

**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**CIV-2014-416-24**

**UNDER** the Judicature Amendment Act 1972 and/or Part 30 of the High Court Rules

**IN THE MATTER OF** an application for judicial review of the Waitangi Tribunal's report, *The Mangatū Remedies Report* (2013)

**BETWEEN** **ALAN PAREKURA TOROHINA HARONGA**, of Wellington, Chairman of The Proprietors of the Mangatū Blocks Incorporated, a Māori incorporation under Te Ture Whenua Māori Act 1993

**First applicant**

**A N D** **TE AITANGA A MĀHAKI TRUST**, a charitable trust having its registered office at Gisborne

**Second applicant**

**A N D** **WAITANGI TRIBUNAL (TE RŌPU WHAKAMANA I TE TIRITI O WAITANGI)**, a commission of inquiry established pursuant to s 4 of the Treaty of Waitangi Act 1975

**First respondent**

**A N D** **ATTORNEY-GENERAL**, sued in right of the Crown and as the respondent in the Tribunal

**Second respondent**

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**AFFIDAVIT OF ALAN PAREKURA TOROHINA HARONGA  
Sworn the 22<sup>nd</sup> day of August 2014**

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I, **ALAN PAREKURA TOROHINA HARONGA**, businessman of Wellington, take oath and swear that:

**A. Introduction**

1. I am the applicant in this proceeding. I am Te Aitanga a Māhaki, Rongowhakaata, Ngāi Tāmanuhiri, Whakatohea and Ngāti Kahungunu ki Wairoa. My Te Aitanga a Māhaki affiliations are to Ngāti Wāhia, Ngāriki Kaiputahi, Te Whānau a Taupara, Te Whānau a Kai, Ngaitamatea, Whakauaki, Te Whānau a Iwi, Ngā Pōtiki and Ngāti Matepu.
2. I bring this proceeding in my capacity as chairman<sup>1</sup> of The Proprietors of Mangatū Blocks Incorporated ("Mangatū Incorporation"). Mangatū Incorporation is currently a Māori incorporation within the meaning of Te Ture Whenua Māori Act 1993. As such, we act as trustee of the land for our owners, who retain a direct link to the whenua.<sup>2</sup> This connection is very important to our owners. Mangatū Incorporation represents the owners, with the mandated responsibility to ensure the protection of their Taonga Tuku Iho (ancestral treasure), looking with confidence to an honourable and proper outcome for the owners.
3. Mangatū Incorporation administers an estate of approximately 100,000 acres<sup>3</sup> with currently around 5,300 owners descended from Ngāti Wāhia, Ngāriki and Te Whānau a Taupara, who are all hapū affiliated to Te Aitanga a Māhaki. Our ownership numbers are steadily on the rise as we process successions (around 50-100 a year).

**The 1961 Land**

4. The Mangatū Incorporation claim relates to the Crown's acquisition of 8,626 acres give or take of the Mangatū No 1 Block in 1961 (which I will refer to as the "1961 Land"). The Crown required the land for an afforestation scheme to arrest severe erosion, and refused to countenance alternatives to acquiring the land outright. Although classed by the Crown as a sale, our old people have always referred to the transaction as a forced sale. It is gratifying that the Waitangi Tribunal reached a similar

<sup>1</sup> I was first elected onto the seven member Committee of Management in 1986 and have been Chair since 1990. I am also an owner in Mangatū Incorporation.

<sup>2</sup> Te Ture Whenua Maori Act 1993, ss250(2) and (4).

<sup>3</sup> We still own approximately 100,000 acres despite the sale of 8,626 acres because of amalgamations with other blocks and land acquisitions since the sale.



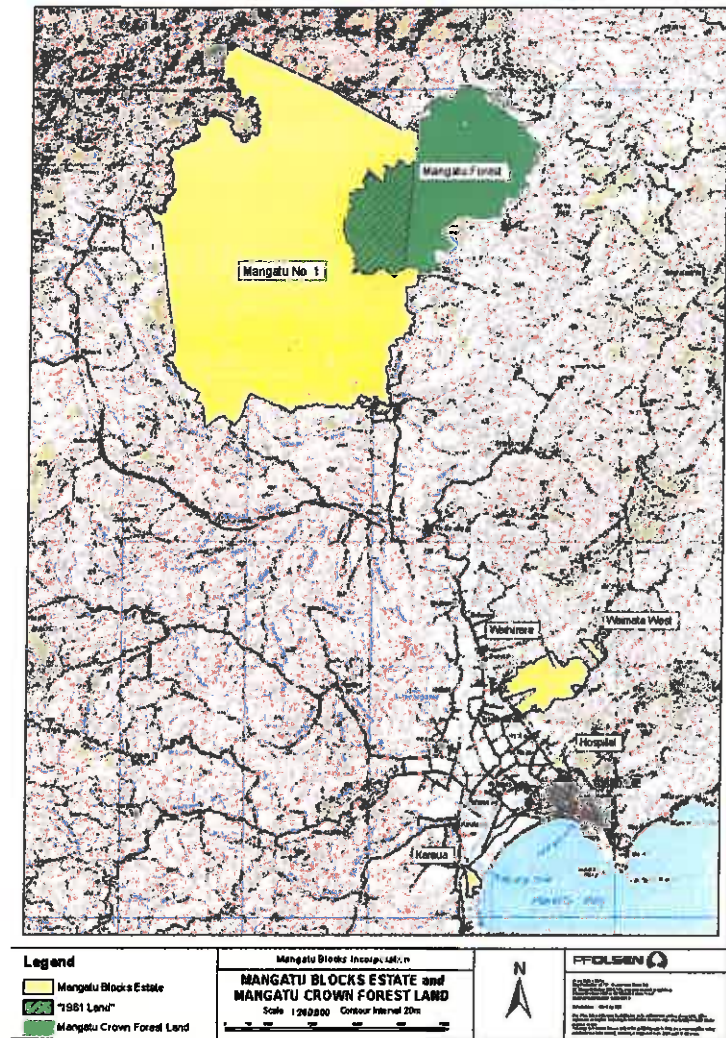
conclusion<sup>4</sup>. Mangatū Incorporation, on behalf of the 1961 owners and their descendants, is seeking the return of the 1961 Land to remedy the prejudice caused by the Treaty breach.

5. In order to provide some perspective I enclose a map to show the location and size of the 1961 Land, in relation to the rest of the Mangatū State Forest, and in relation to all Mangatū Incorporation lands today. The Mangatū state forest is coloured green, and the 1961 Land is the cross-hatched area that looks like a 'bite' taken out of the Mangatū No 1 block. Several points of interest to note are:

- 5.1 The 8,626 acres of the 1961 Land constitutes just over one-quarter of the Mangatū State Forest, a commercial production forest of 12,200ha or 26,840 acres. Mangatū State Forest is Crown forest licensed (CFL) land within the definition of the Crown Forest Assets Act 1989;
- 5.2 Mangatū Incorporation owned the fee simple of the 1961 Land;
- 5.3 The 1961 Land was an integral part of the Mangatū No 1 Block. ***This is the only land that has been lost from the Mangatū No 1 block since the block was created in 1881.***

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<sup>4</sup> Waitangi Tribunal Report, *Tūranga Tangata Tūranga Whenua, The Report on the Tūranganui A Kiwa Claims* (2004), p733. I will refer to this as the *Tūranga Report*.



## B. The History of Mangatū Incorporation

- I feel that it is important for the Court to understand the long proud history of Mangatū Incorporation, as that goes a long way to explaining why we have fought such a long battle over the 1961 Land.

### *Establishment of Mangatū Incorporation*

- My great-great grandfather, Wi Pere, was a leader of Ngāti Wāhia, Te Aitanga a Māhaki and Rongowhakaata, and he served as a Member of Parliament for many years. Wi Pere spoke out about what was happening to our people with the Native Land Court and the loss of much of our ancestral whenua, and he was determined to do everything in his power to prevent Māori land passing out of Māori control. Wi Pere's vision was to assist our people to adapt to the new world order by promoting the economic development of Tūranga land for the benefit of the hapū. The structural problems with Māori land title were one of the major obstacles

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that he attempted to wrestle with, but the twin handicaps of overcoming the loss of control created by individual title and securing capital for development proved almost insurmountable. Sadly, as the Tribunal has concluded, Wi Pere was largely defeated in his lifetime by the system.

8. Through the many disappointments that Wi Pere and others faced, however, the creation of Mangatū Incorporation to protect our ancestral whenua stands as a lasting achievement. Wi Pere and others formed the Mangatū Incorporation as a vehicle for the hapū to maintain control over the 100,000 acre Mangatū No 1 block, and this action proved instrumental in ensuring that Mangatū No 1 remained largely intact and was able to be developed into the successful enterprise that it is today. Mangatū Incorporation is an ongoing legacy of the struggle of Wi Pere and other leading rangatira.
9. Supported by their hapū and iwi, Wi Pere and other rangatira and tohunga had led the claims to the Mangatū lands before the Native Land Court in 1881 on behalf of Ngāti Wāhia, supported by Pera Te Uatuku of Ngāriki. The Mangatū claims to 160,000 acres of land ended up being split into six blocks, of which the largest by far was the 100,000 acre Mangatū No 1 block. On 11 April 1881, the Native Land Court delivered judgment on ownership of the Mangatū No 1 block, and found that the "chief owners" were the leaders Wi Pere and Wi Haronga on behalf of Ngāti Wāhia and Ngāriki.
10. Wi Pere's plan was to protect Mangatū No 1 from the pressure of sale by creating a trust to manage the land on behalf of the remainder of the owners.<sup>5</sup> Wi Pere and others also persuaded the Court to declare the land inalienable other than by lease for a period of 21 years.
11. The Court awarded title in the name of twelve owners who were to act as a board of management on behalf of the hapū, but ruled that it could not legally accept the trust deed and that the 'trust' was a voluntary arrangement. Subsequently, the twelve-person title caused problems as the Court ruled it could not recognise the interests of anyone other than the 12 owners in the land.
12. To overcome the problems encountered in trying to manage the land on a communal basis without the legal ability to do so, Wi Pere and others

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<sup>5</sup> *Tūranga Report*, p677.

promoted the Mangatū No 1 Empowering Act 1893, which provided for the incorporation of the owners of the block. A committee of management would administer the land on behalf of the body of owners. There was considerable opposition to Wi Pere's initiative: some politicians feared land being managed under Māori control and promoted continued individualisation of title. I pause here to note that in his recent biography of Wi Pere, my cousin Joseph Pere reviews the debate that took place in Parliament over the bill. Many speakers were openly sceptical, and feared that without any supervision by a government authority, a management committee would abuse its power and/ or allow the venture to fail. Joseph Pere comments that:

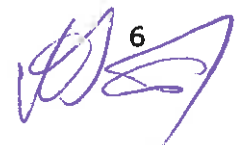
It was indeed the first attempt by Māori landowners to secure statutory authority for administering their land through the system of incorporation, and the bill drew much attention. Experience of previous years in the House had taught many Pākehā settlers and their political representatives to be suspicious of the ability of Māori to run large-scale farms for themselves. That a management committee of a mere seven individuals could administer and improve a 164,000-acre estate was considered a dubious proposition.

In spite of this, albeit with strong reluctance, members came to see there might be some value in letting the Māori of Mangatū in the district of Tūranganui a Kiwa retain their land. Members of the House were eventually persuaded to allow Māori to try running the block under incorporation, however the assumption was that the grant of land by the Crown to Māori would almost immediately be sold to Europeans, resulting in injustice and negative consequences for Māori.<sup>6</sup>

13. The Mangatū No 1 Empowering Act 1893 was passed into law, providing for the incorporation of the 179 owners as a body corporate, and making Mangatū Incorporation the first Māori incorporation sanctioned by law. The 1893 Act is annexed as Appendix **APTH 1**.
14. The early years of the Incorporation were mired in difficulty, mainly because the Incorporation soon found it could not raise capital on Māori-owned land. The inability to obtain capital was to prove a significant and ongoing problem, and over the years the future of Mangatū No 1 was under threat on more than one occasion due to the level of debt. Mangatū No 1 could have been lost as early as the 1880s, when the land was saved from the mortgagees of the New Zealand Native Land Settlement Company by the inalienation restrictions on the title.

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<sup>6</sup> Pere J, *Wi Pere*, pp229-230.



15. By the late 19<sup>th</sup>- early 20<sup>th</sup> century, Mangatū was so cash strapped that it had to lease much of its land to Pākehā leasees (by 1911, 47,122 acres was leased to Pākehā).<sup>7</sup> The leasees cleared the land through slashing and burning. There were stories about dense black clouds of smoke that were visible from as far away as Tolaga Bay and Gisborne. Most of the leasehold land had been cleared by 1914. Almost immediately, the land in the upper Waipaoa catchment started to erode.
16. In his history of those early years, Peter Gordon notes that in 1911 the owners had asked the trustees to stop leasing the land to Europeans because they wanted to farm on their own account.<sup>8</sup> This was simply not possible at that time, and in 1917, as a result of continued financial problems, the Mangatū trust land came under the control of the East Coast Commissioner.
17. The other challenge facing Mangatū was the compilation of ownership lists. I will not repeat the history that the Tribunal has traversed concerning the history of litigation over the lists, and the addition of Te Whānau a Taupara in 1922.<sup>9</sup>
18. It was not until the late 1940s that the land was returned to the control of the owners, after years of lobbying by the owners to secure their return.
19. On the 14th of September 1993, the owners of Mangatū Incorporation celebrated 100 years of official existence and produced a booklet *Te Rau Tau O Te Whenua O Mangatū 1893 – 1993* highlighting many memorable, interesting and poignant moments over its long and proud history.

### **C. Coerced Sale of 1961 Land**

20. Mangatū Incorporation is a success, first and foremost because through all the trials and tribulations that we have been faced with over the years we have retained our whenua. The owners' determination to hold steadfast to the whenua was overcome in 1961, when to adopt the Tribunal's words, the owners' "implacable opposition to sale" was reversed by the misrepresentations of the Crown.<sup>10</sup> Mangatū wanted the government to

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<sup>7</sup> Gordon P, "Highlights of the Mangatu Centenary to 1959", p7, in *Te Rau Tau o Te Whenua o Mangatu: 1893-1993*, a booklet prepared by Mangatu for the centenary celebrations.

<sup>8</sup> Gordon P, "Highlights".

<sup>9</sup> *Tūranga Report*, pp679-692.

<sup>10</sup> *Tūranga Report*, p748.



agree to an alternative to sale, such as providing land for land, but the government could or would not. This sale went against all that the owners of Mangatū Incorporation had stood for.

21. I have already referred to the fact that the erosion problems had arisen following the widespread clearance of the land by Pākehā leasees in the early 20<sup>th</sup> century. I quote the following summary of the situation because it underscores the 'national interest' at play in saving the Gisborne plains:

The owners of Mangatū were compelled to sell by the government and the public, in the interests of saving the fertile (and mostly Pākehā owned) Gisborne plains.

The Mangatū lands were victims of an inherent geological flaw that existed before settlement in the area. The land predominantly consisted of crushed argillite and bentonite clay. This soil is highly erodable and was kept stable by the original forest cover whose roots held the soils together. The settlement of this area by European settlers upset this delicate balance as huge areas of land were cleared and burnt. Grass was sown for sheep and cattle production. This caused havoc, as the newly sown grass roots could not hold the soil, which slipped quietly into the rivers causing them to be choked with debris.

Flood frequency escalated as the rains quickly penetrated and saturated the grass covered soils that swept into the rivers. These rivers were soon overwhelmed by soil and debris, which flowed and covered the fertile Gisborne Flats.

[...]

By the 1950s the erosion problem had become so severe that something had to be done and the Crown eventually rejected all alternative ideas, which was adamant that the New Zealand Forest Service was the only competent authority to carry out the afforestation work. The New Zealand Forest Service was stated to be the most competent body to manage the afforestation as the country could not afford to "jeopardise" the productive Gisborne Flats. Therefore, the only option implemented by the Crown was to acquire outright title to Mangatū land.

From 1955 to 1961 pressure was brought to bear on the Mangatū owners to again sell their ancestral Maori land. In 1958, Eruera Tirikatene, the Minister of Forests visited Gisborne and viewed the erosion in the upper Waipaoa Catchment. Tirikatene appealed to the Mangatū owners to allow the afforestation of their ancestral land in the national interest. This plea was rejected as the owners were unwilling to sell their ancestral land. Their only compromise would be to negotiate a land for land exchange.<sup>11</sup>

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<sup>11</sup> Haapu J, "Summary of Mangatū Report And Response To Tribunal Questions Arising From The Statement Of Issues", P 20 – 25.



