



# Deed of Settlement

## BETWEEN THE CROWN AND NGĀTI RANGITEAORERE

### General background

Ngāti Rangiteaorere is a Te Arawa iwi situated on the eastern shores of Lake Rotorua. It is one of the eight beating hearts of Te Arawa Ngāpūmanawa e Waru.

On 17 July 2009, the Crown recognised the mandate of Ngāti Rangiteaorere Claims Committee to represent Ngāti Rangiteaorere in negotiating a comprehensive historical treaty settlement.

On 25 July 2009, the Ngāti Rangiteaorere Claims Committee, Te Maru o Ngāti Rangiwewehi and Tapuika Iwi Authority signed amended terms of negotiation – the three together form the collective Ngā Punawai o Te Tokotoru.

On 6 October 2011, the Crown and Ngāti Rangiteaorere signed an agreement in principle which formed the basis for this settlement.

On 11 October 2012, Ngāti Rangiteaorere and the Crown initialled a deed of settlement. The deed was then ratified by the people of Ngāti Rangiteaorere and signed on 15 June 2013. The settlement will be implemented following the passage of settlement legislation.

The Office of Treaty Settlements, 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 Christopher Finlayson, represented the Crown in high-level negotiations with Ngāti Rangiteaorere.

### Summary of the historical background to the claims by Ngāti Rangiteaorere

The historical account describes how Ngāti Rangiteaorere were drawn into the New Zealand wars from the mid-1860s. Those Ngāti Rangiteaorere who supported the Crown during the wars did so at considerable cost to themselves.

Ngāti Rangiteaorere held all their lands under customary tenure when the native laws of the 1860s came into force. However the Native Land Court was not designed to accommodate the complex and fluid customary land usages of Māori as it assigned permanent ownership to a clearly defined area of land. The title determination process also carried significant costs for Ngāti Rangiteaorere.

In 1882 the Native Land Court investigated the ownership of the Whakapoungakau block and awarded much of it to members of Ngāti Rangiteaorere and neighbouring iwi. In 1900 the Native Land Court awarded the Crown 348 acres from the Ngāti Rangiteaorere subdivisions of Whakapoungakau in lieu of survey costs. The individualised interests acquired by the Crown were spread across the Whakapoungakau subdivisions, but the Crown persuaded Ngāti Rangiteaorere to allow the Crown's awards to form one contiguous parcel of land. The land awarded to the Crown was flat, fertile and easily accessible by road. The land that remained with Ngāti Rangiteaorere was fragmented, and much of it was steep and inaccessible.

Ngāti Rangiteaorere have always valued the Tikitere geothermal field highly for medicinal, spiritual and economic purposes. In 1953, without the consent of Ngāti Rangiteaorere, the Crown acquired the sole right to regulate the use of geothermal energy resources when the Geothermal Energy Act 1953 was enacted. Ngāti Rangiteaorere considers that the Crown had no authority to overrule the mana of Ngāti Rangiteaorere in the Tikitere geothermal field.

In the early 1970s, the Crown proposed a land swap to extend the Lake Okataina Scenic Reserve. This involved the exchange of land in Whakapoungakau that Ngāti Rangiteaorere had significant ancestral connections with, for land that they had no such connections with. As a result of this exchange Ngāti Rangiteaorere were alienated from Whakapoungakau maunga, one of their most sacred sites.

# Summary of the Ngāti Rangiteaorere settlement

## Overview

Ngāti Rangiteaorere received a partial settlement of their historical claims in 1993 for the settlement of Wai 32 which included the return of Te Ngae Farm and an ex-gratia payment.

The Ngāti Rangiteaorere deed of settlement provides for full and final settlement of all historical Treaty of Waitangi claims of Ngāti Rangiteaorere resulting from acts or omissions by the Crown prior to 21 September 1992, and includes:

- **an agreed historical account, Crown acknowledgments and apology**
- **cultural redress**
- **financial and commercial redress.**

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

The Ngāti Rangiteaorere settlement is one of a group of interlinked settlements with Ngā Punawai o Te Tokotoru iwi. The Ngāti Rangiteaorere settlement legislation will be included in an omnibus Bill that will implement the deeds of settlement of Ngā Punawai o Te Tokotoru.

