



Deed of Settlement

BETWEEN THE CROWN AND NGĀTI RANGITIHI

General background

Ngāti Rangitihī are a Te Arawa iwi based in and around Rotorua, Kaingaroa and Matatā. Ngāti Rangitihī have approximately 5,300 registered members.

Ngāti Rangitihī were party to the 2006 Te Arawa Lakes Settlement and the 2008 Central North Island Forest Land Collective (CNI) settlement. Through the CNI settlement, Ngāti Rangitihī received a share of Crown forest land in the Central North Island valued at \$7,334,820 million. This redress was received on-account of their individual comprehensive settlement.

In June 2015, the Crown recognised the mandate of Te Mana o Ngāti Rangitihī Trust (Te Mana) to represent Ngāti Rangitihī in negotiating a comprehensive historical Treaty settlement.

The Crown signed Terms of Negotiation with Te Mana on 13 October 2015. On 22 December 2018, the Crown and Ngāti Rangitihī signed an Agreement in Principle which formed the basis for this settlement.

On 9 July 2020, Te Mana and the Crown initialled a Deed of Settlement. The Deed was then ratified by the members of Ngāti Rangitihī and signed by Te Mana and the Crown on 5 December 2020. The Deed is conditional on the passage and enactment of settlement legislation.

The Office for Māori Crown Relations - Te Arawhiti, with the support of the Department of Conservation, Ministry for the Environment and other government agencies, represented the Crown in day-to-day negotiations.

The Minister for Treaty of Waitangi Negotiations, the Honourable Andrew Little, and his predecessor, the Honourable Christopher Finlayson, represented the Crown in high-level negotiations with Ngāti Rangitihī.

Summary of the historical background to the claims by Ngāti Rangitihī

Ngāti Rangitihī had minimal contact with Pākehā before the 1820s. In 1840, Ngāti Rangitihī were part of a Te Arawa inter-hapū hui that agreed not to sign the Treaty of Waitangi or accept the authority of the Crown at that time. During the 1840s and 1850s, Ngāti Rangitihī successfully engaged with the emerging colonial economy. Following inter-iwi conflict in the 1850s, Ngāti Rangitihī worked to maintain peace in their rohe.

In 1864, Ngāti Rangitihī decided to join a Te Arawa force fighting alongside a Crown contingent that defeated a Tai Rāwhiti taua supporting the Kīngitanga. From 1865 through to 1872, Ngāti Rangitihī forces assisted the Crown against Pai Mārire forces and other iwi, including supporters of Te Kooti. In 1866, large-scale Crown confiscations in the Bay of Plenty included lands to which Ngāti Rangitihī had connections. Ngāti Rangitihī rangatira made extensive claims in the confiscation district, but these were not fully investigated. The Native Land Court granted Ngāti Rangitihī a 300-acre block to settle these claims, and several other blocks to reward their military service.

The Crown promoted land laws in the 1860s which individualised the tribal land tenure of Māori. Between the 1870s and the 1890s, the Native Land Court investigated the areas where Ngāti Rangitihī claimed interests. The Court system involved significant costs for Ngāti Rangitihī, particularly for surveying. Although Ngāti Rangitihī rangatira protested the outcomes of many court decisions, the Crown largely ignored their complaints.

In the 1870s the Crown leased areas from Ngāti Rangitihī before the Native Land Court had awarded land titles. The Crown suspended the activities of the Native Land Court in the Bay of Plenty from 1873 to 1877 and stopped paying rent on untitled lands during this time. The Crown later treated any lease payments it had made as advance purchase payments. The Crown generally acted as a monopoly purchaser, and aggressively purchased Ngāti Rangitihī lands. Ngāti Rangitihī, devastated by the effects of the 1886 Mount Tarawera eruption, had to sell land they may otherwise have wanted to retain. By 1900 they were virtually landless. The Crown purchased roughly 169,000 acres of land in which Ngāti Rangitihī had been awarded interests. Even after 1900, the Crown carried out excessive public works takings of Ngāti Rangitihī-owned land.

Over half of the approximately 110 people killed in the Tarawera eruption were Ngāti Rangitihī. With their interior lands unusable, the survivors moved to the small area of land Ngāti Rangitihī retained at Matatā. From the late 1880s, Ngāti Rangitihī lobbied the Crown for relief. It took the Crown almost thirty years to provide Hauani land in exchange for Ngāti Rangitihī land at Pokohu.

