

Ngāti Pūkenga Iwi

Information Booklet

For Ratification of the Deed of Settlement and
Proposed Post Settlement Governance Entity



Te Whakaara a Te Kohokino o Ngāti Hā

Tatauratia tatauratia ki te whatitoka

Tēnā Ngā Hihi o Kōpu Parapara te whanatū i te ara!



E tū ana au i runga o Mauao taku mātārangi atu ki Ngā Kurī a Whārei ki ngā papa parekura i te wā o mua, Kia huri rā te titiro ki Ōwhare, ki ngā roa one e mā mai rā i Te Ākau o Pāpāmoa ngā maikuku tea i hinga ai Te Tini o Manaia i te mana o Ngātoroirangi. Ko ngā one tapu ērā e moe tonu rā te tini o te kura tangata o Ngāti Pūkenga. Kei Ngā Pāpaka o Rangataua ngā maiororo whakairoiro o Ngāti Hā, kei Te Whārō te pā whakanakonako o Te Kohokino o Te Tini o Awa.

Kia huri rā te titiro ki Ōkūrei, ki te pā i a Naenae nāna te kī 'Mehemea me mate au, me mate ki runga i tōku whenua!' Kei Waewaetutuki ko Mokopapaki, ko te tangata nānā rā i wehi ai a Te Tūmu i te keunga o tana pū. Ūtaina Te Whakatahtaha kia kotahi ki te hoe i te au kume o Waihī, kia puta atu rā ki Mōtitī ki a Te Ahikaiata, ki a Haepoaka. Kei Otūngahoro ngā tiwatawata o ōku tūpuna, kei Matarēhua te rua kōiwi o Tohiariki.

Kia mau te ihu o Te Whakatahataha ki Moehau, tērā te rau o taku patu i hinga ai a Ngāpuhi, ka aru i a Tuhirae ka huri i te mātārae ki te whanga o Manaia, ki Paiakarahi ki Taungatara, kia mārāma ai taku titiro ki Hauturu, e ko te kāwhena o Te Kou! Kei Ruahine ko te tomo tapu i hunaia ai ngā mata maruwehi o Marutūahu, o Huarere, ōku anō, ko Manaia te pātaka kai, ko Te Tāwera tēnei e haruru ake nei!

Tikapa e tangi atu nei kawea atu au ki waho i Ngā Poito o Taramainuku kia au raki noa te haere ki te wahapū o Whāngarei Terenga Paraoa, terenga tangata. Kia ū taku waka ki Tamaterau, ki Pakikaikutu, ko Rangitihi kei runga hei mātaītanga atu ki Te Hiku o Te Ika. Ko Moeroa, ko Te Tikitiki, ko Te Ahokōtiri ngā ngārahu taua i ngā kōkiri o Te Tāwera ki te mura o te ahi e.

Whakarongo rā te taringa ki te hākiri o te tai o te pā, kei ūpane mai rā te te kawea a riri. Kia mau ki ngā kupu a ngā tūpuna, Ngāti Pūkenga hamuti wera, niho tetē, ko te uri au o Rongopopoia tangata kotahi e hō!

Kia tangi tīkapakapa ki te hunga kua ngaro i te huna a te moa ki te pō e. Nunui mā, roroa mā moe mai i te āhuru mōwaitanga o te mate.

Paurini, kua ngaro ra koe. Na te au kume o Aituā koe i kukume ki te au rona ki te au hirere roa ki te po nui. Ahakoa koe kua ngaro, ko o mahi ka toitu tonu i muri nei. Haere atu e te uri o Ngāti Te matau o Ngāti Pūkenga. Haere atu ki ō kāranganangatanga i tua o te ārai. Hōatu ki a Ngāti Kurauia o Ngāti Tūwharetoa, tō ūkaipō, urunga tē whakanāueuetia. Haere e te uri o Rāhera Te Kāhuhiapō ki te nuinga o Ngāti Te Tākinga o Ngāti Pīkiao nui tonu. Nāu te mahi, ā nō tēnei wā kua okioki rā koe, kua kore a mate e taotū tonu, ko tō wairua kua hārō ki runga ki ō mātua tūpuna, ki Te Matua Nui i Te Rangī, Tīpene...haere atu rā

Tēnei rā e Te Atua te wā ki a koe mōu rā i manaaki i tō iwi i a Ngāti Pūkenga i te roanga o te wā. Tiakina e koe te Whare o Pōtatau, otirā tōna uri a Kīngi Tūheitia, te ihi, te wehi, te mana me te tapu o nehe mā. Ko ia rā tēnā nāna a Te Whetū o Te Rangī i tomo, nāna me ōna kauheke i rangatira ai taku rahinga.

Kei te whānuitanga o te iwi, tēnā kotou otirā tātau katoa i roto i o tātau kokorutanga, Pakikaiktu, Manaia, Maketū me Tauranga Moana taea noatia te hunga e nohonoho mai nā i waho, tēnā kouou katoa, nau mai.



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You should have received:



Ratification Booklet



Voting Paper, and



Freepost envelope

If any of the above is missing, or if you need replacements or assistance, please contact the Returning Officer on the Election Helpline.

For assistance phone the Election Helpline 0508 666 103

Members are being asked to vote on three (3) resolutions.

That Ngāti Pūkenga iwi:

Resolution: 1. approves the Ngāti Pūkenga deed of settlement;

Resolution: 2. agrees that Te Tāwharau o Ngāti Pūkenga will be the Post Settlement Governance Entity to receive and manage the settlement redress in the deed of settlement on behalf of Ngāti Pūkenga;

Resolution: 3. authorises the Establishment Trustees of Te Tāwharau o Ngāti Pūkenga to sign the deed of settlement on behalf of Ngāti Pūkenga

All eligible iwi members are entitled, but not required, to vote for the resolutions. Ngāti Pūkenga iwi stresses the importance of all members participating, and urge you to vote for the resolutions.

Message from the Chair of Te Au Maaro

In December 2009, Te Au Maaro o Ngāti Pūkenga Charitable Trust (Te Au Maaro) was mandated to undertake the Treaty settlement negotiations on behalf of Ngāti Pūkenga for the settlement of our comprehensive historical claims. Te Au Maaro and the Crown have now initialled a Deed of Settlement to settle those claims. This is a significant milestone and has been achieved through intensive negotiations with the Crown since early 2010.

Te Au Maaro needs you to say whether the Deed of Settlement should be approved or not, so you are now being given the chance to vote on that using the voting papers that were sent to you with this booklet.

Te Au Maaro and its Negotiating Team (Te Matakahi) have had strong support from the people of Ngāti Pūkenga. There have also been many others who provided guidance and advice which has been invaluable in getting to this point. We look forward to a future where Ngāti Pūkenga can move forward positively as one and as four kāinga.

Te Matakahi has been mindful of the need to negotiate a settlement that would be acceptable to the people of Ngāti Pūkenga. At the same time, the Negotiators were aware that there are limits to what the Crown is able to offer through the settlement process.

The settlement package offered by the Crown provides some items that are unique to Ngāti Pūkenga and which we feel will contribute to:

- Paying tribute to and celebrating the mana of our tūpuna
- Restoring the mana and identity of Ngāti Pūkenga
- Telling the true story of Ngāti Pūkenga
- Providing a foundation for the ongoing development of Ngāti Pūkenga

It is important for you to know that through this settlement, the Crown is not providing full compensation for the land and other resources Ngāti Pūkenga lost. The Crown is offering redress as a way of making amends to Ngāti Pūkenga.

The Crown can only offer redress over land, resources and other assets that are currently in the hands of the Crown. Much of the land in our area of interest is no longer owned or managed by the Crown and that has limited what they could offer us.

This booklet provides you with information and detail about the Ngāti Pūkenga settlement. It gives an overview of the Settlement Package that has been offered by the Crown and the



proposed Ngāti Pūkenga post settlement organisation that will receive the settlement assets on behalf of Ngāti Pūkenga. That post settlement organisation is more commonly referred to in the booklet as the Post Settlement Governance Entity or PSGE. I encourage you to read this information carefully before you vote. This will enable you to make an informed decision when casting your vote.

I strongly recommend that you vote to accept the Deed of Settlement and the PSGE Proposal. Ngāti Pūkenga will be holding five information Hui:

Whangarei	Tuesday 11 December 2012, 6pm	Te Puni Kokiri Office 3-5 Hunt Street, Whangarei
Auckland	Wednesday 12 December 2012, 7pm	Waipuna Conference Centre 58 Waipuna Road, Mt Wellington
Maketu	Friday 14 December 2012, 6pm	Maketu Community Hall Wilsons Road, Maketu
Tauranga	Saturday 15 December 2012, 10 am	Whetu o Te Rangi Welcome Bay Road, Tauranga
Manaia	Sunday 16 December 2012, 11am	Manaia Marae Marae Road, Manaia

These Hui are your opportunity to ask any questions that you have, and clarify any issues you may have. I recommend that you attend at least one of these Hui before voting.

Additional information is also available on the Ngāti Pūkenga website www.ngatipukenga.co.nz

Please remember that voting closes at 12 noon on Friday 21st January 2013.

If you need further information about voting you can phone the Ngāti Pūkenga Election Hotline 0508-666-103 or contact Te Au Maaro o Ngāti Pūkenga office on 07 929 7133 or on 0800-89-52-12.

Rehua Smallman

Chairman

Te Au Maaro o Ngāti Pūkenga

1. Summary of the ratification (approval) process

Background

The Trust and the Crown have initialled a Deed of Settlement outlining a proposed settlement package that will settle all of the historical Te Tiriti o Waitangi/Treaty of Waitangi claims of Ngāti Pūkenga.

What does the Deed of Settlement include?

The Ngāti Pūkenga Deed of Settlement is made up of:

1. An agreed historical account
2. Agreed Crown acknowledgements
3. An agreed Crown apology
4. Cultural redress
5. Commercial redress
6. Relationship redress
7. Financial redress

What is this booklet for?

The Deed of Settlement must be ratified (approved) by Ngāti Pūkenga voters. That ratification/ approval process is now underway and the purpose of this booklet is to give you enough information to help you with your voting. The booklet covers:

1. The ratification process,
2. The proposed settlement, and
3. The proposed post-settlement governance entity structure for Ngāti Pūkenga.

The voting period for the ratification of the Deed of Settlement starts on Monday 3rd December 2012 and ends at 12 noon on Monday 21st January 2013. During this period the Trust is holding five ratification information hui. Details of the venues and dates of the ratification information hui are set out in the table on page 39 of this booklet.

The Deed of Settlement is the result of many years of preparation for, and engagement in, the Crown's settlement negotiations processes.

Ngāti Pūkenga presented evidence in the Waitangi Tribunal hearings in the Central North Island, Hauraki and Tauranga Moana Inquiry Districts. Ngāti Pūkenga and the Crown began preparing for negotiations in 2008, and signed a Statement of Position and Intent in August 2012.

If the majority of Ngāti Pūkenga vote in favour of the Deed and PSGE proposal the signing of the Deed of Settlement (proposed for early 2013) will confirm that the settlement agreed between Ngāti Pūkenga and the Crown was ratified by Ngāti Pūkenga. The settlement itself will be confirmed by Ngāti Pūkenga's Treaty settlement legislation.

Resolutions and Voting Process

You are asked to vote on the following three resolutions:

That Ngāti Pūkenga iwi:

1. approves the Ngāti Pūkenga deed of settlement;
2. agrees that Te Tāwharau o Ngāti Pūkenga will be the Post Settlement Governance Entity to receive and manage the settlement redress in the deed of settlement on behalf of Ngāti Pūkenga; and
3. authorises the Establishment Trustees of Te Tāwharau o Ngāti Pūkenga to sign the deed of settlement on behalf of Ngāti Pūkenga

Votes can be made in one of four ways, by:

1. placing your completed voting form in a ballot box at the conclusion of one of the PSGE and Deed of Settlement information hui; **or**
2. voting online by following a link on the Ngāti Pūkenga website www.ngatipukenga.co.nz, **or**
3. posting your completed voting form to the Returning Officer at PO Box 3138, Christchurch 8140; **or**
4. placing your completed voting form in a ballot box at the Trust's Office in Tauranga.

To cast a vote, you must be:

- 18 years of age or over; and
- registered on the Ngāti Pūkenga register

All applications to be registered on the Ngāti Pūkenga register are verified by the Trust's verification process which includes: registration forms are received and checked to ensure all information has been completed, and whakapapa is verified by Ngāti Pūkenga kaumātua. Beneficiaries who turn 18 years old during the voting period will be eligible to vote. They must register and return their voting papers to the Returning Officer before the close of voting.

Please contact the Returning Officer on the election hotline if you do not have the official Voting Papers or if you require advice on the voting process.

Ngāti Pūkenga Election Hotline 0508-666-103

If you have not received any of the items that should be in the Ratification Information pack, please contact Te Au Maaro o Ngāti Pūkenga office at:

81 The Strand

PO Box 13610

TAURANGA 3141

Phone 07 929 7133 or 0800-89-5212

Note: Voting closes at 12 noon Monday 21st January 2013

Advice from the trustees of Te Au Maarō o Ngāti Pūkenga

The Trust strongly recommends that you vote in support of the Deed of Settlement and the proposed Post-Settlement Governance Entity (PSGE) because:

- The Trust believes it has negotiated the best settlement offer possible in the circumstances.
- The Deed of Settlement reflects the parameters set out in the Statement of Position and Intent
- The settlement assets and their associated benefits cannot be transferred and utilised for the benefit of Ngāti Pūkenga without a post-settlement governance entity (to be established for that purpose) in place when it comes time to sign the Deed of Settlement
- The proposed Ngāti Pūkenga post-settlement governance entity, Te Tāwharau o Ngāti Pūkenga will support the needs and aspirations of Ngāti Pūkenga
- The Trust and its advisors consider the settlement contributes significantly to developing a strong foundation for the future of Ngāti Pūkenga

The Trust was clear from the outset that it was not possible to negotiate the settlement of compensation based on true economic loss. However, the Trust is of the view that the Deed represents the best possible outcome available to Ngāti Pūkenga under current Crown settlement policy.

