



Te Taumata o Tangitu

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*Te Taumata o Tangitu*  
*April 1995*

## INTRODUCTION

This booklet informs the whanau about the Tangitu claim. Te Taumata o Tangitu (Tangitu) is currently researching this claim, which is about Otangaroa State Forest (nga ngahere o Tangitu).

The booklet outlines the mahi of Te Taumata o Tangitu. It also explains some of the key agencies and processes Tangitu will be using to complete its mahi.

Ko te tino take o te pukapuka nei, kia whakaatungia, kia whakamaarama ai kia koutou nga tikanga kaupapa o to tatou kereme.

He whakamaarama eenei korero ki te whanau nga tikanga o Tangitu. He tuku matauranga hoki tenei kia koutou.

# KARAKIA

Tane Mahuta  
Tane a Nuku a Rangi  
Tane whakapiripiri  
Whakarongo mai  
Whakarongo mai

Nau i wehe au Matua  
Nau ko te ra  
Nau ko te po  
Nau i whakairi te marama

Nau ko te awatea  
Nau i tiki te matauranga  
Nau ko te wananga  
Nau i pupuhi te hau ora  
Nau ko te Tangata  
Nau ahau  
Nau ahau

Ko Tangitu te maunga  
Ko Kaingapipiwai te papa  
Ko Tane Mahuta te whakaruruhau  
Ko Nga hau e wha te Iwi  
Ko te Rerenga Wairua Te U Kai Po

# MIHI

Ka mihi kia koutou  
E noho mai nei i o tatou tini kainga  
Koutou e pupuri nei i nga tikanga i tuku iho  
Ara te mana te ihi te wehi  
Arua nga tapuwae o nga matua - tupuna

Nga mihi nga roimata mo ratou  
Kua nuku atu ki te po  
Kua tae ki te rauhitanga o te tangata  
Kua hoki ki Hine-nui-i-te-po

Kia koutou kia tatou  
E pikau nei i nga pouritanga  
Tuku atu he aroha hei oranga ngakau

Tatou o tenei Ao  
Nga rau rangatira  
Nga matua nga whaea nga tamariki  
Tena koutou  
Tena koutou

Tihei Mauri Ora!

# TANGITU

Te Taumata o Tangitu takes its name from a maunga of special historical and spiritual significance.

Kaumatua, **Te Uru Hone Heta**, explains the significance of the name:

*Ko Tangitu te maunga i timata mai nga wai e rere ana ki nga wahapu o te Hokianga, Mangonui, Whangaroa me te Pewhairangi. Ko eenei wai e tuitui ana i nga hapu, nga whanau o nga takiwa e pa ana ki nga ngahere kua ingoatia nei Otangaroa State Forest.*

Tangitu is a maunga in the Whangaroa rohe. Four streams originate from Tangitu. These four streams become rivers. The rivers flow through nga ngahere o Tangitu, and into four harbours - Hokianga, Mangonui, Whangaroa and Pewhairangi.