In the 1910s, the Crown drained the Rangitaiki swamp, depleting Ngāti Rangitihī food resources. The drainage led to the neglect of two Ngāti Rangitihī urupā and degraded the mauri of Te Awa o Te Atua. From 1954, Crown legislation allowed Tasman Pulp and Paper Company to discharge waste, causing heavy pollution to the Tarawera River and Lake Rotoitipaku.

Despite the many challenges Ngāti Rangitihī faced, their long history of loyal military service in support of the Crown continued in the twentieth century, with Ngāti Rangitihī serving in many countries and suffering through combat and disease.

Throughout the nineteenth and twentieth centuries, Ngāti Rangitihī faced poor housing conditions and lower levels of education and employment than Pākehā. They recall being punished for speaking te reo Māori in schools. These conditions, along with the alienation of their customary lands, had a devastating impact on Ngāti Rangitihī social and economic development and cultural hauora (well-being).

Summary of the settlement between the Crown and Ngāti Rangitihī

The Ngāti Rangitihī Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Rangitihī 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 Rangitihī wherever they may live.

Crown acknowledgements and apology

The Deed of Settlement contains Crown acknowledgements and a Crown apology for well-founded breaches of the Treaty of Waitangi and its principles.

The Crown acknowledges its failure to protect the tribal structures of Ngāti Rangitihī; to act in good faith when leasing and purchasing Ngāti Rangitihī land blocks; to protect Ngāti Rangitihī from becoming virtually landless; to protect the Tarawera River from pollution; to actively protect te reo Māori and to encourage its use; to protect Ngāti Rangitihī from excessive survey costs and to act in good faith by taking excessive land at Te Arika for Public Works purposes.

Cultural redress

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

VESTING OF LAND

The Deed of Settlement provides for 19 sites to be transferred to Ngāti Rangitihī as cultural redress on settlement date.

The following sites will be vested to Ngāti Rangitihī as scenic reserves:

- Ongarara
- Omanuhiri
- Ngāheretā
- Te Tirohanga o Niheta
- Pakipaki o Roohi
- Whakapoukarakia
- Waimangu Volcanic Valley
- Ōtūkupuarangi.

The following sites will be vested to Ngāti Rangitihī as historic reserves:

- Moura
- Te Tūāhu o Rangiaohia
- Te Kahao o Rongomai
- Otaramuturangi.

The following sites will be vested to Ngāti Rangitihī as recreation reserves:

- Awarua
- Matata property
- Te Kaokaoroa
- Te Tapahoro Campground.

The Deed of Settlement also provides for Mihimarino to be vested to Ngāti Rangitihī as a local purpose reserve and Te Tapahoro Property to be vested subject to a Conservation covenant. An undivided half share of Te Arika site held by the trustees of Te Arika Trust will vest in Ngāti Rangitihī.

WHENUA RĀHUI

A whenua rāhui acknowledges the traditional, cultural, spiritual and historical association of Ngāti Rangitihī with a site of significance. The declaration of an area as whenua rāhui allows the Crown to acknowledge iwi values in relation to that area.

The Deed of Settlement provides whenua rāhui over the Lake Tarewera Historic Reserve and Part Lake Tarawera Scenic Reserve.

STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

A statutory acknowledgement recognises the association between Ngāti Rangitihī 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 Rangitihī on specified matters and have regard to their views regarding their special associations with certain areas.

The Deed of Settlement provides for both statutory acknowledgements and deeds of recognition over the following areas:

- Part Lake Tarawera Scenic Reserve
- Crater Block Crown Land (all Crown retained parts)
- Tarawera Cut Wildlife Management Reserve
- Tarawera River (areas owned by the Crown).

The Deed of Settlement provides for statutory acknowledgements over the following areas:

- Lake Tarawera Historic Reserve
- Tarawera River Marginal Strips
- Ash Pit Road Marginal Strip (Te Kauae)
- Lake Rerewhakaaitu Recreation Reserve
- Rerewhakaaitu Conservation Area
- Ohinekoao Scenic Reserve
- Ohinekoao Recreation Reserve.

PLACE NAME CHANGES

Place names recognise iwi associations with geographic areas. Three place names will be changed through the settlement legislation:

- Unnamed to Ruakōkopu
- Unnamed to Te Houroa
- Otumutu Island to Otūmūtū.

