Deed of Settlement

BETWEEN THE CROWN AND NGĀTI MUTUNGA O WHAREKAURI

General background

Ngāti Mutunga o Wharekauri are an iwi whose area of interest in centred on Wharekauri (Chatham Islands).

In 2016, the Crown recognised the mandate of Ngāti Mutunga o Wharekauri Iwi Trust to represent Ngāti Mutunga o Wharekauri to negotiate a comprehensive historical Treaty settlement.

The Crown signed Terms of Negotiation with Ngāti Mutunga o Wharekauri in 2016. On 25 November 2022, the Crown and Ngāti Mutunga o Wharekauri signed an Agreement in Principle which formed the basis for this settlement.

On 11 December 2025 Ngāti Mutunga o Wharekauri and the Crown initialled a Deed of Settlement, which was then ratified by the people of Ngāti Mutunga o Wharekauri and signed on 17 August 2026. The settlement will be implemented following the passage of settlement legislation.

The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau, 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 predecessors Hon Christopher Finlayson KC and Hon Andrew Little), represented the Crown in high-level negotiations with Ngāti Mutunga o Wharekauri.

Summary of the historical background to the claims of Ngāti Mutunga

In 1835 tūpuna of Ngāti Mutunga o Wharekauri migrated to Wharekauri in search of security. This followed many years of warfare during which the migrants left their ancestral homeland in Taranaki, and established themselves in Te Whanganui a Tara. After arriving in Wharekauri, Ngāti Mutunga established customary interests throughout Wharekauri in accordance with their tikanga through conquest, a process of takahi or walking the lands, and occupation.

In April 1842, the Crown annexed Wharekauri without consulting Ngāti Mutunga o Wharekauri. The Crown did not consult Ngāti Mutunga o Wharekauri before finally sending an official to Wharekauri in 1855, though rangatira were willing to negotiate the terms on which he would serve. Since then the Crown's physical presence on the islands has always been minimal.

In the summer of 1842/1843 some Ngāti Mutunga o Wharekauri migrated to the Auckland Islands which were annexed at the same time as Wharekauri. In 1849 a British company, exercising Crown authority, sent settlers there, but their settlement only lasted until 1852. There was no investigation into the Company's claimed purchase of Ngāti Mutunga o Wharekauri interests in the islands. By 1856 all the Māori migrants had also departed.

In the 1860s the Crown confiscated Taranaki lands in which Ngāti Mutunga o Wharekauri members had interests. Ngāti Mutunga o Wharekauri applied for the return of their ancestral lands, but were generally unsuccessful. Many iwi members subsequently supported the peaceful resistance movement founded by Te Whiti at Parihaka.

Between 1866 and 1868 the Crown detained prisoners from other iwi without trial on Wharekauri. The Crown did not consult Ngāti Mutunga o Wharekauri before the prisoners arrived, but Ngāti Mutunga provided land and supplies for them. The security arrangements were inadequate and, in 1868 the prisoners escaped to New Zealand.

In 1870, the Native Land Court awarded 97% of Wharekauri to Ngāti Mutunga o Wharekauri under laws allowing no more than ten individuals to hold titles for any land block. The large Kekerione block was awarded to just four individuals, and many customary rights holders were dispossessed.

Eventually the Crown promoted laws providing for customary rights holders to be included as individual owners in legal titles, but this fragmented the ownership of Ngāti Mutunga land as owners died, and successors inherited their interests. This had a lasting legacy of making Ngāti Mutunga o Wharekauri land difficult to manage and use economically.

Ngāti Mutunga o Wharekauri were subject to taxation without representation for decades as they were ineligible to vote in Parliamentary elections until 1922. In 1890 two iwi members were imprisoned on the mainland after refusing to pay a dog tax opposed by most members of Ngāti Mutunga o Wharekauri.

The Crown was slow to assist with economic infrastructure on Wharekauri. It compulsorily took land for a roading network in the early 1880s, but construction of the roads did not begin until 1945. Even then, the first roads were of poor quality. By the late 1960s many roads had degenerated into muddy tracks, and were described as like crow tracks to the bails.

The Crown sought to assimilate Māori into European culture, and Ngāti Mutunga o Wharekauri recall their children being punished for speaking Te Reo Māori at school. There has never been a secondary school on Wharekauri. Through the nineteenth and twentieth centuries Ngāti Mutunga o Wharekauri faced limited economic opportunities, and many lived in poor housing and with bad health. Many members of the iwi have left the island.

