



# Deed of Settlement

## BETWEEN THE CROWN AND NGĀTI KURI

### General background

Ngāti Kuri is one of five iwi based in Te Hiku o Te Ika a Māui (the tail of the fish of Māui), the region from the Hokianga Harbour to Mangonui northwards. The Ngāti Kuri contemporary rohe extends north of a line from Maunga Tohoraha (Mt Camel) east to Hukatere and extending north-west to Motuopao, across to Te Rerenga Wairua (Cape Reinga) and then east to Murimotu and including the islands of Manawatāwhi (Three Kings Islands) and Rangitāhūa (the Kermadecs). According to the 2013 census, approximately 6,492 people affiliate to Ngāti Kuri.

In January 2010, the Crown and the five Te Hiku iwi (including Ngāti Kuri) signed Te Hiku Agreement in Principle which formed the basis for this settlement. The Ngāti Kuri deed of settlement was finalised on 14 October 2013. The settlement will be implemented following the signing of the deed of settlement. The Te Hiku Claims Settlement Bill (Omnibus) will be introduced to the House after the deed of settlement has been signed.

Ngāti Kuri were represented in negotiations by the Ngāti Kuri Trust Board. The settlement assets will be received by a new entity called Te Manawa o Ngāti Kuri Trust.

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 Kuri, as did his predecessors Hon Dr Michael Cullen and Hon Margaret Wilson.

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

According to tradition, Ngāti Kuri ancestors have occupied Te Hiku o Te Ika from before the first waka arrivals. Traditionally Ngāti Kuri lived in several permanent settlements, and moved from those bases around their rohe in small groups, following seasonal cycles for gardening, fishing and food gathering. Ngāti Kuri did not sign Te Tiriti o Waitangi/the Treaty of Waitangi, and for many years after Pākehā settlement tikanga Māori (customary law) largely prevailed in their rohe. Ngāti Kuri were not included in the first land transactions in the area. Crown officials had limited understanding of the complex whakapapa relationships in Te Hiku and at times failed to distinguish Ngāti Kuri from other iwi in the rohe.

Under the nineteenth century native land laws, much of Ngāti Kuri's remaining land was vested in small numbers of individual owners. No provisions existed to ensure those individuals acted as trustees for their iwi, and much of the land was soon sold. By 1890 over 70% of Ngāti Kuri's traditional land had been alienated. The only large blocks of land remaining in their ownership were around the Pārengarenga harbour. The main economic activity available for Māori in the region was gum digging, which due to the isolation and lack of roading in the area, tended to trap workers in a debt cycle with the local storekeepers, who bought the gum from local Māori and sold them goods, controlling the prices of both.

In 1896 the Native Land Court began hearings on the Pārengarenga and Pākohu blocks around the harbour. The hearings and surveys were expensive, and the lands were almost lost to pay survey debts. In order to prevent that the Crown took over the debt and vested these blocks in the Tokerau Māori Land Board. This kept the lands in Māori ownership but the owners lost all control of their management. Māori were left with only three small reserves around the Pārengarenga Harbour on which to live. Ngāti Kuri's main papakāinga, Te Hāpua, flooded every year and the community suffered from high rates of typhoid and tuberculosis, which the Crown was aware of but did little to remedy.

By 1910 the survey debts had been repaid, but despite this control of the lands did not go back to the owners. Ngāti Kuri repeatedly asked for the return of the lands so they could begin farming initiatives but their requests were denied until the 1950s.

In 1953 the Crown empowered the Māori Trustee to compulsorily acquire small interests in the Pārengarenga and Pākohu blocks. Many Ngāti Kuri lost their last shares in their land through this process.

Due to the Crown's actions and omissions Ngāti Kuri as an iwi were left with little land and few economic opportunities. Many had to leave the rohe altogether, resulting in a loss of social cohesion and difficulty in passing on Ngāti Kuri's tikanga, traditional knowledge and language to younger generations.

# Summary of the Ngāti Kuri settlement

## Settlement overview

The Ngāti Kuri Deed of Settlement will be the final settlement of all historical claims of Ngāti Kuri 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 acknowledgements and apology
- cultural redress
- financial and commercial redress
- collective redress.

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

## Crown acknowledgements and apology

The Crown apologises to Ngāti Kuri for its acts and omissions which have breached the Crown's obligations under Te Tiriti o Waitangi/the Treaty of Waitangi. These include: the failure to ensure Ngāti Kuri had adequate land for their needs; the failure to actively protect Ngāti Kuri in their exercise of rangatiratanga; the purchase of the Muriwhenua South Block in 1858; the taking of Motuopao Island in 1875; the impact of the native land laws on Ngāti Kuri tribal structures and the compulsory acquisition of uneconomic interests in Ngāti Kuri land between 1953 and 1974. The Crown deeply regrets its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi. These breaches have caused prejudice to Ngāti Kuri by obstructing their ability to transmit their culture to new generations, to exercise customary rights and responsibilities in their rohe, and to develop economically.

