



Deed of Settlement

BETWEEN THE CROWN AND NGĀTI HINERANGI

General background

Ngāti Hinerangi are an iwi based in Matamata with an area of interest extending from the eastern Waikato to Tauranga including part of the Kaimai Range.

In 2014, the Crown recognised the mandate of the Ngāti Hinerangi Trust to represent Ngāti Hinerangi in negotiating a comprehensive historical Treaty settlement.

The Crown signed Terms of Negotiation with the Ngāti Hinerangi Trust in February 2014. In December 2015, the Crown and Ngāti Hinerangi signed an agreement in principle which formed the basis for this settlement. On 14 December 2018, Ngāti Hinerangi and the Crown initialled a Deed of Settlement.

On 4 May 2019, Ngāti Hinerangi and the Crown signed a Deed of Settlement. The settlement will be implemented following the passage of settlement legislation.

Te Arawhiti, 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 Andrew Little, and his predecessor Hon Christopher Finlayson, represented the Crown in high-level negotiations with Ngāti Hinerangi.

Summary of the historical background to the claims

In 1840, a rangatira affiliated with Ngāti Hinerangi signed the Treaty of Waitangi when it was taken to Tauranga. The Treaty of Waitangi was not taken to Ngāti Hinerangi's inland settlements across the Kaimai Range.

In the early 1860s Ngāti Hinerangi became adherents of the Kīngitanga movement, which was founded to create a Māori political authority and slow the sale of Māori land. When war broke out in Taranaki in 1860 Ngāti Hinerangi warriors joined Kīngitanga forces opposing the Crown. Ngāti Hinerangi warriors also opposed the Crown during the Waikato war.

In January 1864, the Crown sent troops into Tauranga to disrupt the movement of men and supplies to the Waikato. As a result, many Tauranga Māori who had fought in the Waikato war returned home to aid in the defence of Tauranga.

In April 1864 Ngāti Hinerangi were among the force of Tauranga Māori who defeated Crown troops at the battle of Pukehinahina (Gate Pā). In June 1864 Crown troops defeated Māori forces at the battle of Te Ranga.

Following the battle of Te Ranga, between 1865 and 1868, the Crown confiscated approximately 290,000 acres of land in Tauranga under the New Zealand Settlements Act 1863. This Act authorised the Crown to confiscate the lands of Māori deemed to have been in rebellion against the Crown. Governor Grey promised Tauranga Māori that the Crown would only retain one-quarter of the district and return the rest to Māori. The Crown applied the legislation across the entire Tauranga district, including the lands of 'loyal' Māori.

The Crown retained 50,000 acres of land in Tauranga outright. The remaining lands were returned to Māori through a Compensation Court process, which was not completed until 1886. Land was returned to individuals rather than hapū, making it more susceptible to partition and alienation.

Ngāti Hinerangi and other Tauranga Māori opposed the Crown's confiscation of land in Tauranga and obstructed Crown surveys of the land. In early 1867 the situation escalated and a Crown military force was sent to capture those responsible for interfering with surveys. No arrests were made but between January and March 1867 several Māori villages were attacked by the Crown using scorched earth tactics, destroying crops and homes.

In 1864 the Crown entered into an agreement to purchase the 90,000 acre Te Puna-Katikati block, an area in which Ngāti Hinerangi had interests. The Crown did not investigate the ownership of the block before entering into this transaction and Ngāti Hinerangi were not party to the original sale. In 1871, after years of opposition to the purchase, a small group of chiefs from Ngāti Hinerangi signed a Deed in respect of the Te Puna-Katikati block. By this time the Te Puna-Katikati block was already in Crown possession and Ngāti Hinerangi had no opportunity to retain the land.

In 1865 the Native Land Court was established to determine the ownership of Māori land. The Court converted customary title into title derived from the Crown. Ngāti Hinerangi land to the west of the Tauranga confiscation district passed through the Native Land Court. The Court's awards were made to individuals and did not reflect Ngāti Hinerangi tikanga.

Over the course of the 20th century Ngāti Hinerangi land continued to be alienated, leaving Ngāti Hinerangi virtually landless in both the Tauranga Moana and Waikato areas of their tribal rohe. This loss of land was the major factor that resulted in the social, cultural and economic marginalisation of Ngāti Hinerangi.