The Crown recognised in the middle of the twentieth century that its administrative arrangements for Wharekauri were ineffective. In 1950, it placed administration of Wharekauri under the Department of Island Territories, the body responsible for New Zealand's Pacific Island territories. In 1961 the Crown concluded its administration of Wharekauri was still ineffective, and transferred it to the Department of Internal Affairs. The Crown's inaction during the crayfish boom of the 1960s allowed for the overfishing of crayfish and an end to the boom in 1970. In 1985, though, a government review concluded this department had never been responsible for the economic development of the islands. Ngāti Mutunga o Wharekauri were angered during the 1980s by repeated reviews of the Crown's Wharekauri administration that did not produce outcomes which would improve their future economic prospects.

Overview

The Deed of Settlement between Ngāti Mutunga o Wharekauri and the Crown is the final settlement of all historical Treaty of Waitangi claims of Ngāti Mutunga resulting from acts or omissions by the Crown prior to 21 September 1992, and consists of a package that includes:

- an agreed historical account, Crown acknowledgements and apology;
- cultural redress; and
- financial and commercial redress.

The benefits of the settlement will be available to all members of Ngāti Mutunga o Wharekauri wherever they may live.

Crown acknowledgement and apology

The deed of settlement includes a number of acknowledgements that Crown acts or omissions breached the Treaty of Waitangi/te Tiriti o Waitangi and its principles and/or caused prejudice to Ngāti Mutunga o Wharekauri. Specific acknowledgements include the 1842 annexation of the islands failed to respect the mana and tino rangatiratanga of Ngāti Mutunga o Wharekauri, the Crown's limited engagement with the islands since 1842, the impact of the native land laws and land tenure reform, the denial of voting rights in parliamentary elections for many decades, the compulsory acquisition of uneconomic interests, and the Crown's failure to actively protect te reo Māori.

The acknowledgements are followed by the Crown's apology for its breaches of the Treaty of Waitangi/te Tiriti o Waitangi, and its principles. The Crown recognises that Wharekauri is a fully fledged part of New Zealand, and hopes to build a platform on which it can build a new relationship with Ngāti Mutunga o Wharekauri based on the Treaty of Waitangi/te Tiriti o Waitangi and its principles.

Cultural Redress

Cultural redress is intended to recognise the cultural, historical and traditional associations of Ngāti Mutunga o Wharekauri within their area of interest and include:

- a cultural revitalisation payment of $5 million;
- a statutory acknowledgement over the coastal area, which requires consenting authorities to notify Ngāti Mutunga o Wharekauri of resource consent applications and enhances their ability to participate in resource management processes; and
- changes to geographic placenames.

The following names will be changed through the settlement legislation:

Current Name	Proposed Name	Category
Karewa (unofficial recorded name)	Kārewa	Area
Lake Marakapia	Lake Mārakāpia	Lake
Lake Rangitai	Lake Rangitai	Lake
Lake Rotoparaoa	Rotoparāoa	Lake
Mairangi	Mairangi	Locality
Te Roto	Te Roto	Lake
Tupuangi	Tupuangi	Locality
Waihere Bay	Waihere Bay	Bay
Waikanae (unofficial collected name)	Waikanae	Historic site [pā]
Unnamed	Pā Tangaroa	Historic site [pā]
Unnamed	Pīpītarawai	Hill
Unnamed	Hourangi	Beach
Unnamed	Pana	Area
Unnamed	Rotokawau	Historic site [ex-lake]
Unnamed	Roto Pouaka	Lake
Unnamed	Te Roto	Historic site [kāinga]
Unnamed	Te Roto	Historic site [urupā]

In addition to place name changes, the names listed in the table below will be recorded as unofficial original Māori names:

Current Name	Proposed Name	Category
Cape Pattisson	Tupuangi	Cape
Mangere Island	Māngere	Island
Motuhara (Bertier or The Forty Fours)		
(unofficial recorded name)	Motuhara	Islands
Nairn River	Mangatūkārewa	River
Ohira	Ōhira	Bay
Port Hutt (Whangaroa Harbour)	Whangaroa	Bay
Rabbit Island	Wharekai ki te Motu	Island
South East Island (Rangatira)	Rangatira	Island
Star Keys (Motuhope) (unofficial recorded name)	Motuhope	Islands
The Pyramid (Tarakoikoia)	Tarakoikoia	Island
The Sisters (Rangitatahi)	Rangitātahi	Islands

Ngāti Mutunga o Wharekauri's cultural association with the Chatham Islands will be further recognised by involving them in the management of conservation land on the islands. Ngāti Mutunga o Wharekauri's participation in the management of conservation land in their rohe will be enhanced by:

- the nomination of a member to the Chatham Islands Conservation Board;
- a deed of recognition over Crown-owned public conservation land on the Chatham Islands, requiring the Department of Conservation to consult and have regard to the views of Ngāti Mutunga o Wharekauri when undertaking specific actions; and
- a statement of Ngāti Mutunga o Wharekauri interests in the islands, islets and reefs surrounding the Chatham Islands which will be attached to the Chatham Islands Conservation Management Strategy. The Department of Conservation will be required to consult Ngāti Mutunga o Wharekauri and have regard to the statement when undertaking operational activities on these islands, islets and reefs.

