapu o Ngaruahine was established in 2007 and was mandated to negotiate this deed with the Crown in 2010.

8.9 On 17 May 2014 Nga Hapu o Ngaruahine resolved:

8.9.1 that this deed be signed by the Crown and Nga Hapu o Ngaruahine; and

8.9.2 that Daisy Noble as the Lead Negotiator sign this deed on behalf of Nga Hapu o Ngaruahine.

Te Korowai o Ngaruahine Trust

8.10 Te Korowai o Ngaruahine Trust was established in 2013 to hold Ngaruahine settlement assets and be the representative entity of Ngaruahine after this deed is ratified.

8.11 On 24 May 2014 Te Korowai o Ngaruahine Trust resolved:

8.11.1 that this deed be signed by the Crown and Te Korowai o Ngaruahine Trust; and

8.11.2 that the Chairperson of Te Korowai o Ngaruahine Trust and two other trustees sign this deed on behalf of all of the trustees of Te Korowai o Ngaruahine Trust.

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8: GENERAL, DEFINITIONS AND INTERPRETATION

ADDITIONAL DEFINITIONS

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

INTERPRETATION

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

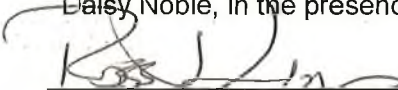
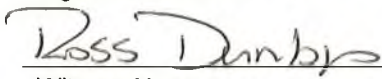
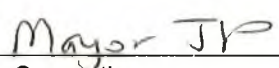
NGARUAHINE DEED OF SETTLEMENT

SIGNED as a deed on August 2014

SIGNED for and on behalf of
NGARUAHINE by its Lead Negotiator
Daisy Noble, in the presence of:



Daisy Noble

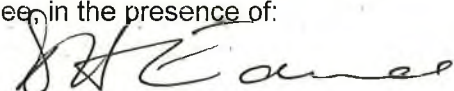

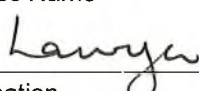

Signature of Witness
Witness Name
Occupation
Address

SIGNED by the trustees of TE KOROWAI O NGARUAHINE TRUST

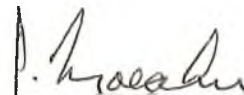
SIGNED by ^{Terence Charles}
PATRICK CHARLES TERENCE GALLAGHER
as Trustee, in the presence of:



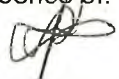

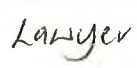
Patrick Charles Terence Gallagher


Signature of Witness
Witness Name
Occupation
Address

SIGNED by PETER MOEAHU, Chair and
NGARAINA BROOKS, Trustee
in the presence of:



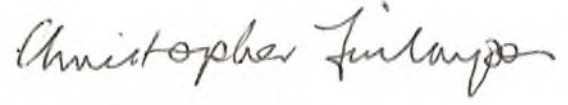
Peter Moeahu


Signature of Witness
Witness Name
Occupation
Address

Ngaraina Brooks

SIGNED for and on behalf of THE CROWN by:

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



Hon Christopher Finlayson QC



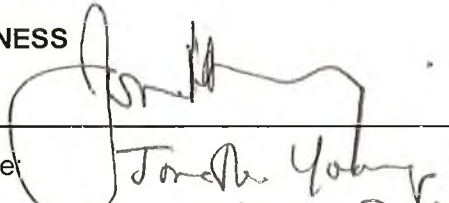
Lariona Lewis

WITNESS

Name:

Occupation:

Address:



Jonathan Young
Member of Parliament
18 Ridge Road
New Plymouth

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




Hon Simon William English

WITNESS

Name:

Occupation:

Address:



Amohiaere Houkamau
Ministerial Adviser
Wellington

STATEMENT OF INDEMNITY GIVEN UNDER THE PUBLIC FINANCE ACT 1989

Pursuant to section 65ZD(3) of the Public Finance Act 1989, the Minister of Finance makes the following statement:

"On the 2nd day of September 2014, I, The Honourable Simon William English, Minister of Finance, on behalf of the Crown, gave a tax indemnity to the trustees of the Te Korowai o Ngaruahine Trust as described under Part 3 of the General Matters Schedule of the Deed of Settlement for Ngaruahine signed on 1 August 2014 and which is to apply from the date of such signing (namely 1 August 2014).


