



Te Pua o Te Riri Kore

DEED OF SETTLEMENT BETWEEN THE CROWN AND NGĀTI HĀUA

General background

Ngāti Hāua are an iwi whose area of interest extends north and west from Mount Ruapehu and encompasses the upper reaches of the Whanganui River. The principal townships within their area of interest are Taumarunui, Ōwhango and National Park. In the 1820s, some Ngāti Hāua hapū had also settled in Heretaunga (the Hutt Valley).

In 2017, the Crown recognised the mandate of Ngāti Hāua Iwi Trust to represent Ngāti Hāua in negotiating a comprehensive historical Treaty settlement.

The Crown signed Terms of Negotiation with Ngāti Hāua on 14 July 2017. On 22 October 2022, the Crown and Ngāti Hāua signed an Agreement in Principle, which formed the basis for this settlement.

On [21 November 2024], Ngāti Hāua and the Crown initialled a Deed of Settlement called Te Pua o Te Riri Kore. Te Pua o Te Riri Kore was then ratified by the people of Ngāti Hāua and signed on [xx] at Ngāpūwaihaha Marae, Taumarunui. The settlement will be implemented following the passage of settlement legislation.

Te Arawhiti - The Office for Māori Crown Relations, with the support of the Department of Conservation, Land Information New Zealand, and other government agencies, represented the Crown in day-to-day negotiations.

The Minister for Treaty of Waitangi Negotiations, Hon Paul Goldsmith (and his predecessor Hon Andrew Little), represented the Crown in high-level negotiations with Ngāti Hāua.

Summary of the historical background to the claims of Ngāti Hāua

In the 1840s, the Crown negotiated with another iwi to purchase land in Heretaunga on behalf of the New Zealand Company and ordered those Ngāti Hāua present to leave under threat of military force. After fighting broke out in 1846, the Crown captured and court martialled Ngāti Hāua tūpuna. One tūpuna, Te Rangiātea, was sentenced to confinement for life and died soon thereafter in prison. Another tūpuna, Mātene Ruta Te Whareaitu, was sentenced to death and executed by hanging. Another five tūpuna were exiled to Australia. These events served as a catalyst to further fighting between Ngāti Hāua and the Crown in Whanganui in 1847.

From the late 1850s, Ngāti Hāua joined the Kīngitanga movement and supported their whanaunga in fighting the Crown in Taranaki from 1863. In 1865, the Crown confiscated land in Taranaki which included land in which Ngāti Hāua have interests. That same year the Crown ordered an attack on the Kīngitanga at Ōhoutahi pā. Ngāti Hāua supported the peaceful protest at Parihaka against the Crown's attempts to enforce its confiscation. In 1881, the Crown invaded Parihaka, arrested Ngāti Hāua people, and destroyed their property. Since the 1860s, Ngāti Hāua have endured intergenerational stigma of being labelled 'Hauhau' and 'rebels' by the Crown.

In the 1860s, in order to facilitate colonisation, the Crown promoted laws which provided for the Native Land Court to individualise the customary land tenure of Ngāti Hāua. The iwi boycotted the Native Land Court at times, but had to engage with it to protect their interests. The Crown began purchasing Ngāti Hāua land interests in the 1870s. In 1886, even though many Ngāti Hāua were not aware of the hearings of the Waimarino block, the Court awarded title. The Crown quickly purchased most of the block, including kāinga of Ngāti Hāua, without paying a fair price.

