

### 3 NGĀ WHĀKINGA ME TE WHAKAPĀHA

#### NGĀ WHĀKINGA

- 3.1 E ai ki ngā whākinga a te Karauna ko te whāinga o ngā aureretanga a te Hapū he tino takaroa.
- 3.2 E whāki ake ana te Karauna arā i te wā i hokona ai e ia te rohe whenua o Ahuriri i te tau 1851:
- 3.2.1 Kāore i uiui atu ki te Hapū i te tīmatanga o ngā whiriwhiri;
- 3.2.2 I tahuri ake te Karauna ki te hoko i taua whenua mō te utu iti rawa e whakaaehia ai e Ngāi Māori ā i āta mōhio kāore rawa i rata atu te Hapū ki te wāhanga i whakawhiwhia ai rātau mō te utunga;
- 3.2.3 Kīhai ngā Māori o Tangoio i whiwhi ki te katoa o ngā hua ka toko ake i ngā take ohaoha o te urunga mai o te hunga noho whenua Tauwiwi i kī ake ai te Karauna ka whiwhi rātau mena ka whakaae atu kia hokona mō te utu i tukua atu e te Karauna; ā,
- 3.2.4 Kāore te Karauna i āta whakarite kia rāhuihia he whenua mai i te hokonga o Ahuriri i haumaruhia e te mana pupuri o te Hapū ā he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.3 E whāki ake ana te Karauna arā i te wā i hokona ai e ia te rohe whenua o Mōhaka i te tau 1851:
- 3.3.1 He iti noa tana utu ā kāore hoki a Ngāi Tahu i whiwhi i te katoa o ngā hua putaputa noa mai te nohonga whenua a Tauwiwi i pōhēhē ai rātau ka whiwhi mā te whakaaenga ki te utu iti rawa; ā,
- 3.3.2 He takahanga hoki i te Tiriti o Waitangi mā te kore e āta whakarite whenua rāhuiā mō Ngāi Tahu.
- 3.4 E whāki ana te Karauna i te tau 1866 tua atu i te whai tonu i te rongomau ki Ōmarunui ka tahi kē ka tukua tana tono whakamutunga kia tuku ki raro te hunga i roto i te pā. Mai i tēnei ka huri ngā hōia o te Karauna ki te whakaeke me te mōrearea noa o te oranga o ngā tāne o ngā wāhine o ngā tamariki i roto o te pā. Rua tekau ngā tāngata i mate i a rātau e wawao ana i a rātau ake mai i ngā tira pakanga a te Karauna i Ōmarunui i Petane hoki. E whāki ana te Karauna he takahā mana ēnei whakaeke he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.5 E whāki ana te Karauna ko te mauherenga me te kore whakawā ki ngā tūmomo āhua matangerengere rawa atu i runga o ngā motu o Wharekauri tata ki te rua tau o ngā uri tekau mā toru o te Hapū i muri i tō rātau uiuinga i Ōmarunui he tino takahi mana he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.6 E whāki ana te Karauna kō ngā mahi whakamate o ana tira whawhai i Ngātapa i te Kohi-tātea o te tau 1869 he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono i pokea ai te mana o te Karauna.
- 3.7 E whāki ana te Karauna ā:
- 3.7.1 I te tau 1867 i pānuhia he takiwā raupatu tata kia pou katoa atu te takiwā o te Hapū;
- 3.7.2 Whai ake ana ngā hua tuku iho katoa o te Hapū ki ō rātau whenua ki tēnei takiwā i wetoa ā ka puritia e te Karauna te rohe whenua o Tangoio ki te Raki kō atu i te 9,000 eka ā he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.8 Ka whāki atu anō te Karauna arā ko te nuinga o ngā whenua i roto i te rohe raupatu i whakaae ai ia ki te whakahoki ki a Ngāi Māori te mana pupuri i te tau 1870 ka puritia tonu e te Karauna te mana kō atu i te whā tekau tau tae noa atu ki te tukunga o ngā tohanga a te Karauna i ngā mana pupuri ki a Ngāi Māori i noho pū ki aua whenua.
- 3.9 Ka whāki te Karauna kāore rawa ia i whakarite i tētahi tiro tiro motuhake i ngā hua tuku iho o te Hapū ki ngā rohe whenua i whakaae ia kia whakahokia atu ki a Ngāi Māori te mana pupuri i te tau 1870 ā:
- 3.9.1 I te tau 1870 i tukua e ia kō atu i te 30,000 eka ki Kaiwaka hei tākoha atu ki tētahi kūpapa a te Karauna; ā
- 3.9.2 I pare e te Karauna ngā uri o te Hapū mai i ngā mana pupuri mō Kaiwaka ā he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.10 E whāki ake ana te Karauna nā tana kore e rongō i ngā tono maha a te Hapū kia tiro tirohia ō rātau tika ki Kaiwaka i kino atu ai te whakatoihara a te takahanga nei. I amohia e te Hapū ngā tūmomo utu teitei mō ngā raru ture i tā rātau whai i ō rātau tika ki Kaiwaka.
- 3.11 E whāki ana te Karauna ā:
- 3.11.1 Kāore ia i uiui atu ki te Hapū i mua i te tukunga o ngā ture whenua taketake i te rautau tekau mā iwa i puta ai te tikanga kia tū ko ia tangata noa hei mana pupuri whenua i riro ai taua mana pupuri ki te iwi katoa i mua atu;
- 3.11.2 I te tau 1866 i tukua e te Kōti Whenua Taketake te mana pupuri mō te whenua rāhui o Moeangiangi me ngā rohe whenua o Petane o Te Pāhou hoki ki ngā tāngata tokoiti iho i te tekau a tae rawa atu ki te tau 1873 kua hokona kē e ia mana pupuri te katoa o ngā rohe whenua a te Hapū; ā.
- 3.11.3 Mā te tuku i aua tāngata ki te hoko noa i ngā whenua rāhui ki Moeangiangi me ngā rohe whenua o Petane me Te Pāhou nā te Hapū kē kāore te ture whenua taketake i whai i ngā ōati a te Karauna kia haumaruhia ngā hua a te Hapū ki aua rohe whenua ā he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.