22. The 1961 Land issue has always been a festering sore for our owners, particularly our koroua and kuia who still have vivid memories of 1961. I have been aware of this issue for many years, as my grandfather Rongowhakaata Halbert was a member of the Mangatū Committee of Management in 1961 and I recall it being discussed by the family from time to time.
23. Mangatū Incorporation's centenary in 1993 was a time for reflection on Mangatū's successes and failures over the previous century. It is notable that the loss of the 1961 Land was regarded as a key event in our history. In his speech at the centenary celebrations, Sir Henare Ngata's analysis of the sale was remarkably prescient in terms of the conclusions reached by the Tribunal:

That there was considerable pressure on the Mangatū owners and the Mangatū Committee to sell is undeniable. There were references in the discussions with Government officials of the power the Government possessed of acquiring the land by compulsion, and of imposing restrictions and requirements on landowners which compelled them to carry out costly erosion control measures.

In the end, although the actual decision to sell was not made under any immediate threat of compulsion, the pressure over the previous twelve months at least was unrelenting.

I believe there is in the records sufficient evidence of 'pressure' to warrant the Incorporation putting a case to the Waitangi Tribunal for recovery of the land acquired by the Crown for forestry.<sup>12</sup>

24. Sir Henare concluded his remarks by regretting that the sale contravened an important principle which the Committee had always upheld, namely that Māori land should never be sold unless it was on a land for land basis.
25. Although we have gone to a good deal of effort to recover the 1961 Land, the irony is that it could not be regarded as good land in a commercial sense. Indeed it may actually be a liability given its erosion prone nature, including the Mangatū and Tarndale slips, which I understand possess the distinction of being the two largest slips in the Southern Hemisphere. That is by the by, however, for as the kaumātua and kuia remind me, the point is that this is our ancestral land. Securing its return is an enormously important point of principle for our owners, and hence the journey that we have been on to reach this point.

<sup>12</sup> Speech by Sir Henare Ngata, "Mangatu Centenary 1959-1987". Sir Henare's speech is annexed to his affidavit attached as Appendix **APTH 2**.

26. The Mangatū philosophy is captured by our vision statement, which highlights the concept of sustainable development for our people, whilst maintaining an overarching responsibility to act as guardians of our ancestral land:

Kia noho hei kaitiaki mō ngā papa whakatipu, hei whakakao i ngā taonga hei oranga mō ngā whakatipuranga e whai āke nei.

To be guardians of our ancestral lands optimising resources to create a sustainable future for our people.

#### **D. Journey to Seek Return of the 1961 Land**

27. The Committee of Management has always approached the *take* of the 1961 Land on the basis that we have a responsibility to act in the best interests of our owners. Our thinking is premised on the simple logic that as the land was taken from the owners of Mangatū Incorporation in breach of the Treaty, so it should be returned to us. After all, if it were not for the Crown's coercive tactics in misleading our owners into thinking there was no option but to sell, Mangatū Incorporation would still own the land.
28. The first step was taken in 1992, when the Mangatū afforestation claim (Wai 274) was filed in the Waitangi Tribunal by Eric John Tupai Ruru (who at that time was a member of the Committee of Management), seeking the return of the 1961 Land to the owners of Mangatū Incorporation. The Committee of Management monitored progress with the claim, and also played a support role in nurturing the initial claim team acting on the Te Aitanga ā Māhaki claims (called the Te Aitanga ā Māhaki Research Unit) for a year or so until they had sufficient resources to set up their own administration. The Mangatū claim was then advanced through the Tribunal inquiry under the umbrella of the Te Aitanga ā Māhaki claims.

#### **Mangatū Incorporation's Journey Through the Court System**

|           |   |
|-----------|---|
| 1992      | Wai 274 filed by Eric John Ruru on behalf of Mangatū Incorporation and Te Aitanga ā Māhaki seeking the return of the 1961 Land (and the remainder of the Mangatū forest). |
| 2001-2002 | Tūranganui a Kiwa Inquiry hearings.   |
| 2004      | Waitangi Tribunal report <i>Tūranga Tangata Tūranga Whenua</i> released.  |
| 2007      | Negotiations commence between Tūranga Manuwhiriwhiri and the Crown.   |

|                   |   |
|-------------------|---|
| February 2007     | Mangatū Committee of Management resolves in principle to continue seeking the return of the 1961 Land on behalf of the owners.  |
| 2008              | Negotiation of an Agreement in Principle with Tūranga Manuwhiriwhiri highlights to the Mangatū owners that Te Aitanga ā Māhaki would be offered the opportunity to purchase the Mangatū Crown Forest Lands including the 1961 Land.   |
| July 2008         | The Committee of Management decides to file a fresh claim (Wai 1489) to the Waitangi Tribunal seeking resumption of the 1961 Land to Mangatū Incorporation owners and applies for an urgent hearing before negotiations reaches a district-wide settlement. <sup>13</sup>                                     |
| 28 August 2008    | Judge Coxhead declines Mangatū Incorporation's application for an urgent hearing and recommends negotiation with the Crown and Tūranga Manu Whiriwhiri (the Tūranga negotiating body of which TAMA was a member).   |
| 29 August 2008    | Tūranganui a Kiwa Agreement in Principle signed.  |
| 13 March 2009     | Te Pou a Haokai (as TAMA was then known) <sup>14</sup> confirms in writing to Crown that it would be willing to consider what it calls a "win-win" solution, whereby the 1961 Land is offered to Mangatū, subject to terms being agreed between the Crown and Te Pou a Haokai around a substitution of value. |
| Feb & June 2009   | Crown declines "win-win" proposal.  |
| 28 August 2009    | The Committee of Management authorises filing a fresh application for an urgent hearing of our resumption application on behalf of the owners of Mangatū Incorporation.   |
| 17 September 2009 | Further application for urgent hearing of resumption claim filed.   |
| 21 October 2009   | The application for an urgent hearing is declined a second time by Judge Clark.   |
| 23 December 2009  | Mangatū Incorporation then sought judicial review of the decision by Judge Clark in the High Court, unsuccessfully.   |
| 19 May 2010       | An appeal to the Court of Appeal is declined.   |
| 19 May 2011       | On further appeal, the Supreme Court finds that the Waitangi Tribunal is required to determine whether or not   |

<sup>13</sup> We were unable to use Wai 274, due to the claimant John Ruru's concern that his dual positions as a negotiator for Tūranga Manu Whiriwhiri and as a member of the Committee of Management created a conflict of interest, and accordingly I filed Wai 1489, which is essentially the same claim under my name.

<sup>14</sup> In the Agreement-in-Principle, Te Pou a Haokai is recorded as comprising Te Aitanga a Māhaki, Te Whānau a Kai, NgāAriki Kaiputahi, Te Whānau a Wi Pere and Te Whānau a Rangiwahakataetaea. Te Pou a Haokai then changed its name to Te Whakarau, and then Te Aitanga a Māhaki & Associates ("TAMA").

to make a binding recommendation for the return of the forest land claimed by Mangatū Incorporation and direct the Tribunal to hear the claim with urgency.

- 26 August 2011 Tribunal directed that the remedies inquiry would encompass all applications for resumption of the Mangatū CFL made by Tūranga claimants with well-founded claims.
- 25 November 2011 Mangatū Incorporation files second amended application for resumption of licensed land.
- 18-22 June,  
8-11 October,  
27-29 November 2012 Waitangi Tribunal hears the remedies claim of Mangatū Incorporation and other claimant groups.
- 18 December 2013 Waitangi Tribunal releases *The Mangatū Remedies Report*, declining Mangatū Incorporation's claim for the return of the 1961 Land.
- June 2014 Mangatū Incorporation and Te Aitanga a Māhaki file application for judicial review of *The Mangatū Remedies Report*.

#### **E. Mandate to Seek Resumption**

29. I am confident that Mangatū Incorporation has the mandate to pursue this claim on behalf of the legal owners of the 1961 Land and with the substantial support of its current owners.
30. We have kept the owners of Mangatū regularly informed, providing progress reports by way of pānui and updates at our annual general meetings. The Committee of Management has presented reports on the progress of our claim at every AGM since 2007. Our AGMs are well attended attracting around 60-150 owners and we have had overwhelming support for proceeding with the claim. For instance, at our 2010 AGM with 121 people in attendance, a resolution was passed that the shareholders support the resumption application, with only 8 voting against.
31. To put the question of mandate beyond doubt, we decided to take the additional step of polling our owners. After receiving the support from our owners at the 25 February 2011 AGM, on 9 March 2011 a pānui was sent out by mail to all our owners we had addresses for, updating them on the progress of our claim and also asking them to vote 'yes' or 'no' on the following statement:

I support the resolution to exclude the former Mangatū No 1 Block lands from the Te Whakarau (formerly Tūranga Manuwhiriwhiri and now Te Aitanga ā Māhaki and Affiliates) Deed of Settlement, and I support asking the Waitangi Tribunal to return that land to Mangatū.



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32. We mailed out a second pānui in May 2011 after the Supreme Court decision was released to inform our owners of that development, and to continue to seek the support of owners who had not responded to date.
33. Results to 30 November 2011 are as outlined in the table below.

**Mangatū Owner Support For Resumption Claim**

|   | #            | # Shares |
|---|--------------|----------|
| <b>Ownership – February 2011</b>                    |              |          |
| Total Owners  | 5,048        | 856,335  |
| Owners with Addresses                               | 3,092        | 714,268  |
| <b>Ownership Response In Support</b>                |              |          |
| Total Owners voting for resolution                  | 969          | 321,303  |
| %   | 31.3%        | 44.9%    |
| Descendants over 18 years                           | 683          | N/A      |
| Total Owner and Descendant Support                  | <b>1,652</b> | 321,303  |
| <b>Ownership Response voting against resolution</b> |              |          |
| Total Owners  | 26           | 19,062   |
| %   | 1%           | 2%       |
| Descendants over 18 years                           | 14           | N/A      |
| Total Owner Against                                 | 40           | 19,062   |

34. Overall a very positive and pleasing result with strong support from the Mangatū owners to pursue the claim. I consider that this outcome not only gave us support to continue, but obliges us to act to fulfill the wishes of our owners.
35. Since that poll was taken, we have continued to regularly send out pānui to our owners as developments have warranted to update them on progress of our claim. We have sent out ten pānui in total (March, May, November 2011; March, June, July, October, December 2012; and March, August 2014). The pānui are sent to the approximate 3,000+ owners we have addresses for, predominantly by mail but also email.
36. We also update and seek the support of owners at our annual general meetings. The following resolutions were passed at the last three AGMs:
- 36.1 The 2012 AGM was held on 17 February 2012, at Mangatū's conference hall in Gisborne, with 84 owners in attendance. After receiving an update on the claim, the following resolution (annexed as Appendix **APTH 3**) was passed:

Continue to support and authorize Committee of Management to pursue the resumption application to the Waitangi Tribunal for the return of land lost from the Mangatū No 1 Block in 1962.

- 36.2 The 2013 AGM was held on 15 February 2013, at Mangatū's conference hall in Gisborne. The 88 owners in attendance were provided with an update on the claim, and were advised by the Committee that the intention is to return the land to the owners registered in 1961. The owners approved the following resolution (annexed as Appendix **APTH 4**):

Continue to support and authorize Committee of Management to pursue the resumption application to the Waitangi Tribunal for the return of land lost from the Mangatū No 1 Block in 1962.

- 36.3 The 2014 AGM was held on 14 February 2014, at Mangatū's conference hall in Gisborne, with 91 owners in attendance. After they were provided with an update on the claim, the owners approved the following resolution (annexed as Appendix **APTH 5**):

Continue to support and authorise the Committee of Management to pursue the return of land lost from the Mangatū No 1 Block in 1962.

37. The Mangatū Committee of Management meets on average six times a year and a progress report on the claim for the return of the 1961 Land is generally discussed at each meeting. At the 2 May 2014 Mangatū Committee of Management meeting, a resolution was passed to judicially review the Waitangi Tribunal's 18 December 2013 decision in the Mangatū Remedies Report.

#### **F. Application for Resumption by 1961 legal owners**

38. The application for resumption sought the return of the 1961 Land to the 1961 owners (and their descendants) from whom it was taken (refer to the second amended application for resumption, annexed as Appendix **APTH 6**, and the second amended statement of claim, annexed as Appendix **APTH 7**. This seemed the most just approach, as these were the owners that were directly prejudiced by the Crown's Treaty breach.
39. In 1961 the owners' list comprised 1,490 owners. The 1961 list of Mangatū shareholders would be correct as of the date of the 1961 Land coerced sale. The 1961 owners are the direct descendants of those 333

ancestral owners named in the first ownership lists in 1922, and that ownership remained unbroken till 1961, when the 1961 Land was coerced from us.

40. The Committee of Management is satisfied that we have the support of our owners to seek the return of the 1961 Land on behalf of the 1961 owners and their successors, many of whom will be current owners in Mangatū today. It is a matter of considerable pride to Mangatū that we have an unbroken line of succession to our ancestral land that can be traced right back to pre-colonial times. Since Māhaki's birth in 1650, my forebears along with many others are able to prove their whakapapa to Māhaki and his sons, and the Mangatū land he held mana whenua over. From Māhaki the man, to the twelve rangatira (chiefs) who were granted title in trust to Mangatū No 1 Block in 1881, to the 179 who were named as owners in Mangatū No 1 Block in 1893, to the 333 who were named as owners in 1922, to the 1,490 names when the 1961 Land was coerced from Mangatū there is an unbroken line of succession.<sup>15</sup> Mangatū's kaumātua, Rutene Irwin describes those owners as "ahi kā roa", those who have nurtured the home fires since the beginning. Many of the 1961 owners have now passed on, but there are a diminishing few like Rutene who carry the candle of hope. I annex the evidence of some of the kaumātua and kuia who appeared before the Tribunal, Rutene Irwin (Appendix **APTH 8**), Ingrid Searancke (Appendix **APTH 9**) and Hohepatahataha Brown (Appendix **APTH 10**).

### ***Principled Approach***

41. We consider that it is most important to take a principled approach in advancing our claim. Our guiding principle is that a resolution of the Mangatū claim should not undermine the value of the Te Aitanga ā Māhaki iwi settlement. Our principled approach was driven by our desire to avoid being placed into conflict with our whānaunga. I want to underscore that the Committee of Management of Mangatū Incorporation supports Te Aitanga ā Māhaki receiving just redress for the Māhaki Treaty grievances, and recognises that such redress is in the wider iwi interests.

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<sup>15</sup> This unbroken line of succession is before any legislative change that allowed a few strangers onto our ownership registers and before the amalgamations that took place with our close cousins on Mangatū 3 and 4 Blocks and Kaiwhakareirei Incorporation.

42. Having said that, we also consider that both the owners of Mangatū **and** the Iwi/ Hapū have legitimate claims deserving of remedy. We regard our claim as separate because the land was acquired directly from Mangatū Incorporation in breach of the Treaty. We were aware that the fact that the 1961 Land is Crown forest land gives us the right to seek redress through the legal route of asking the Tribunal to exercise its binding powers. Our thinking was that this route can and should be pursued because it would enable us to directly settle our claim without encroaching on redress for the serious and wide ranging historical Treaty grievances suffered by Te Aitanga a Māhaki.
43. Our situation also does not accord with the Crown's desire to settle with the "large, natural grouping" rather than individual hapū directly affected by grievances. Māhaki the iwi comprises the hapū Ngāti Wāhia, Ngāriki, Te Whānau a Taupara, Ngāi Tamatea, Ngāti Whakauaki, Ngapotiki, Te Whānau a Kai, Te Whānau a Iwi and Ngāi Tuketenui. As already indicated only Ngāti Wāhia, Ngāriki and Te Whānau a Taupara held mana whenua in Mangatū No 1 Block. The other hapū held mana whenua elsewhere. So the Crown in wanting to only deal with a "large, natural grouping" wants to create another wrong to those who have directly suffered the loss of the 1961 Land.
44. Settling our claim directly with the Crown is not an option, as the Crown has consistently refused to talk to us. In fact, at one meeting the Minister for Treaty of Waitangi Negotiations said to us words to the effect that it was iwi that had Treaty rights, not Māori incorporations. I found this attitude insulting and demeaning, not to mention more than a little ironic, given that Mangatū exists as a direct consequence of the Crown's efforts to defeat tribal control over the land. Much water has flowed under the bridge in the 121 years since Mangatū was incorporated, and we are not able now to dismantle what has been created with Mangatū Incorporation. It is an important part of our history and has become part of our identity. It has been part of the reality of our lives for six generations already since Wi Pere and Wi Haronga.
45. I was pleased that the Tribunal recognised our history in rejecting the Crown's position that Mangatū Incorporation was not a 'Treaty compliant' entity, finding that:



...the Mangatū Incorporation was established for the purpose of keeping ancestral land in the control of its owners and their descendants. It was established as an evolutionary mechanism to achieve a pragmatic solution to hapū and Whānau land-owning aspirations which were otherwise frustrated by the alienation of their land at the hand of the Crown and Native Land Court. It should also be remembered that, as we were reminded by kuia Ingrid Searancke, the incorporation 'was established as a hapū construct, it was born out of the hapū, hence our whakapapa is the woven thread that binds us as kin with ahi ka in the hapū'. It is evident that that heritage still plays an influential role in the operation of the incorporation today. To characterise the incorporation as simply 'a body of individual shareholders' is therefore unfair.<sup>16</sup>

46. From our point of view, there is nothing inconsistent about supporting both Mangatū and Te Aitanga ā Māhaki. After all, that has been our reality since 1893.
47. Throughout our journey, we have conducted our relationship with Te Aitanga ā Māhaki in accordance with our principled approach. When the Tribunal declined our application for an urgent remedies hearing in 2008, it recommended that we talk to Te Pou ā Haokai and the Crown and try and reach a solution. We followed that recommendation, and as a result we reached an agreement that Te Pou ā Haokai would allow the 1961 Land to be removed from the Māhaki settlement package on the basis that the value of the Māhaki settlement would not be undermined. An approach was made to the Crown putting this position forward as a "win-win" solution that would avoid litigation (this correspondence is annexed to the affidavit of John Ruru). The Crown rejected this proposal.
48. The arrangement in the agreement-in-principle was that Māhaki would have the option to buy the Mangatū State Forest land from the Crown at commercial value, but in doing so it would have received the accumulated rentals for the entire forest. Accordingly, removing approximately one-quarter of the forest would have meant that Māhaki received proportionately less as accumulated rentals.<sup>17</sup>

### ***The Mangatū Remedies Inquiry***

49. In the remedies inquiry, Māhaki (by then represented by TAMA), agreed not to pursue the 1961 Land unless Mangatū Incorporation's application

<sup>16</sup> *The Mangatu Remedies Report*, p102.