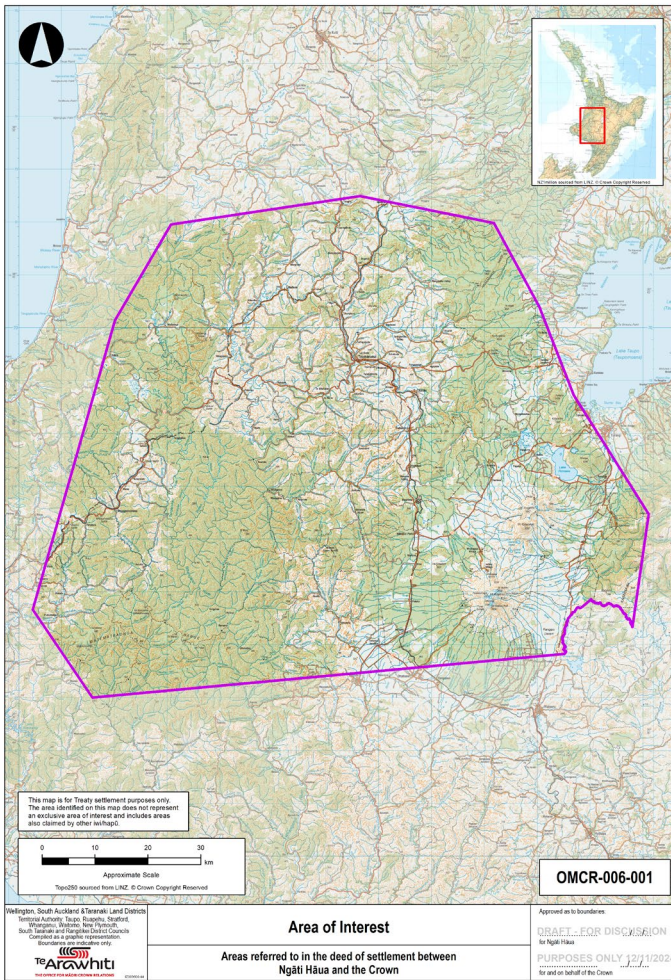
Meanwhile, Ngāti Hāua defended the southern aukati of Te Rohe Pōtae. In 1885, the Crown secured the agreement of Ngāti Hāua to lift the aukati for the construction of the North Island Main Trunk Railway by making promises that it did not honour, and then purchasing vast areas of land for settlement by way of purchase from individuals. The Crown used public works legislation to compulsorily acquire some Ngāti Hāua land for the Railway, with compensation not always paid. Ultimately, Ngāti Hāua became virtually landless, and were unable to provide for present and future generations.

In the early 1900s, Ngāti Hāua gave conditional agreement for the establishment of the Taumarunui Native Township on some of their remaining land, though the Crown did not honour those conditions. The Crown promoted legislation which drastically reduced Ngāti Hāua influence over its management, and prioritised settler interests by allowing perpetual leases and purchasing township sections on behalf of the lessees.

In 1907 the Crown established the Tongariro National Park without consulting Ngāti Hāua. The Crown did not provide Ngāti Hāua with a role in the Park's management and the environmental impact from the development of infrastructure within the Park has been distressing for the iwi. Furthermore, from 1971 the Crown utilised the waterways in the Ngāti Hāua rohe, including the Whanganui River, for use in the Tongariro Hydro-Electric Power Development Scheme without consulting Ngāti Hāua.

The Crown also did not consider Ngāti Hāua interests when it compulsorily acquired their land along the banks of the Whanganui River for scenic reserves in the early twentieth century. The Crown compounded this prejudice when it included that land in the Whanganui National Park in 1987.

The extent of Ngāti Hāua's land loss has resulted in the erosion of tribal structures and the iwi's economic base, and an inability to sustain themselves. Consequently, Ngāti Hāua are virtually unable to exercise kaitiakitanga over the forests, waterways, kāinga and wāhi tapu of the rohe, and have suffered poverty, poor housing, low educational achievement, and a lack of opportunities for social and economic development. This, in turn, has damaged the spiritual and cultural wellbeing of the iwi, and led to a dispersal of the Ngāti Hāua population to urban centres which has contributed to a loss of community, te reo Māori, and traditional cultural practices. In the face of this, Ngāti Hāua have persistently called for the maintenance and recognition of their rangatiratanga, guaranteed to them by te Tiriti o Waitangi/the Treaty of Waitangi.



Overview

Te Pua o Te Riri Kore – Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Hāua resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

- statutory pardons for Te Rangīātea and Mātene Ruta Te Whareaitu;
- an agreed historical account, Crown acknowledgments and apology;
- cultural redress; and
- financial and commercial redress.

The benefits of the settlement will be available to all members of Ngāti Hāua wherever they may live. The redress was negotiated by the Ngāti Hāua Iwi Trust, the mandated entity.

Te Pua o Te Riri Kore settles all Ngāti Hāua historical claims over the Tongariro National Park and Whanganui National Park (National Parks). However, the deed provides that cultural redress over the National Parks will be negotiated separately as collective redress for Ngāti Hāua and other iwi who have interests in the National Parks.