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- 3.12 E whāki ana te Karauna ko te tukunga here o te Tonga o Tangoio ki te Poari Whenua Māori o te Takiwā o Ikaroa i te tau 1907 he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.13 E whāki ana te Karauna mai i te tau 1911 ki te tau 1930 i hokona tata ki te katoa o ngā whenua i whakahokia atu ki ia uri o te Hapū i te tau 1870. E whāki ake ana hoki te Karauna nāna pū:
- 3.13.1 Te mahi tinihanga ki roto i ngā ture whenua taketake mō Ngāi Māori ki te whakatau ā-rōpū nei kātahi ka huri ake ki te hoko haere i te maha o ngā whenua mai ia mana pupuri i muri ake i ngā whakataunga o ngā huihuinga kia kaua e hoko i ō rātau whenua;
- 3.13.2 Kāhore i hāngai pū ngā mahi a te Karauna i tōna mana apunga nā tana ārai i ētahi mana pupuri whenua o te Hapū ki te whakaoti ake i ā rātau whiriwhiri me ngā hunga motuhake ki te kawē i ngā rīhi mō ō rātau whenua kia wātea ai te Karauna ki te hoko;
- 3.13.3 I kō kē atu ana mahi tinihanga i tōnā mana apunga mā te tuku kia tārewa noa mō te wā roa nei ki runga ki ētahi o aua hunga kīhai nei i hiahia ki te hoko atu ki te Karauna i te mutunga i pērā nā tō rātau whai kia puta he hua mai i ō rātau whenua;
- 3.13.4 I huri te Karauna ki āna mahi nanakia mō ētahi o ngā mana pupuri i hiahia ai ki te hoko ā kia whiwhi ai ia i te maha o ngā whenua ā maenga ake kō rātau kāore nei i hoko atu ka raru i te itiiti noa o ngā whenua hei pūtake mō rātau i waenga o te takiwā; ā,
- 3.13.5 Ko ngā mahi a te Karauna he mahi tinihanga he mahi takatakahi ā kāore hoki i tae ki te taumata o te pono o te whakaaro pai e kī mai rā i roto i Te Tiriti o Waitangi me ōna mātāpono.
- 3.14 Ka whāki ake te Karauna nā tana kore e haumarū i te Hapū mai i te noho kore whenua mō ō rātau hiahia o aua wā me ngā wā ō muri mai ā tae rawa atu ki ngā tau o ngā 1930s:
- 3.14.1 I tino murua te oranga ohaoha, te oranga hāpori tae atu ki te tikanga-ā-iwi me tō rātau tairanga ake ā he takahanga i te Tiriti o Waitangi me ōna mātāpono; ā,
- 3.14.2 He tino pānga hoki ki te hekenga o te tatau tāngata o ngā uri o te Hapū i mua atu i te tau 1930 ā he roa rawa te noho o ngā uri o te Hapū e tāmia ana e te rawa kore, te māuiui noa, te hauarea noa o ngā kāinga me ngā taumata mātauranga pāpaku noa iho.
- 3.15 E whāki ana te Karauna nā te turaki haere i ngā ngahere me ngā kaupapa ahūwhenua i ngā tau mutunga o te rautau tekau mā iwa me te tīmatanga o te rautau rua tekau i tāpiri atu ki ngā tino takahuringa o te taiao i te takiwā o te Hapū pērā i te pikinga ake o te horoa whenua me te waipuke hoki. Ka whāki ake anō te Karauna:
- 3.15.1 I te ngoi kore noa o te oranga o te Roto o Tūtira;