Advantages of settlement

Under the settlement package Ngāti Pūkenga will:

- receive financial and other redress
- be able to purchase commercial landholdings
- receive sites of particular cultural significance to Ngāti Pūkenga; and
- help to:
 - o Pay tribute to and celebrate the mana of our tūpuna
 - o Make known the footprint of Ngāti Pūkenga
 - o Restore the mana and identity of Ngāti Pūkenga
 - o Begin telling the true story of Ngāti Pūkenga
 - o Add to the ongoing development of Ngāti Pūkenga

2. Background

Te Au Maoro o Ngāti Pūkenga, as the mandated organisation, and the Crown has initialled a Deed of Settlement outlining a proposed settlement package that will settle the historical Te Tiriti o Waitangi/Treaty of Waitangi claims of Ngāti Pūkenga. This has been the result of intensive discussions with the Crown around the ability of the Crown to provide sufficient redress to start to heal the relationship between Ngāti Pūkenga and the Crown.

If the initialled Deed of Settlement and Post-Settlement Governance Entity are ratified by Ngāti Pūkenga, then we will be able to proceed with:

- signing the Deed of Settlement in early 2013; and
- drafting and completing legislation confirming the Ngāti Pūkenga Settlement - to pass through Parliament hopefully later in 2013.



3. Deed of Settlement

Te Au Maaro o Ngāti Pūkenga and the Crown have negotiated a deed of settlement to comprehensively and finally settle the historical Te Tiriti o Waitangi/ Treaty of Waitangi claims of Ngāti Pūkenga.

The settlement is expressed in detail in a document known as a Deed of Settlement. A Deed of Settlement has been negotiated between the Crown and Te Au Maaro o Ngāti Pūkenga on behalf of Ngāti Pūkenga. Included in the Deed of Settlement is text to ensure the cultural values and beliefs of Ngāti Pūkenga are enhanced. This document was initialled by both parties on 23 November 2012. You are now being asked to consider what has been negotiated and vote on whether or not you agree that Ngāti Pūkenga and the Crown can now sign the Deed. Legislation will then be required to fully implement the Deed of Settlement.

Who is covered by the Deed of Settlement?

Ngāti Pūkenga today is an iwi comprising the descendants of Te Tāwera, Ngāti Ha and Ngāti Pūkenga. So for the purposes of the settlement, the term “Ngāti Pūkenga” encompasses Ngāti Ha and Te Tāwera as well as Ngāti Pūkenga.

In the Deed of Settlement, “Ngāti Pūkenga” means the collective group composed of individuals who descend from one or more Ngāti Pūkenga tūpuna.

Ngāti Pūkenga tūpuna are those individuals who exercised customary rights as Ngāti Pūkenga in relation to the Ngāti Pūkenga kāinga areas of interest by virtue of being descended from Pūkenga, Kūmaramāoa and Rongopopoia.

The area of interest maps are attached to this document as Attachments 1, 2 and 3.

A full description of the claimant community is provided by the ‘claimant definition’ contained in Section 9 of the Deed of Settlement. This claimant definition provides a means to legally define the claimant community that Te Au Maaro o Ngāti Pūkenga has been mandated to represent through its negotiations with the Crown.

What is covered by the Deed of Settlement?

The Deed of Settlement provides for the settlement of all the historical claims of Ngāti Pūkenga, Including:

- Hauraki – WAI 100, WAI 148, WAI 285 and WAI 728
- Tauranga – WAI 3, WAI 47, WAI 162, WAI 210, WAI 637 and WAI 751
- Central North Island – WAI 815
- Northland – WAI 1441
- Ngāti Pūkenga general – WAI 1703

What is not covered by the Deed of Settlement?

The Deed of Settlement does not settle:

- Contemporary claims: these are claims relating to Crown acts or omissions in relation to the Treaty occurring after 21 September 1992.
- Future claims: rights under the Treaty and aboriginal and customary rights continue. So Ngāti Pūkenga still has the ability to pursue redress for claims arising from any Treaty breaches that occur in the future.
- Claims already settled: the Deed has no impact on the Māori Fisheries settlement and the Aquaculture settlement.

Implications of the settlement

The Deed of Settlement records the final settlement of all the historical Te Tiriti o Waitangi/ Treaty of Waitangi claims of Ngāti Pūkenga, which, once ratified and signed will need to be given effect to by settlement legislation. This means that Ngāti Pūkenga or Members of Ngāti Pūkenga will not be able to make further claims to the Waitangi Tribunal or the courts in respect of Ngāti Pūkenga historical claims.

Viewing the full Deed of Settlement

Should you wish to view copies of the full Deed of Settlement (that includes a schedule outlining the agreed contents for the settlement legislation to be drafted in the future) and the Trust Deed of the proposed governance entity, copies of these documents can be viewed by visiting:

1. the Office of Treaty Settlements website: www.ots.govt.nz;
2. the Ngāti Pūkenga website: www.ngatipukenga.co.nz;
3. the office of Te Au Maaro o Ngāti Pūkenga, 81 The Strand, Tauranga where hard copies will be available for viewing; and
4. the Hamilton, Tauranga, Whangarei, Rotorua and Auckland offices of Te Puni Kōkiri

WHANGAREI Level 2 Tai Tokerau Trust Board 3-5 Hunt Street Whangārei 0110	AUCKLAND Level 2 Te Puni Kōkiri House 12-14 Walls Road Penrose, Auckland 1061	HAMILTON Level 1 19 Worley Place Hamilton 3204	TAURANGA 174 Eleventh Avenue Tauranga 3110	ROTORUA Level 1 Te Puni Kōkiri House 1218-1224 Haupapa Street Rotorua 3010
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Proposed Ngāti Pūkenga settlement package

The Ngāti Pūkenga settlement offer provided in the Deed of Settlement is to be the final settlement of all the historical claims of Ngāti Pūkenga resulting from acts or omissions by the Crown before 21 September 1992 and is made up of a package that includes:

- a. **An agreed historical account of the relationship between Ngāti Pūkenga and the Crown**
- b. **Crown acknowledgements and apology**
- c. **Cultural redress**
- d. **Relationship redress**
- e. **Financial and commercial redress.**

(a) The Historical Account

The Deed of Settlement will contain an agreed historical account which is a record of the relationship of Ngāti Pūkenga and the Crown.

Historical Account

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

'He aha kia kīa Ngāti Pūkenga patu kai tangāta, he paruparu te kai, he taniwha ngā tangata'

'What can be said of Ngāti Pūkenga - destroyers and devourers of men, they that eat of the very mud upon the estuary; and whose people are demi-gods.'

Ngāti Pūkenga today is an iwi comprising the descendants of Te Tāwera, Ngāti Ha and Ngāti Pūkenga.

Ngāti Pūkenga

Pūkenga was born and grew up in the eastern Bay of Plenty at Rūātoki. He was a fifth generation descendant from Toroa, captain of the Mataatua waka. His mother, Tānehiwarau of Te Whānau a Tairongo from Rūātoki married Tānemoeahi a senior leader of the Mataatua people. Pūkenga lived at his father's pā, Ōhae, located near Whaitiripapā and Pūtiki on the northern side of the Ohinemataroa River where the Owhakatoro stream flows through the Rūātoki valley.

As he grew older, Pūkenga began to look beyond the valley at Rūātoki and eventually travelled to the west by the coast with his younger brother. On arriving at Tauranga Moana, they were struck by the rich food resources of the harbour and adjacent lands. To gain a better perspective over the wider region, the two men climbed the highest peak arriving at the summit towards the evening. As the sun set, they prepared their camp and their evening meal. Pūkenga, wanting to make the most of this opportunity, said to his brother Āhuru 'Kia kai mai tāua i konei' ('Let us partake of our meal here'). This statement was the basis of the name of the range of mountains, 'Kaimai', and symbolises the connection of Pūkenga and his descendants with the region. That connection was cemented further when Pūkenga laid claim to Tauranga Moana as follows: "Ko koe ki te tuawhenua. Ko ahau ki te takutai moana" (You go inland and I will go to the coast)

Pūkenga returned to Rūātoki to tell his parents that he and his brother planned to leave their home and settle on the new lands to which they had travelled. However, war had come to the Rūātoki valley and he was obliged to fight for his whānau. He was killed during later battles and buried in a sacred cave called Ōkawekawe that is associated with his mother's people. He did not realise his dream of returning to Tauranga Moana but his descendants did.

Ngāti Ha

Rongowhakaata, was the father of Rongopopoia who was raised in the house of Pūkenga's father, Tānemoeahi. Rongopopoia is the eponymous ancestor of Ngāti Ha, who take their name from his son Hakopūrākau. Over many generations, Ngāti Ha merged with the descendants of Pūkenga. Hakopūrākau's grand-daughter married Pūkenga's grandson Tūhokia (Te Whetūoterangi's son). The merging of these two great tribes saw both tribal names Ngāti Ha and Ngāti Pūkenga in common usage, though Ngāti Ha was the predominant name for many generations. The iwi established their presence in Maketū, marrying into the original inhabitants. Ngāti Ha built settlements and remain at Maketū today under the tribal name Ngāti Pūkenga.

Further fighting took place in Tauranga Moana through which Ngāti Ha strengthened their foothold there. Later migrations of Ngāti Ha saw Te Ikaiti and his people also make their way to Tauranga Moana. By this time they had married into the descendants of Kūmaramaoa. Ngāti Ha's main settlements at Tauranga Moana were at Te Whaaro and the Rangataua area in general, from Matapihi (Ohuki) back to Maketū. These lands were shared with the descendants of Tamapahore who had married the descendants of Kūmaramaoa. Land at Uretureture on Matakana island was also given to Ngāti Ha by another iwi. Ngāti Ha, led by Kamaukiterangi, had assisted them in avenging the deaths of a number of their chiefs.

Te Tāwera

The third of the tribe's names, Te Tāwera, had arisen by the nineteenth century. The name Te Tāwera emerged during the time of Taitauī, the father of Te Kou o Rehua. He and his people were descendants of the tupuna Kūmaramaoa (a descendant of Waitaha) and Pūkenga. Te Tāwera was not an alternative name for Ngāti Pūkenga but described a particular group within the iwi who were descendants of earlier marriages between Ngāti Pūkenga ancestors and ancestors of another iwi. Prior to the incident, Taitauī and his people were known as Ngāti Pūkenga.

The origin of the name 'Te Tāwera' comes from a korero concerning a woman called Ngahokainga of Ngāti Pūkenga, who lived with her people at their kāinga at Maketū. Ngahokainga and another woman were out early one morning fishing for taunahanaha. As she caught each fish, she cleaned it and placed it in her kete hidden among the beach reeds. Another woman waiting on the shore decided that it was easier to simply steal the fish rather than catch her own. When Ngahokainga discovered that her hard earned fish had been stolen, she began to wail at her misfortune. Gazing upon the early morning star which was then shining high in the sky she cried 'Aue te Tāwera, te whetu marama i te ata' ('Alas oh Venus, the bright star in the morning sky'). From this point on, those who descended from the intermarriages between the descendants of Kūmaramaoa and Pūkenga were known as Te Tāwera and those without descent from Kūmaramaoa



Rahera Te Kahuhiapo

retained the name Ngāti Pūkenga. Today, all of Ngāti Pūkenga are Te Tāwera and all of Te Tāwera are Ngāti Pūkenga.

Te Kou o Rehua was the paramount leader of Te Tāwera and Ngāti Pūkenga. During the 1850s and 1860s, he conducted negotiations with the Crown. Te Tāwera had significant land interests in Te Puna, Katikati and the confiscated lands at Tauranga Moana. They were harshly punished by the raupatu even though they did not participate in the conflict. They were unable to return to Tauranga Moana and instead remained at the kāinga at Manaia and Pakikaikutu. Te Tāwera were not awarded interests in Ngāpeke or in land at Maketū, and they are particularly associated with Manaia and Pakikaikutu in consequence. Nowadays and for the purposes of the Historical Account, all of Te Tāwera are Ngāti Pūkenga and all of Ngāti Pūkenga are Te Tāwera.

Ngāti Pūkenga Beyond Tauranga Moana and Maketū

During the period of intense intertribal warfare which followed the introduction of muskets in the early nineteenth century, Ngāti Pūkenga acquired landholdings through tuku at Manaia in the Coromandel and at Pakikaikutu, near present day Whangarei.

The tuku of Manaia to Ngāti Pūkenga took place at Haowhenua pa (near present day Cambridge) in 1830. It was many more years before Ngāti Pūkenga took up the offer. During this time, they continued to reside on their own ancestral lands which extended from Tauranga Moana to Maketū, traversing the Kaimai ranges and travelling by waka to Hauraki and beyond to assist and support their allies.

Ngāti Pūkenga were involved in intertribal conflicts at Hauraki, the Waikato and the Bay of Plenty which required the iwi to have ready supplies of firearms and ammunition. A section of Ngāti Pūkenga went north to the Bay of Islands to acquire both from the European and American arms traders based there. On the trip one of the men in the taua was killed near Parua Bay and land at Pakikaikutu was offered by the local people as compensation for his death.

All four Ngāti Pūkenga kāinga are located alongside coastal and harbour areas which form a significant part of the way in which the tribe and its members identify themselves. As well, these areas were critical sources of kai and underline the significance of water based modes of transport by which tupuna moved between the kāinga. Indeed, the iwi figure prominently in nineteenth century shipping records which shows them operating a coastal fleet of several vessels transporting goods and produce from Maori communities north and south of Tamaki to the fledgling capital of Auckland.