## Cultural redress

Cultural redress provides recognition of the traditional, historical, cultural and spiritual association of Ngāti Kuri with places and sites owned by the Crown within their primary area of interest. This allows Ngāti Kuri and the Crown to protect and enhance the conservation values associated with these sites, and includes:

### SITES TO BE VESTED IN NGĀTI KURI

A total of 10 properties will be vested in Ngāti Kuri, and seven jointly vested in Ngāti Kuri and one or more other Te Hiku iwi, totalling approximately 4015 hectares. These are:

- The Pines Block, approximately 319.35 hectares
- Tiriranga Urupā, approximately 3.59 hectares
- Te Hāpua School (site B), approximately 1.16 hectares for leaseback to the Crown
- Te Hāpua School House site, approximately 0.22 hectares for leaseback to the Crown
- Wairoa Pā (part of Mokaikai Scenic Reserve), approximately 2 hectares
- Wharekawa Pā (part of Mokaikai Scenic Reserve), approximately 2 hectares
- Mokaikai Pā (part of Mokaikai Scenic Reserve), approximately 6 hectares
- Mokaikai (part of Mokaikai Scenic Reserve), approximately 2990 hectares
- Kapowairua (part of Te Paki Recreation Reserve), approximately 290 hectares
- Te Rerenga Wairua (part of Te Paki Recreation Reserve), approximately 77 hectares
- Part of Te Ramanuka Conservation Area, approximately 70.7 hectares.

### SITES TO BE JOINTLY VESTED IN NGĀTI KURI AND TE AUPOURI:

- Murimotu Island, approximately 8.85 hectares
- Waihopo Lake property, approximately 20.46 hectares
- Bed of Lake Ngākeketo (part of Te Paki Recreation Reserve), approximately 9 hectares.

### SITES TO BE JOINTLY VESTED IN NGĀTI KURI, TE AUPOURI, NGĀITAKOTO AND TE RARAWA:

- Te Oneroa-a-Tōhē sites, totalling approximately 214 hectares.

### CULTURAL ENDOWMENT FUND

Ngāti Kuri will receive a cultural endowment fund of \$2.230 million for Ngāti Kuri cultural development initiatives.

### STATUTORY ACKNOWLEDGEMENTS

A statutory acknowledgement recognises the association between Ngāti Kuri and a particular site and enhances Ngāti Kuri's ability to participate in specified resource management processes. The Crown offers statutory acknowledgements over:

- Paxton Point Conservation Area (including Rarawa Beach camp ground)
- Motuopao Island
- Three Kings Islands (Manawatāwhi)
- Kermadec Islands (Rangitāhua).

### PLACE NAME CHANGES

Eighteen geographic names will be altered through the Ngāti Kuri settlement, including dual Māori-English names for Ninety Mile Beach (Te Oneroa-a-Tōhē/Ninety Mile Beach), Cape Reinga (Te Rerenga Wairua/Cape Reinga), Spirits Bay (Piwhane/Spirits Bay), Paxton Point (Wharekāpu/Paxton Point), Henderson Bay (Ōtaipango/Henderson Bay) and Mount Camel (Tohoraha/Mount Camel). The full list of place name changes included in the Ngāti Kuri Deed of Settlement is available on [www.ots.govt.nz](http://www.ots.govt.nz)

### PROTOCOLS, LETTER OF COMMITMENT AND PROMOTION OF RELATIONSHIPS

The deed provides for protocols to be issued by the Minister for Arts, Culture and Heritage, the Minister of Energy and Resources and the Minister for Primary Industries. These protocols set out how the relevant government agencies will interact and consult with Ngāti Kuri when carrying out duties and functions.

The deed of settlement also provides for Ngāti Kuri, 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 Crown will also facilitate a letter of intent between Ngāti Kuri and New Zealand Historical Places Trust to enter into a working relationship on specific projects of mutual interest.

The Minister for Treaty of Waitangi Negotiations and the Deputy Secretary Treaty and Director of the Office of Treaty Settlements will write letters of introduction and relationship promotion to Crown Ministers, government agencies, local authorities and museums.

## Financial and commercial redress

This redress recognises the economic loss suffered by Ngāti Kuri arising from breaches by the Crown of its Treaty obligations.

The financial and commercial redress is aimed at providing Ngāti Kuri with resources to assist them to develop their economic and social well-being.

## FINANCIAL REDRESS

Ngāti Kuri will receive a financial settlement of \$21.040 million in recognition of all their historical claims. Interest that has been accumulating since the Te Hiku Agreement in Principle was signed in January 2010 will also be paid.