## Crown acknowledgements and apology

In the deed, the Crown acknowledges that it breached the Treaty of Waitangi and its principles in its dealings with Ngāti Rangiteaorere. These breaches include the erosion of the traditional tribal structures of Ngāti Rangiteaorere as a result of native land laws and the Crown's failure to provide Ngāti Rangiteaorere with an effective form of tribal title prior to 1894. The deed also includes an apology from the Crown to Ngāti Rangiteaorere for these breaches of the Treaty of Waitangi.

## Cultural redress

1. Recognition of the traditional, historical, cultural and spiritual associations of Ngāti Rangiteaorere has with places and sites owned by the Crown within their area of interest. This allows Ngāti Rangiteaorere and the Crown to protect and enhance the conservation values associated with these sites.

### 1(A) SITES TRANSFERRED TO NGĀTI RANGITEAORERE

- **Waiohewa**  
The Crown vests the fee simple of the Te Ngāe/Rangiteaorere site (0.4210 ha) to be known as Waiohewa.
- **Rangiteaorere**  
The Crown vests the Te Ngāe Junction Recreation Reserve (2.3922 ha), to be known as Rangiteaorere, subject to recreation reserve status.
- **Whakapoungakau**  
The Crown vests the fee simple of the Lake Okataina Scenic Reserve (321 ha), to be known as Whakapoungakau, subject to scenic reserve status.

### 1(B) STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

A statutory acknowledgement recognises the association between Ngāti Rangiteaorere and a particular site or area and enhances the iwi's ability to participate in specified resource management processes. Deeds of recognition oblige the Crown to consult with Ngāti Rangiteaorere on specified matters and have regard to their views regarding their special associations with certain areas.

The Crown offers a statutory acknowledgement over the following areas:

- Waiohewa Stream
- Lake Rotorua marginal strip
- Waiohewa Stream marginal strip
- Tikitere geothermal field within the Rotorua geothermal system.

## Relationships

### 2(A) PROTOCOLS

The deed of settlement will provide for protocols to facilitate good working relationships between Ngāti Rangiteaorere and the Department of Conservation, Ministry of Culture and Heritage and Ministry of Business, Innovation and Employment.

### 2(B) LETTERS OF INTRODUCTION

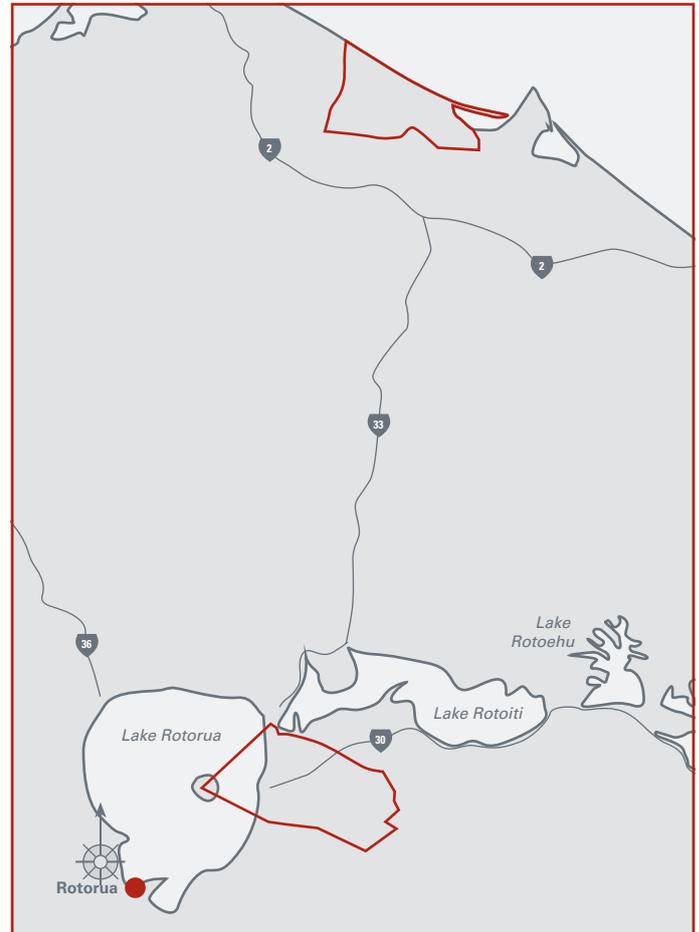
The Minister for Treaty of Waitangi Negotiations will write to Transpower New Zealand Limited; the New Zealand Transport Authority, the New Zealand Railways Corporation; the Civil Aviation Authority of New Zealand; and Fish and Game New Zealand.