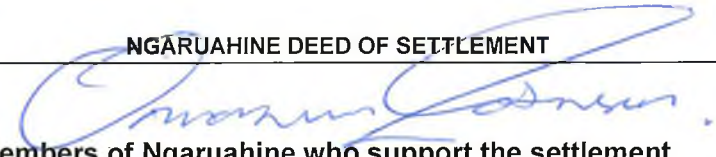
Dated at Wellington this 2nd day of September 2014





Hon Simon William English
Minister of Finance

NGARUAHINE DEED OF SETTLEMENT

Other witnesses/members of Ngaruahine who support the settlement





 Other witnesses/members of Ngaruahine who support the settlement


 Rhuweel. Frances Palanihi
 webster (see above)

Joseph Porra Malcolm
 Grace R. Malcolm
 Proebe Tahiro Paraha
 Mike Pehi




 A W Joki

Christine O'Connell
 Helen James
 Lynette Noble



 Terri Hauraro

Ngahua Korau
 Josie Bigham
 Jini Jorini Rei Mairangi Rei
 Mairangi Rei
 S. R. Pekaira Jude Rei
 Ulan Hamitani
 Maria Rei
 Harata Jamaka
 Jangjono Nohi



 Ella Morris
 Elaine Webb

Kaylor
 Gary Clark
 Jamie Hanea

John MacLeod
 Harini Nekutai
 Maurie Neely

Other witnesses/members of Ngaruahine who support the settlement

Vivienne Rei. Ngati-Tu
Raewyn Braughton
Barry Soumya Pae Whakaruru

MATIU STICKLE
WIKI WHAKARURU.

Harmony Rawiri 01.08.2014
Tawpiti Rawiri " "
Paeturi Rawiri " "

Montana Rawiri

Tahuata walker Rawiri
Te Kahuri walker Rawiri
Te Raihi walker Rawiri
Tu Whakarei walker Rawiri

Kura + Manukotako Hapi 01.08.2014

Karen Braughton 01.08.14

Mark Grindlay 01.8.2014.

Other witnesses/members of Ngaruahine who support the settlement

Ariki Noel Riley 1.8.14

Neta Yoea Puketapu Riley.

Keena Ruakere-Tellors

Smak. Hera. Matangi (mana)

Raymond Nuku-Tarawhiti

Diod Korau + Whanau

Andrea Korau & Whanau

Kazshalei Korau

Kelley Joanne Korau. 

Kelsheyay Ataakea Timihou

Awhina Mitchell

Te waivingiringi Mitchell (Charmaine)

Joanna Kahui.

Brian Katene

DAN - alukutarawhiti

LEN REI

MANAIA

Joan Kahu Pokoro

Sharon Matangi Nixon.

Rijeka Ruhe Hudson 

Rocky Boyd Hudson Manaiia.

Other witnesses/members of Ngaruahine who support the settlement

KAREPA Katene - k hk

Nikayla Katene 01-08-14

A N A V U . 5 yrs

Zyden Williams

Kimi Katene

Ngosi Walden. 