Relationship Redress

Relationship redress aims to deepen the relationship between Ngāti Mutunga o Wharekauri and Crown agencies by developing relationship agreements. Ngāti Mutunga o Wharekauri are entering into relationships with the following agencies:

- Department of Conservation;
- Ministry of Health/Te Whatu Ora
- Kāinga Ora – Homes and Communities;
- Ministry for the Environment;
- Ministry of Health/Health New Zealand; and
- Ministry of Housing and Urban Development.

The settlement will also provide for a Whakaaetanga 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.

Ngāti Mutunga o Wharekauri will also be party to Crown Minerals Protocol and a Primary Industries Protocol with the Ministry of Business, Innovation and Employment and the Ministry for Primary Industries respectively.

On settlement date, the Chief Executive of The Office of Treaty Settlements and Takutai Moana: Te Tari Whakatau will write to New Zealand Sound and Vision introducing Ngāti Mutunga o Wharekauri.

Commercial & Financial Redress

Commercial and financial redress is intended to provide Ngāti Mutunga o Wharekauri with the resources to assist them in developing their economic and social wellbeing. This consists of:

- a $13 million financial redress payment (plus interest accrued between signing the Agreement in Principle and the settlement date).
- a right of first refusal over fisheries quota for species managed under the Fisheries Act 1996, to be introduced in the quota managements system after the settlement date; and
- the option to purchase five Crown properties on a deferred selection basis.

Shared Redress

Ngāti Mutunga o Wharekauri and Moriori both have interests in Wharekauri/ the Chatham Islands. Their areas of interest are completely overlapped and encompass the entirety of the Chatham Islands.

Shared redress is still under negotiation between the Crown and Ngāti Mutunga o Wharekauri. Shared redress will include:

- the transfer of the bed of Te Whanga Lagoon and some adjoining lands;
- a management regime for Te Whanga Lagoon and some adjoining lands;
- a shared right of first refusal over Crown properties on the Chatham Islands;
- a new regime for the management of customary fishing on the Chatham Islands;
- the establishment of a Joint Planning Committee of the Chatham Islands Council;
- official geographic place name changes;
- four Tikitiki Hill sites; and
- Kaingaroa school (land only) deferred selection sale and lease back.

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 Mutunga o Wharekauri area of interest and a cultural revitalisation fund of $5.000 million
- Commercial redress including the right to purchase a number of sites throughout the Ngāti Mutunga o Wharekauri area of interest and the right of first refusal over a number of Crown properties
- Financial redress of $13 million
- The individual deed does not include the redress intended to be shared with Moriori

2. Is there any private land involved?

No.

3. Are the public's rights affected?

No, nothing will change for the public. Public access, recreational use, reserve status and existing third-party rights are maintained. Covenants and easements will guarantee continued public access.

4. Are any place names changed?

Yes, 9 existing geographic names will change, and 8 previously unnamed geographic features receiving new names. The settlement will record 11 place names as unofficial original Māori names.

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. 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 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.