Statutory Pardons

Through this settlement, Ngāti Hāua tūpuna Te Rangīātea and Mātene Ruta Te Whareaitu are pardoned for their convictions, and their character, mana, and reputation are recognised by the Crown.

Crown acknowledgements and apology

Te Pua o Te Riri Kore contains a series of acknowledgements by the Crown for its acts and omissions that have breached the Crown's obligations under te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown has made a series of acknowledgements to Ngāti Hāua for the Crown's actions which have caused the iwi prejudice, including regarding its conduct during conflict in the Wellington region in the 1840s and in Whanganui and Taranaki during the wars of the 1860s. The Crown has also acknowledged the impact of land confiscation, the native land laws, Crown purchasing tactics, and compulsory acquisitions on Ngāti Hāua which ultimately left the iwi virtually landless for their present and future needs.

Te Pua o Te Riri Kore also includes the Crown's apology to Ngāti Hāua for those acts and omissions which breached the Crown's obligations under te Tiriti o Waitangi/the Treaty of Waitangi and for damage that those acts and omissions caused to Ngāti Hāua. While Ngāti Hāua sought to foster connection, maintain their rangatiratanga, and defend their land, the Crown has broken its promises, ignored petitions and protests, and shown Ngāti Hāua a profound lack of care. Through its acknowledgments and apology, the Crown hopes to build a platform on which Ngāti Hāua and the Crown can form a new relationship based on the spirit of partnership in te Tiriti o Waitangi/the Treaty of Waitangi.

Cultural redress

Recognition of the traditional, historical, cultural and spiritual associations that Ngāti Hāua has with places and sites owned by the Crown within their area of interest.

CULTURAL REVITALISATION FUND

Ngāti Hāua will receive on settlement date, cultural funding and sites of cultural significance to the value of \$6.100 million.

VESTING OF LAND

A total of 64 sites of cultural significance will be transferred to Ngāti Hāua as cultural redress, including Ngā Huinga (Cherry Grove) Recreational Reserve, Kirikau No. 3 Scenic Reserve (Rurumaikatea), Whakapapa Island Scenic Reserve and Makakote Pā. Some sites will transfer subject to certain conditions which will protect existing third-party rights, and existing values such as public access and conservation.

Images of each site can be found in the Deed Plans in the Attachments Schedule to Te Pua o Te Riri Kore.

- 16 sites to vest in fee simple;
- 35 sites to vest subject to reserve status;
- 7 Ruapehu District Council sites to vest subject to reserve status; and
- 6 sites to vest subject to reserve status shared with other groups.

TE TUANUI - OVERLAY CLASSIFICATION

An overlay classification (known as Te Tuanui in the Ngāti Hāua settlement) acknowledges the traditional, cultural, spiritual and historical association of Ngāti Hāua with lands within Tongariro Conservation Area. The declaration of an area as an overlay classification provides for the Crown to acknowledge Ngāti Hāua values in relation to that area. The site maintains its existing status, with Te Papa Atawhai – Department of Conservation required to consult Ngāti Hāua to allow them to have input into the management of the site to avoid harming these values.

- Part Tongariro Conservation Area overlay classification.

TE POU TAIAO - JOINT MANAGEMENT COMMITTEE

Te Pou Taiao will be established through the settlement; it will be a joint management committee with representatives from Ngāti Hāua and the Department of Conservation. Te Pou Taiao will be responsible for developing conservation strategies and managing 14 conservation sites consistently with Ngāti Hāua kawa, tikanga and values.

Additional public conservation land may be added to Te Pou Taiao in the future by agreement.

- 14 sites will be within Te Pou Taiao's responsibility.

TOITŪ TE WHENUA - PARTNERSHIP FRAMEWORK WITH DEPARTMENT OF CONSERVATION

Ngāti Hāua, together with the Minister of Conservation, Department of Conservation and the post-settlement governance entity (PSGE) intend that the partnership framework will consist of a partnership agreement, a sites of significance framework under section 53 of the Conservation Act 1987 that will provide an opportunity for Ngāti Hāua to engage in the management of sites of significance to them on public conservation land, and a cultural materials plan allowing Ngāti Hāua to authorise permitted gathering of materials for cultural use on specified public conservation land.

