



Deed of

Deed of Settlement
between the Crown and
Ngā Hapū o Ngāti Ranginui

Settlement

Summary of the Historical Background to the Claims by Ngā Hapū o Ngāti Ranginui

The historical Treaty claims of Ngā Hapū o Ngāti Ranginui primarily concern:

- the war and raupatu/confiscation at Tauranga;
- the purchase of the Te Puna-Katikati blocks soon after the war;
- the consequences of Ngā Hapū o Ngāti Ranginui resisting the raupatu/confiscation and Te Puna-Katikati purchase during the Crown's "bush campaign";
- the effects of the Crown's native land laws and later Māori land legislation; and
- public works takings during the second half of the twentieth century.

The raupatu/confiscation of lands by the Crown and the Te Puna Katikati Purchase is of particular significance to the Ngā Hapū o Ngāti Ranginui historical account. In response to the obstruction of surveys and threats against surveyors the Crown employed a scorched earth policy to subdue Ngā Hapū o Ngāti Ranginui. A Crown force numbering in the hundreds looted and destroyed villages, burnt crops and took any livestock found.

In the years following the loss of land through the raupatu/confiscation, the Crown's purchase of the Te Puna and Katikati blocks, and the "bush campaign," Ngā Hapū o Ngāti Ranginui struggled to support themselves. Food shortages were common. Poor sanitation within Ngā Hapū o Ngāti Ranginui communities resulted in sickness. Epidemics of typhoid, tuberculosis, and influenza killed many and continued to do so well into the twentieth century. For many years health services for these communities were limited or non-existent.

General Background

Ngā Hapū o Ngāti Ranginui is an iwi based in the Tauranga region. Based on the 2006 census, the estimated population of Ngā Hapū o Ngāti Ranginui is 7,647. Their area of interest extends from Ngakuriawharei, north of Tauranga, inland to the summit of Mount Te Aroha, extending south-east along the Kaimai Range to Puwhenua and extending south to the Mangorewa River. From the Mangorewa River the boundary extends north-east to Otanewainuku and to coastal Wairakei. The area of interest includes, Mauao (Mount Maunganui) and the Athenree Crown Licensed Forest.

In August 2007, the Crown recognised the mandate of Te Roopu Whakamana o Ngā Hapū o Ngāti Ranginui and negotiations on the settlement package began with the signing of Terms of Negotiation in September 2008. Ngā Hapū o Ngāti Ranginui is a hapū-centric iwi and the primary hapū affiliated to the Te Roopu Whakamana o Ngā Hapū o Ngāti Ranginui are:

- Pirirakau;
- Ngāti Taka;
- Wairoa Hapū (Ngāti Kahu, Ngāti Rangi and Ngāti Pango) ;
- Ngāti Hangarau;
- Ngāi Tamarāwaho;
- Ngāi Te Ahi;
- Ngāti Ruahine; and
- Ngāti Te Wai

The Minister of Māori Affairs and Minister for Treaty of Waitangi Negotiations signed a Statement of Position and Intent with Ngā Hapū o Ngāti Ranginui on 21 December 2011 setting out the broad components of the Crown's settlement offer.

Ngā Hapū o Ngāti Ranginui and the Crown initialled a deed of settlement on 6 April 2012. The Deed was then ratified and signed on 21 June 2012. The settlement will be implemented following the passage of settlement legislation.

Ngā Hapū o Ngāti Ranginui were represented in negotiations by the mandated representatives of Te Roopu Whakamana o Ngā Hapū o Ngāti Ranginui.

The Office of Treaty Settlements, with the support of the Department of Conservation and other government agencies, represented the Crown in day-to-day negotiations. The Minister for Treaty of Waitangi Negotiations, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Ngā Hapū o Ngāti Ranginui.

Summary of the Ngā Hapū o Ngāti Ranginui Settlement

Overview

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

- an agreed historic account and Crown acknowledgments, which form the basis for a Crown Apology to Ngā Hapū o Ngāti Ranginui
- cultural redress
- financial and commercial redress
- specific redress for Ngā Hapū o Ngāti Ranginui.

The benefits of the settlement will be available to all members of Ngā Hapū o Ngāti Ranginui wherever they live.

Crown acknowledgements and apology

The Crown acknowledges its actions arising from interaction with Ngā Hapū o Ngāti Ranginui whereby it breached the Treaty of Waitangi and its principles.

The Crown apologises to Ngā Hapū o Ngāti Ranginui for its actions and omissions which have breached the Crown's obligations under the Treaty of Waitangi. The breaches include the Crown's ultimate responsibility for the war in Tauranga, the confiscation of Ngā Hapū o Ngāti Ranginui land, the failure to actively protect Ngā Hapū o Ngāti Ranginui interests in lands at Tauranga which they wished to retain, the unreasonable and unnecessary use of force by the Crown during the bush campaign, the failure to protect Ngā Hapū o Ngāti Ranginui tribal structures following the imposition of land tenure reforms, the failure to ensure that Ngā Hapū o Ngāti Ranginui were left with sufficient land for their needs, and the compulsory purchasing of Ngā Hapū o Ngāti Ranginui land interests which were deemed to be uneconomic.

Cultural redress

1. Recognition of the traditional, historical, cultural and spiritual associations of Ngā Hapū o Ngāti Ranginui with places and sites within their area of interest. This allows Ngā Hapū o Ngāti Ranginui and the Crown to protect and enhance the conservation values associated with these sites. The cultural redress package to settle all the historical claims of Ngā Hapū o Ngāti Ranginui consists of the vesting of sites of significance, other site specific redress and relationship redress.