Ngāti Pūkenga Historical Account

Introduction

Ngāti Pūkenga descend from the original inhabitants of Tauranga Moana and the pre-waka people who traversed and occupied Te Moana ā Toi te Huatahi (the entire Bay of Plenty). The iwi comprises the descendants of Te Tāwera, Ngāti Ha and Ngāti Pūkenga. The Ngāti Pūkenga customary lands are located at four dispersed kāinga. Ngāti Pūkenga describe their ancestral lands and area of interest as extending from Amaru Te Waihi at Tauranga Moana inland to Te Aroha, and south to Ngatamahinerua, Waianuanu, Te Weraiti, Puwhenua and Otanewainuku. From Otanewainuku, the area continues east to the coast at Waihi Estuary in Maketū (including the maunga Kopukairoa, Otara and Otawa) and from there to Amaru Te Waihi. Other iwi have interests in this area.

Ngāti Pūkenga also obtained lands through tuku whenua in the nineteenth century at Manaia in the Coromandel, and at Pakikaikutu, near Whāngārei.

Ngāti Pūkenga and Tauranga Moana

Ngāti Pūkenga are tangata whenua of Tauranga Moana and in 1840 their ahi kāroa had been sustained in accordance with their tikanga in Tauranga Moana over many generations. Ngāti Pūkenga were a prominent iwi with strength and mana in the region.

Tauranga Moana was a rich source of food which sustained a substantial population. The region was closely settled and tribes were spread across the harbour. Relationships evolved through conflict, peacemaking and intermarriage. Ngāti Pūkenga were renowned as warriors and priests. Though they were a mobile people, called upon often to assist other tribal groups with their disputes, Tauranga Moana was their kāinga matua. Ngāti Pūkenga had various pā and kāinga as well as mahinga kai and other significant sites throughout their rohe.

Te Tiriti O Waitangi and the Early Colonial Period

Prior to 1840 the British Crown was faced with impending uncontrolled Pakeha settlement in New Zealand. It decided to seek agreement from Māori to the establishment of British authority in New Zealand. Through a Treaty signed in 1840 the Crown sought to regulate its subjects and provide protection to Māori. Some leading rangatira signed te Tiriti o Waitangi, while others chose not to do so.

Te Kou o Rehua, the Ngāti Pūkenga leader who represented Ngāti Pūkenga in most negotiations with the Crown during his lifetime, signed Te Tiriti o Waitangi at Maungatapu at some point on or after 10 April 1840 as 'Te Kou'. Te Kou o Rehua expected that the Crown would protect his people's rights, property, and privileges. Te Kou o Rehua later observed:

We have heard from former Governors and from yourself that the law would protect the lands, persons and property of those who lived in peace. This was a sacred word of the Queen and also of you the Governor.

During the 1840s there was fighting in Tauranga Moana as iwi from outside the region attacked Ngāti Pūkenga and other Tauranga Moana iwi. Ngāti Pūkenga took an active role in these conflicts which had their origins in earlier battles.

In the late 1850s, Ngāti Pūkenga allied with hapū of other Tauranga Moana iwi in renewed conflict. During this time the Ngāti Pūkenga leaders Takaroki and Raparoa were murdered on their lands at Ōhuki. Other Ngāti Pūkenga leaders chose not to seek utu for these deaths. Instead, Ngāti Pūkenga put their confidence in the Queen's law. Of this episode Te Kou o Rehua stated:

Now, when these men died I wondered in my heart, should I fight or what? And I reached a decision, which was this: I do not want to fight. Rather I shall apply to the Governor, because he has been placed as a head for the peoples of New Zealand; it is he who will settle this fight, and it is he and I who will secure the land...

Te Kou spoke of the partnership which he believed flowed from Te Tiriti.

In 1863 Ngāti Pūkenga reached a peace agreement with the iwi they had been in conflict with. Ngāti Pūkenga rangatira Wiremu Te Mangemange, also known as Wiremu Te Whareiro, stated, 'He uri ahau no Rongopopoia-tangata-kotahi, e kore e whati i a koe' (I am a descendant of Rongopopoia united as one man, and will never be broken by you). Balance between the two iwi was restored. Neither had been able to subdue the other and as a result their mana remained intact.

The Queen's LAW

The Kawau Incident

Te Kou o Rehua and others were willing to put their faith in the Queen's law. However, by the mid-1850s, Ngāti Pūkenga were concerned that the laws of the colonial government discriminated against Māori. In protest, on 31 March 1856, Ngāti Pūkenga residing at Manaia seized 107 barrels of gun powder from a mining store at Kawau Island. Wiremu Te Mangemange explained that those who had taken the gun powder feared Maori would 'soon be destroyed, as were the black people of some places far off, who have disappeared from off the face of their land, from the wars raised against them, with guns and canon'. The powder was held until 18 November 1856 when, after extensive negotiations, it was returned to the Crown. The Crown also confiscated two vessels. Ngāti Pūkenga oral traditions state that Te Kou o Rehua gave the Crown an undertaking that he would not take up arms against the Crown.

Kohimarama Conference

Ngāti Pūkenga fears regarding the application of the Queen's law intensified when, in March 1860, war broke out between the Crown and some Taranaki iwi over a disputed land purchase. In July, the Crown invited Māori leaders to attend a conference at Kohimarama to secure their support for Crown actions in Taranaki as well as discuss issues relating to the Treaty of Waitangi, land sales and law and order. Those Ngāti Pūkenga rangatira who attended the conference were Tamati Hapimana, Maketū Petera, Te Rongotoa and Whakaheke Pauro. Tamati Hapimana expressed concern about the discriminatory nature and inconsistent application of the law by the government. He stated:

Na, e te Makarini, te ma o oku ringa, kahore ano kia poka noa i te toto Pakeha.

Na, aku Pakeha te noho nei—na, aku minita te noho nei. Na te Wiremu au i ako ki te whakapono. Kotahi ano taku ture, ko te ture o te Atua. Na te mihinare ahau i matau ai ki te tika. E rite ana hoki ki te kupu a te Atua ki a Hoani—Haere whakatikaia te ara. Inahoki na te minita nga kupu I kawē mai. Nana i para te ara, ka tae mai te Ariki. Ko te taha pouri o to koutou ture i a matou. E whakakahoretia mai ana e koutou te tikanga ki a matou. .

McLean my hands are clean, I am yet to spill Pakeha blood without cause.

See, my Pakeha dwell with me, and my minister too. Williams taught me about the faith. I have one law, the law of God. It was because of the missionaries that I came to know what is right. It is like the word of God to John - Go and prepare the path, Inasmuch it was the minister who brought the word. It was he who cleared the pathway and then the Lord arrived. The dark side of your law though is applied to us. You are denying us justice (You make the law void where it concerns us.).

While those leaders who attended did not give their active support to the Crown over the events in Taranaki, many restated their commitment to the Crown under Te Tiriti o Waitangi.

The War in Tauranga Moana

In the early 1860s tensions between the Crown and iwi supporting the Maori King continued to grow. In July 1863 war broke out after Crown troops invaded the King's territory in the Waikato. Tauranga Moana was on the route taken by some of the King's supporters to reach the Waikato. Some Tauranga Moana hapū sent men and provisions to the King's forces in this conflict but Ngāti Pūkenga did not participate.

Crown troops arrived in Tauranga on board the HMS Miranda on 21 January 1864 and occupied

the mission station at Te Papa. Their presence was intended to prevent the flow of men and supplies to Waikato and to draw Māori away from the fighting in Waikato. Over the next few months tension between Māori and Crown troops increased.

In early April 1864, the Crown redirected troops originally intended for Taranaki, following the defeat of Waikato forces, increasing the garrison at Te Papa to 1,700 troops. In mid-April 1864, Māori at Tauranga Moana fortified Pukehinahina, also known as Gate Pa, close to Te Papa. On 29 April 1864 Crown forces attacked Pukehinahina. A sustained artillery bombardment did not destroy the pa's defences and a Crown assault force was overwhelmed with heavy casualties. The Māori defenders withdrew during the night and Crown forces entered the pa unopposed the next morning.

Ngāti Pūkenga as an iwi was not involved in the conflict, although some individuals participated in the fighting. At this time Ngāti Pūkenga were continuing to strengthen their relationships with other Tauranga Moana iwi after concluding the 1863 peacemaking. As a result of these relationships, Wiremu Te Whareiro and a small group of warriors joined the forces who occupied Pukehinahina. However, one source suggests he may have fought instead at Te Ranga. Other Ngāti Pūkenga were located at various places including Waikato, Manaia, Maketū, Pakikaikutu. According to Ngāti Pūkenga iwi tradition, after the battle at Pukehinahina Te Kou o Rehua directed Te Whareiro and those with him to withdraw to Manaia to avoid conflict with the Crown. Ngāti Pūkenga took no part in any of the later conflicts.

The confiscation of the Tauranga district

The New Zealand Settlements Act 1863 provided the legal framework for the Crown's confiscation of Māori land. The Act was designed to punish any Māori who had taken up arms or supported those involved in armed resistance against the Crown. The Crown's confiscation policy implemented in Tauranga Moana was also driven by a determination to open up large areas of land for settlers, to have a land bank to pay for the war, and its commitment to place military settlers on the land.

The Act empowered the Governor in Council to proclaim confiscation districts and take specific sites within a confiscation district for military settlements. The Order in Council relating to Tauranga Moana confiscated the entire district rather than particular areas within it.

The confiscation at Tauranga Moana was originally part of a greater plan devised by the Crown. This confiscation would have included the large natural harbour at Tauranga Moana and the fertile flat country of the Waikato while avoiding the densely forested hill country of the Kaimai ranges. Governor Grey subsequently planned a more limited confiscation. On 5 and 6 August 1864 Governor Grey held discussions with Māori at Tauranga to arrange a confiscation. There is no record of Ngāti Pūkenga having attended this meeting which took place after they had withdrawn to Manaia. Addressing those who had been in military action against the Crown the Governor stated that the Crown would retain a quarter of any land confiscated and return the rest to Māori. To those who, like Ngāti Pūkenga, had not been involved in the fighting he said,

I now speak to you, the friendly Natives. I thank you warmly for your good conduct under circumstances of great difficulty. I will consider in what manner you shall be rewarded for your fidelity. In the meantime, in any arrangement which may be made about the lands of your tribe, your rights will be scrupulously respected.

In May 1865, the Crown issued an Order in Council confiscating approximately 214,000 acres of land at Tauranga Moana under the New Zealand Settlements Act 1863. The Order in Council described the land of Tauranga Moana as 'all the lands of the tribe Ngaiterangi'. At that time

this term was used by Crown officials to describe all Māori of Tauranga Moana. The chief judge of the Native Land Court warned the Crown that the confiscation might not include all of the 214,000 acres because there were other iwi with interests in this land not identified in the Order in Council. However, the Order in Council confiscated all the land described in the schedule, regardless of the iwi to whom it belonged or whether they had fought against the Crown. This disregarded Grey's assurances that the rights of 'friendly Natives' would be 'scrupulously respected'.

The Tauranga District Lands Act 1867 retrospectively validated the Order in Council and agreements entered into by the Crown involving land in the confiscation district. The Tauranga District Lands Act 1868 corrected errors in the description of the boundaries and increased the area included in the original Order in Council by 76,000 acres. The Crown eventually retained a block of 50,000 acres, between the Wairoa and Waimapu rivers, which became known as the confiscated block.

The Crown's Acquisition of the Katikati and Te Puna Blocks

Meanwhile, in mid August 1864, the Crown initiated the acquisition of more than 93,000 acres of land within the confiscation district from leaders of another Tauranga Moana iwi. This was nine months before the Crown implemented the confiscation. Despite Grey's assurances, Ministers of the Crown wanted the land fronting the large natural harbour of Tauranga Moana for settlement. The acquisition covered that land within the confiscation district from the Te Puna Stream to its northern boundary. The Crown did not investigate the ownership of this block before concluding the transaction.

This transaction allowed the Crown to acquire most of the lands fronting the harbour at Tauranga Moana, as originally proposed by the Crown. It also enabled the Crown to acquire more land in the confiscation district than had been proposed by Governor Grey while not increasing the area of the 50,000 acre confiscated block. In this way the Crown honoured the letter, but not the spirit, of the Governor's promise to return three quarters of the land confiscated at Tauranga Moana. The Crown's purchase of Katikati Te Puna ignored the interests of Ngāti Pūkenga and other groups.

Ngāti Pūkenga soon protested the Crown's acquisition of the Katikati and Te Puna blocks. Just over a month after the acquisition was agreed, Te Kou o Rehua wrote to the Crown pointing out that Tauranga Moana, from Kaituna to Amaru Te Waihi, belonged to Ngāti Pūkenga:

Friend. Salutations to you. Great is the love to you. Friend, release my land at Tauranga because I am a man without offence. I have committed no offence. If I had gone to fight at Tauranga and Waikato it would then have been right to punish me, that is my people. While you were fighting at Waikato and at Tauranga I lived quietly at Hauraki. That is my word to you to fetch me to stand within my storehouse. That is the first. This second is, I am living under the Queen's law.



Ratene Hihitaua

Third. We have heard from former Governors and from yourself that the law would protect the lands, persons and property of those who lived in peace. This was a sacred word of the Queen and also of you the Governor.

Fourth. If any person or tribe gave (sold) Tauranga it would not be right because the land did not belong to him (or them). The land belonged to us.

Fifth. If (another tribe) have received money for Tauranga, that piece will not be right with us for their offence. Rather let the payment of their offence and for the money be their land at Opotiki and Paparua, the name of the place of their ancestors.

Sixth. Tauranga moana (sea) and Tauranga whenua (land) belong to us going all (the way) to Katikati, this belongs to us and to Taraia and people, the southern boundary is Kaituna.

Seventh. We are quite aware of the origin (cause) of our land, of our ancestors left to us, on the day of adjudication it will come forth (it will be done).

Ngāti Pūkenga consider this to be one of the most significant statements of their interests in Tauranga Moana. Their understanding of the protective nature of the law was consistent with the assurances Grey made to those iwi who had not fought against the Crown.