Overview

The Ngāti Hinerangi Deed of Settlement will be the final settlement of Ngāti Hinerangi historical Treaty of Waitangi claims of resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

- 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 Hinerangi wherever they may live.

Crown acknowledgements and apology

The Deed of Settlement contains acknowledgements that historical Crown actions or omissions caused prejudice to Ngāti Hinerangi or breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes Crown apology to Ngāti Hinerangi for its acts and omissions which breached Crown obligations under the Treaty of Waitangi and for the resulting damages to Ngāti Hinerangi. These include the Crown's responsibility for the outbreak of war in Tauranga in 1864, the injustice of the raupatu that followed, and the unreasonable tactics used during the 1867 bush campaign. The Crown Apology also acknowledges the Crown's promotion of laws and policies that facilitated the loss of Ngāti Hinerangi's remaining lands, which contributed to the economic and social marginalisation of Ngāti Hinerangi within their own rohe.

Cultural redress

Cultural redress recognises the traditional, historical, cultural and spiritual associations of Ngāti Hinerangi, with sites owned by the Crown within Ngāti Hinerangi's area of interest. This allows Ngāti Hinerangi and the Crown to protect and enhance the conservation values associated with these sites.

VESTING OF SITES

The Deed of Settlement provides for the vesting of 14 sites to Ngāti Hinerangi on settlement date:

- Ngā Tamahine e Rua as a scenic reserve (11 ha);
- Ōkauia property as unencumbered fee simple land (1.143 ha);
- Te Mimiha o Tūwhanga as a scenic reserve (30 ha);
- Te Ara o Maurihero (East) property as a historic reserve (12 ha);
- Te Ara o Maurihero (West) property as a historic reserve (15 ha);
- Te Hanga as a scenic reserve (30 ha);
- Te Tuhi (East) property as a historic reserve (18 ha);
- Te Tuhi (West) property as a historic reserve (18 ha);
- Te Taiaha a Tangata as a historic reserve (30 ha);
- Te Wai o Ngāti Hinerangi property as a scenic reserve (40 ha);
- Ngāti Hinerangi Waipapa property as a scenic reserve (2 ha);
- Ngāti Hinerangi property as a recreation reserve (4.3 ha);
- Wairere Falls property, as unencumbered fee simple land (11 ha); and
- Tūranga o Moana property as unencumbered fee simple land (0.5666 ha).

STATUTORY ACKNOWLEDGEMENT, GEOTHERMAL STATUTORY ACKNOWLEDGEMENT AND DEEDS OF RECOGNITION

The Deed of Settlement provides for statutory acknowledgements over 7 areas and 3 geothermal resources. A statutory acknowledgement recognises the association between Ngāti Hinerangi and a site or area. Statutory acknowledgements are recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014. The acknowledgements require consent authorities to provide Ngāti Hinerangi with summaries of all resource consent applications that may affect the areas names in the following acknowledgements:

- Kaimai Range Ridgeline;
- Part Kaimai Range (including part Kaimai Mamaku Conservation Park, part Gordon Park Scenic Reserve, part Wairere Falls Scenic Reserve and part Maurihero Scenic Reserve);
- Te Ara o Maurihero (Thompson's Track);
- Te Tapui Scenic Reserve (within the Ngāti Hinerangi area of interest);
- Waianuanu (part of Kaimai Mamaku Conservation Park and part Gordon Park Scenic Reserve);
- Part Maurihero Scenic Reserve;
- Crown-owned parts of Waihou River and its tributaries within the Ngāti Hinerangi area of interest;
- Okauia Geothermal Resource;
- Taihoa Geothermal Resource; and
- Waiteariki Geothermal Resource.

Deeds of recognition require the Crown to consult with Ngāti Hinerangi and have regard to their views about the special association Ngāti Hinerangi has with a site. Deeds of recognition also specify the nature of Ngāti Hinerangi's input into the Department of Conservation's management of the following sites:

- Part Maurihero Scenic Reserve; and
- Waianuanu (part of Kaimai Mamaku Conservation Park and part Gordon Park Scenic Reserve).