1(A) VESTING OF SITES OF SIGNIFICANCE

The vesting or return of properties, where appropriate, is subject to the protection of conservation values and public access, protection of existing third party rights, and reserve status under the Reserves Act 1977 or conservation covenants to protect biodiversity values and public access.

The following sites located on public conservation land of cultural and spiritual significance to Ngā Hapū o Ngāti Ranginui will be vested:

- Omanawa River site (198 hectares)
- Te Rī o Tamarāwaho (76.1 hectares)
- Te Rī o Ruahine (97.6 hectares)
- Ohauti (86.2 hectares)
- Wainui River site (47.8 hectares)
- Te Awa Ngāumuwahine site (55 hectares)
- Te Wai o Ngāumuwahine (60 hectares)
- Tahawai (10 hectares)
- Waikareao Estuary Site (0.6 hectares)
- Waimanu ki uta (80 hectares)
- Waireia (121.4 hectares)
- Oraeroa (10 hectares)
- Te Kaki (3.6 hectares)

One site located on public conservation land (Oraeroa) will be vested as wāhi tapū, subject to a conservation covenant to protect biodiversity values with no public access.

One site owned by the Bay of Plenty Regional Council will be transferred (Te Hopuni).

Omokoroa School (land only) will be transferred and is subject to a sale and leaseback to the Ministry of Education.

1(B) INPUT INTO MANAGEMENT OF SITES OF SIGNIFICANCE

The deed includes other cultural redress instruments that are commonly used in Treaty settlements to recognise the cultural, historical and traditional associations of iwi with certain sites without vesting an ownership interest. These instruments will formalise a role for Ngā Hapū o Ngāti Ranginui in the management of the sites and includes providing Ngā Hapū o Ngāti Ranginui with the ability to control and manage the Margaret Jackson Wildlife Management Reserve under the Reserves Act 1977.

1(C) PLACE NAME CHANGES

Six existing geographic names will change and two sites that do not currently have official names will be assigned geographic names. The settlement also provides for altered names of two Crown protected areas. The full list of place name changes is included in the Ngā Hapū o Ngāti Ranginui Deed of Settlement, available on www.ots.govt.nz.

2. Relationship Redress

2(A) PROTOCOLS AND RELATIONSHIPS

The deed will include:

- a protocol (similar to those in recent settlement) with the Minister for Arts Culture and Heritage
- a relationship agreement with the Department of Conservation
- a relationship agreement with the Ministry for Primary Industries

The deed of settlement also provides for Ngā Hapū o Ngāti Ranginui, the Museum of New Zealand Te Papa Tongarewa Board and the Department of Internal Affairs to enter into a letter of commitment to facilitate the care, management, access to and use of, and development and revitalisation of iwi taonga.

The Minister for Treaty of Waitangi Negotiations will write letters of introduction to Crown Ministers, government agencies, local authorities and other entities as agreed with Ngā Hapū o Ngāti Ranginui.

Financial and Commercial Redress

3. This redress recognises the economic loss suffered by Ngā Hapū o Ngāti Ranginui arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Ngā Hapū o Ngāti Ranginui with resources to assist them to develop their economic and social-well being.

3(A) FINANCIAL REDRESS

Ngā Hapū o Ngāti Ranginui will receive financial redress of \$38,027,555 million.

3(B) COMMERCIAL REDRESS

The commercial redress package to settle all of the historical claims of Ngā Hapū o Ngāti Ranginui consists of financial redress, commercial properties, and a Right of First Refusal for fish species introduced into the Quota Management System.

Commercial properties available for acquisition by Ngā Hapū o Ngāti Ranginui include:

- 48 properties from the land bank
- 3 Land Information New Zealand sites
- Puwhenua Forest Lands. Within six months of the settlement date Puwhenua Forest Lands will transfer to a joint entity with Ngāti Rangiwewehi and Tapuika.

Tauranga Moana Iwi Collective

Tauranga Moana iwi comprising of Ngā Hapū o Ngāti Ranginui, Ngāi Te Rangī and Ngāti Pukenga have formed the Tauranga Moana Iwi Collective to negotiate collective redress in relation to their shared areas and interests. Once agreed, collective redress will form part of the settlements for each Tauranga Moana iwi.



Questions and Answers

1. What is the total cost to the Crown?

The total cost to the Crown outlined in the Deed of Settlement is \$38,027,555 million and the value of cultural and commercial redress properties to be vested and transferred for consideration.

2. Is there any private land involved?

In accordance with Crown policy, no private land is involved.

3. Who will benefit from the settlement?

The benefits of the settlements will be available to all members of Ngā Hapū o Ngāti Ranginui wherever they live.

4. Are the public's rights affected?

In general, all existing public access rights to the area affected by this settlement will be preserved.

One site located on public land (Oraeroa) has been vested as wāhi tapū subject to a conservation covenant to protect biodiversity values with no public access.

5. Are any place names changed?

Yes. The deed will provide for six name changes, two new placenames, and two name alterations to Crown protected areas.

6. What happens to memorials on private titles?

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

7. Does Ngā Hapū o Ngāti Ranginui have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. If the Deed of Settlement is passed into law, both parties agree that it will be a final and comprehensive settlement of all the historical (relating to the events before 21 September 1992) Treaty of Waitangi claims of Ngā Hapū o Ngāti Ranginui. The settlement legislation, once passed, will prevent Ngā Hapū o Ngāti Ranginui from re-litigating the claim before the Tribunal or the courts.

The settlement package will still allow Ngā Hapū o Ngāti Ranginui to pursue claims against the Crown for acts or omissions after 21 September 1992, including continued 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.

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