## COMMERCIAL REDRESS

Ngāti Kuri will purchase from the Crown:

- the Ngāti Kuri undivided 30% share of Peninsula Block (part of Aupouri Crown Forest Land), approximately 21,158.33 hectares (total block)
- McManus Road/Kimberley Road property, approximately 3.98 hectares
- Te Paki Station, approximately 3157 hectares
- two school properties to be bought and leased back to the Crown:
  - Te Hāpua School (site A), approximately 0.79 hectares (the remainder will be gifted – refer cultural redress vesting)
  - Ngātaki School, approximately 2.09 hectares.

## Collective redress

The collective redress elements of the deed have been negotiated between the Crown, Ngāti Kuri, Te Aupouri, Ngāi Takoto and Te Rarawa. Collective redress will be available to all Te Hiku iwi as they complete settlements.

## AUPOURI CROWN FOREST LAND

Ngāti Kuri will join Te Aupouri, Te Rarawa and Ngāi Takoto as owners and tenants in common of approximately 21,158 hectares of Crown forest land on the Aupouri peninsula and consequently will receive a 20% share of the accumulated rentals. Ngāti Kuri will own an undivided 30% share.

## TE ONEROA-A-TŌHĒ/NINETY MILE BEACH

The settlement will create the Te Oneroa-a-Tōhē Board to manage the beach – a new permanent joint committee between iwi, Northland Regional Council and Far North District Council. The Te Oneroa-a-Tōhē Board will have 50% iwi members and 50% local authority members. It will be chaired by iwi and make decisions by a 70% majority.

The Board will provide governance and direction in order to promote the use, development and protection of the Te Oneroa-a-Tōhē/Ninety Mile Beach management area and its resources in a manner which ensures its environmental, economic, social, spiritual and cultural wellbeing for present and future generations. The Board is responsible for developing a Beach Management Plan. It will publicly advertise the plan and seek submissions on it. The Plan will be recognised and provided for in the next revisions of the relevant Regional Policy Statement, Regional Plan and District Plan.

The Board will consult with communities through the Beach Management Plan regarding any changes to beach access (eg by changing access points and reducing environmental damage on and to the beach). The feedback from this consultation will influence the Plan which the Board will then implement.

The iwi members of the Board will appoint up to half of the hearing panel for consent applications within the beach management area.

The Crown is providing a one-off contribution of \$137,500 per iwi to install interpretative signs, raise pouwhenua at Waipapakauri and fund regeneration activities along the Beach. The Crown is also providing a one-off contribution of \$400,000 to the Board.

## KOROWAI FOR ENHANCED CONSERVATION

The settlement includes a co-governance arrangement for conservation land known as the Korowai for Enhanced Conservation.

The word korowai means cloak. The Korowai for Enhanced Conservation recognises the historical, spiritual and cultural association Te Hiku iwi have with public conservation land in each of their rohe. It gives iwi greater input into decision-making including in the protection of public conservation lands and important cultural taonga within the combined areas of interest of Ngāti Kuri, Te Aupouri, Te Rarawa and Ngāi Takoto.

A new Te Hiku Conservation Board will be established with equal Te Hiku iwi and public membership.

The Te Hiku Conservation Board will have a number of statutory functions, similar to those of the Northland Conservation Board, including recommending the approval of a new Te Hiku part of the Northland Conservation Management Strategy, relating to public conservation land within the area covered by the Korowai.

Te Hiku iwi and the Department of Conservation (DOC) will co-author the Te Hiku part of the Conservation Management Strategy, which will ensure that Te Hiku iwi interests will be integrated into this primary Department of Conservation planning document.

The Korowai means DOC decision-making under the Conservation Act 1987 and Schedule 1 legislation will occur in a framework in which iwi cultural interests will play a key role. There will also be joint decision-making between DOC, Ngāti Kuri, Te Aupouri and Ngāi Takoto over approximately 70 hectares of public conservation land at Cape Reinga/Te Rerenga Wairua, a place of profound significance to Te Hiku iwi.

Iwi will have decision-making power over applications from iwi members relating to customary materials, including gathering of flora and possession of dead protected fauna, in accordance with an agreed customary materials plan between iwi and DOC. It will contain criteria and guidance on who, what, when, how and where customary materials can be gathered, obtained or possessed.

Each iwi will hold a register of wāhi tapu sites and identify general wāhi tapu areas. Iwi will have the opportunity to enter into management agreements in relation to wāhi tapu on public conservation land.

## SOCIAL DEVELOPMENT AND WELLBEING ACCORD

Ngāti Kuri will enter into the Te Hiku–Crown Social Development and Wellbeing Accord with Te Aupouri, Te Rarawa and Ngāi Takoto. The Accord sets out how the iwi and the Crown will work together to improve the social development and wellbeing of the Te Hiku whānau, hapū, iwi and the wider community.