Maurice R. Walden

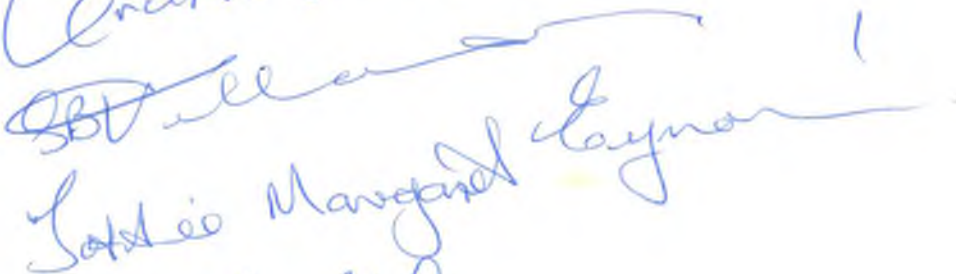


Rowan N. Reihana

Tetapihana King

Ngapuke

Queta Fankhante



Upuni Zihon Maki

Christine Maise Ngawai Matangi

Other witnesses/members of Ngaruahine who support the settlement

Gabrial Weston
Jaku

Kahurangi Moeahu
Ngaperu Moeahu

Te Rauna
REOKORE NUKU

Teretia Newton

Mere Mary Berry nee Tara

Ahira Nui
Tayson Cassidy
Toa Lowry
Kann

Aiesha Kahui Heke...
Michelle Kahui-Heke

Myrdia

Amiria Bennett

Rauhiti Lowry

TEH ORONAKALPA MAIWIKAU

Panuku
Rangikura Mete

Marekura Nganbare Tete - Riwaka
Shirleen Puhitahi Nganbare Bunamu.

Peter Moeahu
Kelly Moeahu.

Dorothy Ngahina Hiroa/Hart

RANGIAUE LUKE

Rahera Marsters - Peta 91

Other witnesses/members of Ngaruahine who support the settlement

W Hall

Dale Cousins.

Chris McKenzie

Vienna Kahyukoro

Oles R. [unclear]

Summer Wahanui

Ali Ritai

Je Orania of Oles R. [unclear]

Amari Kefe King

Kaylee Robinson

Ngatupara Ritai

野史隆

Ngamili Webb

Kaila Wall

Josh Webb

Janaya Rudolph

Jaana-Rose Karaitiana

Riverly Rudolph

110

J. A. [unclear]

Merachkura (Catherine) Honyfall

Other witnesses/members of Ngaruahine who support the settlement

彭星蓉

Philei

MITCHELL HARRY TE UIRA RITAI.

Te Hau Pamai waho

Ta Parahia :))

Erin & Ngahia Houana-Mahiri

Jim E Webb.

Karlinka A. Londer.

Mania Hemara-Wahani

Allie Hemara-Wahani.

M W

Thomas Webb

Leanne Kahur

Sonya Kahur

Levellyn Kahur

Pencha Wilson

Shire Kaye Toki
Rowan Toki
Joyce Toki
Kelly Enright
Melissa Toki

Rylie Toki
Te Rangy Toki
Joshua Toki
Aria Toki
Cheer Toki
Tyra Toki

Tane Betty Robinson
Ngadi Tu

Arthur Robinson

[Signature]

Uukare Te Warata
Te Hukinga Avotahi Robinson
Te Koiere amakuru Te Raikano Robinson

[Signature]
Linda
Brandon H. Tai

Ripaka Canterbury
Alicia Muffitt Turakuru

Wiri Tamar
Daphne Tamar
Brencke Ranni Jaydee Wilson

Petecee Wineera

Ronie Raiata Wilson

Pue Whakaruru
Tui Kara

Patsy Broughton
Kelly Maara Jarrou

[Signature]
Jeanette Ker
Lena Reker

Tulle Richard

Mabaria Rei
Kondan priest

Taura amoff
ngaerana

Other witnesses/members of Ngaruahine who support the settlement

Netta Puketapu - Burnside

Devidi Kahui Okawa

HENARE TAUWHAKAITI NGAIA

Peter HOUTUTAUHA NGAIA

Lana Ngaia
Ngawera Toki

Kuha Moeatten o MANUHI AKAI

Stephen Toki
Pemi Graham

Karahi
Leslie Loele

Rongitauwaka Heve Rihene

Hans + Marianne Konlechner

Margaret Matekitaumiti Carr.