<sup>17</sup> According to Crown Forestry Rental Trust's annual report to appointers (annexed as Appendix **APTH 11**), in the financial year ended 31 March 2014, it was holding accumulated rentals of \$10,660,017 million for the entire Mangatu State Forest. The annual licence income was \$581,880.

was unsuccessful (described by the Tribunal as a "compromise position").<sup>18</sup> In return, we sought a recommendation from the Tribunal that the Crown, Māhaki and Mangatū should negotiate to find a way to ensure the value of the Māhaki settlement package was not undermined by the return of the 1961 Land to Mangatū Incorporation. We appreciated Māhaki's acknowledgement that the 1961 Land was important to our owners, and their willingness to accommodate our claim.

50. While we did not reach agreement with the Ngāriki Kaiputahi claimants directly, during the inquiry they modified their position to seek the retention of a "small block of land" (100 ha) in the Mangatū State Forest, but a relatively higher proportion of financial compensation.<sup>19</sup>
51. Our view of Te Whānau a Kai's claim was that the Mangatū State forest land is outside the traditional rohe of Te Whānau a Kai. In evidence, Te Whānau a Kai's leader Dave Hawea did not name the Mangatū lands in his recitation of the "traditional lands" of Te Whānau a Kai, but he then went onto assert that Te Whānau a Kai had some "interests" in the area that became the Mangatū block. We accept completely that Te Whānau a Kai have well merited claims deserving of redress, but the issue is that, as the Tribunal put it, "Te Whānau a Kai do not have claims relating directly to the Mangatū blocks".<sup>20</sup> We therefore felt that their resumption claim would have been better targeted at the State-Owned Enterprise lands within their core area of interest. Landcorp has land known as Wharekopae farm with section 27B memorials on the title which is within Te Whānau a Kai's traditional lands.
52. We were obviously very disappointed with the Tribunal's decision to reject our resumption claim. We were particularly disappointed by the Tribunal's failure to grapple seriously with the compromise solution that presented itself as a result of the position of the claimant groups during the inquiry. In terms of the forest land, Mangatū Incorporation sought the return of the 1961 Land, and, provided that Mangatū was successful, Māhaki sought the balance of the Mangatū State Forest land. Ngāriki Kaiputahi only sought 100ha. That left the Tribunal having to decide whether to include Te Whānau a Kai in some way. The other dimension is the compensation and the Tribunal's ability to adjust the Schedule 1 compensation going to each

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<sup>18</sup> *The Mangatu Remedies Report*, p15.

<sup>19</sup> Refer to *Mangatu Remedies Report*, p165.

<sup>20</sup> Waitangi Tribunal, *Mangatu Remedies Report*, p66.

group. It would have been possible, therefore, to have ordered the return of the balance of the Mangatū forest land to TAMA, coupled with generous 100% compensation to reflect the severity of the Māhaki Treaty breaches. It is not clear whether the Tribunal considered those options.

53. Since the Tribunal report has come out, we have had discussions with Māhaki and reached an understanding which again is consistent with our principled approach. We have a good relationship with the Māhaki negotiation team, and in light of that, it was decided that we should advance together in bringing these proceedings for the benefit of both the 1961 owners of Mangatū Incorporation and the wider Māhaki iwi.

## **G. Conclusion**

54. The owners of Mangatū Incorporation sought the Tribunal's recommendation for resumption of the 1961 Land to the 1961 owners because we were registered proprietors of the land in 1961 when the Crown acquired it from us in breach of the Treaty. We felt that restoring the land would heal the pain, hurt, and anguish that was felt by our kaumātua and other owners at the time the land was coerced from the Incorporation. To us, the 1961 Land represents a failure of our obligation to protect and preserve our whenua, and that is why we cannot rest until we secure its return.
55. While the technology to protect and retain our lands has changed from the taiaha to the gun to the pen, the warrior like intensity to retain our lands continues to remain strong with our owners through to today. That intensity to retain our lands is reflected in the substantial mandate that our owners gave the Mangatū Committee of Management to pursue this resumption application. That intensity is also reflected in the amount of time and energy that Mangatū and its owners have invested in going to the Supreme Court and back again in an effort to secure the return of the 8,626 acres coerced from us by the government in 1961.

  
19

56. To my mind, the case boils down to a simple proposition: 'but for' the Crown's breaches of its Treaty obligations to the owners of Mangatū Incorporation, we would still own the 1961 Land.

**Sworn** at Wellington )  
on 22 August 2014 )  
before me: )



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**Alan Parekura Torohina Haronga**



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A Solicitor/Barrister of the High Court of New Zealand

Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

## New Zealand.



### ANALYSIS.

- |  |  |
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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Owners.</li> <li>3. Incorporation.</li> <li>4. Committee appointed.</li> <li>5. Powers of Committee.</li> <li>6. By-laws and regulations.</li> <li>7. Power to sell to the Government.</li> <li>8. Execution of deeds.</li> </ol> | <ol style="list-style-type: none"> <li>9. Shares of owners.</li> <li>10. Orders in Council.</li> <li>11. Reservation as to existing rights.</li> <li>12. Public Trustee to receive rents.</li> <li>13. Public Trustee to distribute money received.</li> <li>14. Accounts to be audited.</li> <li>15. Committee to supply certified list of owners entitled to receive money.</li> <li>16. Land not to be dealt with till after survey.</li> </ol> <p style="text-align: center;">Schedules.</p> |
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### 1893, No. 4.—*Private.*

**Title.** AN ACT to incorporate the Owners of the Mangatu No. 1 Block, and to provide for the Management of the said Block.  
[14th September, 1893.]

**Preamble.** WHEREAS in the year one thousand eight hundred and eighty-one the title to the Mangatu No. 1 Block, containing one hundred thousand acres, more or less, as described in the First Schedule, was investigated by the Native Land Court sitting at Gisborne: And whereas the persons named in the Second Schedule hereto were found by the Court to be the persons entitled according to Native custom to be declared the owners of the said land: And whereas a majority of the said persons agreed in writing, by instrument bearing date the eighteenth day of April, one thousand eight hundred and eighty-one, that the certificate of title for the said land should be issued to twelve of their number only: And whereas the Court, having fully explained the rights that would be exercisable by the twelve persons in the event of the certificate of title being issued to them, gave effect to the said agreement in writing as a voluntary arrangement, and, on the thirtieth day of April, one thousand eight hundred and eighty-one, ordered that a certificate of title for the Mangatu No. 1 Block be issued to Pera te Uatuku, Tiopira Korehe, Hori Puru, Peka Kerekere, Anaru Matete, Pirihi Tutekohi, Rutene Ahuroa, Tiopira Tawhiao, Paora Kingi, Matenga Taihuka, Wi Pere, and Wi Haronga, such land to be inalienable, unless with the consent of the Governor, except by lease not exceeding twenty-one years:

And whereas, on the twentieth day of May, one thousand eight hundred and eighty-one, acting in accordance with a recommendation made by the Court at the investigation aforesaid, each of the said twelve owners (with the exception of Tiopira Tawhiao)

This is the exhibit marked "APTH 1" referred to in the affidavit of Alan Parekura Torohina Haronga sworn at Wellington this 22<sup>nd</sup> day of August 2014 before me:

Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

  
Solicitor of the High Court of New Zealand

executed a declaration of trust, declaring that they held the said land as trustees for the said persons mentioned in the Second Schedule hereto: And whereas the said Tiopira Korehe, Anaru Matete, Tiopira Tawhiao, Paora Kingi, and Wi Haronga, and many of the other persons entitled, are dead, and by reason of such deaths it is impossible to manage the said land as originally intended for the benefit of all the persons entitled: And whereas the Native Land Court refuses to recognise as owners of the said land any persons but the twelve before-mentioned, and on that ground has dismissed numerous applications made by Natives to be appointed successors to deceased persons originally entitled as aforesaid, which dismissals have led to complications, and render the management for all interested impossible: And whereas it has been agreed by and between the survivors of the before-mentioned twelve owners, and the survivors of the other persons entitled, and the representatives of those who are dead, that in order to utilise the said land, and to have the rights and interests of all those entitled to a share in the said block recognised and preserved, and to insure to each person entitled thereto a participation in the profits arising from the said block, a less number of trustees shall be appointed, that certain alterations in the powers of the trustees shall be made, and that the owners of the said land shall be incorporated for the purpose of the ownership and management of the said land, and that the intervention of Parliament shall be requested for the furtherance of this agreement, as the Native Land Court has no power to effect the same:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Mangatu No. 1 Empowering Act, 1893." Short Title.

2. The persons whose names are set out in the Second Schedule hereto, and the successors according to Native custom of those in the said Schedule who have died since the thirtieth day of April, one thousand eight hundred and eighty-one, shall be and the same are hereby declared to be the owners of the Mangatu No. 1 Block, situated in the District of Poverty Bay, County of Cook. Owners.

3. The said owners are hereby incorporated as a body corporate under the name of "Mangatu No. 1," having perpetual succession and a common seal; and the said land, called or known as the Mangatu No. 1 Block, shall be and hereby is vested in the said corporate body as and for an estate of inheritance in fee-simple in possession. Incorporation.

4. The said land and the affairs of the said corporate body shall be managed and determined by a Committee to be appointed from time to time in manner hereafter appearing. Such Committee shall consist of seven owners. The first Committee shall be elected at a public meeting of the owners of the said Mangatu No. 1 Block to be held at Te Karaka, in the District of Poverty Bay, on the first day of November, one thousand eight hundred and ninety-three, at the hour of three o'clock in the afternoon, which meeting shall be presided over by the Resident Magistrate of the district. Committee appointed.

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|---|--|
| Powers of Committee.  | 5. The Committee shall have power to manage the said land and to make leases of the same, or any part thereof, for a term not exceeding thirty years: Provided that such leases shall be made only after public tender has been called for the land so to be leased.   |
| By-laws and regulations.  | 6. The Committee shall have full power to make by-laws and regulations for the conduct of their own business and the management of the estate; but such by-laws and regulations shall only operate after the assent and approval of the Governor in Council has been given thereto.  |
| Power to sell to the Government.  | 7. The Committee shall have full power, by and with the consent of a majority of the owners in general meeting assembled, to sell any part or parts of the said land to the Crown at such price or prices as may be agreed upon between the parties.   |
| Execution of deeds.   | 8. All deeds necessary to effect any contract shall be signed by a majority of the Committee in the presence of a Judge of the Native Land Court, or other officer appointed by the Government for the purpose, and shall be sealed with the seal of the said corporation.   |
| Shares of owners.   | 9. The relative shares of the owners shall be determined by consent, or, in case of dispute, then by the Native Land Court as if the said land were subject to the ordinary jurisdiction of that Court.  |
| Orders in Council.  | 10. All matters of procedure necessary for the carrying of this Act into effect in every respect, including the future appointment of members of the Committee, and the times and manner of such appointment, shall be determined by the Governor in Council: Provided that no Order in Council shall contravene the spirit and provisions of this Act.  |
| Reservation as to existing rights.                                      | 11. Nothing in this Act contained shall prejudice or validate any rights or interests, if any, acquired in the said land.  |
| Public Trustee to receive rents.  | 12. All the rents, issues, and profits of the said land, and the proceeds of all sales thereof authorised by this Act, shall be paid to the Public Trustee, who shall have power to sue for and take all proceedings, by distress or otherwise, that may be necessary to recover the same. The Public Trustee may appoint "Mangatu No. 1" as his agent to receive such rents.                          |
| Public Trustee to distribute money received.                            | 13. The Public Trustee shall, after deducting his own expenses and those of "Mangatu No. 1," distribute the proceeds, rents, issues, and profits to the owners.  |
| Accounts to be audited.   | 14. The Audit Office shall annually audit the accounts of the Public Trustee in dealing with this block, and shall present a report each year to Parliament, stating the result of such audit.   |
| Committee to supply certified list of owners entitled to receive money. | 15. As soon as practicable after the relative interests shall have been determined as aforesaid, the Committee shall forward to the Public Trustee a list of the names of the owners, showing their respective interests. Such list, when certified as correct by the Registrar of the Native Land Court at Gisborne, shall be taken by the Public Trustee as the basis of each distribution of money. |
| Land not to be dealt with till after survey.                            | 16. No alienation or dealing with the land under this Act shall take place until the survey of the said block shall have been completed, and the Minister of Lands has by writing declared that the said block has been properly surveyed.   |

## SCHEDULES.

Schedules.

## FIRST SCHEDULE.

ALL that area in the Auckland and Hawke's Bay Land Districts, containing by admeasurement 110,000 acres, more or less, bounded towards the north-west by the Motu River; towards the north-east generally by Mangatu No. 6 Block; towards the east generally by Mangatu No. 2 Block and by the Waipaoa River; towards the south and towards the south-west generally by Mangatu Stream, Urukokomoko Stream, and Poutu Block to Maungahui, thence by Crown lands, by Rangiriri Stream, again by Crown lands and by Kaitaura Stream, to the said Motu River: excepting from the above-described area two unsurveyed blocks of land known respectively as Mangatu No. 3 Block (Pukino) and Mangatu No. 4 Block, containing approximately 10,000 acres, and which are described in the orders of the Native Land Court dated 13th April, 1881; and also all necessary roads which may hereafter be laid out under the authority of the Governor, up to 5 per centum of the whole.