AREA OF INTEREST STATEMENT

A Ngāti Hāua Area of Interest Statement will be included as an appendix to each of the Tongariro-Taupō, Taranaki-Whanganui and Waikato conservation management strategies, with provision for how Ngāti Hāua will participate in future reviews of each relevant conservation management strategy.

MEMBERSHIP FOR TONGARIRO-TAUPŌ CONSERVATION BOARD

The settlement will also provide for the Minister of Conservation to appoint an interim member of the Tongariro-Taupō Conservation Board on the nomination of Ngāti Hāua.

STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

A statutory acknowledgement recognises the association between Ngāti Hāua and a particular site or area and enhances their ability to participate in specified resource management processes. Deeds of Recognition oblige the Crown to consult with Ngāti Hāua on specified matters and have regard to their views regarding their special associations with certain areas. The settlement will provide:

- 39 statutory acknowledgements;
- 1 statutory acknowledgement over 12 puna wai (freshwater springs); and
- 8 statutory acknowledgements with deeds of recognition.

PLACE NAME CHANGES

Place names recognise iwi associations with geographic areas. 15 original place names will be restored through the settlement.

NOHOANGA ENTITLEMENT

The settlement will provide that the Crown will grant to Ngāti Hāua a Nohoanga entitlement over 10 sites of Crown-owned land.

PLACEMENT OF POU WHENUA

The settlement will provide that Ngāti Hāua may erect permanent pou whenua on Ohinetonga Scenic Reserve and within the Whanganui National Park at Whakahoro without the need for further authorisation under conservation legislation.

MINERAL FOSSICKING AND CONSULTATION

The Deed of Settlement acknowledges the longstanding cultural, historical, spiritual and traditional, association of Ngāti Hāua with relevant minerals and provides a statement of association with the relevant minerals. The Deed of Settlement will provide for the PSGE to authorise members of Ngāti Hāua to search for and remove six Crown-owned minerals from riverbeds, former riverbeds and agreed areas on public conservation land within the Ngāti Hāua area of interest: kōkōwai (ochre), pākohe (argillite), matā / tūhua (black obsidian), ōnewa (basalt / greywacke), paru (black mud) and mangaweka / pukepoto (blue clay). The gathering of these minerals will be subject to access restrictions under Schedule 4 of the Crown Minerals Act, and collection by hand.

Te Tātairango o Te Karauna - Relationships

TE HUINGA / MINISTERS MEETING

The settlement will provide for the Minister of Education, the Minister of Social Development and the Minister for Children to attend a meeting with the PSGE to discuss the Ngāti Hāua social transformation strategy in relation to the scope of portfolios of the attending Ministers. At the agreement of the PSGE and the Ministers, the meeting may be a joint meeting or separate meetings with the Ministers individually.

NGĀ WHENUA O TE TĀTAIRANGO

The settlement will provide for relationship agreements with the following Crown agencies that include an acknowledgement of the importance of Te Pou Tikanga to Ngāti Hāua and a clause providing that –

- where the priorities of Ngāti Hāua and the Crown agencies align, the PSGE and those Crown agencies will seek to work together on those priorities where it is mutually beneficial to do so;
- discussions regarding collective engagement will occur at the annual hui provided for under the relevant relationship agreements; and
- may include development of a collective work plan.

The relevant Crown agencies are:

- Ministry of Business, Innovation and Employment
- Ministry of Social Development
- Oranga Tamariki
- Kāinga Ora
- Ministry of Housing and Urban Development
- Ministry of Health
- Te Puni Kōkiri
- Ministry of Education
- Stats New Zealand
- Ministry of Justice
- Department of Corrections
- New Zealand Police
- Ministry for the Environment

The Ministry of Housing and Urban Development - Te Tūāpapa Kura Kāinga will convene and facilitate the first annual hui (as provided for in each relationship agreement) between the PSGE and the Crown agencies mentioned.

OTHER RELATIONSHIP AGREEMENTS AND LETTER OF RECOGNITION

The settlement will provide for a Whakaatanga Tiaki Taonga with: Te Tari Taiwhenua – Department of Internal Affairs, the agency responsible for the National Library – Te Puna Mātauranga o Aotearoa and Archives New Zealand; Te Papa Tongarewa; Heritage New Zealand Pouhere Taonga; and Manatū Taonga – Ministry for Culture and Heritage.