Te Kou added that he had remained at his kāinga at Hauraki and had not participated in the conflict with the Crown. He also referred to the nature of the negotiations, which he believed were secret, and contrasted them with the governor's involvement in other negotiations:

... We will not talk secretly to you, our talk will always be in daylight. Do you understand this?

He planned to participate in any further discussions at Auckland involving the other iwi.

Nevertheless, lands in which Ngāti Pūkenga claimed an interest were later confiscated by the Crown and the acquisition of Katikati and Te Puna was arranged without reference to Ngāti Pūkenga or their interests.

In September and October 1864 Ngāti Pūkenga also sought the intervention of the Aboriginal Protection Society in London. The first letter endorsed two points already made by the society in an address to the Governor on the recent wars: '1st. That the war in the country be at once terminated; and 2ndly. That the land of the Maoris should not be taken from them'. The second letter requested that the Society establish an inquiry into the causes of the war. Ngāti Pūkenga, sometimes with other Tauranga Moana iwi, also sent several petitions to the Crown protesting against the confiscation of their land.

Another letter repeated these sentiments and restated the earlier commitments given by Te Kou to the Governor from the time of the Kawau incident:

For this was my word to you, before, at the commencing of the fighting at Waikato, that I must be taken from my house and dragged forth.

Te Kou o Rehua stated, in relation to his land at Tauranga Moana, 'this my hand clasps tightly on Tauranga'. The letter concluded 'the land at the present time belongs to me and I am taught by the law to hold on to my place for my posterity after me forever'.

Te Kou o Rehua took a leading role in December 1864 when several Tauranga Moana iwi wrote to the Crown protesting the Crown's land dealings at Tauranga Moana and asking for an investigation. The letter stated:

Friends. Salutations to you all, in the love of our heavenly father. Salutations. This is our word for you to consider. Show your regard to us by returning to us our land which has been taken... (the) land which has been taken is Tauranga and Katikati.

What we mean by returning to us our land is that you should investigate it.

Te Kou continued to place his faith in the Governor's assurances and the Queen's law. He characterised the Crown's dealings for all of Katikati, Te Puna and Te Papa as 'kua riro' ('taken by the hand of others') and concluded that these areas were the 'land for which I am obstinate'.

That same month the Crown initiated investigations into the interests of Ngāti Pūkenga and other groups in Te Puna-Katikati. The investigation of Ngāti Pūkenga interests was undertaken by two Crown officials who had been involved in the Te Puna-Katikati transaction. It took them six months to complete their inquiry. In June 1865, they reported that Ngāti Pūkenga had been driven from Tauranga in the late eighteenth century and returned in 1857. The officials concluded that Ngāti Pūkenga had been reinstated on land outside the Te Puna, Katikati and confiscated blocks by a hapū of another iwi after their return. Although the report stated that Ngāti Pūkenga were absent from Tauranga until 1857, it also concluded that Ngāti Pūkenga could fairly claim other lands they retained in Tauranga Moana. They did not specify the extent of any of these interests or where they were located.

This report was the first expression of what would become a consistently held Crown view of Ngāti Pūkenga interests at Tauranga Moana. This was a view which severely restricted their interests there, yet according to their tikanga, Ngāti Pūkenga had maintained ahi karoa in Tauranga Moana over many generations.

On 14 August 1866, Te Tawera, Ngāti Pūkenga and the Crown signed a deed dealing with the iwi's interests in the confiscated block and the Te Puna and Katikati blocks. Ngāti Pūkenga received compensation of £500. This comprised £350 for Ngāti Pūkenga interests in the confiscated block and £150 for the iwi's interests in the Te Puna-Katikati blocks.

The Crown returned 8,700 acres from the 50,000 acre confiscated block to Māori as reserves. Of this, individuals of Ngāti Pūkenga received just 98.5 acres. This was made up of two 49-acre blocks and two quarter acre township allotments. The iwi lost all their ancestral lands at Tauranga Moana through confiscation and the acquisition of Te Puna and Katikati. Under the terms of the deed the 98.5 acres was returned to three senior rangatira in four individualised titles. Ngāti Pūkenga believe that the fears earlier expressed by Ngāti Pūkenga leaders were realised at Tauranga Moana when their lands were confiscated by the Crown.

Through the deed, the Crown recognised that Te Tāwera and Ngāti Pūkenga retained interests in the confiscated block and in the Katikati and Te Puna blocks. These dealings also show that the Crown viewed Ngāti Pūkenga as a Hauraki iwi, rather than an iwi of Tauranga Moana. It was one of several deeds the Crown concluded in relation to the Tauranga confiscation and Te Puna Katikati purchase with groups that it termed Hauraki iwi.

The return of land in Tauranga Moana

The New Zealand Settlements Act 1863 provided for a compensation court to determine compensation due to Māori whom the court deemed not to have been in rebellion. However, no compensation court was established in Tauranga. Rather, part-time commissioners were appointed to return land to Māori in individualised title. It took more than two decades for all of the returned land to be awarded to Māori.

By 1874 little progress had been made in the return of lands. The Commissioners appointed to undertake the return of land had yet to consider a number of blocks in which Ngāti Pūkenga claimed interests. Ngāti Pūkenga sought to secure their land interests through the Native Land Court. The Crown's confiscation of land in Tauranga Moana in 1865 and the subsequent Tauranga District Lands Act 1867 extinguished all customary title over this land. This meant that the Native

Land Court had no jurisdiction to hear any claims to it. However, Ngāti Pūkenga and other Tauranga Moana iwi and hapū, sought to have the Native Land Court investigate their claims to lands within the Tauranga confiscation district east of the Waimapu River. Ngāti Pūkenga claimed some blocks exclusively and others jointly with other Tauranga Moana groups.

In August 1874 the Court notified various Crown officials of the claims by Ngāti Pūkenga and others. The native land legislation provided for these officials to examine applications to the Court and identify any Crown land included in them. The Court had no jurisdiction to hear claims over Crown land. In September 1874, before these officials had made this assessment, the Crown issued a proclamation which suspended the operation of the Native Land Court over a wide area of the central North Island. In October 1874, despite Tauranga Moana not being included within this area, the Chief Judge withdrew all the claims for land in Tauranga Moana as a result of the Crown's proclamation.

It was not until March 1877 that a commissioner investigated the greater Otawa block, which included the Otawa, Ngāpeke, Papamoa and Mangatawa blocks. Ngāti Pūkenga were prevented by the commissioner from presenting their ancestral claim in the open hearing process. The commissioner subsequently said they could only present a claim in private and without other claimants in attendance. The commissioner awarded the Ngapeke block to Ngāti Pūkenga but did not believe that they held any interest in it. He stated that this block would have been awarded to a hapū of another iwi but for that hapū informing him that they had given over their claim to Ngāti Pūkenga. As a result, Ngāti Pūkenga were awarded their only land in Tauranga Moana through a tuku aroha made at the hearing rather than on the basis of their ancestral claim to the land.

Ngāti Pūkenga sought a rehearing of the Otawa blocks because their claims had not been heard and they were dissatisfied with the award of Ngāpeke alone. Their grievances were described in a letter to the Premier on 27 May 1877, which stated:

Friend. Salutations to you. We apply to you for a rehearing of the case of Otawa, land in the Tauranga district, the title to which was gone into before the Native Land Court at Te Papa Tauranga which commenced on the 9th March 1877.

Well, our tribe the Ngati Pūkenga were not allowed by the judge to stand up in Court and state our grounds of claim or put questions to members of other Tauranga tribes. We are vainly trying to ascertain why we were not allowed to make our statements in Court.

Two months later they made a further request for a rehearing in a letter to the Native Minister.

Later in 1877 Ngāti Pūkenga repeated their grievance in a petition to Parliament. The Native Affairs Committee which considered the petition only heard evidence from the official who had been civil commissioner at Tauranga during the confiscation and Te Puna-Katikati transaction, and had largely rejected their ancestral claims within the Te Puna-Katikati blocks. This official maintained that Ngāti Pūkenga had stated that they had no interest in land east of the Waimapu River, which included the Otawa block. The committee subsequently dismissed Ngāti Pūkenga claims to Otawa as having 'little or no value'.

The committee noted that there would be a rehearing on the application of another iwi. A rehearing was conducted in February and March 1878 by the same Crown official who had repeatedly rejected Ngāti Pūkenga's broad ancestral claims to land at Tauranga Moana from 1864 to this time. There was no modification to the award to Ngāti Pūkenga.

Ngāti Pūkenga believe they were prejudiced by the Crown relying on the advice of the same official for all decisions affecting their land interests at Tauranga Moana. This Crown official,

who had been involved in the Te Puna-Katikati transaction, was consistently called upon to advise on the interests of Ngāti Pūkenga in Tauranga Moana, and then to review or inform inquiries about those decisions. On some occasions only minor Ngāti Pūkenga interests were admitted. At other times the Crown denied Ngāti Pūkenga had any interests in Tauranga Moana. Evidence to the contrary and the significant protest by the iwi against these decisions did not alter the Crown's position.

After 1865, individuals of Ngāti Pūkenga were left with 98.5 acres of ancestral land to occupy at Tauranga Moana and all but a section of the iwi resided at Manaia in consequence. The Manaia lands were previously utilised primarily as a base for trade into Auckland. This pattern of specific utilisation changed with the Tauranga confiscation. The loss of customary interests at Tauranga Moana left Ngāti Pūkenga unable to occupy traditional kāinga in their rohe and increasingly dependent on their lands at Maketū and tuku lands at Ngapeke, Manaia and Pakikaikutu.

Ngāti Pūkenga land at Maketū

Ngāti Pūkenga have a long history of occupation at Maketū over many generations. Their lands at Maketū were gained by ancestry, through intermarriage, and te rau o te patu.

The Native Land Court

Ngāti Pūkenga lands outside of Tauranga Moana were subject to title determination hearings by the Native Land Court. The Court was established by the Native Lands Act 1862. There were many subsequent amendments to this initial statute and several consolidations of native land legislation through the nineteenth century. An important function of the Court was determining the ownership of Māori land and the conversion of customary land titles into titles derived from the Crown.

The Waewaetutuki block (1,370 acres), which borders the Waihi estuary, was the largest award to individuals of Ngāti Pūkenga. Some individuals were also awarded interests in the Marotoroa and Matawhero blocks on the Maketū peninsula, as well as part of the Ngahikakino block, and in the Pukaingataru, and Paengaroa North blocks located adjacent to or inland from Maketū. These awards were the only ancestral lands awarded to any Ngāti Pūkenga by the Native Land Court in the Bay of Plenty. The Court dismissed the Ngāti Pūkenga claim, along with the claims of a number of other iwi, to the Tumu Kaituna block. In addition, in their applications to the Court in 1874, representatives of the iwi included an area of what would become the Te Puke block acquired by the Crown.

Ngāti Pūkenga also claimed interests in the Ohineahuru and Okarito blocks but their representatives did not appear at subsequent hearings and the land was awarded to other iwi.

Ngāti Pūkenga traditionally held all their lands in tribal tenure. However, the Native Land Court awarded titles to individuals who were able to deal with the land without regard to the iwi. The Native Land Court awarded land on the Maketū peninsula to individuals who descended from four Ngāti Pūkenga rangatira. When a listed owner died their interests were succeeded by that owner's descendants alone. Today only the descendants of the four rangatira hold interests in the Maketū lands. Before 1894 the native land laws provided no option for Māori to be awarded titles which facilitated tribal control over their land. By this time all but a tiny fragment of Ngāti Pūkenga's remaining land had passed through the Native Land Court.

The Arawa Consolidation Scheme

The land tenure reform imposed by the Crown meant that the remaining Ngāti Pūkenga landholdings were held in increasingly fragmented titles. Ongoing successions to the interests

of deceased owners made the problem worse. During the 1920s, the Crown attempted to resolve the problem of Maori being left with fragmented and often uneconomic land holdings by introducing consolidation schemes. Consolidation was intended to promote the development of land by whānau groups.

From 1926 to 1928, interests in land awarded to Ngāti Pūkenga owners were subject to the Maketū series of the Arawa Consolidation Scheme. This had the effect of severing Ngāti Pūkenga connections to some of their ancestral lands. Although Ngāti Pūkenga land owners received the same land value as they took into the scheme, they were sometimes located on land to which they had a lesser connection.

The consolidation scheme was administered by the Crown. The primary focus of the scheme was to consolidate the land interests of individuals of neighbouring iwi and their trust board. Ngāti Pūkenga had less influence on the development and implementation of the scheme by the Crown. Ngāti Pūkenga tribal interests in this region were vulnerable in such a process because they had no comparable organisation of their own. The tribe's kainga at Maketū consolidated into different locations from the original awards and their customary association with Maketū was diminished.

Maketū and Little Waihi Estuaries

Since the nineteenth century the development of meat processing, agricultural farming and horticulture has caused considerable damage to the waterways which feed into the Maketū and Little Waihi estuaries. This has badly affected the water quality in the estuaries. Urban development at Little Waihi, including leaching from septic tanks, has also had a detrimental impact on the Little Waihi estuary. There have been significant reductions in the quantity and variety of kaimoana and birdlife in the Maketū and Little Waihi estuaries caused in particular by the diversion of the Kaituna River into the sea at Te Tumu in the 1950s..

Ngāti Pūkenga consider that the estuaries are no longer a major source of kai because of the way in which they have been managed by the Crown for decades and that their customary associations with the Maketū and Little Waihi estuaries have been diminished by the Crown's management.

Pakikaikutu

In the 1830s Ngāti Pūkenga received land at Pakikaikutu, on the shores of the Whangarei harbour, as tuku whenua. This land and the adjoining harbour became increasingly important to Ngāti Pūkenga following the confiscation at Tauranga Moana. In 1877 this land was awarded to them after a hearing by the Native Land Court. Following the award of Pakikaikutu by the court Ngāti Pūkenga found it difficult to maintain ownership of the block.