## Financial and commercial redress

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

The financial redress amount to be paid under this settlement is \$750,000. An on-account amount \$500,000 was provided to Ngāti Rangiteaorere in 2008. The amount to be paid on settlement date is \$250,000 plus interest accrued on that amount between the signing of the AIP and deed of settlement.

Ngāti Rangiteaorere will also have a right of first refusal over an area of land held by the New Zealand Transport Agency between State Highway 33 and State Highway 30.



Two areas of interest

# Questions and Answers

## 1. What is the total cost to the Crown?

The financial redress amount to be paid under this settlement is \$750,000. An on-account amount \$500,000 was provided to Ngāti Rangiteaorere in 2008. The amount to be paid on settlement date is \$250,000 plus interest accrued on that amount between the signing of the AIP and deed of settlement.

## 2. Is there any private land involved?

No.

## 3. Are the public's rights affected?

Generally no. Te Ngāe Junction Recreation Reserve, and the Lake Okataina Scenic Reserve sites vested in Ngāti Rangiteaorere, totalling around 323 hectares, will be subject to recreation reserve and scenic reserve status respectively.

## 4. Are any place names changed?

No.

## 5. What happens to memorials on private titles?

The settlement legislation, once passed, will remove the ability of Ngāti Rangiteaorere to seek the return of properties with s27B memorials on the titles for historical settlements. The memorials will be removed altogether when all groups with interests in the area have settled their claims. Section 27B memorials were included on the titles of land sold by state-owned enterprises and some other government entities following the passage of the State-Owned Enterprise Act 1987. These memorials inform buyers that this land may be used in historical settlements.

## 6. What are statutory acknowledgments and deeds of recognition?

Statutory acknowledgments acknowledge areas or sites that iwi have a special relationship with. They 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. Statutory acknowledgments do not convey a property right and are non-exclusive.

Deeds of recognition set out an agreement between the administering Crown body (the Ministry 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.

Statutory acknowledgments and deeds of recognition are included in most Treaty settlements.

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

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 Rangiteaorere. 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 Rangiteaorere 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.

## 8. What about Ngāti Rangiteaorere's previous settlement in 1993?

In 1993, the Crown and Ngāti Rangiteaorere signed a deed of agreement to settle all grievances associated with Wai 32 claim that related to the Church Missionary Society's acquisition of land at Te Ngae, Rotorua in the nineteenth century. The settlement comprised an ex-gratia payment of \$750,000 and the payment of claimant costs. The Anglican Church also returned Te Ngae Mission Farm and an additional 24 hectares adjacent to the farm to Ngāti Rangiteaorere.

The 1993 agreement specifically excluded the geothermal aspects of Wai 32 claim and the Rotorua Lakes claim (later settled through the Te Arawa Lakes Settlement). The current deed of settlement comprehensively settles the remaining historical claims of Ngāti Rangiteaorere.

This is held by the Te Ngae Trust for the benefit of all Ngāti Rangiteaorere.

## 9. Who benefits from the settlement?

All members of Ngāti Rangiteaorere, wherever they may now live.

This and other settlement summaries are also available at [www.ots.govt.nz](http://www.ots.govt.nz)