The settlement also provides for a relationship agreement between Ngāti Hāua and KiwiRail.

LETTERS OF INTRODUCTION

On settlement date, the Chief Executive of the Office for Māori Crown Relations – Te Arawhiti will write to the National Emergency Management Agency, New Zealand Trade and Enterprise, New Zealand Sound and Vision, and Ruapehu District Council.

Financial and commercial redress

This redress recognises the losses suffered by Ngāti Hāua arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Ngāti Hāua with resources to assist them to develop their economic and social well being.

FINANCIAL REDRESS

Ngāti Hāua will receive financial redress of \$19.000 million with an on-account payment of \$3.800 million after deed signing. This stands alongside the Te Wera agreement which provides an additional \$1.400 million.

COMMERCIAL REDRESS

Ngāti Hāua will receive the right to purchase these properties under the following conditions:

- 4 Settlement date transfer – including sale and leaseback for Manunui School and Taumarunui Courthouse;
- 35 five-year Deferred Selection Properties;
- 3 two-year Deferred Selection Properties (sale and leaseback);
- 2 three-year Deferred Selection Properties;
- 125 Rights of First Refusal;
- 1 Area Right of First Refusal;
- 10 Second Rights of Refusal;
- 6 Joint Rights of First Refusal (with other iwi); and
- Shared future Deferred Settlement Property (2-years) and Right of First Refusal with Te Korowai o Wainuiārua under certain circumstances.

Questions and Answers

1. What is the total settlement package?

- Crown acknowledgements and apology for historical breaches of te Tiriti o Waitangi the Treaty of Waitangi
- An agreed historical account
- Cultural redress including the return of a number of sites throughout the Ngāti Hāua area of interest and a cultural revitalisation fund of \$6.000 million
- Commercial redress including the right to purchase a number of sites throughout the Ngāti Hāua area of interest and the right of first refusal over a number of Crown properties
- Financial redress of \$19 million plus payment from the Te Wera Agreement of \$1.4 million

2. Is there any private land involved?

No.

3. Are the public's rights affected?

Yes. Twelve conservation sites being returned will be transferred in fee simple not subject to reserve status.

4. Are any place names changed?

Yes, refer to the cultural redress section of Te Pua o Te Riri Kore.

5. What are statutory acknowledgements and deeds of recognition?

Statutory acknowledgements acknowledge areas or sites with which iwi have a special relationship and will be recognised in any relevant proceedings under the Resource Management Act. These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were simply cleared or excavated for public works or similar purposes without permission or consultation with iwi. Statutory acknowledgements do not convey a property right and are non-exclusive.

Deeds of recognition set out an agreement between the administering Crown body (the Minister of Conservation) and a claimant group in recognition of their special association with a site and specify the nature of their input into the management of the site.

6. What is an overlay classification?

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of an iwi with certain sites of significance administered by the Department of Conservation.

An overlay classification status requires the Minister of Conservation and Ngāti Hāua to develop and publicise a set of principles that will assist the Minister to avoid harming or diminishing values of Ngāti Hāua with regard to that land. The New Zealand Conservation Authority and relevant Conservation Boards will also be required to have regard to the principles and consult with the Ngāti Hāua.

7. What happens to memorials on private titles?

The legislative restrictions (memorials) placed on the title of Crown properties and some former Crown properties now in private ownership will be removed once all Treaty claims in the area have been settled.

8. When will the settlement take effect?

The settlement will take effect following the enactment of the settlement legislation.

9. Does Ngāti Hāua have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. When Te Pua o Te Riri Kore is signed and settlement legislation is passed it will be a final and comprehensive settlement of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Hāua. The settlement legislation, once passed, will prevent the iwi re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement will still allow Ngāti Hāua to pursue claims against the Crown for acts or omissions after 21 September 1992 including claims based on the continued existence of aboriginal title of customary rights. The Crown also retains the right to dispute such claims or the existence of such title rights.

10. Who benefits from the settlement?

All members of Ngāti Hāua wherever they may now live.

This and other settlement summaries are also available at www.govt.nz