From the 1860s a strip of Ngāti Pūkenga land along the coast at Pakikaikutu was utilised as a road. The usage of this road became so common that the local council expended public money on its development and upkeep. In 1927 the Crown compulsorily acquired the land under the Native Land Amendment Act 1913, taking a significant area of the block of great cultural importance to Ngāti Pūkenga. The land had been used as a site for the iwi to land their waka while residing at the kāinga. Compensation for the taking of road-lines was payable under the Act. There is nothing to indicate whether the Ngāti Pūkenga landowners claimed or received any compensation for the land they lost.

In the 1960s, following an application from one owner for a partition of her interests in Pakikaikutu 2C2, the Maori Land Court arranged a subdivision of Ngāti Pūkenga land at Pakikaikutu overlooking the Whangarei harbour. After dividing off part of the block for one

owner, the Court subsequently partitioned the balance into nineteen residential sections and a hill country block. All the sections and the hill country block were vested in the Maori Trustee under section 438 of the Maori Affairs Act 1953. The sections were to be sold, with the cash realised from sales to fund the development, while the hill country block was to be leased to one of the owners. Some owners did appear before the court to oppose the subdivision application. They explained their aspirations for the land but the court rejected their proposal.

Preference for sale was given to the owners where they held sufficient shares or had the available finance. However, none of the owners held the required number of shares or were able to obtain the finance needed to purchase. Deceased owners' shares were sold without first seeking succession orders and a consent to sell from the successors. As a result the best pieces of Pakikaikutu land were sold outside of Ngāti Pūkenga ownership leaving them with the steep back parts of the block which are unsuitable for housing, business, or marae development.

Manaia: He Pataka Kai

Manaia became a much more important pataka kai for Ngāti Pūkenga after the raupatu at Tauranga Moana. The land and resources in the valley were made freely available to Ngāti Pūkenga by another iwi as a place to stand and sustain Ngāti Pūkenga. After Ngāti Pūkenga lost their customary land and food resources at Tauranga Moana, the pataka kai became crucial to the iwi's physical and spiritual survival.

The Native Land Court

In August 1872 the Native Land Court awarded the Manaia 1 and 2 blocks to eight individuals chosen by Ngāti Pūkenga to each represent a hapū of the iwi. Prolonged litigation over several decades followed as the iwi attempted to have those named in the title recognised as trustees for the hapū. However, in 1888 a successor to the representative of Ngāti Whākina, successfully applied to have her interests in the block partitioned out. Under the native land legislation individual owners were able to deal with tribal lands as their own personal property.

This was strenuously opposed by Ngāti Pūkenga. In a letter to the Native Land Court, their representatives explained their status in holding the land on behalf of their iwi:

It was written down before, and it is correct, that Manaia was given by Ngati Maru for all Ngati Pūkenga. We, the eight in the grants for those two lands, are representatives for all the people of the eight hapu within Ngāti Pūkenga...We are the people chosen by the committee of Ngati Pūkenga as representatives from those eight hapu. (The original named owner) is representative of one of these hapu above, Ngati Whakina...Their share has gone...

The partition order issued by the Court had, however, already been cancelled.

In 1889, the same owner applied for a partition of Manaia 1 and 2 blocks, an action unsuccessfully opposed by the other owners. The applicant was awarded 611 acres. This was Ngāti Whākina land but was dealt with as personal property. This land was acquired by the Crown in 1891.

Under the Native Land Court Act 1894, the Native Land Court was empowered to determine whether individuals awarded titles to Maori land were intended to be trustees for other owners. In 1907, the court addressed the question of whether the eight original owners were trustees or absolute owners. The land acquired by the Crown was no longer in the court's jurisdiction and was not considered in these proceedings. The Court found that the original owners of the Manaia block were trustees for the wider iwi and issued a revised list of 113 beneficial owners for Manaia 1B and 2B.

In 1913 the Crown took 320 acres of land in settling survey liens placed on the land when it was subdivided. This included some land taken to pay for surveys necessitated by Crown purchase. One of these Crown-purchase surveys was never undertaken, despite the owners being charged £30 with respect to it.

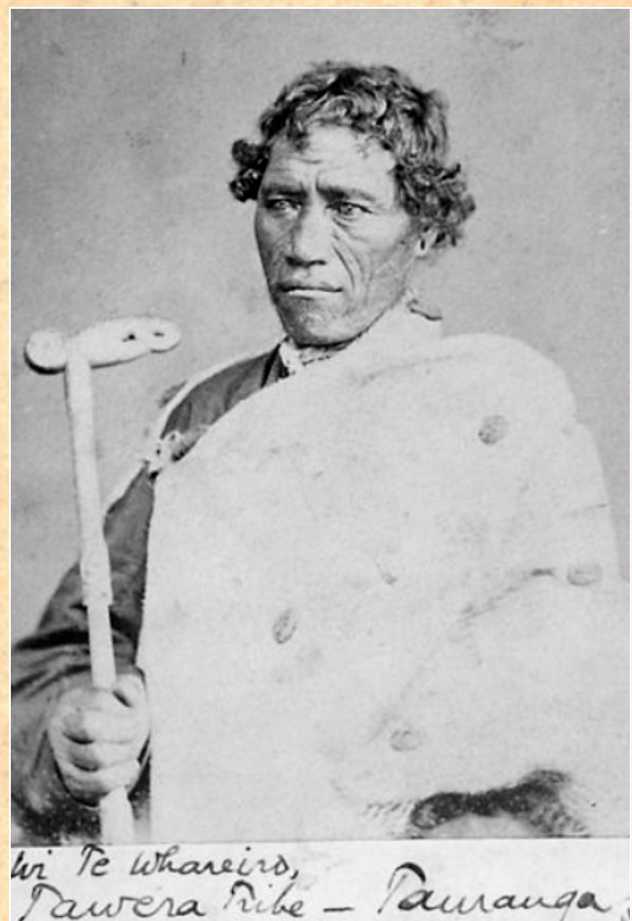
Crown land purchases

In April 1914, the Crown decided to open negotiations to purchase the Manaia 1B and 2B Section E2 block after a non resident owner offered to sell his interests. The native land legislation in force at the time provided for district Maori land boards to convene meetings of the assembled owners of Maori land blocks to consider any proposed alienations. In December 1915 the Waikato-Maniapoto District Maori Land Board organised a meeting of the assembled owners of Manaia 1B and 2B Section E2 to consider the sale of this land to the Crown. However the owners refused to elect a chair, and the Crown's proposal was not even considered. Despite this, in January 1916, the Crown authorised the purchase of individual interests without calling for another meeting of the owners. However, no further negotiations were attempted for several years.

Early in 1921 the Crown acquired its first interests in Manaia which it purchased from three individual owners. Later in 1921 the Crown attempted to purchase further interests from non resident owners by asking the Land Board to organise a meeting of the assembled owners at Te Puke. However the owners again would not even consider the Crown's proposal, and once more refused to elect a chair. They criticised the decision to hold the meetings at Te Puke as they insisted those living on the land should make decisions on such proposals.

Between 1924 and 1932, the Crown acquired further individual interests in the block. In 1933 and 1934 the Crown took steps to consolidate the individual interests it had acquired into a single block. An arrangement was made for some non sellers living at Maketū to transfer their interests in Manaia 1 and 2B section E2 to the Crown in exchange for land at Maketū. In 1935 the Crown concluded that the land at Manaia was unsuitable for settlement, and ceased purchasing there. In 1935 the Native Land Court awarded the Crown 1976 acres and a further 732 acres 2 roods 24 perches were awarded to those owners who had not sold their interests.

From an original area of approximately 4912 acres, less than half (2004 acres) remains Maori freehold land today, due to the Crown purchases in the nineteenth and twentieth centuries totalling 2908 acres.



The Manaia 1C School site

In 1897, though concerned at the loss of their lands, Ngāti Pūkenga gifted a site for a school at Manaia. In 1962 the school was moved off the site. After several years of consultation between Ngāti Pūkenga and Crown officials the school site was vested in the Maori Trustee for sale or lease. Crown officials and the Maori Land Court rejected a proposal by Ngāti Pūkenga leaders, on behalf of the iwi, to retain the land in a tribal title. In 1967, after several years of consultation between the community at Manaia and Crown officials the school was sold by tender to an individual from another iwi. The proceeds from the sale were paid to the Ahimia Marae with the exception of a fee paid to the Maori Trustee to cover its costs in dealing with the land.

Gold, timber, and environmental impacts

Significant environmental impacts followed gold mining and timber extraction at Manaia. In 1868 the Crown leased land from Ngāti Pūkenga at Manaia for gold mining purposes. In the mid 1880s deposits of gold were discovered, and a road was constructed from the coast inland through the land of local residents. However, little gold was produced.

Mining activity had a profound impact on the environment. Land was cleared of vegetation. According to Ngāti Pūkenga oral traditions chemical waste from gold extraction was discharged into waterways. The timber industry expanded through the nineteenth century and extraction became more extensive and comprehensive. Streams and rivers in the Manaia catchment were dammed and released to create floods that moved timber to the coast. Eel weir constructed in the rivers were destroyed by such practices. Ngāti Pūkenga oral traditions record that cultivations on the lowlands adjacent to the river were likewise destroyed.

The destruction of native vegetation on the Manaia block led to erosion of the land. Land at the bottom of the valley near the harbour has been frequently inundated by floodwaters. The construction of State Highway 25 across the estuary at Manaia has exacerbated flooding as the highway acts as a barrier to water draining from the catchment. Regular flooding has prevented iwi landowners from effectively cultivating and farming low lying land near the coast. Māra kai and traditional sources of kaimoana were adversely affected by sedimentation, flooding and erosion of the Manaia catchment and this severely weakened the Ngāti Pūkenga community at Manaia. In particular, Ngāti Pūkenga have been unable to exercise kaitiakitanga, manakitanga and whanaungatanga consistently.

Tauranga Moana kāinga

The 98.5 acres of reserves set aside for three Ngāti Pūkenga individuals in Te Puna and Bethlehem were alienated soon after they were returned. The tuku aroha of Ngāpeke, which had been awarded to Ngāti Pūkenga through the Commissioner's Court process, was all that remained for Ngāti Pūkenga to occupy at Tauranga Moana.

Ngāti Pūkenga struggled to maintain land holdings in tribal ownership under the native land laws. In 1896 the Native Land Court considered a partition application for the Ngāpeke block. Ngāti Pūkenga chiefs requested that the title for the Ngāpeke block remain undivided and opposed individualisation of the title. Hīrama Mokopapaki stated:

The land was given to Ngāti Pūkenga. They have no other land. They want to hold this land in its undivided state – and they entirely disapprove of a partition being made in it. We occupy tribally not individually. As long as we occupy collectively our shares are undispersed and no one claims more than another.

However, some owners did wish to define their interests. The block was divided into five parts.

Ngāti Pūkenga arranged the ownership lists for two partitions but were unable to agree on the boundaries of the three remaining partitions. After inspecting the block the presiding Judge determined the boundaries of these partitions. The individualisation and partition of the Ngāpeke block facilitated alienations. An area of approximately 176 hectares is no longer Maori freehold land. These alienations saw the loss of the most valuable, best, flat and arable lands along the coastline of the Ngāpeke block. These losses also limited the iwi's access to the Rangataua arm of the harbour and its resources. Among the sales were two Ngāpeke blocks sold to the Crown in 1946. Both blocks contained wāhi tapu that remain important to Ngāti Pūkenga. Ngāti Pūkenga also suffered through the loss of the summits of Kōpūkaioa and Ōtawa maunga, both through twentieth century public works acquisitions.

The Tauranga Development Scheme

The increasing fractionation of Māori land at Ngāpeke created difficulties for Ngāti Pūkenga in the development of this land. In the 1930s the Crown sought to address these problems through the Tauranga Development Scheme. Thirteen partitions containing 789 acres 1 rood 15 perches were administered as one unit by the Board of Māori Affairs with the aim of clearing and developing the land. The Crown advanced money towards the development of the land. These advances became a charge against the blocks.

Ngāti Pūkenga was advised that labour costs would be fully subsidised by the government's Unemployment Fund. This was a significant factor in the land owners including their land in the scheme. However, the Crown later decided that part of the labour cost for the scheme should become a charge on the land. In 1946 the Crown purchased two blocks involved in the development scheme. In 1957, after twenty years of Crown administration, the remaining blocks were returned to the owners to manage as two farming units. These units were subject to leases of 42 years duration. The loss of control over their land for more than sixty years was significant for Ngāti Pūkenga. Over this period, only a few people were able to occupy the land as farmers.

Uneconomic interests and status changes

From 1953 the Crown sought to address the problem of increasingly fractionated Māori land titles through the compulsorily purchasing of uneconomic land interests. The Māori Trustee administered Conversion Fund, established by the Maori Affairs Act 1953, was used to compulsorily acquire any Māori land interests where those interests were defined by the Crown as uneconomic. Many of the Ngāti Pūkenga owners lost their interests at Ngāpeke through this process. The loss of interests, however small, was a cause of great pain for Ngāti Pūkenga, severing their connection to the land.

The Maori Affairs Amendment Act 1967 extended existing provisions relating to the change of the status of Māori land to European land in cases where there were fewer than four owners. A status change was achieved by declaration by a Māori Land Court official which did not require the consent of the Māori landowners. This affected sixteen partitions of the Ngāpeke block and was a further mechanism which weakened the relationship of many Ngāti Pūkenga with the tuku aroha.

Urban development

Since the Second World War, the Tauranga district has experienced rapid urbanisation. Ngāti Pūkenga consider that they have benefitted little from this transformation. The resources of Tauranga Moana, particularly in the Waitao awa and Rangataua arm of the harbour, have been affected by population increase and environmental degradation following rapid changes in land use to accommodate intensive pastoral agriculture, forestry, horticulture and quarrying.

Siltation of the harbour and over fishing for commercial purposes has seen a decline in the quality and quantity of many fish and shellfish species.