## SECOND SCHEDULE.

List of names of the owners of Mangatu No. 1, 100,000 acres: Pera te Uatuku, Tiopira Korehe, Hori Puru, Te Hira Uatuku, Wiremu Iretoro, Ani Puaroa, Maraea Bawaho, Baiha Kota, Hirini Wharekete, Epeniha Hape, Te Kauru Matete, Te Aira Horahora, Hirini te Baekaihau, Ruka Tabuataka, Neri Wharekete, Heni Matekino, Peka Kerekere, Anaru Matete, Tapeta Kerekere, Penaha, Meri Hake, Henare Kingi Waingaruru, Kereama Tantuhi, Nepia Heta, Rutene Ahuroa, Hemi Whaipu, Tapita Iretoro, Pirihī Tutekohi, Hetekia te Kani, Tiopira Tawhiao, Pere Hana, Paora Kingi, Butu Iretoro, Arapeta Bangiua, Ripaka Hineko, Kaa Matewai, Hariata Ahua, Hiraina Poaru, Haromi Paku, Wikitoria Puru, Mika Rore, Maraea Mokena, Bewi Tamanui, Kararaina Kehukehu, Heni Paretaranga, Riria Mauaranui, Mareana te Weroahihi, Epeniha Tipuna, Matenga Taikuha, Arona te Baekaihau, Hone Kewa, Rutene te Eke, Patoromu Tawhaitari, Bawinia Ahuroa, Harete Taihuka, Maora Whikirangi, Heni te Auraki, Arapera Pere, Wi Pere, Bangikohera, Ka te Hane, Netana Puha, Riripeti Piwaka, Bawiri Noti, Wi te Ngira, Wikitoria Uwawa, Roka Patutahi, Apihaka Wahakai, Te Amaru, Hoana te Amaru, Paora Matnakore, Hirini te Kani, Ihais Patutahi, Patihana Mangai, Butu Kuare, Mata Moari, Wikitoria te Amo, Wi Hironga, Heni Puhī, Piriniha te Eke, Karaitiana te Eke, Bongotipare, Karaitiana Amaru, Mere Maki, Rangitana, Hera Poraku, Pohoi Amaru, Karaitiana Akurangi, Hoera Tako, Tapine Turei, Heni Tana, Mihi Hetekia (Paraire), Ripaka Awatea, Peti Taihuka, Bawiri Titirangi, Bawiri Hana Mercaira Parahua, Te Ao Pakurangi, Heni Kumekume, Mata te Hawa, Holipa Kota, Wiremu Kingi te Kawan, Pani Amaru, Keita Amaru, Wikitoria Kahu, Ruka te Kahika, Karaitiana Ruru, Tipene Tutaki, Bawinia te Ao, Merehi Ngore, Tamati te Bangi, Teira Ranginui, Bawinia te Whiwhi, Heni Tipuna, Taiuru, Hori Mokai, Mihaera Parehe, and Riripeti Oneone. *Minors*: Maata te Ao, Bawiri Tamanui, Mahanga Ahuroa, Poneke Tupeka, Pera Kararehe, Rua Hinekino, Pera Hikumate, Mere Tabatu, Manaro Pere, Peneti Hira, Ihais Puru, Mere Puru, Herewini Pusirangi, Heni Parekuta, Hoera Whakamiha, Tepupaku, Hatiwira Pahura, Tame Pahura, Ripaka Pahura, Katerina Pahura, Ihimara Pahura, Hokimate Pahura, Pepene, Hiria Kingi, Teau Hamanu, Huriata Hana, Bawiri Tokowhita, Te Owsina Marangai, Himiona Katipa, Manu te Otii, Hami Tarahan, Wiremu Pere (Takitimu), Hinewehi, Paku Hana, Tutesaritonga, Te Hata Waingaruru, Erena Wakamiha, Hinepoka Matanuku, Horomona Tuauri, Wi Pere Tupeka, Harata te Eke, Tamaihikitia, Matenga Ngamoki, Rangikapua, Te Rato, Hoera Noti, Maata Whakahawea, Ngahirata Tana, Te Teira Kuri, Taituha Matauru, Maiere, Paratene Kuri, Ngawiki Kuri, Wharepapa, Hirini Tutaha, Hetariki Tutaha, Temini Kerekere, Katirina Takawhaki, Hinepuhi, Harata Tuari, and Tuwatawata.



This is the exhibit marked "APTH 2" referred to in the affidavit of Alan Parekura Torohina Haronga sworn at Wellington this 22<sup>nd</sup> day of August 2014 before me:

IN THE WAITANGI TRIBUNAL

  
Solicitor of the High Court of New Zealand

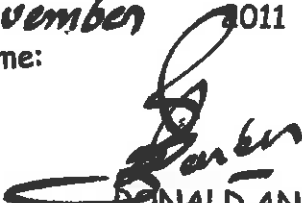
IN THE MATTER of an application by the PROPRIETORS OF MANGATU BLOCKS a Maori Incorporation

Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

I, SIR HENARE KOHERE NGATA of Gisborne, Retired Accountant, swear:

1. THAT I was Chairman of the Proprietors of Mangatu Blocks then named Proprietors of Mangatu Nos 1, 3 and 4 Blocks a Maori Incorporation, from 1959 to 1987.
2. I was involved in 1959 and 1960, as Chairman of the Incorporation in the discussions and negotiations with the Crown, and with my Committee and with the shareholders with respect to the erosion problems on and the proposed "sale" of 8,500 acres of Mangatu land for forestry purposes.
3. Attached hereto and marked with the letter "A" is a signed copy of the speech delivered by me on 14 September 1993 at Gisborne, marking the centenary of the Mangatu Empowering Act of 1893.
4. THE facts set out in my address are correct and are based on file records and file notes taken by me and my recollections of the surrounding events at the time the forestry sale was negotiated and finalised.

SWORN at GISBORNE by  
SIR HENARE KOHERE  
NGATA this 7<sup>th</sup> day  
of November 2011  
before me:

  
RONALD ANDREW BARBER  
A Solicitor of the High Court of New Zealand



MANGATU CENTENARY - 14 SEPTEMBER 1893

"A"

ADDRESS BY H K NGATA

I have been asked by the Mangatu Committee as part of today's marking of the centenary of the Mangatu Empowering Act 1893 to say something about the period during which I was involved with Mangatu.

\*\*\*\*\*

On the 17 April 1959 Judge Norman Smith, handing down his decision on an application to the Maori Land Court for the removal of the Committee then in office, appointed the following seven persons to the Mangatu Committee of Management:

|                       |                             |
|-----------------------|-----------------------------|
| Hetekia Te Kani Te Ua | New Member                  |
| Albert Horsfall       | New Member                  |
| Tamati Teneti         | New Member                  |
| Panapa Tuhoe Te Ua    | Sitting Member              |
| Hemi Kauta Wharekino  | Sitting Member              |
| Nehe Tu               | Sitting Member              |
| Henry Kohere Ngata    | New Member, and an outsider |

While the matter before the Court concerned the alleged overpayment of committee fees, the Court in its decision referred to the background of dissension and the costly litigation which had occurred since the control of the blocks had been handed back to the owners ten years earlier.

Three of the appointees were current members of the Committee, and four were new appointees including myself.

It was not an easy time for those involved:

for the four members removed:

Eru Ruru  
 Rongo Halbert  
 Reta Keiha  
 and Mahanga Brown who at one stage seriously contemplated appealing:

for the Mangatu owners

or for the new committee

The next twelve months was a period of uncertainty and some instability, particularly for the Committee, and this at a time when the Incorporation was involved in important discussions with the Forestry Service.

In May 1959 barely a month after we had been appointed, Kani Te Ua, Panapa Tuhoe and I were deemed no longer members of the Committee, the term of office of the three original members to whose positions we had been appointed having in the meantime expired.

This is the copy speech dated 14 September 1993 marked "A" referred to in the annexed affidavit of SIR HENARE KOHERE NGATA sworn at Gisborne this 7th day of November 2011 before me:-  
*[Signature]*  
 (RONALD ANDREW BARBER)  
 A Solicitor of the High Court of New Zealand

*[Handwritten initials]*

Then followed an election and further litigation in respect of the Waihirere and the Kopaatuaki Blocks, the outcome of which had a bearing on the Mangatu Committee confirmation.

In early October Hoera Ruru, Pitau Brown and I were appointed to the Mangatu Committee, but restrained from serving a month later in November, by a Supreme Court injunction.

In reality the bitter contests for positions on the Mangatu Committee, and the ensuing litigation were a continuation of the ten year struggle for power to control Mangatu. We were finally reinstated in May 1960. That period, I believe, brought home to all those concerned: the Mangatu owners, and the members of the Committee, the absolute necessity to work together, and that what was at stake was the future of one of the largest land-owning enterprises in the country, that if it were not properly run, and dissension and litigation continued, the Government had the power to step in and assume control. The then member of Parliament for Tauranga in fact called on the Prime Minister to institute an investigation. The Maori Land Court had already demonstrated that it had the power to do those very things, for after all if it could appoint one outsider then presumably it had power to appoint several.

I was very much the meat in the sandwich. I hadn't asked to be put onto the Committee. Quite the contrary, but having been appointed I was urged by many of the Mangatu owners to stay. Judge Harold Carr, whom I consulted, in fact said to me it was my duty to stay.

Within the Committee at that time there was a great deal of tension, almost to the point of physical combat. I didn't know why feelings were so strong, and I didn't wish to inquire.

In June 1960 there was another Committee confirmation hearing. I was in that period in the habit of taking notes of some of the more important events in the affairs of the Mangatu Incorporation. I had noted that at the Maori Land Court hearing of 2 June 1960 the Maori Land Court had stated that the persons elected were:

Wiremu Kerekere  
Rangi Haronga

and, in third place, Nehe Tu and not Tamati Dennis, but noted that Nehe Tu withdrew because of his desire that the Committee personnel should be balanced in the terms of the Maori Land Court's previous decision.

An enormous challenge and an enormous responsibility had been placed on the Mangatu owners when in 1949 the control of the affairs of this large Incorporation was handed back to them.

I suppose one can only describe those first ten years or so as a valuable learning experience and that the owners learnt from that experience and in the end profitted from it.

In the period in which I was directly involved, i.e. from 1959 to 1987, apart from the names I have already mentioned, the following were at various times members of the Mangatu Committee:

Michael H Brown  
Hiki Te Kani  
Malta Sidney  
Peter Kaua  
Alan Haronga (Snr)  
Robert Ruru  
Rutene Irwin

... election and further litigation in respect of the wairere ...  
... which had a bearing on the Mangatu Committee

those who have passed on are:

Albert Horsfall (Snr)  
Pitau Brown  
Nehe Tu  
Eru Ruru  
Reta Keiha  
R W Halbert  
Hemi Kauta Wharekino  
Panapa Tuhoe  
Te Kani Te Ua  
Rangi Haronga  
Robert Ruru  
Tom Dennis  
Mahanga Brown  
Peter Kaua  
Hoera Ruru

Survivors from that period are:

Hiki Te Kani 1965/1970  
Malta Sidney 1966/1970  
Wiremu Kerekere 1960/1966 and 1984/1987  
and myself

while still on the Committee are:

Michael Brown 1965 -  
Alan Haronga (Snr) 1970 -  
Rutene Irwin 1976

## **FORESTRY:**

Soil Conservation and Forestry authorities had expressed concern about the erosion problem in the upper Waipaoa and Mangatu catchments, and the threat that this posed to the Poverty Bay Flats. They said the best solution to the problem would be the afforestation of the catchment areas concerned, and that this involved the acquisition of several thousand acres of land, including a large portion of it from the Mangatu Incorporation.

In 1959 several Ministerial visits to the proposed forestry area were made, including visits by the PM Walter Nash, and the Minister of Forests Eruera Tirikatene.

In February 1960 a Special General meeting of Mangatu owners unanimously rejected a proposed sale to Forestry, but in June 1960 at another meeting the Hon E Tirikatene claimed that the Mangatu owners had given the go-ahead for a sale.

The general tenor of the committee and general meetings I attended seemed to acknowledge that a serious erosion problem existed, that a sale of land was opposed unless it was on a 'land-for-land' basis, and that a lease in perpetuity was not acceptable.

At the annual general meeting in October 1960, the Mangatu owners gave the Committee authority to negotiate a sale of 8500 acres on terms and conditions acceptable to the Committee, and in December 1960 a sale to the Crown was agreed to.

The Crown said it had no suitable land holdings to conclude the deal on a 'land for land' basis. Subsequently the ...



that Senior Counsel was of the opinion that the proceeds of the sale could not be withheld by the Incorporation, and the proceeds had to be paid out to the shareholders.

That there was considerable pressure on the Mangatu owners and the Mangatu Committee to sell is undeniable. There were references in the discussions with Government officials of the power the Government possessed of acquiring the land by compulsion, and of imposing restrictions and requirements on landowners which compelled them to carry out costly erosion control measures.

In the end, although the actual decision to sell was not made under any immediate threat of compulsion, the pressure over the previous twelve months at least was unrelenting.

I believe there is in the records sufficient evidence of 'pressure' to warrant the Incorporation putting a case to the Waitangi Tribunal for recovery of the land acquired by the Crown for forestry.

### CONSEQUENCES OF THE FORESTRY SALE:

The long term consequences of the sale of the 8500 acres of land to Forestry were broadly:

1. A resolve on the Incorporation's part to acquire additional land by way of leasehold and, preferably, freehold to counteract the effects of the loss of such a large area of land.

and

2. To increase the productive capacity of the Incorporation's lands and to raise the number of livestock carried through a programme of land development and re-development, and thereby compensate for the reduced livestock numbers resulting from the sale to Forestry.

(i) Additional land

Between the early 1960's and the 1980's the Mangatu Incorporation bought and leased a total of 3421 hectares (or 8452 acres). The freehold area purchased totals 2164 hectares (or 5347 acres) and comprises:

|                  |                       |            |
|------------------|-----------------------|------------|
| Te Hua 1962/1970 | Wheturau              | 366 acres  |
| Matokitoki 1969  |                       | 252 acres  |
| Mangatawa 1973   | Davis Estate Property | 838 acres  |
| Stud Farm        | 1975 Mangaparae       | 179 acres  |
| Pakihi           | 1973 Harding          | 442 acres  |
|                  | 1976 Traffords        | 1076 acres |
| Waitangirua      | Twistletons           | 190 acres  |
| Waiohika 1980    |                       | 2012 acres |

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5347 acres.

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The leasehold area is the Whakapaupakihi Blocks at Motu which formed the basis for what became known as Pakihi Station. The original leasehold area is 1257 hectares (or 3105 acres), but there seems to be some contention over the tenure of one of three blocks.

(ii) Development:

In the 1950's and 1960's finance for farm development was somewhat difficult to raise, and much of this sort of work had therefore to be done out of income. Progress was therefore slow.

That a great deal of work was required to be done was obvious.

From the mid 1970's, however, loan finance became increasingly available especially from the Rural Bank, but also from the Maori Trustee and from Westpac Bank for development, and for livestock and asset purchases, and this quickened the pace of development quite markedly.

In addition, the Waikohu County Council, particularly during the period that the late Mr Ken Spence was chairman, were especially helpful and a great deal of assistance and advice was readily forthcoming particularly in the matter of bridging and roading.

The development of forestry in the area contributed very significantly to the improvements in roading.

On the farms scrub clearance, giant discing, fencing, new yards, new and upgraded woolsheds and shearers quarters, staff accommodation and several new managers houses, all brought about a much needed improvement in the Incorporation's capital base and infrastructure.

The Incorporation's total borrowings under the Rural Bank LDEL and Livestock Incentive Scheme totalled in excess of \$900,000 but the greater part of this was written-off and the balance payable in easy interest free instalments.

1605 From what I have been able to glean from past annual reports a total of <sup>3018</sup>~~2762~~ hectares (or ~~6849~~ acres) was developed or re-developed under the LDEL programme which came into operation in the mid 1970's.

(iii) Livestock Numbers

|   | <u>Sheep</u> | <u>Cattle</u> |
|---|--------------|---------------|
| At 30 June 1958 were:                             | 91700        | 10980         |
| Add Kaiwhakareirei 30 June 1975                   | 8000         | 600           |
|   | -----        | -----         |
|   | 99700        | 11580         |
| At 30 June 1988<br>(being the average of 1985/88) | 139460       | 16290         |
| Increase  | 40%          | 40%           |

(iv) I have dealt in some detail with the events surrounding the sale of land to Forestry because it involved a transaction which contravened an important principle which my then colleagues and I, who signed the deed of sale, had always upheld; that is that Maori land should never be sold unless it was on a land for land basis.

I owe it to my colleagues, most of whom have passed on - Bill Kerekere and I being the only survivors of those who signed - to set out the efforts that successive Committees made to counteract the effects of that sale.

## **PARTITION:**

The question of whether the owners of the Mangatu No 3 Block should set up a separate entity including Mangatawa Station came up for discussion from time to time. Although Mangatawa was in the ownership of the Incorporation there seemed to be conflicting views among some owners as to which group it rightly belonged.

Prior to the passing of the 1967 Maori Affairs Amendment Act the three blocks: Mangatu No 1, Mangatu No 3 and Mangatu No 4 had been treated as three separate and distinct entities, each with its separate list of owners and separate sets of assets.

The No 1 Block besides its land, owned all the farm and commercial assets, bank accounts, investments, livestock, plant and vehicles.

No 3 Block owned its land only, but with expectations of acquiring the ownership of Mangatawa.

No 4 Block owned only its land.

Voting at general meetings involved a complex and changing formula for the computation of voting values and created an inevitable delay in determining the result of voting at general meetings.

The separate aspirations of owners in the different blocks seemed to present insuperable difficulties either in effecting a partition, or on the other hand of achieving a merger.

The 1967 Maori Affairs Amendment Act, however, required those incorporations which embraced two or more blocks to merge by way of amalgamation.

There were no objections to such a course. On the contrary there seemed complete acceptance and the 3 blocks became amalgamated into the one Incorporation.

The amalgamation having been accomplished, cleared the way for development work to be started on Mangatawa, the ownership of which had, up to then, been in some doubt.

## **KAIWHAKAREIREI:**

In 1971 the Kaiwhakareirei Committee raised with the Mangatu Committee the possibility of the Mangatu Incorporation taking the Kaiwhakareirei Incorporation under its wing.

The latter had been labouring under a heavy burden of debt to the Department of Maori Affairs. The merger presented no problems because 90% of the Kaiwhakareirei owners were also owners in Mangatu.

More than that, the decision by both sets of owners to amalgamate was another indication of the Mangatu owners determination to work together.



## **SUPERVISORS:**

The Mangatu supervisor in 1958 when I first became involved with the Incorporation was Barney Te Kani, a man whom I have always regarded with a great deal of respect and affection. He died in 1962 and my association with him in that capacity was quite brief. He was the first Maori and the first owner to be appointed to that position - a major decision in those days.