In particular, the Accord is being implemented through multi-level engagement between Te Hiku iwi and the Crown including:

- an annual Te Hiku iwi–Crown Taumata Rangatira hui between the Ministers who have signed the Accord or whose departments have portfolio agreements and Te Hiku iwi representatives
- regular Crown–Te Hiku iwi operational level engagement through Te Kāhui Tiaki Whānau (a twice-yearly forum) and related Kaupapa Cluster meetings (ongoing engagement in relation to particular kaupapa/specific areas of work)
- an evaluation and planning process to assess progress and design and implement strategies to achieve the shared outcomes for the Accord.

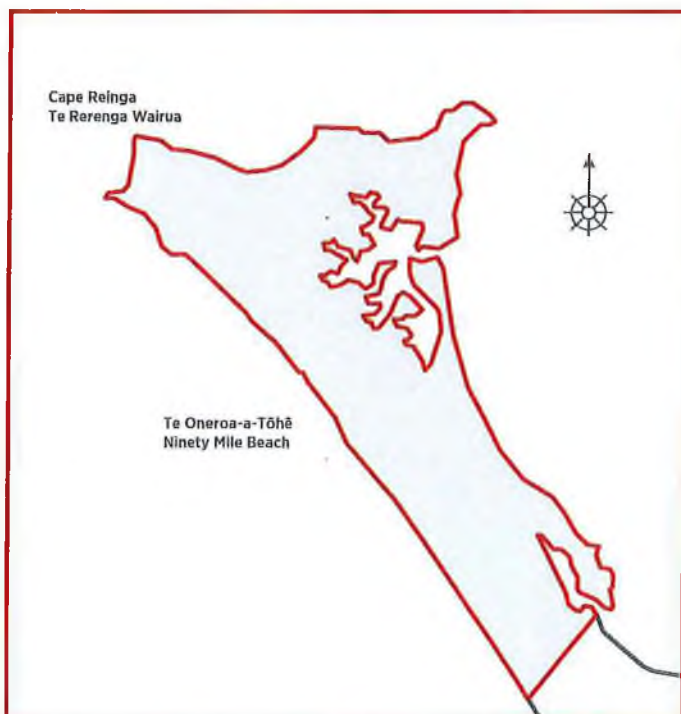
The Accord involves nine agencies: the Ministry of Social Development, Te Puni Kōkiri, the Ministry of Education, the Ministry of Business, Innovation and Employment, the Ministry of Justice, the New Zealand Police, the Department of Internal Affairs, the Department of Corrections and Statistics New Zealand. The Crown is providing a one-off contribution of \$812,500 per iwi towards the implementation of the Accord.

The Accord will enable the government and the iwi to work together to address pressing socio-economic issues in what is one of the most impoverished areas of the country.

#### JOINT RIGHT OF FIRST REFUSAL

Ngāti Kuri will have a right of first refusal (RFR) for 172 years to purchase listed Crown properties in their area of interest should the Crown decide to sell them. This RFR is shared with other Te Hiku iwi whose areas of interest overlap with Ngāti Kuri. Ngāti Kuri will also have the opportunity to purchase Te Hiku RFR properties located outside the Ngāti Kuri area of interest if the iwi in whose area the property is located do not want to purchase them.

#### Areas of interest



## Questions and Answers

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

The total cost to the Crown of the settlement redress outlined in the Ngāti Kuri Deed of Settlement is \$21.04 million plus interest, the value of the cultural redress properties to be vested, \$2.230 million cultural endowment fund, \$812,500 towards social accord implementation, \$137,500 in recognition of the historical and cultural associations of Ngāti Kuri with Te Oneroa-a-Tōhē/Ninety Mile Beach and a portion of the \$400,000 one-off contribution to the Te Oneroa-a-Tōhē Beach Board.

#### Is any private land being transferred?

No.

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

In general, all existing public access rights in relation to areas affected by this settlement will be preserved.

Once the Aupouri Crown forest land transfers out of Crown ownership, the agreement of the new landowner (iwi) will be required for both foot and vehicular access other than use of Hukatere Road. The scope of such access will remain subject to the forestry operational requirements of the licensee.

#### Are any place names being changed?

Yes. Place names are significant for recognising iwi associations with geographic areas. There will be 18 geographic names amended through the Ngāti Kuri Deed of Settlement.

#### 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.

#### Does Ngāti Kuri 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 finalised by the passage of settlement legislation, both parties agree it will be a final and comprehensive settlement of all the historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Kuri. The settlement legislation, once passed, will prevent Ngāti Kuri from re-litigating the claims before the Waitangi Tribunal or the courts.

The settlement package will still allow Ngāti Kuri 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 and claims under the Marine and Coastal Area (Takutai Moana) Act 2011. The Crown retains the right to dispute such claims or the existence of such title rights.

#### Who benefits from the settlement?

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

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