OVERLAY CLASSIFICATION

An overlay classification provides a very high degree of recognition and acknowledges Ngāti Hinerangi's traditional, cultural, spiritual and historical association of with certain sites of significance. The site maintains its existing status but the Department of Conservation must consult and allow Ngāti Hinerangi to have input into the management of the site to avoid harming these values.

The Deed of Settlement provides for an overlay classification over Wairere Waiteariki. This is made up of:

- part of Maurihero Scenic Reserve;
- part Wairere Falls Scenic Reserve;
- part Gordon Park Scenic Reserve; and
- part Kaimai Mamaku Conservation Park.

Other cultural redress

- A cultural revitalisation fund of \$200,000 and a marae rebuild fund of \$20,000;
- a co-governance arrangement over the upper part of the Waihou and Piako catchments; and
- a statement of association in relation to Waiorongomai.

Relationship redress

PROTOCOLS

The Deed of Settlement provides for protocols to be issued by Minister of Energy and Resources and the Minister for Arts, Culture and Heritage. These protocols set out how their respective agencies will interact with and consult the Ngāti Hinerangi governance entity when carrying out statutory duties and functions.

RELATIONSHIP AGREEMENTS

The Deed of Settlements provides for Ngāti Hinerangi to enter into relationship agreements with the Department of Conservation and Ministry for the Environment. The relationship agreements will outline how these agencies will engage with the Ngāti Hinerangi governance entity.

The Deed will also provide for Ngāti Hinerangi to enter into a relationship agreement with New Zealand Transport Agency. The relationship agreement will be developed outside of the Treaty settlement and will outline how New Zealand Transport Agency will interact with the Ngāti Hinerangi governance entity.

LETTER OF RECOGNITION AND APPOINTMENT AS AN ADVISORY COMMITTEE

The Deed of Settlement provides for a letter of recognition from the Director-General of the Ministry for Primary Industries to facilitate a good working relationship with the Ngāti Hinerangi governance entity. The Minister of Fisheries will appoint the trustees of the Ngāti Hinerangi governance entity as an advisory committee in relation to the eel fishery in the Waihou catchment, and the fisheries in Tauranga Moana within Ngāti Hinerangi's area of interest.

LETTERS OF INTRODUCTION

The Deed will provide for the promotion of relationships between Ngāti Hinerangi and Crown agencies, local authorities, non-government organisations and museums. The Crown will write letters of introduction to these agencies.

Financial and commercial redress

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

FINANCIAL REDRESS

On settlement date Ngāti Hinerangi will receive financial redress of \$8,100,000 plus interest.

COMMERCIAL REDRESS

The Deed of Settlement provides for commercial redress including the transfer of 5 properties. 2 of these are sale and lease back properties, where Ngāti Hinerangi will have the option to purchase 2 non-surplus non-core Crown properties. These properties are Manuwaru School (land only) and Matamata Police Station (land only).

On Settlement, Ngāti Hinerangi will also have an right of first refusal over 51 Crown properties, should these properties become surplus to Crown requirements.

Questions and Answers

1. What is the total settlement package?

- Crown acknowledgements and apology for historical breaches of the Treaty of Waitangi;
- An agreed historical account;
- Cultural redress including the vesting of 14 sites in the Ngāti Hinerangi, statutory acknowledgements and relationship redress
- Financial and commercial redress with a total value of \$8.1 million, including the transfer of 5 properties and right of first refusal over 51 properties.

2. Is there any private land involved?

No.

3. Are the public's rights affected?

No, nothing changes for the public. Public access, recreational use, reserve status and existing third party rights are maintained.

4. Are any place names changed?

No.

5. What is a statutory acknowledgement and deed of recognition?

A statutory acknowledgement acknowledges areas, geothermal resources or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the Resource Management Act 1991. 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. A statutory acknowledgement does not convey a property right and is non-exclusive redress.

A deed of recognition sets 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 specifies 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 requires the Minister of Conservation and the settling group to develop and publicise a set of principles that will assist the Minister to avoid harming or diminishing values of the settling group 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 settling group.

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 Hinerangi have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. When the Deed 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 Hinerangi. The settlement legislation, once passed, will prevent iwi re-litigating claims before the Waitangi Tribunal or the courts.

The settlement will still allow Ngāti Hinerangi 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.

Who benefits from the settlement?

All members of Ngāti Hinerangi wherever they may now live.

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