7. When will the settlement take effect?

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

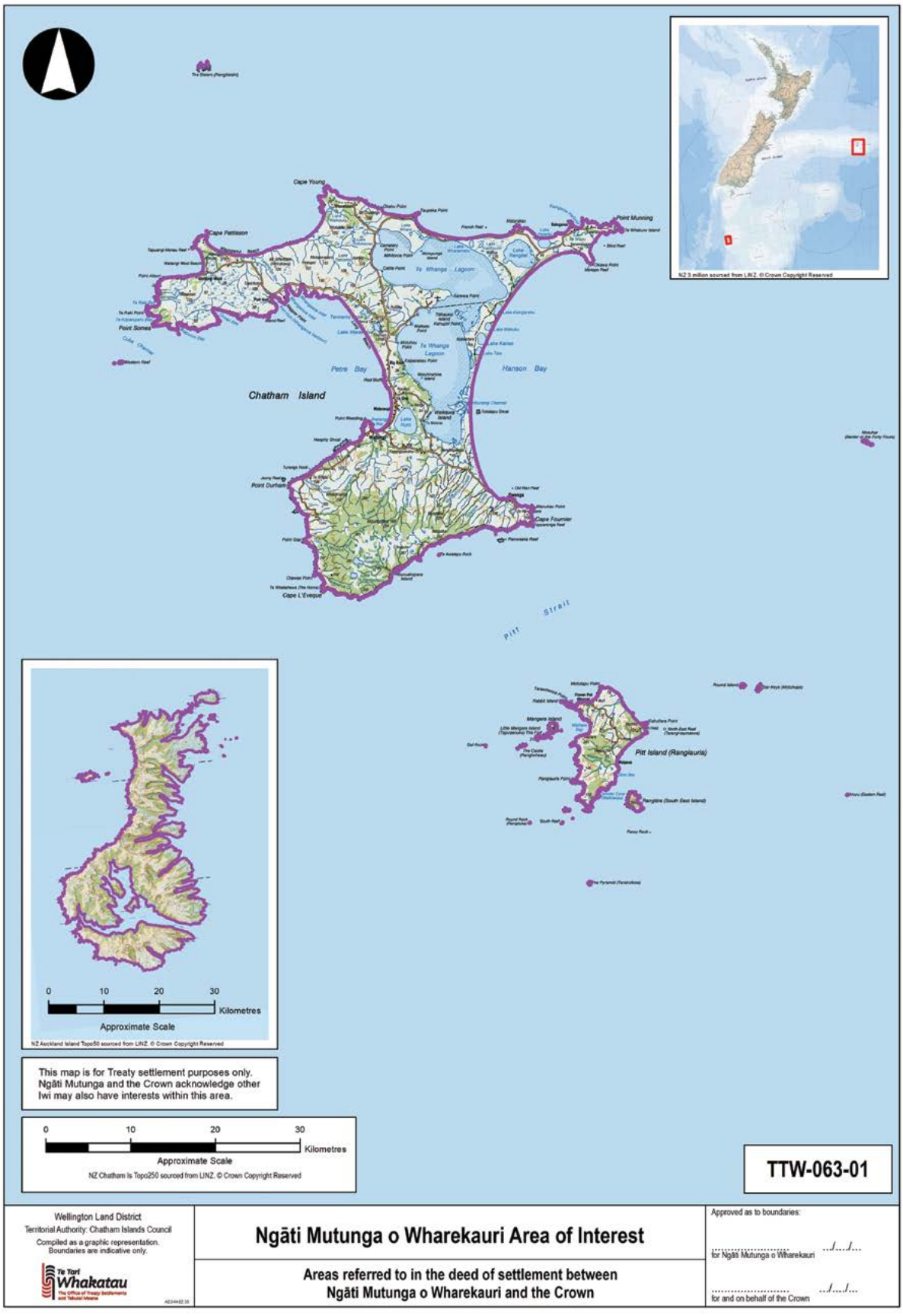
8. Does Ngāti Mutunga o Wharekauri have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. When the deed of settlement is signed and settlement legislation is passed it will be a final and comprehensive settlement of all historical Treaty of Waitangi claims of Ngāti Mutunga o Wharekauri (relating to events before 21 September 1992).

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

9. Who benefits from the settlement?

All members of Ngāti Mutunga o Wharekauri wherever they may now live.


Cape Young
Cape Pattison
Point Munning
Point Somes
Chatham Island
Petre Bay
Hanson Bay
Te Whanga Lagoon
Pitt Strait
Cape Fournier
Cape L'Evegue
Pitt Island (Rangiauria)
0 10 20 30
Kilometres
Approximate Scale
NZ Auckland Island Topo50 sourced from LINZ. © Crown Copyright Reserved
This map is for Treaty settlement purposes only.
Ngāti Mutunga and the Crown acknowledge other Iwi may also have interests within this area.
0 10 20 30
Kilometres
Approximate Scale
NZ Chatham Is Topo250 sourced from LINZ. © Crown Copyright Reserved
TTW-063-01
Wellington Land District
Territorial Authority: Chatham Islands Council
Compiled as a graphic representation.
Boundaries are indicative only.
Te Tari Whakatau
Ngāti Mutunga o Wharekauri Area of Interest
Areas referred to in the deed of settlement between
Ngāti Mutunga o Wharekauri and the Crown
Approved as to boundaries:
for Ngāti Mutunga o Wharekauri ../../..
for and on behalf of the Crown ../../..