Paula Cuff (Carr) Kuruaranga.

te Re. Bigham-Dudley

Suzanne Carr

Wanura Carr Hamihi Astea Ngati ^{manuhia ka} hekeke

Whitby (BPPB) Ngaruahine Tangi

Tamou. Inga. Tekeha

Daughton.

Rewata Carr

Maia Tuivirangi Mua Carr

Amy Ritani

Anat Taranhiti

~~Akron~~

Mahomuku
mama

Bonita Graham

mita/fof/indige

~~Hone Tuwhare~~

~~B~~

~~Sano~~
Connor

~~Parora Hawiri~~
Macleod

Rianne Lube

Grace Lisa
O'Brien

Tekiri

~~Whiro~~

my o Tre nikora Robinson
KIKO

Other witnesses/members of Ngaruahine who support the settlement

Aria Canterbury...

Aimee Chubb

Taylor Cuff
Spittal.

Newton King
(William Henry King)
(NEE Bishop)

John Spittal.

Taylor Doughty.

West
Ponuku

Ana Meata
(Hannah Tapkawa)
(Raharuhi Tapkawa)
Ngati Manuhakia

Junyul D

Jesse James

John D

Hannah Kate Anne Apple - hulle

Te Arana Robinson
Destiny Robinson

Ngakahu Robinson
(Rebbie)

Te Nihiata
IRERE
Bernadette

Te Hukinga

Te Katere

Other witnesses/members of Ngaruahine who support the settlement

Anton O'Carroll

Pahi O'Carroll

KORWA KATENE

Arij Wahan

Wawingringi Hemara - Wahan

Tumi Tukotahi Taro

~~TE RAWAKAKE~~

Bernie King

Leah-Marie Eynon

Laura Lai Le Abriki Eynon

B. Maïse Whakanunu





Lyn Huscombe

Other witnesses/members of Ngaruahine who support the settlement

Panipikau Gansing

Gretchen Craig

Ngatai Kai

Daisha Cromarty

John [Signature]

Bridget Chamberlain

Te Rauahi Keremeta

Teratani Spittal
Mistie Spittal

Jackie Dixon

[Signature]

Tuteri Del Rangihede

Ana M. Paewai (nee Edwards)

Patricia [Signature]

AGAPE GOPAL + Patricia Teresa Edwards

Jefannatanga Williams-Edwards #8

Wilma-Edwards

Richard (Makere)

Samuel Whaitiri

Kathy Polunhenua [Signature]

Clarke Whiri

Other witnesses/members of Ngaruahine who support the settlement

manu

Ngarua Brooks
[Signature]

[Signature]

~~*Whangā Whareata*~~

~~*Blountbury*~~

Other witnesses/members of Ngaruahine who support the settlement

Kuravauringa Hudson K. U. Waller
Te Puawai o te Atua Hudson Mollen

Other witnesses/members of Ngāruahine who support the settlement

Isaac Robinson
 Krishna Paraha
 Rahe
 Nicki Handler
 Sharon Handler
 Tyrone Weys
 Steven Handler
 Cyril Tamou
 Raemoa Tamou
 Cyril Tamou
 John Weys (Koko)
 Ava Crossida Weys
 Imelka Buchanan
 Justin Robinson
 Mark Webb
 Cole Webb
 Saeon Webb
 Ruben Robinson
 Tracey Lee Ngahina Tamou
 Dillon Tamou
 Harley Tamou
 Jonathan Richard Weys
 Susan Weys
 Kelly Weys (Surgeon)
 Chrissy Weys
 Shayden Weys
 Fuzzies Weys
 Taylor Weys
 Max We
 Connor
 Earl Tamou
 Madison
 Allen Weys
 Robbie Weys
 Richard Daroch
 Ianiki Tamou
 Karl Tamou
 Corey Tamou
 Jason Tamou
 Krishanee Tamou
 David Tamou
 Taina Tamou
 Fenella Tamou

Other witnesses/members of Ngaruahine who support the settlement

A handwritten signature in blue ink, appearing to be 'J. A. Kulu', written in a cursive style.