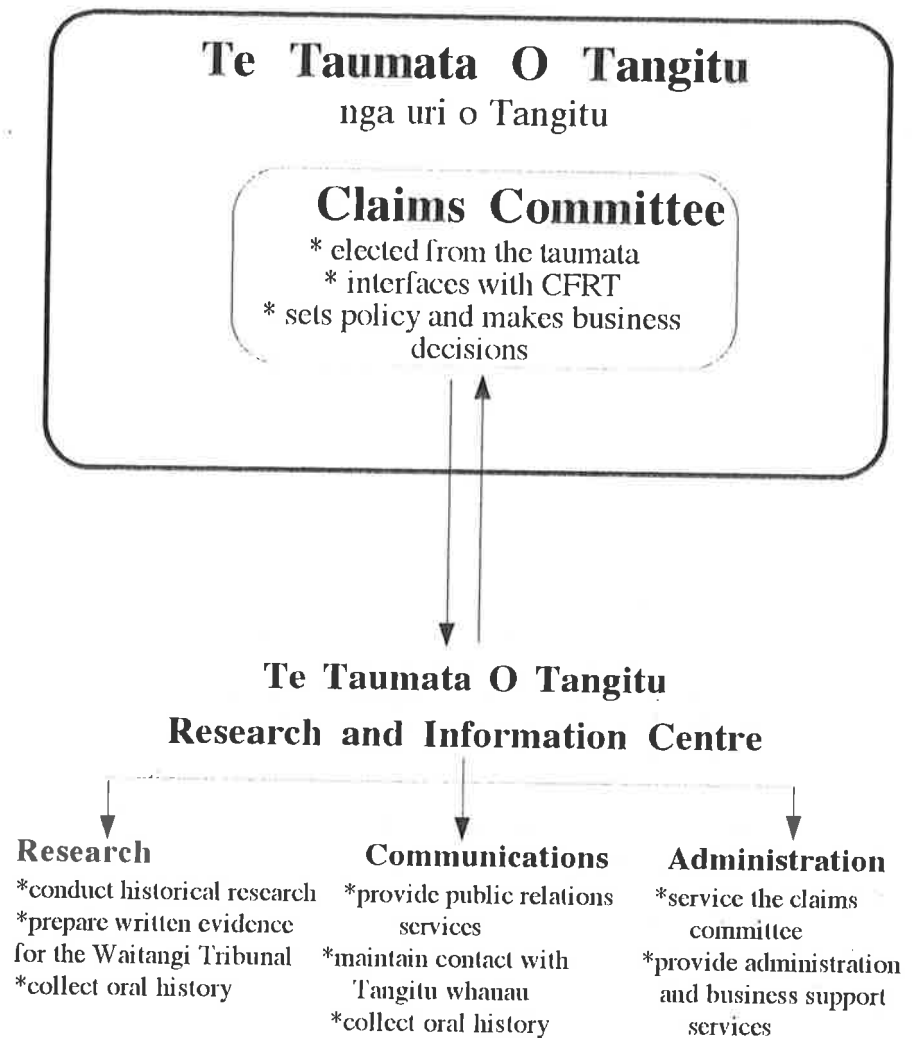
Te Taumata o Tangitu (Tangitu) is the claimant group that is researching how land in the Otangaroa State Forest - or nga ngahere o Tangitu - has passed into Crown ownership. Tangitu has chosen to pursue its claim through a particular process, the Waitangi Tribunal claims process. The Crown Forestry Rental Trust (CFRT) is funding the research. The research results will eventually become evidence presented to the Waitangi Tribunal in support of the claim.

All whanau and hapu who have an interest in nga ngahere o Tangitu are included in the taumata. Numerous whanau and hapu throughout north and south Hokianga, the Bay of Islands, Whangaroa and Mangonui have participated in taumata hui since March 1994.

Te Taumata o Tangitu has elected a claims committee to run taumata business. The committee has fortnightly business meetings, and meets with the people (the taumata) monthly.

The committee also employs a team of staff who conduct research, collect oral history, provide public relations services, and provide support services for the committee and staff.

This diagram explains the structure of Tangitu and its mahi:



# TE MAHI RANGAHAU

Research is integral to the claims process that Tangitu is using. Currently Tangitu is focussing on producing the research results required to take a claim to the Waitangi Tribunal.

The CFRT is funding the research. It recommends that the research cover three discreet stages:

- traditional history;
- land loss; and
- the social consequences of land loss.

Monthly newsletters keep the whanau informed of progress with the research.

## Traditional history

Tangitu will compile a traditional history of the claim area. This history will tell the tribunal who the claimants are and how they link with the land. It will describe the traditional use and occupation of the land before it was alienated from Maori ownership.

The Tangitu researchers will collect oral history from whanau. The oral history will contribute whanau stories to the traditional history. Some of these stories may include information about grievances that arose when the land was lost from Maori ownership; and/or ongoing protest about the grievance.