Ngāti Pūkenga believe that they have been unable to maintain their kaitiaki responsibilities as tangata whenua to manage the lands and waters of Tauranga Moana as a result of the loss customary interests experienced there. Until recently Ngāti Pūkenga were excluded from any involvement in planning or resource management.

The Ngāti Pūkenga identity

Te Ōhāki a Te Kouorehua

'Paroto, i muri i a au me hoki te whenua nei ki a Ngāti Maru, na ka whakahoki koe i te iwi ki te wa kainga ki Tauranga'.

The Dying Speech of Te Kouorehua

'Paroto, after I am gone this land must return to Ngāti Maru, and then it is your duty to take our tribe back home to Tauranga'

Custom dictates that Ngāti Pūkenga should return all the tuku lands when they are no longer required. Te Kou o Rehua through his ōhākī, clearly recognised this custom. However Ngāti Pūkenga consider that they have had no option but to occupy their tuku lands following the Crown's confiscation of Tauranga Moana lands. Ngāti Pūkenga lost much of their kainga matua, or unifying hub, through the confiscation and were dispersed between their four small and scattered kainga as a result.

None of the kāinga, alone, has been sufficient to sustain the iwi as a whole. They are geographically dislocated communities and it became increasingly difficult to maintain relationships and communication across the iwi as a whole. The kāinga of Ngāti Pūkenga have operated as four iwi and have functioned as autonomous entities within their own regions. Particular kāinga hui together but there are few occasions where Ngāti Pūkenga has gathered in hui. Nevertheless, the iwi has continued to foster their relationships and shared whakapapa.

The iwi consider that the loss of the Ngāti Pūkenga land holdings at Tauranga Moana following the confiscation and the absence of a written record to explain their relationship to Tauranga Moana land, has resulted in the iwi being marginalised in histories which deal with the relationship between Maori and the Crown.

(b) Crown Acknowledgements and Apology

Ngāti Pūkenga has sought acknowledgements from the Crown for its actions since 1840 and throughout the 1860s and into the early 20th Century. Based on the agreed historical account the Crown has acknowledged that its actions have breached Te Tiriti o Waitangi/Treaty of Waitangi. A formal apology to Ngāti Pūkenga is made on that basis.

The acknowledged breaches of the Treaty are set out below:

1. The Crown acknowledges that Ngāti Pūkenga rangatira Te Kou o Rehua made a commitment to te Tiriti o Waitangi/the Treaty of Waitangi and the relationship with the Crown that flowed from it. The Crown further acknowledges that Ngāti Pūkenga has always maintained this commitment through to the present day.
2. The Crown acknowledges:
 - 2.1. that despite the promise of te Tiriti o Waitangi/Treaty of Waitangi, many Crown

- actions created long-standing grievances for Ngāti Pūkenga; and
- 2.2. the Crown failed to deal in an appropriate way with grievances raised by successive generations of Ngāti Pūkenga; and
 - 2.3. Recognition of Ngāti Pūkenga grievances is long overdue.

War in Tauranga

3. The Crown acknowledges that
 - 3.1. Ngāti Pūkenga, as an iwi, did not take part in the war in Tauranga as they were committed to upholding te Tiriti o Waitangi/the Treaty of Waitangi; and
 - 3.2. The Crown was ultimately responsible for the outbreak of war in Tauranga in 1864 and its actions were a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Tauranga Confiscation/raupatu

4. The Crown acknowledges that, despite it leading Te Tāwera and Ngāti Pūkenga to believe their interests would be scrupulously respected, the confiscation/raupatu at Tauranga Moana and the Tauranga District Lands Acts 1867 and 1868, unjustly extinguished the customary title of Te Tāwera and Ngāti Pūkenga in the land within the confiscation district, and breached the Treaty of Waitangi and its principles.
5. The Crown acknowledges that its confiscation/raupatu at Tauranga Moana left Ngāti Pūkenga increasingly dependent on tuku whenua lands outside of Tauranga for their support, and that the wish Te Kou o Rehua expressed in his ōhākī for all Ngāti Pūkenga at Manaia to return to Tauranga Moana has not occurred.
6. The Crown also acknowledges that
 - 6.1. it returned just 98.5 acres of the Tauranga confiscation block to three Ngāti Pūkenga individuals;
 - 6.2. it did not offer the same opportunity to Ngāti Pūkenga to pursue their ancestral claim to the greater Otawa block, which included the Otawa, Ngāpeke, Pāpāmoa and Mangatawa blocks, that it offered others and in so doing failed to acknowledge the ancestral claim of Ngāti Pūkenga at Tauranga Moana; and
 - 6.3. it returned land to Ngāti Pūkenga in the form of individualised title rather than Māori customary title.
7. The Crown further acknowledges that the confiscation/raupatu and the subsequent Tauranga District Lands Acts 1867 and 1868
 - 7.1. deprived Ngāti Pūkenga of wāhi tapu, access to natural resources and opportunities for development at Tauranga Moana;
 - 7.2. prevented Ngāti Pūkenga from exercising mana and rangatiratanga over land and resources within Tauranga Moana; and
 - 7.3. severed the ability of Ngāti Pūkenga to nurture the traditions associated with its long connections with its customary lands including wāhi tapu, natural resources and other sites in Tauranga Moana and marginalised Ngāti Pūkenga as an iwi in Tauranga Moana.

Te Puna-Katikati purchase

8. The Crown acknowledges that, it failed to actively protect Ngāti Pūkenga interests in lands they wished to retain when it initiated the purchase of Te Puna and Katikati blocks in 1864 without investigating the rights of Ngāti Pūkenga or involving Ngāti Pūkenga in purchase negotiations and completed the purchase despite Ngāti Pūkenga opposition, and this failure was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The Native land laws

9. The Crown acknowledges that
 - 9.1. the operation and impact of the native land laws at Tauranga Moana, Manaia, Maketū and Pakikaikutu, in particular the awarding of land to individual Ngāti Pūkenga rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the further erosion of the traditional tribal structures of Ngāti Pūkenga which were based on collective tribal and hapū custodianship of land. This had a prejudicial effect on Ngāti Pūkenga and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles;
 - 9.2. it did not provide any means in the native land law legislation until 1894 for a form of collective title enabling Ngāti Pūkenga to administer and utilise their lands by which time title to much Ngāti Pūkenga land had been awarded to individual Ngāti Pūkenga; and
 - 9.3. the failure to provide a legal means for the collective administration of Ngāti Pūkenga land was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
10. The Crown acknowledges that:
 - 10.1. Ngāti Pūkenga reasonably believed that the eight individuals to whom the Native Land Court awarded title of Manaia 1 and 2 in 1871 were representatives of the hapu of Ngāti Pūkenga;
 - 10.2. the Native Land Court awarded the lands of Ngati Whakina at Manaia 1 and 2 in 1889 to a successor of one of the individual owners despite the opposition to this award by Ngāti Pūkenga;
 - 10.3. the Crown purchased Manaia 1 and 2 in 1891 from from the individual owner recognised under the Native land laws leaving Ngati Whakina landless; and
 - 10.4. by, allowing this individual owner to sell hapu lands, the native land legislation did not reflect the Crown's obligation to actively protect the interests of Ngati Whakina in Manaia 1 and 2, and this was a breach of the Treaty of Waitangi and its principles; and
11. The Crown acknowledges that between 1921 and 1932 it purchased a large area of land at Manaia from individual owners despite two meetings of the assembled owners of this land refusing to even consider the Crown's offer.

Surveys at Manaia

12. The Crown acknowledges that Ngāti Pūkenga was deprived of nearly 320 acres of their land at Manaia when the Crown took this land to pay for surveys. The Crown further acknowledges that the 320 acres included approximately 35 acres for surveys which were never carried out, and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Pakikaikutu Coastal Road

13. The Crown acknowledges that its taking of land for the coastal road at Pakikaikutu severed the Ngāti Pūkenga kainga at Pakikaikutu from the sea, and that this has caused great distress for Ngāti Pūkenga.

Maketū consolidation scheme

14. The Crown acknowledges that the Maketū consolidation scheme carried out by the Crown resulted in Ngāti Pūkenga losing interests in some of the land to which they had customary connections and acquiring interests in land to which they had lesser connections.

Tauranga Development scheme

15. The Crown acknowledges that its administration of the Tauranga development scheme deprived Ngāti Pūkenga of effective control of a significant part of their land for many years. The Crown also acknowledges that Ngāti Pūkenga did not receive all the benefits they were led to expect from the development scheme and many owners effectively lost the opportunity to live on and use their land under the development scheme.

Uneconomic Interests

16. The Crown acknowledges that, between 1953 and 1974, legislation empowered the Māori Trustee to compulsorily acquire Ngāti Pūkenga land interests which the Crown considered uneconomic. The Crown acknowledges this was in breach of the te Tiriti o Waitangi/the Treaty of Waitangi and its principles and deprived many Ngāti Pūkenga of a direct link to their tūrangawaewae.

Land status changes

17. The Crown acknowledges that the compulsory status changes to Māori land titles carried out under the Māori Affairs Amendment Act 1967 weakened the connection of many Ngāti Pūkenga to their tūrangawaewae.

Insufficiency of land

18. The Crown acknowledges that it failed to ensure that Ngāti Pūkenga were left with sufficient land at Tauranga for their present and future need and that this failure was a breach of the Treaty of Waitangi and its principles.

The environment

19. The Crown acknowledges:
 - 19.1. that Ngāti Pūkenga, describe Tauranga Moana and the Maketu and Little Waihi estuaries as significant taonga and sources of spiritual and material wellbeing;
 - 19.2. that Ngāti Pūkenga, also describe Whangarei Harbour as of great importance to them;
 - 19.3. the significance of the land, awa, and harbour at Manaia to Ngāti Pūkenga as a pataka kai; and
 - 19.4. that environmental degradation has been a source of distress to Ngāti Pūkenga because of adverse impacts on:
 - 19.4.1. Tauranga Moana, especially the Waitao awa and Rangataua arm of the harbour; the Maketu and Little Waihi estuaries;

19.4.2. the land, awa and harbour at Manaia; and

19.4.3. the quantity and quality of species at these locations which were important to Ngāti Pūkenga.

In recognition of the Crown's acknowledged breaches of the Te Tiriti o Waitangi/Treaty of Waitangi, the Crown will make the following apology to Ngāti Pūkenga:

1. The Crown makes this apology to Ngāti Pūkenga, their ancestors and descendants.
2. The Crown unreservedly apologises for bringing war to Tauranga Moana, and unjustly extinguishing all customary title to land within the Tauranga Moana confiscation district. The Crown is sorry that Ngāti Pūkenga did not receive the same opportunity as others to protect and nurture their interests in Tauranga Moana after the raupatu, and that Ngāti Pūkenga were left increasingly dependent on lands outside Tauranga Moana for their support. For the Crown, the marginalisation of Ngāti Pūkenga in Tauranga Moana, and the harm this caused, are sources of profound regret.
3. The Crown apologises for exacerbating this harm by consistently failing to respect the rangatiratanga of Ngāti Pūkenga in their remaining lands.
4. The Crown acknowledges the suffering it caused Ngāti Pūkenga through its breaches of the Treaty of Waitangi. This settlement will, the Crown sincerely hopes, mark the beginning of a new relationship between the Crown and Ngāti Pūkenga which is founded on respect for the Treaty of Waitangi and its principles.



Hone Mokopapaki with five of his children L-R: Whakarongotai (Mrs Rongo Hoko), Hana (Mrs Hana Hoko), Rahoroi, Te Oke (Mrs Te Oke Waretini) & baby Tom on his knee. The children yet to be born when this photo was taken were Meretiana (Mrs Mary Hapi), Sonny, Lily (Mrs Lily Amohau) & George.

(c) Cultural Redress

Properties

The cultural redress properties we will receive are:

- Otukōpiri (Tauranga)
- Te Tihi o Hauturu (10 hectares shared with Ngāti Maru in Manaia) subject to a reserve under the Reserves Act 1977 or a conservation covenant being created
- Pae ki Hauraki block (301 hectares in Manaia) subject to a reserve under the Reserves Act 1977 or a conservation covenant being created
- The Liens block (106 hectares in Manaia)

Statutory acknowledgements

We will also receive statutory acknowledgements subject to overlapping claims:

- In Manaia over Hauturu, Manaia Harbour and Manaia awa
- Along the coast from the western boundary of the Te Tumu block to Little Waihi estuary
- Along the coast from Waikaraka to Pārua Bay, Whangarei (subject to overlapping claims)

Revitalisation cash

Ngāti Pūkenga will receive cultural revitalisation cash of \$380,000 through the Tauranga negotiations and marae revitalisation cash of \$180,000 through the Ngāti Pūkenga Deed of Settlement for Manaia marae.

Te Takapau Hora Nui o Pūkenga

The Crown will acknowledge that Ngāti Pūkenga has non-exclusive cultural, spiritual, historical and traditional associations with selected areas in Tauranga and Maketū.

(d) Commercial redress¹

Ngāti Pūkenga will receive commercial properties as follows:

- Te Kapua (Tauranga) at no cost.
- The opportunity to purchase 14 residential sections in Bethlehem (at a total cost of \$1.88 million taken from our financial redress).

As well, we have been offered a right of first refusal over quota for any new fish species found in the waters between Amaru Te Waihi and Little Waihi estuary and to the limit of the exclusive economic zone 200 nautical miles out to sea.

(e) Relationship redress

The Crown has acknowledged Ngāti Pūkenga's interest in innovation and entrepreneurship and has committed the Ministry for Business, Innovation and Employment to providing support for some of our projects and priorities.

The settlement also includes the development of relationships with a range of government departments, Councils and tertiary institutions.

(f) Financial redress²

Ngāti Pūkenga will receive financial redress of \$5 million through the Tauranga negotiations.

Of the \$5 million, the Crown has agreed to explore making an on account payment to Ngāti Pūkenga when the draft legislation has been agreed by the Crown and Ngāti Pūkenga.