RECLASSIFICATION OF PART OF A SCENIC RESERVE

The settlement legislation provides for part of Lake Tarawera Scenic Reserve to be reclassified as a historic reserve to recognise the wāhi tapu in this area.

JOINT ADVISORY COMMITTEE FOR THE MATATĀ SCENIC RESERVE AND MATATA WILDLIFE REFUGE RESERVE

The Deed of Settlement offers Ngāti Rangitihi membership on the existing Joint Advisory Committee for the Matatā Scenic Reserve and Matatā Wildlife Refuge Reserve on the terms set out in the Ngāti Awa Claims Settlement Act 2005 and Ngāti Tūwharetoa (Bay of Plenty) Claims Settlement Act 2005.

TARAWERA AWA RESTORATION STRATEGY GROUP

The Deed of Settlement provides for the establishment of a Tarawera Awa Restoration Strategy Group that will operate as a permanent joint committee of the Bay of Plenty Regional Council. The Group will support, coordinate and promote the integrated restoration of the mauri/wellbeing of the Tarawera River catchment.

The Tarawera Awa Restoration Strategy Group will have equal iwi and council membership with eight members appointed from Ngāti Rangitihi, Ngāti Awa, Ngāti Māhino, Ngāti Tūwharetoa (Bay of Plenty), Bay of Plenty Regional Council, Kawerau District Council, Rotorua Lakes District Council, and Whakatāne District Council.

RELATIONSHIP REDRESS

The Deed of Settlement includes a range of relationship redress to foster a good working relationship between Ngāti Rangitihi and Crown agencies. The deed will provide for:

- relationship agreements with the Department of Conservation and the Ministry for the Environment
- a Whakaaetanga Tiaki Taonga between Ngāti Rangitihi, the Ministry for Culture and Heritage, the Department of Internal Affairs and other cultural agencies
- a letter of recognition from the Director-General of the Ministry for Primary Industries to the Ngāti Rangitihi governance entity
- the Minister of Fisheries to appoint the trustees of the Ngāti Rangitihi governance entity as an advisory committee in relation to key areas in their rohe
- a letter of introduction to Ngā Taonga from the Chief Executive of the Office of Māori Crown Relations – Te Arawhiti on behalf of Ngāti Rangitihi.

Financial and commercial redress

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

The total value of financial and commercial redress for Ngāti Rangitihi is \$11,334,820 (plus interest). This is made up of:

- a share of Crown forest land in the central North Island valued at \$7,334,820
- \$4,000,000 financial redress.

COMMERCIAL REDRESS

The Deed of Settlement provides for commercial redress including:

- a right to purchase within a deferred selection period of two years, along with a right of first refusal, over Matatā School site (land only) for 178 years
- and a right of first offer over the Rotomahana Bay of Plenty Landcorp Farm.



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 19 sites of significance to Ngāti Rangitahi, the establishment of the Tarawera Awa Restoration Strategy Group, and relationship redress
- financial and redress with a total value of \$11,334,820 (plus interest)
- commercial redress.

2. What happens next?

The initialled Deed of Settlement is subject to the approval of Ngāti Rangitahi members by a vote (known as ratification). If the Deed of Settlement receives sufficient support, then it will be signed by the Crown and Ngāti Rangitahi. The Crown will then introduce legislation to Parliament to give effect to the settlement.

3. Is there any private land involved?

No.

4. Are the public's rights affected?

Generally no, nothing will change for the public, with the exception of one property (Te Tapahoro property, which is currently a reserve but will vest without reserve status). Public access and existing third-party rights are maintained for all remaining sites, which are vesting subject to reserve status.

5. Are any place names changed?

Yes. Otumutu Island will be renamed to Otūmūtū. Two unnamed sites will be named Ruakōkopu and Te Houroa.

6. 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 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 acknowledgements do not convey a property right and are non-exclusive.

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

7. What is whenua rāhui?

Whenua rāhui (referred to as overlay classification in other settlements) acknowledges the traditional, cultural, spiritual and historical association of an iwi with certain sites of significance administered by the Department of Conservation.

Whenua rāhui status 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.

8. 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 historical Treaty claims in the area have been settled.

9. When will the settlement take effect?

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

10. Does Ngāti Rangitahi 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 (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Rangitahi. The settlement legislation, once passed, will prevent the iwi re-litigating the claims before the Waitangi Tribunal or the courts.

The settlement will still allow Ngāti Rangitahi 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.

11. Who benefits from the settlement?

All members of Ngāti Rangitahi wherever they may now live.