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.15.2 Te pānga o te paru o te para ki te tahatai;
- 3.15.3 Te murunga te rironga hoki o ngā mahinga kai o te Hapū; ā,
- 3.15.4 Ko te tino rarunga o ngā waipukenga ki te hāpori ki te marae hoki i Tangoio.

#### WHAKAPĀHA

- 3.16 E tuku ana te Karauna i tēnei whakapāha ki te Hapū, ki ō rātau tīpuna ki o rātau uri hoki.
- 3.17 E tino pouri ana te Karauna mō tana kore e hāpai i ana ōati mai i te Tiriti o Waitangi ā i ana takahanga hoki i te Tiriti o Waitangi me ōna mātāpono i roto i ana kōkiri me te Hapū. E aronui ana te Karauna i te puku mahi i ngā piki i ngā heke o ngā tīpuna o te Hapū i ā rātau whai i ngā tonu atu ki te Karauna tērā kia noho tōtika aua take i raro i te ture.
- 3.18 Ka nui te tino pāpourī o te Karauna mō ana whakaeke poka noa ki runga o Ōmarunui me Petane hoki i te tau 1866, ngā hunga i parekurahia tae atu hoki ki ērā o koutou i riro kia mauherehia. E tino whakapāha ana te Karauna mō ana mahi parahako ki te Hapū mai i ana pānuitanga i tētahi takiwā raupatu, te murunga o te Raki o Tangoio me te ārai i te Hapū mai i te mana pupuri ō Kaiwaka.
- 3.19 E tino pāpourī ana te Karauna i ana mahi i tino piki ake ai aua mahi parahako mā tana hokonga i te nuinga o ngā toetoenga whenua ō te Hapū i mua atu i te tau 1930 mā ngā tūmomo āhua takatakahi mana ārai tikanga tangata. E tino pouri ana te Karauna mō tana waiho kia noho tata whenua kore te Hapū me ngā raruraru i pā ki o koutou rōpū-ā-iwi me te tuku i a koutou kia whakaatu ake i ō koutou tika tuku iho hoki. E whakapāha ana te Karauna mō tana kore e whai whakaaro ki te rangatiratanga o te Hapū me ngā tūmomo mahi ngā tūmomo warewarenga hoki a te Karauna i pā atu ai ki ō whenua ki ō tauranga ika me ērā atu taonga me tō koutou pūkaha ki te whakatairanga ā-iwi ā-oaha hoki
- 3.20 E whāki ake ana te Karauna he maha ngā reanga hono o ngā whānau kua mate oti atu. E tino pāpourī ana ia mō te noho rawa kore me te māuiui noa i pā ki ō uri. Ka nui tana pouri mō ana mahi mō ana warewarenga hoki i raru ai tō pūkaha kia whakatairanga ake i tō noho ā-hāpori ā-oaha me tō oranga tinana oranga ahurea oranga wairua hoki.
- 3.21 Mā roto mai i tēnei whakataunga e rapu ana te Karauna i te huarahi hei tāpae ake i ana mahi hē ki te Hapū ki te whakaū i te mana ki tōna taumata me te tīmata ake i te hātepe whakaora. E manako ana te Karauna mā te whakapāha nei e toko ake ai he hononga hōu i waenga i te Karauna me te Hapū mai i te piripono ki te Tiriti o Waitangi me ōna mātāpono.