¹ The commercial redress dealt with in this booklet does not include commercial redress that will come from our membership of the Hauraki Collective and the Tauranga Moana Iwi Collective

² The financial redress dealt with in this booklet does not include any financial redress for the Hauraki negotiations. That is still being negotiated with the Crown by the Hauraki Collective

4. Post Settlement Governance Entity

Introduction

Before Ngāti Pūkenga can receive settlement assets from the Crown, a Post Settlement Governance Entity (PSGE) which meets the Crown's requirements and has been ratified by Ngāti Pūkenga, must be established to:

- receive and hold the settlement assets
- manage the settlement assets
- distribute the benefits derived from settlement

The PSGE will have to recognise that in managing the settlement assets and distributing the benefits, it will need to focus on those matters that are deemed by Ngāti Pūkenga to be important for the spiritual, cultural, social, environmental and economic future of Ngāti Pūkenga.

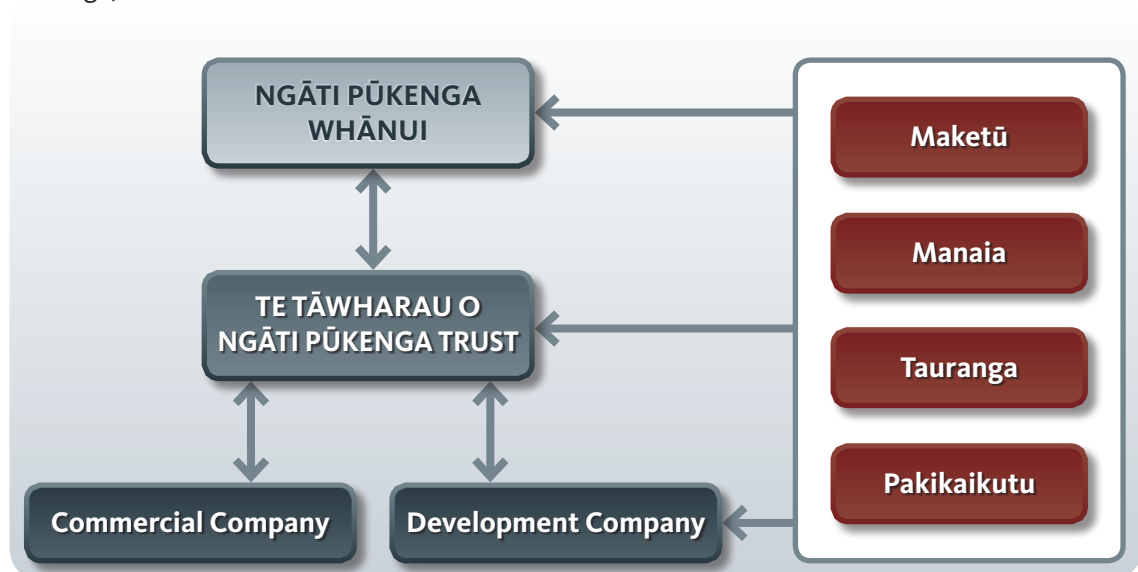
As part of the ratification process, Ngāti Pūkenga iwi members are being asked to vote to approve the proposed Ngāti Pūkenga PSGE. The Crown has reviewed the proposed PSGE and agrees that it is an appropriate body to manage the settlement assets Ngāti Pūkenga will receive and meets accepted standards of transparency, good governance and fair representation of Ngāti Pūkenga iwi members.

In this section, we provide an overview of the proposed PSGE. It is recommended that the proposal outlined below offers an effective way to manage the redress acquired in the settlement process to establish enduring benefits for our iwi, provide for the mana motuhake of each kāinga and provide for the fact that we are also one Ngāti Pūkenga.

Proposed PSGE – Te Tāwharau o Ngāti Pūkenga

It is proposed that Te Tāwharau o Ngāti Pūkenga (Te Tāwharau) be the entity established to receive, hold and manage the settlement assets of and distribute any benefits to Ngāti Pūkenga. It will also take responsibility for putting together a tribal development plan.

To fulfil those purposes, Te Tāwharau will create: a Development Company (to facilitate the development of the tribe); and a Commercial Company (to maximise financial benefits to Ngāti Pūkenga).



Te Tāwharau will have four full trustees (one from each kāinga) and four alternate trustees (also one from each kāinga). All trustees (full and alternate) will be appointed via an election process whereby each kāinga elects one full trustee each (determined as the highest polling candidate) and one alternate trustee each (determined as the second highest polling candidate). The election process for the Trustees is set out in the PSGE Trust Deed.

Te Tāwharau will also have the ability to appoint up to three advisors who will have speaking rights but not voting rights.

Establishment

To maintain the continuity and institutional knowledge and experience of the current team who have reached the Deed of Settlement stage, provision has also been made for Te Au Maaro to appoint five establishment trustees for a two year term to establish the trust, develop its tikanga, guidelines, systems, policies and processes, and at the end of the term the first ā kāinga elections for full and alternate trustees will take place.

These Establishment Trustees are:

Rehua Smallman
Rahera Ohia
Harry Mikaere
Gina Berghan
Hori Parata

Continuity from establishment to fully operational phase

There could well be a complete change of trustees at the first election but to ensure there is continuity from one election to the next, Te Au Maaro made the decision that two kāinga will elect their trustees for a two year term and the other two will elect theirs for a three year term.

A ballot was conducted on 18 November 2012 at the offices of Te Au Maaro to determine which kāinga would elect for which term and the result is:

- **Manaia and Maketū will elect their trustees for an initial term of two years**
- **Pakikaikutu and Tauranga will elect their trustees for an initial term of three years**

The second election for Manaia and Maketū will take place every three years from the end of the initial two year term and the second election for Pakikaikutu and Tauranga will occur every three years after the end of their initial three year term.

Three yearly elections will then occur in different years for Manaia and Maketū and Pakikaikutu and Tauranga respectively and continuity should not become a risk that has to be managed.

The beneficiaries of Te Tāwharau are the same as the beneficiaries of the settlement.

The Commercial Company

Te Tāwharau will appoint three Directors to the Commercial Company based entirely on commercial acumen. This company will generate profits that can then be used for the benefit of Ngāti Pūkenga.

The Development Company

Te Tāwharau will also appoint five Directors to the Development Company as follows:

- 1 appointed from Te Tāwharau
- 4 appointed on the basis of the criteria set out in clause 6.3.2 of the Trust Deed and taking into account any tikanga and guidelines adopted by Te Tāwharau

This company will be the vehicle used to implement the tribal development plan and fund many kāinga-based activities, so it will have to have strong relationships with all four kāinga. It will also have to be able to respond to some of the priorities of each kāinga. The company is expected to complement kāinga-based and kāinga-initiated activities and cannot be used to undermine the mana motuhake of any kāinga.

Kāinga

The kāinga will have: elected their full and alternate trustees; nominated one director each to the Development Company; contributed to the Tribal Development Plan; still have the ability to develop and seek funding for their own unique kāinga plan; and still have the ability to come together to enhance and perpetuate “one Ngāti Pūkenga”.

The kāinga are the deliverers of the tribal development plan as well as developers and deliverers of their own plans.

Further Information

Further information about the PSGE proposal will be provided at the Information Hui and is also available on our website or by request.

If you want to view the draft PSGE Trust Deed for the proposed PSGE, copies are available for you at the Trust offices, at 81 The Strand, Tauranga and on the Trust website at www.ngatipukenga.co.nz.

Sufficient Support

In order for the proposed PSGE to be established, and settlement to occur, it must have sufficient support from Ngāti Pūkenga. If you think that it is in the best interests of Ngāti Pūkenga to accept the proposed PSGE then you need to make sure that you send your vote in and make your vote count.

The Outcome

Te Au Maoro o Ngāti Pūkenga and the Crown will need to be satisfied with the ratification outcome in order for the PSGE to be established. If the proposed PSGE has the support of a sufficient number of Ngāti Pūkenga then the PSGE will be established immediately and the settlement legislation will be introduced to give effect to the Deed of Settlement. This will occur this year.

If the proposed PSGE does not have the support of a sufficient number of Ngāti Pūkenga then the PSGE will not be established. Te Au Maoro o Ngāti Pūkenga would need to recommence the process of developing a PSGE to receive the settlement assets. If this occurs then the settlement legislation will not be introduced and the completion of the Settlement will be delayed until an appropriate PSGE is developed and ratified.

Ratification Process

“Ratification” is the process where formal consent or support from Ngāti Pūkenga as an iwi, for the Deed of Settlement and PSGE is sought.

DATE	TIMEFRAME
Sept / Oct 2012	<ul style="list-style-type: none"> Preparation of promotional material (ratification information booklet, website development)
23 Nov 2012	<ul style="list-style-type: none"> Initialling of the Deed of Settlement
Nov 2012	<ul style="list-style-type: none"> Public notice of ratification hui
3 Dec 2012	<ul style="list-style-type: none"> Mail out of ratification information booklet to registered members Claimant community consider ratification material Voting opens
Week beginning 10 Dec 2012, ending 16 Dec 2012	Ratification Hui commence: <ul style="list-style-type: none"> Pakikaikutu – Whangarei Auckland Manaia Maketū Tauranga
21 Jan 2013	Voting closes
31 Jan 2013	Confirmation of outcome of votes
TBC by OTS	Signing of the Deed of Settlement

Ratification Information Hui

Te Au Maaro o Ngāti Pūkenga is holding a series of information Hui to give you the opportunity to raise questions and discuss any issues to assist you in making your final decisions. The information Hui will be held at five locations in the country during December 2012:

Whangarei	Tuesday 11 December 2012, 6pm	Te Puni Kokiri Office 3-5 Hunt Street, Whangarei
Auckland	Wednesday 12 December 2012, 7pm	Waipuna Conference Centre 58 Waipuna Road, Mt Wellington
Maketu	Friday 14 December 2012, 6pm	Maketu Community Hall Wilson's Road, Maketu
Tauranga	Saturday 15 December 2012, 10 am	Whetu o Te Rangi Welcome Bay Road, Tauranga
Manaia	Sunday 16 December 2012, 11am	Manaia Marae Marae Road, Manaia

An overview of the settlement offer and the PSGE Proposal will be provided at the Information Hui. Given the importance of this settlement, Te Au Maaro o Ngāti Pūkenga encourages you to attend at least one information Hui, if you are able, before submitting your vote.

All information Hui will be publicly notified in relevant daily newspapers. No resolutions will be sought at the Hui but anyone who wishes to post a vote may do so in accordance with the voting procedures set out below. Te Puni Kōkiri officials will attend the ratification information Hui as independent observers.

Voting

Once you have decided whether or not you accept the proposed Deed of Settlement and Governance Entity, there are four ways you can vote:

1. you can place your completed voting form in the ballot box at one of the three ratification information hui to be held at Pakikaikutu, Auckland, Manaia, Tauranga and Maketū; or
2. complete your vote on-line; or
3. place your completed voting form in a ballot box at the office of Te Au Maaro o Ngāti Pūkenga at Tauranga; or
4. post your completed voting form to the independent returning officer in the addressed, postage paid envelope provided to:

Ngāti Pūkenga Settlement Returning Officer

Warwick Lampp

C/- PO Box 13610

Tauranga 3141

New Zealand

If you lose your voting form and/or your envelope and you want a replacement contact Te Au Maaro o Ngāti Pūkenga at:

reception@teaumaaro.co.nz

Or the Ngāti Pūkenga Election Hotline 0508-666-103

Voting on the proposed Deed of Settlement and Governance Entity closes on Monday 21st January 2013, and your vote must be received by the returning officer by 12 noon on that date.

Glossary of terms

Area of Interest The area identified by Ngāti Pūkenga as the area that Ngāti Pūkenga has an interest in for the purposes of this settlement (Attachment A)

Commercial Redress The offer to Ngāti Pūkenga to purchase specific properties from the Crown.

Commercial Redress Properties Crown Properties and the Sale and Leaseback Properties that are purchased on Settlement Date.

Crown Acknowledgements The acknowledgements by the Crown based on the Historical Account of the relationship between Ngāti Pūkenga and the Crown.

Crown Apology The apology by the Crown based on the Historic Account and the Crown Acknowledgements.

Cultural Redress The redress offered to Ngāti Pūkenga as part of the cultural settlement.

Deed of Settlement A legal document between Ngāti Pūkenga, the Crown, and the Ngāti Pūkenga governance entity for a proposed Treaty settlement package that will settle all the historical claims of Ngāti Pūkenga against the Crown.

Fee simple title The strongest form of title to land available under New Zealand law and describes full ownership of land.

Financial Redress The total cash offered for the settlement of the Historical Claims.

Historical Claims Means all claims made prior to September 1992.

Overlapping claimants Overlapping claimants are iwi other than Ngāti Pūkenga, who claim interests in the Ngāti Pūkenga area of interest.

Post-settlement Governance Entity (PSGE) The entity established by Ngāti Pūkenga to receive the settlement assets.

Ratification The process by which all those Ngāti Pūkenga who are eligible to do so, vote (yes or no) via secret ballot about whether they accept both the proposed Deed of Settlement and the post settlement governance entity.

Settlement Date 20 business days after the date the Settlement Legislation comes into force, being the date on which the settlement assets are to be transferred to the Governance Entity.