On a purely personal note, it was Barney particularly who urged me to take on the position of part-time accountant for Mangatu in 1958 - 'part-time' because I had my own practice, and who later, during the difficulties with the committee appointments and elections and litigation in the 1959/60 period who urged me to stay on the Committee. Shortly before he died he recommended the appointment of George Evans (then the technical advisor) to succeed him as supervisor, saying that farming had become a highly technical pursuit requiring the appropriate technical qualifications particularly in the position of supervisor for such a large enterprise.

George Evans became supervisor towards the end of 1962 and held that position until 1978. Highly motivated, appropriately skilled, with drive and a broad vision of the direction Mangatu should take, George Evans was responsible for the emphasis on development and improvement which pre-occupied the Mangatu farming scene for many years. Much of the development I referred to earlier, as well as many of the land acquisitions which the Incorporation made was due to his initiative and enterprise.

Because we did not see eye to eye with him on the increasing number of responsibilities and positions he became involved in outside Mangatu, and because we could not overlook liberties which were brought to our attention, we parted company with him in 1978.

Michael Brown was then (and still is) a member of the Mangatu Committee, and much against his wishes he reluctantly agreed to the Committee's request to take on the responsibilities of supervising the Mangatu farming operations. Mick is by nature an unassuming and unassertive person, quite the opposite of his predecessor. In addition, I believe that initially he had to contend with a residue of loyalty to his predecessor which seemed evident among at least some of the staff.

I referred earlier to the development work which had been done. In fact a great deal of that work was carried out during Mick's term as supervisor.

## **DIVERSIFICATION:**

I trust I am not being too presumptuous in congratulating the Mangatu Committee on their initiative in diversifying into commercial investment and ventures.

I believe the new Te Ture Whenua Act 1993 intends to widen the scope for Maori Incorporations and Trusts into the commercial field.

If I may offer a suggestion: I think that the Incorporation's land-based operations, its traditional base, and its commercial investments should be kept separate and distinct, each from the other.





## **MANAGERS:**

Of the 15 station managers in 1959, three were Maori - all owners:

Ben Brown  
George Brown  
Peter Parekowhai

In the years that followed the Committee endeavoured to encourage in Maori members of the staff an interest in advancing their skills where they could seriously contend for positions as station managers. Among the Pakeha managers there had always been a high level of skill and commitment, and in seeking persons to fill any vacancies which occurred these qualities were paramount.

In 1987 11 of the 17 managers were Maori and the majority of those were Mangatu owners.

## **SECRETARIES:**

Arthur Gardiner, already retired from his position with Common Shelton was appointed secretary in April 1958 and held that position till 1967.

Gordon Heighway became secretary thereafter but died after only a few months.

Martin Baker was secretary from 1968 to 1970 resigning because of ill health.

From 1970 to 1987 Lewis Moeau was secretary.

All served the Incorporation well.

What progress and success the Mangatu Incorporation has achieved has been due to the quality and skill of the supervisors, managers, field and administration staff who have worked in its service.

## **CONCLUSION:**

I have gone way beyond the time I had intended and I apologise for that.

I thank the Committee for inviting my wife and me for today's ceremony.

My association with Mangatu extended over nearly 30 years; for a year from April 1958 to March 1959 as accountant part-time, and from April 1959 to November 1987 as a Committee member.

Over those years the Committee endeavoured always to keep the Mangatu owners as fully informed as possible. At the annual meetings we presented reports which were as comprehensive and as detailed as was practicable, and these for the most part were given in Maori.



When important issues arose during the year, short of convening special general meetings, we would meet with representatives of local Mangatu families. In this way we sought to keep in step with the owners and they with us.

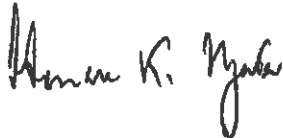
As a means of avoiding or perhaps reducing the division and friction of the earlier years, we asked owners and candidates for Committee elections to refrain from the use of proxies and by and large the request was heeded.

On the 20th November 1987 Hoera Ruru, with whom I had been associated in the Mangatu Committee for virtually the whole period that I was a member, and I, both decided to call it a day.

I pay a tribute to all those persons - many of whom have now passed away - with whom I was associated.

It has been a privilege being a member of the Mangatu Committee, and its chairman for so long a period.

Kia ora



HENARE NGATA



THE PROPRIETORS OF  
**MANGATU BLOCKS**

Reference: .....  
Please Quote in Any  
Correspondence

P.O. BOX 420  
GISBORNE

FAX (06) 867 9541  
TELEPHONE (06) 867 1369  
266-268 CHILDERS ROAD

5 November 1993

Sir H K Ngata  
Grant Road  
**GISBORNE**

Kia ora Henare

Enclosed is the corrected version of your delivery.

**LDEL**

I have enquired with the Rural Bank - Andrew Wolfeld. He has confirmed that:

1. There were 15 loan accounts
2. Involving 12 stations
3. Area being 2762 hectares

Naku noa

Na

*PP A Quill*

George



Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

This is the exhibit marked "APTH 3" referred to in the affidavit of Alan Parekura Torohina Haronga sworn at Wellington this 22<sup>nd</sup> day of August 2014 before me:

Number of attendees was 84

  
Solicitor of the High Court of New Zealand

**MANGATU BLOCKS INCORPORATION**

**MINUTES OF THE ANNUAL GENERAL MEETING HELD ON 17 FEBRUARY 2012 IN MANGATU BLOCKS CONFERENCE ROOM COMMENCING AT 9.35 AM**

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**Present:** *Committee*  
A Haronga (Chairman) T Brown, R Irwin, K Smiler, M Hippolite,  
W Horsfall

*Executive and others*  
GL Alexander (CEO), D Keast, (BDO Gisborne), Anne Quilter (minute taker)

**Karakia:** C Pera opened the meeting with a karakia.

**Mihi:** R Irwin formally greeted those attending the meeting and acknowledged those people who passed away during the year.

A Haronga also welcomed everyone to the meeting and acknowledged those who passed away during the year.

**NOTICE OF THE ANNUAL GENERAL MEETING**

The Notice of the Annual General Meeting 2012 was read by T Brown. He commented that Alan Haronga, Kingi Smiler and Watene Horsfall were to retire by rotation and all three had made themselves available for re-election and as there has been a nomination, an election would take place today.

**Apologies:** Pene Brown, Albert Horsfall, Stan Pardoe, Lewis Moeau, Diana Pohatu, Betty Hauraki, Peter Brown, Te Paea Paul, Agnes Ihaia, Maude Ryan, Wiremu Pera Haronga, Diane Haronga on behalf of the Te Amohau Haronga Whanau Trust, Tapeka Katipa, Patrick Katipa, Iri Te Kowhai, Aroha Hicks, George Parekowhai, Huirohutu Elkington, Sylvia Wairama, Bill Keiha, June Alexander-Kingi, Kathleen Takitimu, Te Wahinetahore Hemana, Ann Brown, Henare Anaru on behalf of the M Anaru & HTM Hawea Whanau Trust, Graham Raniera King, Willard Amaru, Daisy Gourlay, Elizabeth Olley on behalf of the Hone Ahuroa Haronga Whanau Trust, Coralie Thompson, Sarah Paku, Hiki Wendy Fotofili.  
**Moved T Meredith seconded A Pardoe that the apologies be accepted.**

***Resolution***

That the shareholders:  
Continue to support and authorize Committee of Management to pursue the resumption application to the Waitangi Tribunal for the return of land lost from the Mangatu No 1 Block in 1962; and





Solicitor of the High Court of New Zealand

Number of attendees was 88

**MANGATU BLOCKS INCORPORATION**

**MINUTES OF THE ANNUAL GENERAL MEETING HELD ON 15 FEBRUARY 2013 IN  
MANGATU BLOCKS CONFERENCE ROOM COMMENCING AT 9.35 AM**

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- Present:** *Committee*  
A Haronga (Chairman), P Brown, T Brown, R Irwin, K Smiler,  
M Hippolite, W Horsfall
- Executive and others*  
GL Alexander (CEO), Anne Quilter (minute taker)
- Karakia:** C Pera opened the meeting with a karakia.
- Mihi:** R Irwin formally greeted those attending the meeting and acknowledged those people who passed away during the year.
- A Haronga also welcomed everyone to the meeting, acknowledging that is the 119 year of the creation of the incorporation.

**NOTICE OF THE ANNUAL GENERAL MEETING**

The Notice of the Annual General Meeting 2012 was read by T Brown. He commented that Pehimana Brown and Rutene Irwin were to retire by rotation and had made themselves available for re-election. As there were no nominations, no election would take place today.

- Apologies:** Betty Hauraki, Diana Pohatu, Cooper Pardoe, Lewis Moeau, Kiwa Rota Waipara, Te Paea Paul, Maude Ryan, George Parekowhai, Graham Raniera King, Hiki Wendy Fotofili, Mary Kora Erickson, Willard Amaru.  
**Moved S Pardoe seconded R Kerekere that the apologies be accepted.**

**RESOLUTIONS**

H Lyn McAuley spoke to the meeting about his concerns with regard to the Claim. He was answered by A Haronga and I Searancke.

**Resolution One**

**That the shareholders:**

Continue to support and authorize Committee of Management to pursue the resumption application to the Waitangi Tribunal for the return of land lost from the Mangatu No 1 Block in 1962.





Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

This is the exhibit marked "APTH 5" referred to in the affidavit of Alan Parekura Torohina Haronga sworn at Wellington this 22<sup>nd</sup> day of August 2014 before me:

  
Solicitor of the High Court of New Zealand

Number of attendees was 91

## **MANGATU BLOCKS INCORPORATION**

### **MINUTES OF THE ANNUAL GENERAL MEETING HELD ON 14 FEBRUARY 2014 IN MANGATU BLOCKS CONFERENCE ROOM COMMENCING AT 9.35 AM**

- Present:**                    **Committee**  
A Haronga (Chairman), P Brown, T Brown, R Irwin, K Smiler,  
W Horsfall
- Executive and others**  
GL Alexander (CEO), A Quilter (minute taker)
- Karakia:**                    C Pera opened the meeting with a karakia.
- Mihi:**                        A Haronga welcomed everyone attending the meeting and acknowledged those people who passed away during the year. He also sent best wishes to Rutene Irwin who is recovering from a recent accident.

### **NOTICE OF THE ANNUAL GENERAL MEETING**

The Notice of the Annual General Meeting 2013 was read by T Brown. There are two positions available today for Committee of Management. Tama retires by rotation and offers himself for re-election and a position has become available by the resignation in 2013 of Michelle Hippolite. As Jacob Tamanui was the only nominee this year an election is not required. T Brown was re-elected and Jacob Tamanui is the new committee member.

Both Tama and Jacob addressed the meeting.

- Apologies:**                Rutene Irwin, Wi Pere, W Ratipu, Diane Haronga & William Pera Haronga on behalf of Te Amohau Haronga Whanau Trust, Irirangi Haronga, Anne Haronga, Tapeka Maureen Katipa, Aroha Hicks, George Parekowhai, Maude Ryan, Suzanne Walls, Graham Raniera King, Te Aroha Beattie, Annie Kereru, Daisy Haronga, Pauline Tangiora, Bill Keiha, Mary Kora Erickson, Hiki Wendy Fotofili, Ann Brown on behalf of the Brown Rapana – HMT Family Trust, Tiny Brown, Henry Anaru on behalf of M Hawea & HTM Anaru Whanau Trust, Te Wahinetahore Hemana.  
**Moved Tiopira Rauna seconded Bill Falwasser that the apologies be accepted.**

### **RESOLUTIONS**

That the shareholders:

Continue to support and authorise the Committee of Management to pursue the return of land lost from the Mangatu No 1 Block in 1962 and



Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

This is the exhibit marked "APTH 6" referred to in the  
affidavit of Alan Parekura Torohina Haronga sworn at  
Wellington this 22<sup>nd</sup> day of August 2014 before me:

  
Solicitor of the High Court of New Zealand

**IN THE WAITANGI TRIBUNAL  
KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 814**

**WAI 1489**

**IN THE MATTER OF** the Treaty of Waitangi Act 1975  
**AND**  
**IN THE MATTER OF** the Tūranganui a Kiwa Inquiry  
**AND**  
**IN THE MATTER OF** an application for resumption of Crown  
Forest Licensed Lands by **ALAN PAREKURA  
TOROHINA HARONGA**, on behalf of The  
Proprietors of Mangatu Blocks Incorporated

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**SECOND AND APPLICATION FOR RESUMPTION OF LICENSED LAND  
PURSUANT TO S 8HB OF THE TREATY OF WAITANGI ACT 1975  
Dated the 25<sup>th</sup> day of November 2011**

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**Solicitors:**  
Roger Drummond  
**GIBSON SHEAT**  
PO Box 2966  
Wellington  
Phone: 04 496 9990  
Fax: 04 496 9991  
Email: Roger.Drummond@gibsonsheat.com

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**Counsel:**  
**Karen Feint**  
PO Box 54 067  
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Email: Karen.Feint@xtra.co.nz

## **APPLICATION FOR RESUMPTION OF CROWN FOREST LAND**

**TAKE NOTICE** that **ALAN PAREKURA TOROHINA HARONGA** will move the Waitangi Tribunal for binding recommendations pursuant to section 8HB(1)(a) of the Treaty of Waitangi Act 1975 that the Licensed Land that is more particularly described in Schedule 1 ("the Licensed Land") be returned to the ownership of The Proprietors of Mangatu Blocks Incorporated with the shareholders (and their recognised successors) as at the date that the land was acquired by the Crown, together with compensation pursuant to Schedule 1 of the Crown Forests Assets Act 1989, and the accumulated rentals held in relation to that portion of the forest,


### **UPON THE GROUNDS THAT:**

- A. The applicant is acting on behalf of, and with the authority of, the Māori owners of The Proprietors of Mangatu Blocks, a Māori incorporation established in 1893 to manage the Mangatu No 1 block;
- B. The Proprietors of Mangatu Blocks were the owners of the Licensed Land, which was part of Mangatu No 1 block, at the time that it was acquired by the Crown in 1961 or thereabouts;
- C. The Waitangi Tribunal has found that the Mangatu afforestation claim is well founded, in that the Crown breached the principles of the Treaty of Waitangi through failing to act reasonably and with the utmost good faith in acquiring the Licensed Land from the Māori owners [refer to the findings in *Tūranga Tangata Tūranga Whenua*, Chapter 15, at p 733];
- D. Action should be taken under sections 6(3) and 8HB(1) of the Act to compensate for the prejudice occasioned by the Crown's breaches of the Treaty of Waitangi by the return of the Licensed Land to The Proprietors of Mangatu Blocks.

**THE APPLICANT** will also seek concurrent recommendations pursuant to s6(3) of the Act that:

- (1) The Crown should preserve the value of the offer made to Te Aitanga-ā-Mahaki and Affiliates (TAMA) to settle their historical Treaty of Waitangi claims, as set out in the Agreement in Principle for Tūranganui-a-Kiwa dated 29 August 2008; and
- (2) The Proprietors of Mangatu Blocks, Te Aitanga-ā-Mahaki and Affiliates, and the Crown should enter into negotiations during the 90-day interim period pursuant to s8HC of the Treaty of Waitangi Act to agree on the preservation of the value of the settlement for Te Aitanga-ā-Mahaki and Affiliates.

**DATED** at Wellington this 25<sup>th</sup> day of November 2011



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**Karen Feint**  
Counsel for Alan Haronga and  
The Proprietors of Mangatu Blocks

## **SCHEDULE OF LICENSED LAND SOUGHT**

The Licensed Land sought by this application is the Licensed Land contained within the Mangatu State Forest that was acquired by the Crown from Mangatu in 1961 or thereabouts, being more particularly described at that time as:

An aggregate area of approximately 8,626 acres, 36.6 perches, being lots 1, 2 and 3 on Deposited Plan No 4915 being parts Mangatu No 1 Block and part Subdivisions 3, 6, 13, 17 and 18 of Mangatu No 1 Block, and Lots 1 and 2 on Deposited Plan No 4916 being parts Mangatu No 1 Block, and part Subdivisions 3,6 and 7 of Mangatu No 1 Block situated in Blocks XI, XII, XV and XVI, Arowhana Survey District and in Blocks III AND IV, Mangatu Survey District and being part of the land comprised and described in Certificates of Title Volume 79 Folios 246, 247 and 248 and Volume 88 Folio 288. (Gisborne Registry).

Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

This is the exhibit marked "APTH 7" referred to in the  
affidavit of Alan Parekura Torohina Haronga sworn at  
Wellington this 22<sup>nd</sup> day of August 2014 before me:

  
Solicitor of the High Court of New Zealand

**IN THE WAITANGI TRIBUNAL  
KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 814**

**WAI 1489**

**IN THE MATTER OF** the Treaty of Waitangi Act 1975  
**AND**  
**IN THE MATTER OF** the Tūranganui-a-Kiwa Inquiry  
**AND**  
**IN THE MATTER OF** a claim by **ALAN PAREKURA TOROHINA HARONGA**, on behalf of The Proprietors of Mangatu Blocks Incorporated

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**SECOND AMENDED STATEMENT OF CLAIM  
Dated the 25<sup>th</sup> day of November 2011**

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**Solicitors:**  
**Roger Drummond**  
Gibson Sheat  
PO Box 2966  
Wellington  
Phone: 04 496 9990  
Fax: 04 496 9991  
Email: Roger.Drummond@gibsonsheat.com

**Counsel:**  
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PO Box 1530  
Wellington 6140  
Phone: 04 460 0748  
Fax: 04 499 6118  
Email: Karen.Feint@chambers.co.nz

### **Claimant**

1. This claim is filed by **ALAN PAREKURA TOROHINA HARONGA**, in his capacity as Chairman of The Proprietors of Mangatu Blocks Incorporated, on behalf of the Māori owners of that incorporation.

### **Mangatu No 1 block**

2. On 11 April 1881, the Native Land Court awarded ownership of the 100,000 acre Mangatu No 1 block in the Tūranga district to Ngāti Wahia and Ngariki.<sup>1</sup> Te Whānau a Taupara were included as owners in 1917.<sup>2</sup> These hapū are affiliated to Te Aitanga-ā-Mahaki.
3. At the request of rangatira Wi Pere, the Native Land Court issued title in Mangatu No 1 block to a group of 12 rangatira, although 179 people had beneficial interests in the block. The intention was for the 12 title-holders to act as trustees on behalf of hapū and thereby protect the land from individualisation and the pressures of sale.<sup>3</sup> A deed of trust was executed on 20 May 1881.<sup>4</sup>
4. The Native Land Court did not have the legal powers to give effect to the trust and recorded it as a voluntary arrangement. Thereafter, the Native Land Court treated the 12 rangatira on the title as the legal owners of Mangatu No 1, and refused to recognise the beneficial interests of the other members of Ngāti Wahia and Ngariki.

### **The Proprietors of Mangatu Blocks**

5. The owners of Mangatu No 1 desired the creation of a legal entity that would recognise the interests of all those entitled to a share in Mangatu No 1 block, protect the block from alienation and enable the effective management and development of the block. To effect these purposes, Wi Pere promoted a legislative solution.

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<sup>1</sup> Waitangi Tribunal, *Turanga Tangata Turanga Whenua* (2004), p674.

<sup>2</sup> *Turanga Tangata Turanga Whenua*, p684.

<sup>3</sup> *Turanga Tangata Turanga Whenua*, p677.

<sup>4</sup> Mangatu No 1 Empowering Act 1893.



6. In 1893, the Mangatu No 1 Empowering Act was passed. The Act incorporated the 179 owners as a body corporate, and vested Mangatu No 1 block in the corporate body in fee-simple. The Act also established a committee of management to manage the land.
7. The Proprietors of Mangatu Blocks Inc has remained in continuous existence since 1893. The Proprietors of Mangatu Blocks Inc has been and remains a Māori incorporation for the purposes of Māori land legislation.
8. In its 118 year history, The Proprietors of Mangatu Blocks have not only retained ownership of nearly all of Mangatu No 1 block, but have established a successful commercial enterprise for the benefit of the owners.

#### **Mangatu afforestation claim**

9. In August 1959, Cabinet approved in principle the acquisition and afforestation of land susceptible to erosion in the upper Waipaoa River catchment, including part of the Mangatu No 1 block.<sup>5</sup>
10. The Proprietors of Mangatu Blocks repeatedly advised they did not wish to sell their ancestral lands to the Crown, but sought to undertake afforestation themselves.<sup>6</sup>
11. The Crown considered compulsory acquisition of the land it required in Mangatu No 1 block for the afforestation scheme.<sup>7</sup>
12. Lengthy negotiations ensued. The Crown decided to use the Mangatu lands, at least in part, to plant a commercial forest operated for profit.<sup>8</sup> The Crown did not disclose its intentions to The Proprietors of Mangatu Blocks. The Waitangi Tribunal found that at best, officials withheld

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<sup>5</sup> *Turanga Tangata Turanga Whenua*, p698.  
<sup>6</sup> *Turanga Tangata Turanga Whenua*, p698.  
<sup>7</sup> *Turanga Tangata Turanga Whenua*, p716.  
<sup>8</sup> *Turanga Tangata Turanga Whenua*, p730.

information which was highly material to the owners' consideration of their options, and at worst, they were lied to.<sup>9</sup>

13. As a result of the misrepresentations made by the Crown, the owners of The Proprietors of Mangatu Blocks eventually decided to sell land to the Crown for the afforestation scheme ("former Mangatu No 1 land"), and a deed of sale was executed by The Proprietors of Mangatu Blocks on 16 October 1961. The purchase price was £82,137. The deed was subject to a Māori Land Court order between October 1961 and January 1962.<sup>10</sup>

#### Particulars of former Mangatu No 1 land

An aggregate area of approximately 8,626 acres 36.6 perches, being lots 1, 2 and 3 on Deposited Plan No 4915 being parts Mangatu No 1 Block and part Subdivisions 3, 6, 13, 17 and 18 of Mangatu No 1 Block and Lots 1 and 2 on Deposited Plan No 4916 being parts Mangatu No 1 Block, and part Subdivisions 3,6 and 7 of Mangatu No 1 Block situated in Blocks XI, XII, XV and XVI, Arowhana Survey District and in Blocks III AND IV, Mangatu Survey District and being part of the land comprised and described in Certificates of Title Volume 79 Folios 246, 247 and 248 and Volume 88 Folio 288. (Gisborne Registry).

14. Today the former Mangatu No 1 land constitutes just over one quarter of the Mangatu state forest, a commercial production forest of 12,200ha. Mangatu state forest is Crown forest licensed land within the definition of the Crown Forest Assets Act 1989.

#### **Waitangi Tribunal findings**

15. In 1992, Eric John Tupai Ruru, a member of the Committee of Management for The Proprietors of Mangatu Blocks, filed a Treaty claim (Wai 274) concerning the Crown's acquisition of the former Mangatu No 1 land on behalf of the members of Te Aitanga-ā-Mahaki and the shareholders of The Proprietors of Mangatu Blocks.
16. The Waitangi Tribunal inquired into Wai 274, which it called the Mangatu afforestation claim, in its Tūranganui-a-Kiwa inquiry.

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<sup>9</sup> *Turanga Tangata Turanga Whenua*, p733.

<sup>10</sup> *Turanga Tangata Turanga Whenua*, p726.

17. In its 2004 report *Tūranga Tangata Tūranga Whenua*, the Waitangi Tribunal upheld the Mangatu afforestation claim with its findings that the Crown had breached the Treaty. The Tribunal's findings are quoted in full:

"It is clear that the Crown's conduct in the negotiations over the acquisition of the Mangatu forest has failed to comply with the required Treaty standard.

- The owners did not want to sell
- The conduct and negotiation processes were uneven and the owners did not feel they had been fully informed of the process and options.
- The owners sold because the Crown offered them no other option.
- A key factor in this decision was that they thought that their lands could not have been continued to be utilised profitably if they had retained them.
- While the Crown was developing plans for a high proportion of profitable production forest, officials and Ministers were constantly advising the owners that this scenario was not possible.

The Crown was far from scrupulously fair, even-handed, and honest. Quite the reverse. In addition, there appeared to be no serious consideration of the alternatives to sale: particularly the possibility of a lease arrangement or a form of partnership.

We find, therefore, that the Crown failed to act reasonably and with the utmost good faith when it acquired the Mangatu forest lands from the Māori owners. The Crown breached the principles of the Treaty of Waitangi accordingly."<sup>11</sup>

#### **CAUSE OF ACTION – MANGATU AFFORESTATION CLAIM**

18. For the reasons set out in paragraph 17 above, in acquiring the former Mangatu No 1 land from The Proprietors of Mangatu Blocks in 1961 or thereabouts, the Crown breached the principles of the Treaty of Waitangi by failing to act reasonably and with the utmost good faith.

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<sup>11</sup> *Turanga Tangata Turanga Whenua*, section 15.5.4, p733.

**WHEREFORE THE CLAIMANT SEEKS RECOMMENDATIONS:**

- A. Pursuant to section 8HB(1)(a) of the Treaty of Waitangi Act 1975, for the return of the former Mangatu No 1 land (as described in paragraph 13) to The Proprietors of Mangatu Blocks Incorporated with the shareholders (and their recognised successors) at the date that the land was acquired by the Crown (together with the accumulated rentals in relation to that portion of the forest);
- B. For compensation pursuant to s36(1)(b) and Schedule 1 of the Crown Forests Assets Act 1989;
- C. That the Crown should preserve the value of the offer made to Te Aitanga-ā-Mahaki and Affiliates (TAMA) to settle their historical Treaty of Waitangi claims, as set out in the Agreement in Principle for Tūranganui-a-Kiwa dated 29 August 2008;
- D. That The Proprietors of Mangatu Blocks, Te Aitanga-ā-Mahaki and Affiliates, and the Crown should enter into negotiations during the 90-day interim period pursuant to s8HC of the Treaty of Waitangi Act to agree on the preservation of the value of the settlement for Te Aitanga-ā-Mahaki and Affiliates;
- E. That the Crown pay the costs of bringing this claim.

This Statement of Claim is filed by **ROGER DRUMMOND**, Solicitor for the Claimant, of Gibson Sheat, Wellington. The address for service of the claimants is at the offices of Gibson Sheat, Level 1, United Building, 107 Customhouse Quay, Wellington.

Documents for service may be left at that address for service, or may be-

- Posted to the solicitor at PO Box 2966, Wellington;
- Transmitted by facsimile to 496 9991;
- Emailed to Roger.Drummond@gibsonsheat.com

Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

This is the exhibit marked "APTH 8" referred to in the  
affidavit of Alan Parekura Torohina Haronga sworn at  
Wellington this 22<sup>nd</sup> day of August 2014 before me:

  
Solicitor of the High Court of New Zealand

**IN THE WAITANGI TRIBUNAL  
KEI MUA I TE RÖPŪ WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 814**

**WAI 1489**

**IN THE MATTER OF** the Treaty of Waitangi Act 1975  
**AND**  
**IN THE MATTER OF** the Tūranganui-a-Kiwa Inquiry  
**AND**  
**IN THE MATTER OF** a claim by **ALAN PAREKURA TOROHINA  
HARONGA**, on behalf of The Proprietors  
of Mangatu Blocks Incorporated

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**BRIEF OF EVIDENCE OF RUTENE IAN IRWIN  
Dated the 5<sup>th</sup> day of April 2012**

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***Ko Maungahaumi te maunga  
Ko Mangatu te awa  
Ka tere ki te Wai o Paoa  
Ka Kopututea te putanga ki Te Moananui a Kiwa***

***Ko Tūranga a Mua  
Ko Tūranga Ararau  
Ko Tūranga Makaurau  
Ko Tūranga Tangatarite  
Ko Te Tūranganui a Kiwa te rohe whānui o Te Aitanga ā Māhaki***

**My whakapapa**

1. My name is Rutene Ian Irwin. I was born on 12 June 1926 and I am one of the kaumātua of Te Aitanga ā Māhaki. I am a direct unbroken descendant from Māhaki, through Wāhia. I am also a direct descendant of Ngāriki Kaiputahi as follows.

|      |   |   |
|------|---|---|
| 1600 | <b>Māhaki</b><br>Te Ranginuiahu<br>Te Ranginaonao Airki<br><b>Wāhia 1</b> | Ruaheke<br><b>Kaiputahi</b><br>Ngutupawhero<br>Ririwhare                |
| 1700 | Te Paito<br>Te Mauri<br>Unumia<br>Wāhia 2                                 | Rangipa<br>Whawhati<br>Whawahi<br>Whawahi                               |
| 1800 | Te Koha<br>Tīpene<br>Hori Puru<br>Meri Kamemata Puru<br>Kenu Utiera       | Hine Turaha<br>Tīpene<br>Hori Puru<br>Meri Kamemata Puru<br>Kenu Utiera |
| 1900 | Atapo Dawn<br><b>Rutene Ian Irwin</b>                                     | Atapo Dawn<br><b>Rutene Ian Irwin</b>                                   |

2. I am an owner in Mangatu Blocks and I have lived on the Mangatu Blocks for over 70 years, on Mānukawhitikitiki in Whatatutu. For that reason I like to say I am an **AHI KĀ ROA** of Mangatu, and so were my parents and their parents and so on back to the time of Te Ranginuiahu. Our whānau is ahi tūturu as we have lived all our lives on this land.
3. I bring my life story to add to those of my tīpuna about our love for the Mangatu whenua and its people, our history, and our aspirations for the future.

### **My great-grandmother Meri Puru**

4. I was brought up by my great-grandmother Meri Kamemata Puru who was born on Mangatu land in the 1850s. She was an old lady when I was born, she had looked after my mother and the many mokopuna. Meri's father, Hori Puru, was a supporter of the Hauhau movement with Te Kooti Rikirangi and my great-grandmother was present at the Waerenga a Hika skirmish. She witnessed terrible things: their papakāinga being bombed by mortars fired into the pā, the government troops firing musket shots into their kāuta, and some of her whānau being killed. Afterwards Meri and her parents were captured and sent to the Chatham Islands, where conditions were harsh. Her mother Wikitoria had a baby over there that died without the right nourishment. They returned from there with Te Kooti when they commandeered the Rifleman, and the three of them went straight back to Mangatu when they landed.
5. I remember as a boy our kuia often told us of the days she spent on the Chatham Islands with her mother and father. There were nights in our kāuta that my great-grandmother would get up and stoke up the ashes in our fire place, and my brother and I could hear talking, she would be talking to her mother and father and doing her karakia. My brother Rod and I would crawl up beside her and cuddle her and we would all cry together.
6. One thing my kuia told me was never ever support tauiwi in their battles as they are murdering people. But I enlisted with the 28<sup>th</sup> Maori Battalion on 28 September 1943. On my return in 1946, I was told that my great-grandmother had passed away and she was buried in Torere. I went to her grave and I had a long tangi and I asked for her forgiveness.

### **The Proprietors of Mangatu Blocks Inc**

7. Mangatu is a very ancient name. It goes back to the time of the great waka migration, and the search by the captain of Horouta, Paoa Tahunga Kiwa, for a new haumi to repair his wrecked waka. In a dream Paoa saw a mountain on which stood an enormous tōtara tree. After he finally found the mountain and cut the tree down to repair the waka, he named the mountain *Ko Maungahaumi, Te Maunga i tū ai te Rākau a Paoa, Ko Mangatu*. This is the full name of our tipuna maunga. (I attach as

appendix A to this evidence my kōrero on how Mangatu got its name, this was published in our 1993 annual report).

8. My great-grandmother was always talking about Mangatu, I used to walk with her and she would pull me along behind her, she would meet someone from Mangatu and they would have a tangi. When I was a small boy I didn't listen to what she was talking about, I just remember the kōrero being Mangatu, Mangatu, Mangatu. Mangatu Blocks was her whole life as with those before her. The land was a part of her being. She taught me the mauri, the whakatauākī of ngā maunga, ngā awa, ngā roto, and ngā ngahere. Kāua e tukua tō tātau whenua ki te tauwiwi he iwi whānako.
9. The Tribunal can get some sense of the history behind Mangatu Incorporation if you stop to think that it was established in my great-grandmother's lifetime. In fact, her father, my great-great grandfather Hori Puru, was one of the twelve trustees put in place as kaitiaki of Mangatu Blocks following the 1881 court decision. So too was my great-granduncle and namesake Rutene Ahuroa. Another trustee was Wi Pere, he stepped down and it was his son Te Kani Pere who became the first chairman of Mangatu. I have been asked about who those kaitiaki are, so to answer that question we have compiled the whakapapa of the first twelve trustees, and that is attached to my evidence as appendix B.
10. The Mangatu Blocks was managed as a number of stations, there were 18 at one stage. The stations were mostly named with traditional names (apart from 'Komihana' after the East Coast Commission). To us, the names provide an important marker for going backwards. For instance:
  - 10.1 **Te Kumi:** the name of the patupaiarehe who guided Paoa in his search for the haumi;
  - 10.2 **Pukutarewa:** after an incident when a war party from Ngāti Kahungunu challenged the home people, and their chief was caught and killed in the middle of the river, they hung his intestines from a tree, and hence the name Pukutarewa;
  - 10.3 **Te Apiti:** the trap, referring to an incident when Whakatohea people were defeated as they were returning through a big valley.



10.4 Other station names that have their own history include Maungahaumi, Mangatawa, Omapere, Mangamaia, Okaihau, Pakihi, Waitangirua, Mangatahu, Te Hua, Waikakariki, Wairere, Dome, and Tarndale.