Research for the traditional history will also use written sources. Besides books, these sources include records left by early European visitors such as missionaries and traders, and early records of the Maori Land Court. Many Maori people have also left written records which the researchers may use.



## Land loss

The research into land loss will detail the actual process by which the land claimed went out of Maori ownership. It will also detail ways in which the Crown may have breached the Treaty of Waitangi in acquiring the land, or allowing others to acquire it.

Currently, the land loss research is divided into four key research areas:

- old land claims;
- Crown purchases 1840-1865;
- Crown and private purchases 1865-1900; and
- loss of Maori land 1900-1995.

For nga ngahere o Tangitu, the earliest land loss was an old land claim. The transaction for the land occurred in 1833. However, the Crown's investigation into the transaction was incomplete until 1863.

Old land claims are a key research area for many treaty claims affecting Taitokerau. Maori have claimed that the Crown failed to investigate old land claims properly, and that any surplus lands ought to have returned to Maori ownership.

Tangitu will research Crown purchases, 1840-1865. The treaty was signed in 1840, and the Native Land Court was set up in 1865. Between 1856 and 1864, the Crown acquired more than 50,000 acres in the vicinity of nga ngahere o Tangitu

After the court was set up, Maori land continued to be alienated to both the Crown and private parties. During the 1870s, many Crown purchases in the Tangitu area occurred under the Public Works and Immigration Act 1870 and related acts.

For Tangitu, a significant proportion of the land lost from Maori ownership since 1900 has been through the Taitokerau District Maori Land Board. More recently, the Maori Trustee has also had a role in facilitating sales and leases of Maori land.

The specific blocks of land that affect nga ngahere o Tangitu are listed below. A range of methods has alienated these blocks from Maori ownership over a long period (1833-1964). The whole or parts of these blocks are now contained in nga ngahere o Tangitu:

Inumia and Upokorau	Omahuta 1 Block
Pitakatahi	Omahuta 2 Block
Kaco	Turuturumatakoutu
Mangaiti	Okaihau No. 2 Block
Paetu	Kaingapipiwai 2 South
Puketi and other blocks	Te Pukahu 1 Block
Kohumaru Block	Te Pukahu 2B Block
Te Pupuke Block	Omaunu 1A Block
Mokau (Manginangina) Block	Omaunu 1B2B Block.

Tangitu will also research a number of blocks in the vicinity, but outside the forest boundaries.

This part of the research will mostly use written sources including books, theses, government department files, papers produced by and for parliament, and private records of key people.

These sources are variously held at:

- libraries in Whangarei, Auckland and Wellington;
- National Archives in Wellington and Auckland;
- the Maori Land Court in Whangarei; and
- a range of private archives and libraries.

## **The social consequences of land loss**

The social consequences or social impact research will detail Maori responses and reactions to land loss. It will also detail the impact that land loss had on Maori development.

Tangitu will use both written and oral sources for this part of the research.

The social impact research will consider any landlessness or deprivation arising from the alienation of Maori land. It will produce any available evidence of protest against methods of land alienation, and the alienation of specific blocks. Such evidence may include petitions and letters of complaint.

This research will also describe the current socio-economic situation of the claimants. A report on social impact will use indicators such as education, health, income, and employment statistics.

# NGA MOMO TARI

Te Taumata o Tangitu has chosen to pursue its claim through the Waitangi Tribunal claims' process. In carrying out its work, Tangitu interacts with a number of official agencies and procedures, including:

- the Waitangi Tribunal;
- the Crown Forestry Rental Trust; and
- the protection of claimant interests in Crown assets.

## The Waitangi Tribunal

In 1975, the Treaty of Waitangi Act came into force. This act established the Waitangi Tribunal. The tribunal was established for the express purpose of investigating claims against the Crown (government) for breaches of the Treaty of Waitangi.

The Waitangi Tribunal is a commission of inquiry. It currently has seventeen members.

Initially, the tribunal could only investigate claims arising since 1975. But since 1985, the tribunal has been able to investigate claims dating back to 6 February 1840.