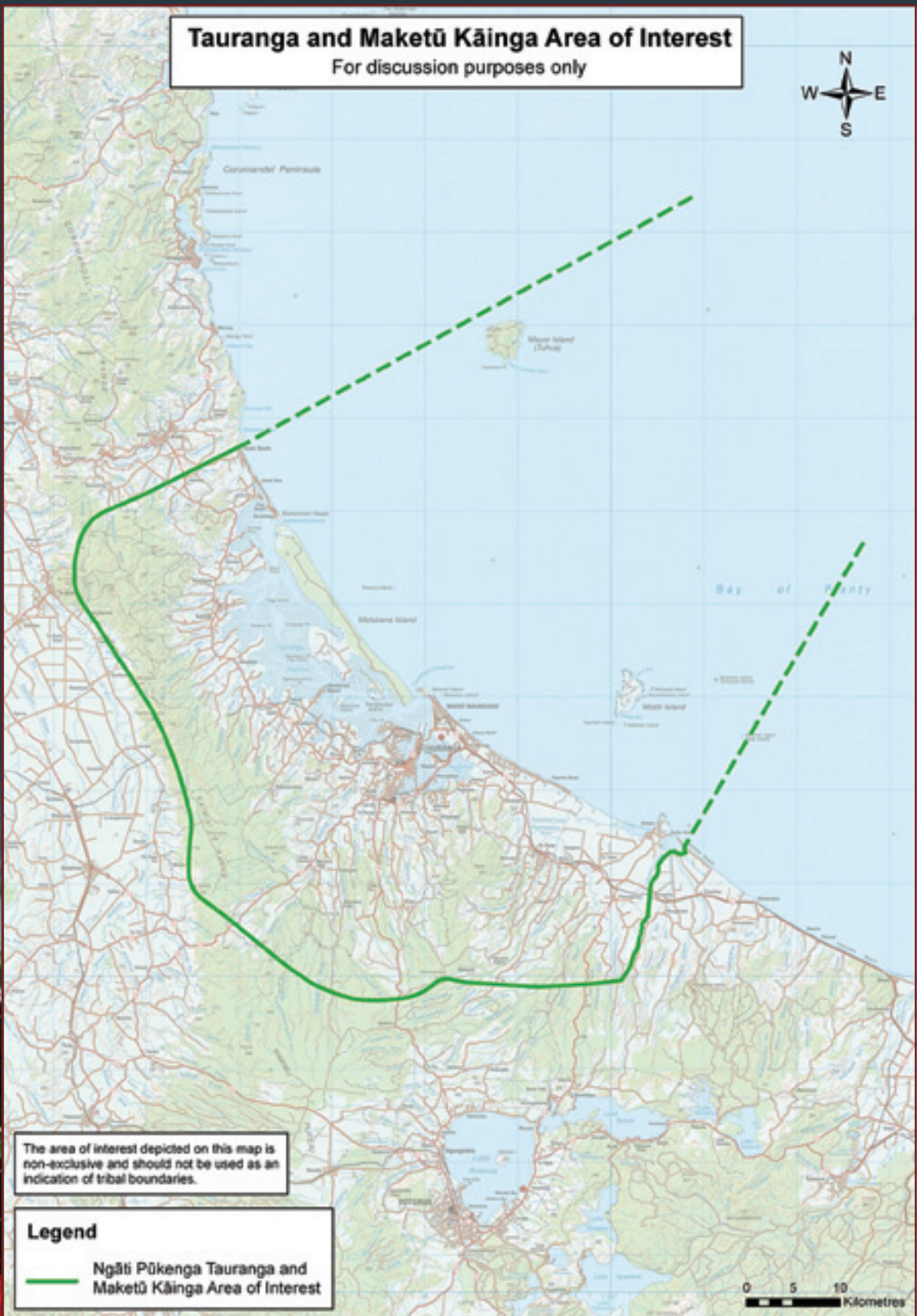
Settlement Legislation The Act that gives effect to the Deed of Settlement.

Verification The process, by which applications for registration are processed to validate the entitlement of the applicant to participate, based on the eligibility criteria set down on the form.

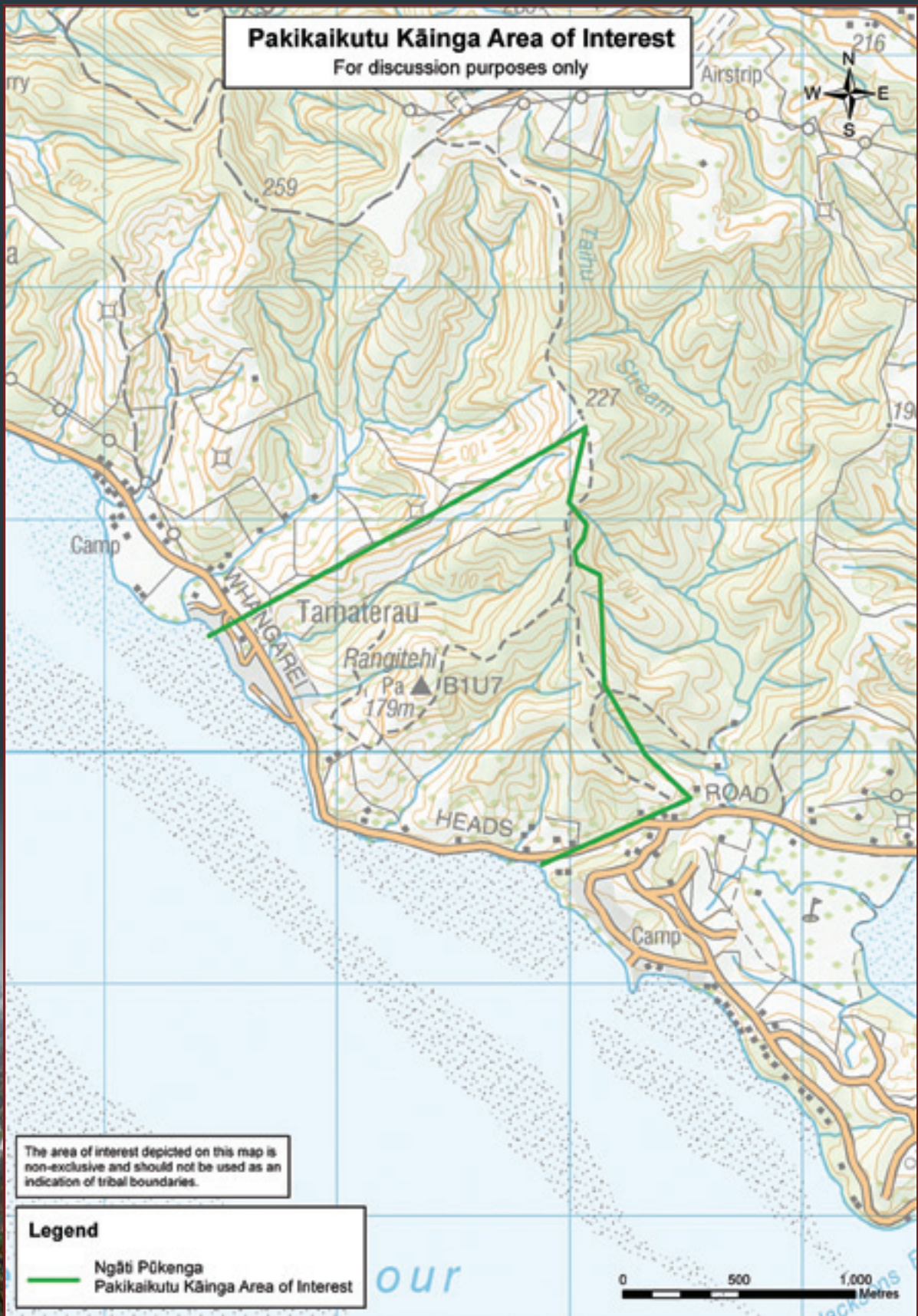
Ngāti Pūkenga The collective group, and groups and individuals, to be defined in the Deed of Settlement as the claimant group.

Te Au Maaro Charitable Trust The mandated body recognised to represent Ngāti Pūkenga in negotiations with the Crown.

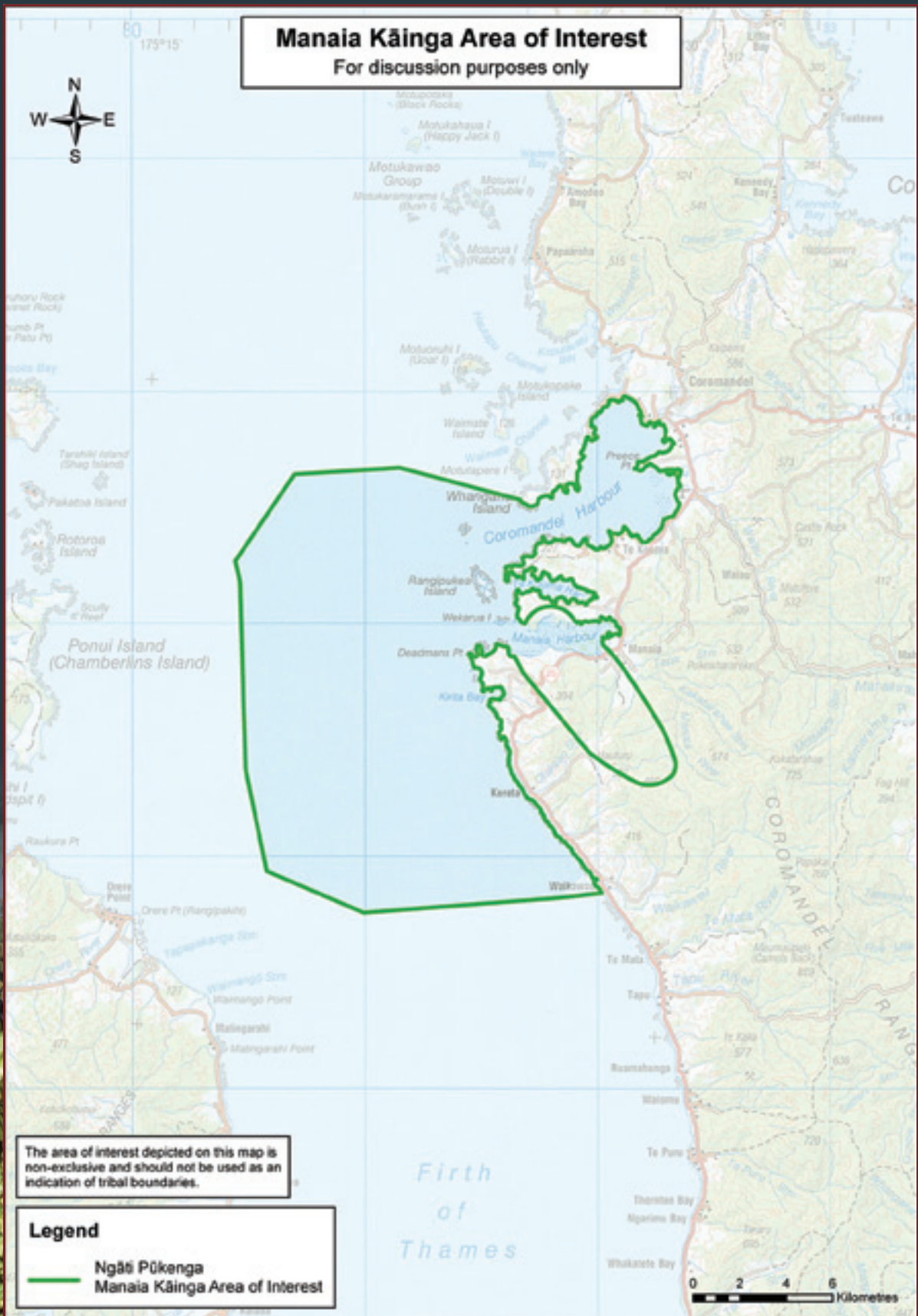
Attachment 1



Attachment 2



Attachment 3



Frequently Asked Questions and Answers

What are the key aspects of the settlement package?

Historical redress, Crown acknowledgements, a Crown apology, cultural redress, commercial redress and financial redress.

Do I have to live in one of the kāinga to benefit from the settlement?

No, the settlement is for Ngāti Pūkenga whānui no matter where they live.

Can Ngāti Pūkenga go back later and claim again?

Not with respect to historical claims.

Is it a fair settlement?

Te Au Maaro o Ngāti Pūkenga considers the Crown's offer is the best that can be achieved at this time.

Why is the Apology so important?

The Crown Apology is an important step towards creating a better relationship between Ngāti Pūkenga and the Crown.

When will the settlement take effect?

If it is ratified by Ngāti Pūkenga, it is estimated that the Deed of Settlement will be implemented by legislation in 2013. After the legislation is passed, the Deed of Settlement will become unconditional and the terms of settlement will take effect.

Who benefits from the settlement?

All of Ngāti Pūkenga, wherever they may now live, will benefit once the proposed PSGE arrangements are approved and established

What if a sufficient majority does not ratify the Deed and PSGE?

If the Deed is not accepted then Ngāti Pūkenga will need to reconsider their options as settlement cannot be achieved.

If Ngāti Pūkenga does not settle now, it:

- may lose the redress outlined in the Deed
- will go to the back of the line of the iwi trying to negotiate a settlement
- will probably be many years until a new offer is secured from the Crown, and
- is unlikely there will be any increase in overall value in the foreseeable future

If the PSGE Proposal is not ratified, the settlement package can be signed off, but the settlement assets cannot be transferred until an alternative PSGE model is accepted by Ngāti Pūkenga.

Who will the settlement redress go to?

Te Au Maaro o Ngāti Pūkenga has a mandate to negotiate a Deed of Settlement only. It does not have a mandate to receive and manage settlement redress. The proposed PSGE, Te Tāwharau o Ngāti Pūkenga, must be ratified by a majority of Members on the register. If ratified, Te Tāwharau o Ngāti Pūkenga will be established to receive and manage the settlement redress.

What requirements do I need to meet in order to vote on ratification?

In order to vote during ratification you will need to be on the Ngāti Pūkenga Register. You must be at least 18 years of age at the time of ratification to be able to vote. In order to exercise your right to vote you will have to either vote on-line or return your voting papers to the Returning Officer no later than 12 noon Monday 21st January 2013.

Do I have to attend the information hui in order to vote?

Attending an information hui is not a requirement for voting. However, Te Au Maaro o Ngāti Pūkenga strongly recommends that you attend at least one information hui. These Hui provide information so you can make an informed decision on whether to accept the Deed and the PSGE Proposal. It will also give you an opportunity to ask questions to enable you to make your decision. If you have your voting papers with you, you will be able to place them in a Ballot Box at the Hui.