### **My life on Mangatu Blocks**

11. My working life on Mangatu Blocks goes back to the 1950s. After three years service overseas, I went through the rehabilitation training school on a carpentry course for two years. On my graduation I worked in the Mangatu joiner factory for one year and I was then transferred to the Mangatu Reserve to build five residential units.
12. When the Mangatu Blocks farm leases expired and the stations came back to us, we found that there was a major job with maintenance and renovations on all the buildings. They were in a shocking state, and we had to rebuild the whole lot. In 1955, I was appointed Foreman Carpenter over the Mangatu Blocks, a position that I held for 38 years. I have worked on all the stations on Mangatu Blocks including some of the marae.
13. In 1976, I was voted on to the Mangatu Committee of Management. In 1982, I was voted Chairman for one year. Up to date, I have been on the Committee of Management for 36 years. Added to my 26 working years on the Blocks, I have spent 62 years looking after the whenua.
14. Our primary role is as kaitiaki of our whenua. The Tribunal may not realise that only about a quarter of the Mangatu lands are farmed. We still have a large area (15,000 ha) in the ranges at the back that is still in native forest. Sustainable management is very important to us because we have to protect the whenua for future generations.

### **Impact of the 1961 Coerced Sale on the Mangatu Community**

15. I was on the land in 1961 when the Crown decided it wanted to take Mangatu land for its erosion scheme. I do remember the old people talking about it, the owners didn't want their land taken away. They said "why don't we provide the land and you provide the finance and the expertise". That way we would still have the land, it would be a half and half sort of thing. But the Crown men went away to Wellington, and they came back and said they had the Public Works Act and they could take the


land away from the Incorporation and that is what they did. It was against the will of our people, we were all angry.

16. As a member of the Committee of Management, I support the claim of our chairman Alan Haronga. The way I see it, it is quite simple: the land was taken from Mangatu, so it should go back to Mangatu.
17. I grew up on this land from an infant to a kaumātua (86 years). Through my grandparents I have inherited land shares in Mangatu and so I own the land. It is a part of me. All my tīpuna who have passed away were born on Mangatu and they are all at rest on this land with our whānau and hapū.
18. I have spent practically all my life on our whenua and I am proud to be an Ahi kā roa. I am passionate about the total retention of every inch of Mangatu Blocks remaining with my papakāinga. I feel strongly that we cannot rest until we succeed in securing the return of the 1961 Land. My hope is that I will see it coming back within my lifetime, and that I do not have to leave this take for the next generation.

**RUTENE IRWIN**

Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

This is the exhibit marked "APTH 9" referred to in the affidavit of Alan Parekura Torohina Haronga sworn at Wellington this 22<sup>nd</sup> day of August 2014 before me:

  
Solicitor of the High Court of New Zealand

**IN THE WAITANGI TRIBUNAL  
KEI MUA I TE RÖPŪ WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 814**

**WAI 1489**

**IN THE MATTER OF** the Treaty of Waitangi Act 1975  
**AND**  
**IN THE MATTER OF** the Tūranganui-a-Kiwa Inquiry  
**AND**  
**IN THE MATTER OF** a claim by **ALAN PAREKURA TOROHINA HARONGA**, on behalf of The Proprietors of Mangatu Blocks Incorporated

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**BRIEF OF EVIDENCE OF INGRID RIRIA MARIE SEARANCKE**  
Dated the 5<sup>th</sup> day of April 2012

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## **Introduction**

1. My name is Ingrid Riria Marie Searancke (née Ferris). I was born in Gisborne on 28 April 1925 – I will be 87 shortly.
2. My parents are Lt Col Hemi James Paumea Ferris MBE and Heni Korukoru Jane Lardelli.
3. My grandparents are Raiha Kamau and Taare Te Rapu (Charles William Ferris) on my father's side, and Apikara Puti Puti Leach and Victor Maurice Lardelli on my mother's side.
4. My hapū affiliations are Ngāti Rakalatane, Ngāti Oneone, Ngāti Konohi, Ngāti Wakārara, and most relevantly in relation to Mangatu Incorporation, Ngāti Wāhia and Ngāriki.
5. I married Major Monty Searancke in 1948. Prior to our marriage, Uncle Te Kani Te Ua accompanied my father and myself to meet Te Puea Herangi, at Turangawaewae, Waikato, who was aunt to my husband. Monty became the clerk of the Māori Land Court in Gisborne, and during his time he worked with Judge Carr and Judge Smith.
6. I live at Wainui, Gisborne, on the ancestral land of my grandmother, Raiha Kamau. I live in view of the final resting place of our ancestor Ruapani on Maungaroa headland. I am currently a committee member of Nuhiti Q Land Incorporation of some 20 years plus, I am a Life Member and a current Trustee of Tairawhiti Museum of 20 years plus, Deputy Chair of Gisborne – East Coast Prisoners Aid and Patroness of Tūranganui Māori Womens Welfare League. I am a grandmother and great-grandmother and I lead a very active life.

## **Mangatu Incorporation 1947 - 1959**

7. I am a minor owner in Mangatu Incorporation. I inherited my ownership from my grandfather, Taare Te Rapu Ferris.
8. I have not lived on the Mangatu lands, but I made regular visits there with my father who was a contemporary of many of the elders of the 1930s and 1940s. My father spent time walking the land with his cousin Te Kani Te Ua advising on farming and discussing the history of Mangatu lands. I remember many occasions that Uncle Te Kani Te Ua and Uncle Rongo

Halbert visited our place at Wainui. Through a life long association with such knowledgeable elders I have acquired an intimate knowledge of Mangatu's land and ownership history.

9. Wi Pere saved the land and consolidated it under Mangatu Incorporation during a time in history when Māori land was being lost and fragmented (from 1880 through to the early 1940s). I remember my grandfather Taare Te Rapu talking about Wi Pere, and saying that Wi Pere had watched the Pākehā farming their land and that this was what he wanted for Mangatu.
10. Listening to the kōrero of Uncle Kani Te Ua, Uncle Rongo Halbert and Uncle Hemi Kauta gave me an appreciation of how much the people of Mangatu treasured their whenua and what the owners wanted for its future, particularly when the control of Mangatu Incorporation was handed back to its people to manage.
11. I remember well the time leading up to the return of the land to Mangatu. At that time our people had not had any say in the running of our land for several decades. The land was controlled by the East Coast Commissioner, I remember the last one was Mr Jessep. He occupied our land and had total say over our whenua. Although it was still our land, it did not feel like that because we did not have control.
12. We had a right royal fight for years and years to get the whenua back. The government of the day was not supportive of our aspirations. I am quite certain that they did not think that we Māori were capable of farming. Our people were determined to prove them wrong.
13. Our house became a sort of office for the planning committee, and Uncle Te Kani, Uncle Rongo, and Uncle Hemi and other kuia and koroua would come around to discuss matters. They would have a meal and then settle down and talk about the land. I remember the kōrero was always about how when the land came back, they had to be ready to farm and manage it. Everyone was very enthusiastic. They were planning who would go on the committee to manage the land, so all the families or whānau would be represented, but they also wanted to ensure that they had people there with farming knowledge who were able to cope with the crucial development of the Mangatu lands. They were adamant that they did not want any interference from the outside.

14. Uncle Te Kani asked my father for help, as my father had farmed with his brother at Hawaii, Anaura Bay, Whangara, and Wainui, at Gisborne before World War I. Uncle Te Kani wasn't a farmer, he was a philosopher, and he used to drill my Dad day in and day out for advice on farming. I remember travelling with my father out to Mangatu where he told Uncle Te Kani that the paddocks were too big to farm effectively and needed to be made smaller, and that good farming managers would be required to manage the land.
15. I remember the repeated refrain from that time was that our people wanted to farm well, because they had seen how the land could be lost through other farming ventures that had failed. I would say that some people in the district wanted us to fail so that they could get their hands on our land. Keeping the land was very, very important to us, to ensure the land could be handed on to the next generation.
16. There was much work undertaken to set up the Mangatu Committee of Management and over the next decade there was much unrest as the Committee settled in. Monty was the clerk of the Court during the ongoing trials of Mangatu. I was present at most of the meetings in the Land Court and at Mangatu's office building. I remember the passionate zeal while owners voices, myself included, discussed who was best to manage the Incorporation so that the land would become profitable and would never be lost or sold. Many meetings were held in the Court. Afterwards the owners would appear at our house to discuss what had gone on in the court, and that is usually when they would say what they really thought and wanted.
17. Sir Henare Ngata was appointed as chairman of Mangatu. I remember that he tarried about joining the committee because he was an outsider, but he discussed it with Judge Carr, who supported him. We trusted Henare to run a straight ship and he would discuss Mangatu's business with our owners. He would say "whether small owners or big owners, I want to know how they feel". Everyone had a say about what the committee did, it was very open - I remember all the fights and arguments too! The owners got a taste of what running their land was all about and that meant a lot to them.

18. Today I look at the journey of Mangatu and its progress and I think that time has told its story. The hopes and prayers of the elders of that time have come to pass. Mangatu has managed to survive adversity and our enterprise has been very successful. That has meant so much in so many ways. Mangatu was one of the first Māori land incorporations to give education grants so that the owners' children could go to high school and university. The old people cared more about their mokopuna getting an education than receiving a dividend. It is also immensely satisfying being able to provide jobs for our own people. Through being able to employ people here, we have helped arrest some of the flow of our own people heading off to the big smoke in search of jobs. We see the children of those people who left coming back in search of their roots.
19. Mangatu owners have also fulfilled our tikanga obligations by looking after our people and supporting our marae. I ran many hui at Te Poho o Rawiri Marae from the 1960s through to the 1980s, and Mangatu always gave a koha for the big hui. I remember one 28th Māori battalion hui, where we catered for 2000 people. Mangatu supplied all the meat, as well as building materials for a temporary outdoor dining hall. We have been able to support our whanaunga on other Māori land trusts in the district as well. For many Mangatu is the model to follow as the land that has been saved.

#### **Forced sale of Mangatu lands 1959 – 1962**

##### ***"Willing buyer, the Crown – Unwilling seller, the Mangatu people"***

20. No sooner had Mangatu got on their feet after getting the land back than along came the business of taking the land for erosion control. In 1959 the Prime Minister, Walter Nash, came to meet the owners and told them the government wanted our land. I was present at that meeting and most of the "big meetings" with Minister Tirikatene and other government officials; they were hoping to "soften" our attitude of "no sale" by their presence. Prime Minister Nash and his officials had no sympathy for Mangatu, they just wanted the land because Gisborne would slip into the sea if they did not plant trees. Every time the government talked about the erosion and the effect it would have on Gisborne city, our owners replied "just plant your trees" - we just could not understand why we had to sell our land to the government when we had only just got it back.

21. I remember how upset we all were, how we felt badgered by the government. My mind goes back to those awful meetings, the sad meetings I never went to one happy meeting in all that time. Sitting here today it is hard to believe the level of intimidation that we felt. The threats of Crown officials that erosion costs to our land would be huge, and that the government could take the land anyway. People thought, yes we had better do it, otherwise they might end up taking even more land. These sorts of pressures went on for over 12 months when we finally gave the Committee the consent to negotiate a sale involving land for land. When it was done it was like a heavy cloud. The Crown did not honour the land for land deal, insisting that the monies be paid direct to our owners leaving the Committee and farming managers the extra burden of acquiring replacement land from operating income.
22. Today I still feel anger and hurt at all the trickery that went on. I still hurt for all those "eia" who have gone on, I remember their sorrow and anguish over this; their ancestral land - "*he mamai nui ki tōku manawa*" voiced by many - "*was a cry from the soul*". Many could not understand that the setting up of the incorporation had not been able to protect the land from sale. Although I sorrowed at the time, I can understand better how those old people felt now that I have reached the same age that they were then.

**This claim**

23. In 1962 when the sale was completed, we owners still believed that the forest erosion control would be there for all time. The hidden agenda of the Crown emerged in 1992, when the Crown sold the forest to Rayonier as a commercial entity. That brought to the surface again for me and the other surviving Mangatu owners all that had gone on in the 1960s.
24. From 1992 up to the present day, the chairman and his committee have been working to get the return of these lands. I fully endorse and support the claim lodged by Mangatu Incorporation chairman, Alan Haronga, and his committee with the Waitangi Tribunal for the return of the 1961 land.
25. I understand the Supreme Court's direction is that the Waitangi Tribunal should hear our claim urgently as it has the power to restore the land back to us. I think this is the just outcome in view of the proven misdemeanors perpetrated by officials of the Crown, cornering we the owners so that we felt that we had no option but to sell. The land was sold unwillingly, in fact



I regard it as having been in effect taken under the Public Works Act. We in Tairāwhiti knew and had much experience of the Public Works Act.

26. After all we went through, what a wonderful memorial to those old people to hand the land back to those from whom it was taken. We could then hold our heads up and say to Uncle Te Kani, Uncle Rongo and Uncle Hemi and all our tīpuna who have gone before us, that we have done our best to get the land back. My thoughts, as I close my evidence is of the late Ta Henare Ngata, his unfailing leadership, his great dedication and loyalty to Mangatu owners, big and small and keeping safe the Mangatu whenua.

**INGRID RIRIA MARIE SEARANCKE (NEÉ FERRIS)**



Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington

This is the exhibit marked "APTH 10" referred to in the  
affidavit of Alan Parekura Torohina Haronga sworn at  
Wellington this 22<sup>nd</sup> day of August 2014 before me:

  
Solicitor of the High Court of New Zealand

**IN THE WAITANGI TRIBUNAL  
KEI MUA I TE RÖPŪ WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 814**

**WAI 1489**

**IN THE MATTER OF** the Treaty of Waitangi Act 1975  
**AND**  
**IN THE MATTER OF** the Tūranganui-a-Kiwa Inquiry  
**AND**  
**IN THE MATTER OF** a claim by **ALAN PAREKURA TOROHINA  
HARONGA**, on behalf of The Proprietors  
of Mangatu Blocks Incorporated

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**BRIEF OF EVIDENCE OF HOHEPATAHATAHA BROWN  
Dated the 5<sup>th</sup> day of April 2012**

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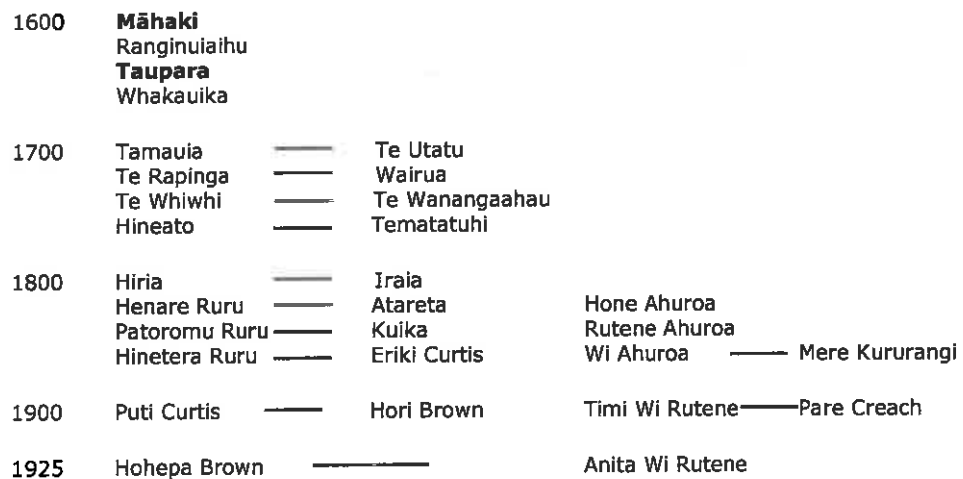
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## My Whakapapa

1. My name is Hohepatahataha (Joseph) Brown, known also as Tiny. I am a direct unbroken descendant from Māhaki and Taupara, and my lovely wife Ani is a direct unbroken descendant from Ngāriki Kaiputahi (our whakapapa is set out below). We reflect the intermarriage that has occurred between Māhaki and his descendants and Ngāriki, including Ngāriki Kaiputahi, because we lived in close knit communities.



## My Life In The Mangatu Community

2. I was born on the 18th March, 1932 in Gisborne. My parents were Hori (George) Whittaker Brown and Puti Brown. I am one of five siblings. I had two brothers, Boysie and Mick, who are now both deceased. I had two sisters, Maureen and Nuki, but Nuki and I are the only two left out of the five children.
3. We were a rural farming family living and growing up in the Puha community close to the Tapuihikitia Marae, Whatatutu and Mangatu communities. Our Dad George Brown was a dairy and pig farmer of Puha and was highly regarded in the Gisborne community. George was involved on many committees in the Puha and Te Karaka communities, including the Mangatu Incorporation Committee around 1960. In the early 1950s when Mangatu Incorporation was securing back various leases, my dad George became manager on Te Apiti Station and later moved to Komihana Station.
4. Much of my childhood was spent working on the family farm where I helped tender our massive garden, growing maize, pumpkins, and

potatoes alongside Tapuihikitia Marae. At the end of the day we would swim in the Waipaoa River to cool down. Any limited spare time I had would be spent with my brothers, cousins, and friends eeling and swimming in the Waipaoa River or various waterholes. Waipaoa is not just a place where I once played but for me it holds a part of my identity and heritage. Tapuihikitia Marae was another special place where the family and community spent many happy hours entertaining themselves and visitors.