In carrying out its work, the Waitangi Tribunal can:

- make binding recommendations to return State Owned Enterprise land<sup>1</sup> to Maori ownership;
- order witnesses to come before it;
- order material or documents to be produced before it;
- search out material and facts to help it to decide on a claim;
- refuse to inquire into a claim if it considers that claim too trivial, or if there is a more appropriate means by which the grievance can be resolved;
- receive any evidence which assists the tribunal in dealing effectively with the matter; and
- hold hearings on marae and follow marae kawa when it does so.

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<sup>1</sup> State Owned Enterprise land is land transferred to state enterprises (eg NZ Post and Telecom) under the State-Owned Enterprises Act 1986.

The flow chart on the next page explains the Waitangi Tribunal claims process. Tangitu is currently at the stage of conducting its own research. The research will become the evidence that Tangitu presents to the tribunal in support of its claim.

Two variations on the claims process are available to claimants:

- mediation; and
- direct negotiation.

Once a claim is registered, claimants may decide that a mediation might settle their claim. They can ask the tribunal to appoint a mediator. The tribunal will appoint one of its members, its director, or some other person to mediate between the claimants and the Crown.

If mediation fails to settle a claim, the claim may return to the tribunal process for a full hearing.

Direct negotiation allows claimants to negotiate with the Crown before and/or during the tribunal's hearings of their claim(s). Claimants ought to say so in their claim if they think their grievance may be settled by direct negotiation.

Claimants may seek direct negotiation at any point during the claims' process.

For further help in making claims, seek legal advice or contact the tribunal. Address correspondence for the tribunal to:

the Director  
Waitangi Tribunal Division  
Box 5022  
Wellington.

## *Flow Chart of the Claims Process*

(Source : A Guide to the Waitangi Tribunal, Dept of Justice, 1993)

*Application received*

↓  
*Checked against Treaty  
of Waitangi Act 1975*

↓  
*Entered as a claim on  
the register. \* At this  
stage, the claim may  
be joined with similar  
claims.*

→ *All people with an interest  
are notified.*

↓  
*Research is carried out by :*  
- *person(s) the tribunal;*  
*commissions; and/or*  
- *person(s) the claimants*  
*commission under*  
*tribunal authorisation; and/or*  
- *tribunal staff; and/or*  
- *the Crown Law Office*

→ *Tribunal is constituted to  
hear the claim. \*Hearings  
begin, witnesses are called,  
experts consulted, and  
evidence examined.*

↓  
*Claim withdrawn before  
hearing.*

↓  
*A report is written and sent  
to the Minister of Maori  
Affairs and Cabinet giving the  
findings and recommendations  
of the Waitangi Tribunal..*

↓  
*The Tribunal recesses to  
consider its decision.*

↓  
*Government officials study tribunal recommendations.*

*\*Opportunity to choose direct negotiations with Crown.  
Tribunal may refer claim to mediation.*

## The Crown Forestry Rental Trust

The Crown Forestry Rental Trust (CFRT) funds Tangitu to:

- hold claims committee meetings;
- hold hui taumata;
- report to the CFRT;
- prepare historical evidence;
- provide administration and business support services; and
- provide communications services.

The CFRT was set up as part of an agreement between Maori and the Crown. The agreement allowed the Crown to sell its state-owned forest stocks, without prejudicing any claims that Maori may make to the tribunal about the land.

The Crown Forest Assets Act 1989 act allows the Crown to sell cutting rights in state forests, without selling the land. The tribunal retains the responsibility for investigating and determining land claims affecting the forests. The forests that are subject to the act are all exotic forests, mainly radiata pine.

New owners who buy the forests from the Crown pay a rental for the land on which their forests grow. The CFRT receives and invests proceeds from the rentals. The interest earned from the investments assists Maori claimants to prepare, present and negotiate claims to the Waitangi Tribunal. The claims must be relevant to forests subject to the 1989 act.

