

TAURANGA MOANA MAORI TRUST BOARD BILL

EXPLANATORY NOTE

THIS Bill gives effect to an agreement that has been reached on behalf of the Crown with representatives of the Ngaiterangi, Ngati Ranginui, and other tribes concerning claims in respect of certain land that was confiscated or acquired by the Crown from those tribes following the battles of Gate Pa and Te Ranga during the 1860's.

The Bill provides for the payment of \$250,000 in full settlement of all such claims, and sets up a Maori Trust Board to administer the fund.

Clause 1 relates to the Short Title and commencement.

Clause 2 is an interpretative provision.

Clause 3 provides that the Bill will bind the Crown.

Clause 4 sets up the Tauranga Moana Maori Trust Board within the ambit of the Maori Trust Boards Act 1955. The beneficiaries of the Board are declared to be the descendants of the persons who fought against the Crown at Gate Pa and Te Ranga or who were dispossessed of any land as a direct result of those battles.

Clause 5 provides for the initial appointment and subsequent election of up to 10 members of the Board.

Clause 6 provides for the payment to the Board of the agreed sum of \$250,000 in settlement of all claims against the Crown in respect of any confiscation or other acquisition of any land described in the *Schedule* to the Bill.

Clause 7 provides for the restoration of the reputation of the warriors who fought in the Battles of Gate Pa and Te Ranga.

Hon. Mr Couch

TAURANGA MOANA MAORI TRUST BOARD

ANALYSIS

Title	4. Tauranga Moana Maori Trust Board constituted
Preamble	5. Membership of Board
1. Short Title	6. Payment to Board of agreed sum
2. Interpretation	7. Reputation of certain persons restored
3. Act to bind Crown	Schedule

A BILL INTITULED

An Act to establish the Tauranga Moana Maori Trust Board and to settle various matters relating to the Battles of Gate Pa and Te Ranga

- 5 WHEREAS in or about 1863 the Ngaiterangi, Ngati Ranginui, and certain other Maori tribes or their members held certain lands situated in and around the township of Tauranga: And whereas in 1864 some of those persons took up arms against the Crown but were defeated at the Battle of Te Ranga: And
- 10 whereas the then Governor in Council, regarding those persons as having been engaged in rebellion against the Crown's authority, declared the land described in the Schedule to this Act to be a district under and within the provisions of the
- 15 New Zealand Settlements Act 1863: And whereas the area of land to be forfeited to the Crown under that Act was to be some 86602.804 hectares, but, in recognition of the honourable way in which the persons concerned had fought, that area was reduced to about one-fourth: And whereas it has not hitherto been accepted by all interested parties that the claims

of all persons affected or aggrieved by any such action were properly considered or resolved: And whereas it has been agreed by and between the Crown and representatives of the descendants of such persons that the Crown should pay and those descendants should accept the sum of \$250,000 in full and final settlement of all claims of whatever nature arising out of the confiscation or other acquisition of any of the said land by the Crown: And whereas it is expedient that the money be paid to and dealt with by a Maori Trust Board under and in accordance with the Maori Trust Boards Act 1955: 5 10

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

1. Short Title—This Act may be cited as the Tauranga Moana Maori Trust Board Act 1981. 15

2. Interpretation—In this Act, unless the context otherwise requires, “Board” means the Tauranga Moana Maori Trust Board constituted by section 4 of this Act.

3. Act to bind Crown—This Act binds the Crown. 20

4. Tauranga Moana Maori Trust Board constituted—
(1) There is hereby constituted a body corporate to be known as the Tauranga Moana Maori Trust Board, which shall be a Maori Trust Board within the meaning and for the purposes of the Maori Trust Boards Act 1955 and, subject to the provisions of this Act, the provisions of that Act shall apply accordingly. 25

(2) The beneficiaries of the Board shall be the descendants of the members of those tribes who took up arms against the Crown at the Battles of Gate Pa and Te Ranga or which were dispossessed of any lands as a direct result of those battles. 30

5. Membership of Board—(1) As soon as practicable after the commencement of this Act, the Governor-General shall, on the recommendation of the Minister of Maori Affairs, appoint such number of persons not exceeding 10 as the Minister thinks fit to be the initial members of the Board. 35

(2) Each initial member of the Board shall hold office until his successor is elected and comes into office under subsection (3) of this section.

5 (3) The Board shall cause to be prepared a roll containing the names and addresses of all adult beneficiaries of the Board, and, as soon as practicable thereafter, the Board and the Secretary to the Board shall do everything necessary, in accordance with Part III of the Maori Trust Boards Act 1955, to hold an election of members of the Board.

10 **6. Payment to Board of agreed sum—**(1) There shall, without further appropriation than this section, be paid out of the Consolidated Account to the Board the sum of \$250,000.

15 (2) Within 14 days after receiving that sum, the Board shall pay the whole of it into an account, at such bank as may be approved by the Minister, to be called the "Tauranga Moana Maori Trust Board Account".

(3) The Board shall thereafter use and expend the said sum in accordance with the Maori Trust Boards Act 1955.

20 (4) Upon its receipt by the Board, the said sum shall be accepted in full and final settlement of all claims of whatever nature arising from or out of any confiscation or acquisition by the Crown of any of the land described in the Schedule to this Act.

25 **7. Reputation of certain persons restored—**It is hereby declared that after the passing of this Act the character and reputation of Rawiri Puhirake, Henare Taratoa, and all other members of the Ngaiterangi, Ngati Ranginui, and other tribes who fought in the Battles of Gate Pa and Te Ranga shall be the same as if a full pardon had been granted to them
30 in respect of all matters arising out of, or in any way related to, those battles.

SCHEDULE

Section 6 (4)

THE LAND IN RESPECT OF WHICH CLAIMS ARE SETTLED

ALL that area of land described in the Schedule to the Tauranga District Lands Act 1868 as follows:

“All that land estimated to contain two hundred and fourteen thousand acres known as the Tauranga Block bounded on the North-east by the sea from Ngakuri-a-whare Point to Wairakei Creek on the South-east by a line from the mouth of the Wairakei Creek to Otara from thence to Otanewainuku from thence to Poutiki on the South-west by a line from Poutiki to the summit of the watershed of the dividing range of hills between the East Coast and the Thames Valley and thence following the said watershed northward to the summit of the Aroha Mountain and on the North-west by a straight line from the summit of the Aroha Mountain to Ngakuri-a-whare Point.

Together with the Island of Tuhua or Mayor Island and such portions of Motiti or Flat Island as shall be adjudged to belong to the Ngaiterangi Tribe or to individual members thereof.”