### **Farming the Mangatu Incorporation Stations**

5. My brothers and I followed farming careers. My eldest brother Boysie attended Massey Agricultural College as a rural cadet and spent many years as a farm manager on various farms on Mangatu Incorporation, retiring as Farm Purchasing Officer for Mangatu in 1987. My other brother Mick had a distinguished career in farming. He attended Massey Agricultural College and progressed on to complete an Agricultural and Farm Management diploma at Lincoln College. After graduating he worked as a supervisor on various Māori Affairs farms around the North Island, but following his marriage he decided to return home to run the family farm estate that he developed into a viable unit. In 1978 he became the Farm Supervisor for Mangatu Incorporation and remained there until he retired in 1988. Mick was also on the Committee of Management, and when he took on the role of Farm Supervisor the shareholders allowed him to remain a member of the Committee. He continued to serve on the Committee after his retirement as Farm Supervisor.
6. I started my first job with Mangatu Incorporation in 1949 as a cowboy on Pukutarewa, the stud farm. In 1950 my parents moved to Te Apiti Station, on Mangatu Incorporation, and I moved with them as a cowboy/junior shepherd to work under my dad, who was the manager. In 1953, the whole family moved to Komihana, which was a huge station on Mangatu named after the East Coast Commission.
7. In 1956 I married my long time sweetheart, Anipaki Wi Rutene. In 1961 Ani and I moved to Pukutarewa and our first child attended school from there. I later accepted the job as manager of Mangamaia Station. At one stage while I was managing Mangamaia Station, my dad was manager of Komihana Station, Boysie was managing Waikakariki Station, and Mick

was the Mangatu Farm Supervisor. It was a very proud time for our family and a clear demonstration of the passion and commitment we all had, not just to the land and farming, but to Mangatu Incorporation as well.

8. Those early years were a real rebuilding phase for Mangatu Incorporation, as we had just got the land back from the East Coast Commissioner. My recollection is that it was a bit of a shambles to start with, but slowly we got on our feet. A hefty maintenance account went hand in hand with the return of the stations. In the early lease settlement days, there was no clause requirement for repairs and maintenance (which maybe should have been part of the leases handed out) and consequently not a lot of money had been spent on the farms. That problem was made worse by the war, when many able bodied men had left the district. The result was that maintenance was Priority No 1 and this naturally created a lot of work and expense to bring things up to scratch.
9. My father was commissioned by the Committee of Management to ride the boundaries of the fourteen farm blocks and estimate the amount of fencing materials required. Fencing would have been one of the prime maintenance necessities, with other priorities being buildings and stockyards. Another problem was that stock control was difficult because the paddocks were too big, so we had to split the paddocks up.
10. It was in our hearts and destiny to make good our farm at Te Apiti. In the bush next to the Dome boundary, we had to make horse tracks using slashers, shovels and cross-cut handsaws. Those days were long. The tracks were made to access suitable trees (dry totara and rewarewa mostly) which were split and cut up into posts and battens. In the days of the early 1950s there were not many pack horse teams to take the posts and battens out of the bush. It is rugged hill country up there, but we loved working on the land.
11. It wasn't until the late 1950s- early 1960s that we really got everything shipshape. We were all learning the ropes in that time. We learned a lot by inviting the agricultural firms for field days and everyone would turn up - even the people from the office! Our people were willing, desperate even, to work on their own land. Everyone wanted to be part of it, we would have shareholders' meetings that would go all day and still be running by 6 o'clock and then they would carry on the next day. The

meetings were run on tikanga and kawa, you might be a big shareholder but that wouldn't count for much - everyone, even the smallest shareholders, had a right to stand up and have a go. They were long, long meetings in those early days!

12. We had fun with it as well, we would hunt for pigs in the ranges, and there was a lot of eeling going on. I also remember getting kerēru for my grandmother. We have still got a big area on the ranges out the back that is in native bush and which we don't touch because the bush holds the land on those rugged hills.
13. Once fenced, the stock carrying capacity on the open grassland grew slowly and eventually more fencing was required. Topdressing by small aircraft followed, although at one time the larger DC3s flew from Gisborne Airport to topdress the sweeping spreads from Dome, Mangatahu, Wairere and Mangamaia and in the late 1950s early 1960s, Komihana, Maungahaumi and Omapere were also included.
14. It made me very proud to think that I was a part of this modern farming progress happening on the Mangatu. I enjoyed sitting on a high ridge on Komihana Station, watching from above the DC3s spreading their loads of superphosphate. I also felt pride in what I had contributed to the maintenance of our land. At that time, and still today, I have thoughts of our tīpuna who have gone before us, as well as others, who had to sweat and toil to topdress the land with packhorses, and by hand and foot. Waikakariki and part of Mangamaia were ploughed using teams of draught horses. My uncle Mahanga Brown told me he was one of many who had to do this work at age eighteen to twenty one. God bless them all.
15. My pride and focus in the land has been a part of my background, having been brought up on Mangatu and spent my whole working life farming on the Mangatu land. I was able to support my children and their children which gave them a stable home base and future. In 1992, I retired from Mangatu Incorporation and was sent on my way with big farewells from Mangatu Incorporation and the local community. Looking back over all my years on Mangatu, I believe that I and all those who worked on the stations substantially contributed towards the development of the Incorporation into a modern and vibrant business. A major achievement

for me of which I am most proud, was to see through the project to build a bridge across the Mangamaia River, thus opening up the rest of the farm.

16. Today I still live and work on the family land at Puha. Most of our children and their children live in Australia and that reflects life today. Ani and I have lived most of our lives in the Puha, Whatatutu and Mangatu communities, and so have our whānau before us, and their whānau, and so on. Living and working in these places has given Ani and I a great appreciation of the love and commitment our family and friends have for the area as a consequence of the good life it has provided us and our respective whānau before us.
17. This is only part of what has given me pride and passion for the land and also a great appreciation of what our forefathers did before us. Hard work and determination is a great reward and incentive to carry on with holding the land for future generations.

#### **Impact of the 1961 Coerced Sale on the Mangatu Community**

18. I remember the sale of the land in 1961 (referred to as the "1961 Land"). I remember the erosion problems too, the Tarndale slip was the big one at Te Weraroa, and there was the Mangatu slip on the other side of the ridge. The land that the Crown took in 1961 had been cleared by European leaseholders, and the leaseholders had burned the land off, a lot of it ended up in the rivers because they didn't leave enough bush to hold the land. The 1961 Land was partly on Mangatahu Station and partly on Te Hua Station.
19. My father was dead against selling the land, along with quite a few others. Much discussion and debate took place at the time. Dad had been brought up with the attitude that you never ever sell your land. My love of the land and my attitude towards its progress can also be attributed to my grandparents Nanny Waioeka and Koro Mahaki, they had included a clause in their wills that the Mahaki Brown farm blocks must never be sold. Land was then, and continues to be so today, very precious. It was an attitude of "go where you like, do what you want, but don't sell our land". That was taught to all our whānau.
20. My father was the one who came up with the proposal to lease the 1961 Land to the Crown until it had been stabilised, but he was overruled by the government. We were hurt because we believed that we understood the



effects of erosion and had the capability to look after the land. Mangatu has carried out erosion schemes on small blocks at Komihana, Mangamaia and Pukutarewa.

21. When the Crown took the 1961 Land, they took a lot of good land as well as the slip itself, they went another ridge over and that was solid land. I remember my father asking them to put the fence closer to the eroded area, he did not think they needed to take so much land, and he was very hurt that they still went ahead.
22. One of the saddest things for me is that my father did not live to see the 1961 Land coming back, he had always believed that it would come back one day. I remember his second wife, my stepmother May, saying that she was sad it hadn't come back in George's lifetime, and that she was sad it hadn't happened in hers either.
23. I am standing to speak for Mangatu because I support the claim for the 1961 Land to be returned to its rightful owners. Although we are recognised individually as owners of Mangatu, we act collectively. The owners are strong whānau groups. Belonging to Mangatu is about whānau, it has never been about iwi. We have always acted collectively to support Māhaki. The owners are always generous in supporting our marae and our hapū.
24. I hope that my kōrero has given the Tribunal an appreciation for the passion that we have for this land. It gives me heartfelt concern when I remember that I was brought up to honour and protect our whenua. Those who have gone before us have passed the rākau onto us, to seek the return of our land. I would dearly love to see the 1961 Land returned to Mangatu in my lifetime.

Kia ora tātou

**HOHEPATAHATAHA BROWN**





30 June 2014

Ms Traci Houpapa  
Chairperson  
Federation of Māori Authorities  
Māori Appointor  
c/- THS & Associates Ltd  
P O Box 13083  
HAMILTON 3251

Hon Sir Taihākurei Durie  
& Mr C Maanu Paul  
Co-Chairs,  
New Zealand Māori Council  
Māori Appointor  
c/- Ms Karen Waterreus  
P O Box 33-373  
PETONE 5042

Hon Bill English  
Minister of Finance  
Crown Appointor  
Parliament Buildings  
WELLINGTON

Tēnā koutou katoa

**CFRT REPORT TO APPOINTORS: 1 APRIL 2013 – 31 MARCH 2014**

In accordance with the requirement of the trust deed under clause 7.1(c), attached for your information is the Report to the Appointors for the 2013-2014 financial year (1 April 2013 -31 March 2014). This Report to the Appointors consists of this cover letter; the audited financial statements; and the Independent Auditors report.

Nāku noa nā

Angela Foulkes  
**CHAIRPERSON**

This is the exhibit marked "APTH 11" referred to in the affidavit of Alan Parekura Torohina Haronga sworn at Wellington this 22<sup>nd</sup> day of August 2014 before me:

  
Solicitor of the High Court of New Zealand

Victoria Ellen Beetham Moore Joseph  
Solicitor  
Wellington



**CROWN FORESTRY RENTAL TRUST - NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 MARCH 2014**

**20 FUNDS HELD IN TRUST TO 31 MARCH 2014**

|                              | <b>Forest<br/>No.</b> | <b>Opening<br/>Balance<br/>\$</b> | <b>Current Year<br/>Received<br/>\$</b> | <b>Current Year<br/>Distributions<br/>\$</b> | <b>Total held<br/>in Trust<br/>\$</b> |
|------------------------------|-----------------------|-----------------------------------|---|--|---------------------------------------|
| <b>Northland</b>             |                       |                                   |   |  |                                       |
| Aupouri *                    | 1                     | 11,912,338                        | 558,500                                 | -  | 12,470,838                            |
| Otangaroa                    | 2                     | 3,039,281                         | 138,700                                 | -  | 3,177,981                             |
| Waitangi                     | 3                     | 2,024,205                         | 107,500                                 | -  | 2,131,705                             |
| Glenbervie                   | 4                     | 9,401,724                         | 470,100                                 | -  | 9,871,824                             |
| <b>Auckland</b>              |                       |                                   |   |  |                                       |
| Woodhill *                   | 7                     | 24,084,702                        | -                                       | (24,008,922)                                 | 75,780                                |
| Riverhead *                  | 8                     | 10,620,798                        | 332,000                                 | (1,533,588)                                  | 9,419,210                             |
| Maramarua                    | 11                    | 12,855,057                        | 557,000                                 | -  | 13,412,057                            |
| Whangapoua                   | 12                    | 6,275,234                         | 199,000                                 | -  | 6,474,234                             |
| Kauaeranga                   | 13                    | 313,592                           | 12,500                                  | -  | 326,092                               |
| Waihou                       | 14                    | 1,971,155                         | 88,000                                  | -  | 2,059,155                             |
| Tairua                       | 15                    | 15,313,409                        | 617,000                                 | -  | 15,930,409                            |
| Athenree                     | 16                    | 2,710,624                         | 117,000                                 | -  | 2,827,624                             |
| Whangamata                   | 60                    | 139,400                           | 29,800                                  | -  | 169,200                               |
| <b>Central North Island</b>  |                       |                                   |   |  |                                       |
| Pirongia                     | 24                    | 395,244                           | 16,800                                  | -  | 412,044                               |
| Tawarau                      | 25                    | 1,913,889                         | 96,000                                  | -  | 2,009,889                             |
| Mangaokewa                   | 26                    | 1,041,072                         | 43,900                                  | -  | 1,084,972                             |
| Pureora North *              | 27                    | 671,014                           | 1,800                                   | -  | 672,814                               |
| <b>East Coast</b>            |                       |                                   |   |  |                                       |
| Mangatu                      | 34                    | 10,078,137                        | 581,880                                 | -  | 10,660,017                            |
| Patunamu                     | 36                    | 5,075,131                         | 259,400                                 | -  | 5,334,531                             |
| <b>Hawkes Bay</b>            |                       |                                   |   |  |                                       |
| Esk *                        | 38                    | 8,279,963                         | 395,000                                 | -  | 8,674,963                             |
| Kaweka                       | 39                    | 5,410,201                         | 320,000                                 | -  | 5,730,201                             |
| Gwavas                       | 40                    | 7,224,787                         | 240,900                                 | -  | 7,465,687                             |
| <b>Southern North Island</b> |                       |                                   |   |  |                                       |
| Erua                         | 41                    | 60,297                            | 3,000                                   | -  | 63,297                                |
| Karioi                       | 42                    | 7,962,407                         | 175,000                                 | -  | 8,137,407                             |
| Te Wera                      | 43                    | 2,152,056                         | 116,000                                 | -  | 2,268,056                             |
| Lismore Hill                 | 44                    | 1,596,995                         | 57,200                                  | -  | 1,654,195                             |
| Lismore Sand                 | 45                    | 873,809                           | 43,000                                  | -  | 916,809                               |
| Santoff                      | 46                    | 1,284,256                         | 41,000                                  | -  | 1,325,256                             |
| Tangimoana                   | 47                    | 654,731                           | 20,000                                  | -  | 674,731                               |
| Waitarere                    | 48                    | 2,624,406                         | 116,600                                 | -  | 2,741,006                             |
| Manakau                      | 49                    | 402,777                           | 16,400                                  | -  | 419,177                               |
| Ngaumu                       | 51                    | 12,770,690                        | 649,000                                 | -  | 13,419,690                            |



**CROWN FORESTRY RENTAL TRUST - NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 MARCH 2014**

**20 FUNDS HELD IN TRUST TO 31 MARCH 2014 (cont.)**

|                                     | Forest<br>No. | Opening<br>Balance<br>\$ | Current Year<br>Received<br>\$ | Current Year<br>Distributions<br>\$ | Total held<br>in Trust<br>\$ |
|-------------------------------------|---------------|--------------------------|--------------------------------|-------------------------------------|------------------------------|
| <b>Nelson</b>                       |               |                          |                                |                                     |                              |
| Golden Bay *                        | 52            | 216,823                  | 10,100                         | -                                   | 226,923                      |
| Motueka *                           | 53            | 3,143,139                | 184,500                        | -                                   | 3,327,639                    |
| Golden Downs East *                 | 54            | 17,802,150               | 874,110                        | -                                   | 18,676,260                   |
| Golden Downs West *                 | 54            | 19,039,050               | 809,910                        | -                                   | 19,848,960                   |
| Waimea *                            | 55            | 3,541,265                | 151,700                        | -                                   | 3,692,965                    |
| Rai *                               | 56            | 8,110,987                | 368,300                        | -                                   | 8,479,287                    |
| Hira *                              | 57            | 4,594,552                | 204,000                        | -                                   | 4,798,552                    |
| Queen Charlotte *                   | 58            | 1,049,376                | 41,300                         | -                                   | 1,090,676                    |
| Wairau *                            | 59            | 7,799,286                | 339,700                        | -                                   | 8,138,986                    |
| <b>Total Forest Rental Proceeds</b> |               | <b>236,430,009</b>       | <b>9,403,600</b>               | <b>(25,542,510)</b>                 | <b>220,291,099</b>           |

\* Forests or part of forests expected to be settled in the following financial year.

|  | 2014<br>\$         | 2013<br>\$         |
|--|--------------------|--------------------|
| <b>Current/Non Current Split of Rental Proceeds Held</b> |                    |                    |
| Current  | 94,710,140         | 112,585,480        |
| Non Current  | 125,580,959        | 123,844,529        |
|  | <b>220,291,099</b> | <b>236,430,009</b> |

Forests or part forests expected to be settled in the following financial year have been disclosed as current liabilities. No further liability maturity profile has been disclosed because the Trust is not contractually obliged to transfer any of the accumulated rentals until the relevant Deeds of Settlement have been signed and Bills enacted therefore it is difficult to estimate when amounts will become payable.