Upon hearing Crown forest claims, the Waitangi Tribunal may make binding recommendations. Thus the CFRT will eventually distribute the rental proceeds to Maori claimants and/or the Crown, according to tribunal recommendations.

For CFRT assistance write to:

the Secretary  
Crown Forestry Rental Trust  
P O Box 2219  
Wellington

## Protecting claimant interests in Crown assets

The Crown has designed two procedures for ensuring claimant interests are protected when the Crown wishes to sell land it owns:

- restrictions on State Owned Enterprise (SOE) land; and
- the 'Protection Mechanism for Surplus Crown Land'.

Neither of these procedures change the Waitangi Tribunal process.

### *State Owned Enterprise land*

The State-Owned Enterprises Act 1986, and the Treaty of Waitangi (State Enterprises) Act 1988 both affect SOE land subject to treaty claims. There are restrictions on land the Crown transferred to SOEs and tertiary educational institutions. These restrictions are endorsed on the titles to SOE properties. They allow the Crown to resume title to the land in order to use the land in settlement of relevant claims. The Waitangi Tribunal may make a binding recommendation for the Crown to return SOE land to Maori ownership, after hearing the relevant claim(s).

### *The protection mechanism*

Sometimes government departments, Crown Research Institutes (CRIs), and Crown Health Enterprises (CHEs) want to sell surplus land. The Crown has introduced the 'Protection Mechanism for Surplus Crown Land' to protect claimants' interests when such sales are proposed.

The Crown notifies iwi of proposed sales. Iwi are given a month to write submissions about the sale. They are asked which of three categories they think the land concerned belongs to - A, B or C.

Category A sites are considered essential to the settlement of claims. They are sites of special historical, cultural or spiritual significance such as wahi tapu and pa sites.

Category B sites are of special importance, such as maunga and awa.



Category C sites are those that claimants particularly seek for settlement of their claim(s).

The Department of Survey and Land Information receives the submissions iwi write, and send them to an Officials Committee in Wellington. The committee considers the submissions, and makes recommendations to the government.

The government makes the final decision. Iwi are notified accordingly. If the government agrees a property meets category A criteria, it may be transferred immediately to the claimants, or land banked. For properties fitting the B and C categories, the government may agree to land banking the property.

For advice about the protection mechanism write to:

the District Surveyor  
Department of Survey and Land Information  
Rural Bank Building, 5-7 Hunt Street  
Box 744  
Whangarei

### *Land banking*

To land bank a property, the Crown buys the property from the department, CRI or CHE that owns it. The Crown puts the land in a land bank. It keeps the land until it is used to settle the relevant claim(s).

Claimants must agree to a number of stipulations before the Crown will land bank property. These stipulations include:

- a limit on the total value of the land bank;
- that the land is banked 'as is where is'; and
- that the land bank is reviewed every twelve months.

## Sources

Besides its own preliminary research, and the contributions of its kaumatua, Te Taumata o Tangitu used a number of other sources to write this booklet. Whanau may like to access these publications directly through their local libraries, the Tangitu library, or the appropriate agency:

Crown Forestry Rental Trust (1994) *Crown Forestry Rental Trust Information Manual*, Wellington.

Crown Forestry Rental Trust (1994) *The Maori Land Legislation Manual*, Wellington.

Jane Tucker (1994) *Maori Claims: how to research and write a report*, Waitangi Tribunal occasional publication 1/1994, Wellington.

Office of Treaty Settlements (1994) *Crown Proposals for the Settlement of Treaty of Waitangi Claims: a summary*, Department of Justice, Wellington.

Waitangi Tribunal Division (1993) *A Guide to the Waitangi Tribunal*, Department of Justice, Wellington.

Waitangi Tribunal Division (1993) *Te Ara Tirohanga: a guide for researchers into Maori claims*, Waitangi Tribunal occasional publication 3/1993, Wellington.

## Enquiries

For enquiries regarding Te Taumata o Tangitu, contact the communications co-ordinator at:

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ph 09-405 0825

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