

FILL

C32

FINAL AGREEMENT

between

THE MINISTER OF JUSTICE

ON BEHALF OF THE CROWN

and

THE TRUSTEES OF TE RANGITEAORERE

**FOR AND ON BEHALF OF
THE PEOPLE OF NGATI RANGITEAORERE**

IN RELATION TO CLAIM WAI 32

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between
THE MINISTER OF JUSTICE
ON BEHALF OF THE CROWN
and
THE TRUSTEES OF NGATI RANGITEAORERE
FOR AND ON BEHALF OF THE PEOPLE OF NGATI RANGITEAORERE
IN RELATION TO CLAIM WAI 32

Purpose of agreement

- 1 Ngati Rangiteaorere agree that this settlement is in full and final settlement of all Treaty of Waitangi grievances of Ngati Rangiteaorere against the Crown, including those grievances considered in the Ngati Rangiteaorere Claim Report (Wai 32) by the Waitangi Tribunal.

The Ngati Rangiteaorere claim

- 2 This claim was lodged with the Waitangi Tribunal on 5 April 1987 on behalf of the people of Ngati Rangiteaorere, a sub-tribe of Te Arawa. The Ngati Rangiteaorere Claim Report by the Waitangi Tribunal was released on 24 December 1990.
- 3 The claim concerned the alienation of Te Ngae Mission Farm consisting of a block of land of about 300 acres at the junction of the Rotorua-Tauranga and Rotorua-Whakatane highways (known as Te Ngae Junction) and several ancillary matters including lands taken for roads, land taken for survey costs, the geothermal resource known as Tikitere and the rating of Lake Rotokawau.
- 4 The Crown accepts the finding of the Waitangi Tribunal that the Crown's actions in improperly granting title to Te Ngae to the Church Missionary Society in 1854 were in breach of the Treaty principle of active protection and the duty to consult. The Crown also accepts that there was harm done to Ngati Rangiteaorere's interests by the wrongful issuing of the Te Ngae grant which was compounded by the Crown's failure to rectify this wrong once it was aware of it, despite the repeated representations of Ngati Rangiteaorere.

The Revesting Of Te Ngae Mission Farm

- 5 The Crown notes that the Anglican Church and Ngati Rangiteaorere signed an agreement in December 1991 whereby the trustees appointed by the Church for Te Ngae Mission Farm Trust resigned and were replaced

by trustees appointed by Ngati Rangiteaorere. It is also noted that the Church gave the existing trust the title and ownership of an additional 59.5 acre block of land adjoining Te Ngae Mission Farm. Legislation was then passed in 1993 transferring ownership of the Te Ngae Mission Farm and the additional 59.5 acres to Rangiteaorere, the eponymous ancestor of Ngati Rangiteaorere, to be administered by a trust representing Ngati Rangiteaorere.

Agreements of Ngati Rangiteaorere

6 Ngati Rangiteaorere agree that this settlement is in full and final settlement of all Treaty of Waitangi grievances of Ngati Rangiteaorere against the Crown, and all claims, whether arising at law or otherwise, relating to the issues considered in the Ngati Rangiteaorere Claim Report (Wai 32) by the Waitangi Tribunal, such grievances and claims:

including

- a the alienation of Te Ngae farm;
- b the rating of Lake Rotokawau and any monies paid by Ngati Rangiteaorere for rates on Lake Rotokawau since 1968;
- c the slivers of land surplus to highway requirements adjacent to Whakapoungakau 7 block;
- d any land that may have been taken from Ngati Rangiteaorere by the Crown for survey costs;
- e any land that may have been taken from Ngati Rangiteaorere by the Crown for roading;
- f all other grievances which are the subject of the findings and recommendations of the Waitangi Tribunal in its report of 24 December 1990 on claim Wai 32;

but excluding

- g the geothermal aspects of claim Wai 32 (which have been included in the generic geothermal claim Wai 153 by the Waitangi Tribunal) and the Rotorua lakes claim (Wai 240) currently being negotiated with Te Arawa Trust Board.

Agreements of the Crown

- 7 The Crown agrees to make an ex-gratia payment of \$760,000 (GST inclusive) to the Te Ngae Farm Trust on behalf of Ngati Rangiteaorere, the payment of which, together with the other measures already taken (outlined in paragraph 8 below), will constitute the full and final settlement of all Treaty of Waitangi grievances of Ngati Rangiteaorere, excepting the geothermal and Rotorua lakes aspects, as outlined in paragraph 6 above.

Parts of settlement already implemented

- 8 The Crown and Ngati Rangiteaorere acknowledge that the implementation of the Ngati Rangiteaorere settlement has already commenced through:
- a the enacting of legislation (section 13 of the Reserves and Other Lands Disposal Act 1993) vesting Te Ngae Mission Farm in Rangiteaorere, the eponymous ancestor of Ngati Rangiteaorere;
 - b the return by the Crown to the owners of Whakapoungakau block 7 and, at no cost to Ngati Rangiteaorere, of those slivers of land surplus to highway requirements which are adjacent to Whakapoungakau block 7;
 - c the granting of rate free status for Lake Rotokawau by the Rotorua District Council, the payment by the Crown of \$12,165.34 to the Rotorua District Council for the outstanding rates against the lake and the processing of the Order in Council guaranteeing rate free status to Lake Rotokawau;
 - d the payment by the Crown to Ngati Rangiteaorere of the sum of \$50,000 as a contribution to the costs incurred by Ngati Rangiteaorere during the negotiation process.

Representation

- 9 The signatories of this agreement, for and on behalf of Ngati Rangiteaorere, confirm that they are the legitimate representatives of the people of Ngati Rangiteaorere and of the beneficial descendants of those persons who were affected by the original alienation of the land known as Te Ngae Mission Farm. They further confirm that they have consulted with the people of Ngati Rangiteaorere at hui-a-iwi and that they have a mandate to agree to this settlement on behalf of the people of Ngati Rangiteaorere.

- 10 Within two months of the signing of this agreement representatives of Ngati Rangiteaorere and counsel for the Crown will file with the Waitangi Tribunal a joint memorandum informing the Tribunal that settlement has been reached in this claim and will also file with the memorandum a copy of the signed agreement as evidence of the settlement.

SIGNED this 21ST day of OCTOBER 1993

BY:



Honourable Douglas Graham
Minister of Justice
for and on behalf of the Crown

For and on behalf of Te Ngae Farm Trust Board and the people of Ngati Rangiteaorere:



Hiko Hohepa, Chairman



Te Aho Welsh, Trustee



Amarama Te Kiri, Trustee



Pirihiira Fenwick, Trustee

In association with:



Bonita Morehu