**Motion # 14**

**Formal apology to Ngati Tapu and Ngaitamarawaho of Tauranga Moana**

**Mover:**  The Most Rev’d P Richardson **Seconder:** The Rt Rev’d N Katene

**That this General Synod / Te Hīnota Whānui 2018:**

1. Apologises to Ngati Tapu and Ngaitamarawaho of Tauranga Moana, and in particular to the Otamataha Trust which represents them in this matter, for the loss of the Te Papa mission lands and commits to continue to pray for a final and mutually agreeable settlement to the Tauranga Moana land case before the Waitangi Tribunal; and,
2. Notes that a parcel of land in Tauranga Moana of approximately 1300 acres known as the “Te Papa Block,” is the subject of concern for the Otamataha Trust representing Ngati Tapu and Ngaitamarawaho; and,
3. Receives the report “Naboth’s Vineyard: Towards reconciliation in Tauranga Moana,” researched and presented by Dr Alistair Reese, which details the concerns regarding the disposal of this land by the Church Missionary Society Central Lands Board to the colonial government in 1866. (See Synod papers) The lands were transferred “ka tuku, ka hoko” in 1838 by the then Church Missionary Society Central Land Board in Tauranga under the care and oversight of Archdeacon Alfred Brown to be held in Trust for Mana Whenua. The land was held and deployed for many years in line with the hapu’s intention. These Te Papa lands were finally and reluctantly yielded by the Church Missionary Society Central Land Board to the Crown under great pressure from the colonial government and following many expressions of concern, in exchange for one-fifth of the surveyed sections of land; and,

1. Is of the opinion that the pressure placed by the colonial government on the Church Missionary Society Central Land Board to yield the Te Papa Block for sale in March 1866 was undue and inappropriate.

This process meant that the cultural and moral obligation described in clause 7 was not met by the then Church Missionary Society Central Land Board; and,

1. Is of the opinion that the pressure on the Church Missionary Society Central Land Board to yield the Te Papa Mission lands constitutes a breach of the Treaty of Waitangi/te Tiriti o Waitangi  principles in terms of the Crown’s obligations regarding partnership, protection and participation of Maori gifted /sold land for particular purposes, as well as a breach of local Maori rangatiratanga of Maori land sold in good faith for a particular purpose, and held in Trust by a recipient body for that purpose only, namely the then Church Missionary Society Central Land Board; and,
2. Is affirming of the Waitangi Tribunal hearing of the Tauranga Moana land case as a whole noting the public support of the tribunal hearing process in September of 1987 by the Right Reverend Peter Atkins, the then Bishop of Waiapu; and,
3. That the General Synod/Te Hīnota Whānui acknowledges the moral force of the report of the Bicultural Commission of the Anglican Church on the Treaty of Waitangi, Te Ripota o te Komihana mo te Kaupapa Tikanga Rua mo te Tiriti o Waitangi 1986, where in Appendix 1, page 44, there is included the article by Chief Judge E.T.J. Durie “The Maori understanding of a gift compared to the law of charities.” Chief Judge Durie states that there is no necessary difference between sale and gift in terms of Māori understanding of land passing from them to others. There is to be a continuing relationship between the donor and donee either way. There is a greater duty to the donor than to others, and the acknowledgement of the donor’s interest. The General Synod/Te Hīnota Whānui considers that these principles apply in full to the Tauranga mission lands of Te Papa, where consultation with hapu over the story of the land and it’s respective sales and use, is right and proper, with a view to seeking restorative and reconciliatory outcomes; and,
4. Affirms the actions in 1997 of the Most Reverend Te Whakahuihui Vercoe as Pīhopa o Aotearoa, in partnership with the Right Reverend George Connor, Bishop in the Bay of Plenty of the Diocese of Waiapu, and Mr Don Shaw of the Tauranga Moana Māori pastorate, in facilitating the return of a smaller parcel of the remaining Church Missionary Society land to the Tauranga Moana Otamataha Trust, being the appropriate trust to receive these particular tribal assets, representing the Ngati Tapu and Ngaitamarawaho peoples of Tauranga Moana; and,
5. Affirms the request of Archbishop Philip Richardson on behalf of the Primates in asking Archbishop Emeritus David Moxon to liaise on their behalf with appropriate Anglican parties and the Otamataha Trust to seek to achieve a measure of restorative action and reconciliation relating to the Te Papa land loss. Noting that the Anglican parties include the Bishop of Waiapu, te Pīhopa o Te Manawa o Te Wheke and the National Director of the NZ Church Missionary  Society (NZCMS) Trust Board, recognising that today’s NZCMS Trust Board is not legally related to the nineteenth century Church Missionary Society Central Land Board; and,
6. Asks the Archbishop of the New Zealand Dioceses and te Pīhopa o Aotearoa to report progress of the interested parties as noted, to the Standing Committee of General Synod/Te Hīnota Whānui; and,
7. Empowers the Standing Committee of General Synod/Te Hīnota Whānui to support and endorse any actions needed and any applications made to church entities, trusts or donors in the restorative justice process involved above as the committee sees fit.

Note:

See Summary Report and Judge Durie article in Reports Section.

The full report is available online:

<http://www.anglican.org.nz/News/General-Synod-Te-Hinota-Whanui-GSTHW/GSTHW-2018-Reports>