



# Deed of Settlement

## BETWEEN THE CROWN AND TARANAKI IWI

### Background

Taranaki Iwi is one of eight iwi of Taranaki (the other seven are Ngāti Tama, Ngāti Mutunga, Ngāti Ruanui, Ngā Rauru Kītahi, Ngāruahine, Te Atiawa and Ngāti Maru).

The rohe of Taranaki Iwi extends along the coastal and mountain area between Ōuri and the Rāwa o Turi stream in the south and Ōnukutaipari in the north. Taranaki Iwi interests also extend inland to Te Whakangerengere on the northeastern flank of the mountain, up the Waipuku stream to Te Tahuna o Tūtawa (Warwicks Castle), over to Panitahi (Fanthoms Peak) and down to Mangoraukawa (Lake Dive) and the source of the Ōuri stream. It then follows the Ōuri stream water course towards the coast, with a deviation to the headwaters of the Rāwa o Turi stream to the boundary stone of Matirawhati at its mouth.

Taranaki Iwi gave Taranaki Iwi Trust a mandate to negotiate a deed of settlement with the Crown by way of mandating hui and on 26 February 2010 the Crown recognised the mandate. The Trust and the Crown signed terms of negotiation on 17 March 2010 that agreed the scope, objectives and general procedures for the negotiations. A letter of agreement signed on 22 December 2012 by Taranaki Iwi and the Crown agreed a basis for a deed of settlement in principle.

On settlement, the trustees of the Post-Settlement Governance Entity (PSGE), Te Kāhui o Taranaki Trust, will manage the settlement assets.

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 Taranaki Iwi.

### Summary of the historical background to the claims by Taranaki Iwi

Before 1860, Taranaki Iwi were participating successfully in the trading economy and retained control over much of their customary land. In 1860, the Crown's purchase of land at Waitara, despite strong opposition from the significant rangatira Wiremu Kingi te Rangitaake, led to war between Taranaki Māori and the Crown. During the war, Crown forces shelled coastal Taranaki Iwi settlements and employed 'scorched earth' tactics which destroyed Taranaki Iwi kainga, cultivations and foodstores. When peace was negotiated in 1861, Crown forces remained in occupation of the disputed block, while Taranaki Iwi occupied the Ōmata and Tataraimaka blocks, sold by members of Taranaki Iwi in 1847.

In early 1863, Crown troops reoccupied Tataraimaka and Ōmata. In May 1863, some Taranaki Māori attacked soldiers moving between the blocks, killing nine. War resumed, and in the following three years Crown forces again destroyed Taranaki Iwi settlements and cultivations. Taranaki Iwi people suffered severe distress and hardship, and many lost their lives.

In 1865, the Crown proclaimed 1.2 million acres of Taranaki land confiscated, including all of the Taranaki Iwi rohe not already purchased. The confiscations were indiscriminate, depriving both 'loyal' and 'rebel' Māori of their lands. A process to compensate 'loyal' Māori for the confiscation of their land was established, but when the Compensation Court began its hearings in June 1866, the Crown had already allocated large tracts of Taranaki Iwi lands to military settlers. The Crown then failed to implement most of the Court's recommendations and out-of-court agreements for more than 15 years. Almost all the land eventually returned was granted under individualised title, extinguishing customary tenure.

In 1866, Te Whiti o Rongomai and Tohu Kākahi established a settlement at Parihaka in the heart of the Taranaki Iwi rohe, where they developed a community which employed non-violent measures to resist further land loss and promote Māori independence. The Crown came to view this movement as a challenge to its authority. In 1878, tensions increased after Hiroki, a fugitive from the law who was later hanged in New Plymouth gaol, took refuge at Parihaka, and after surveyors failed to mark out reserves promised to Māori in southern Taranaki. In March 1879, Te Whiti ordered the surveyors to be peacefully evicted.

In May 1879, followers of Te Whiti and Tohu began to plough land across Taranaki, as an assertion of their rights to the land. By the end of July, 182 ploughmen had been arrested. Only 46 received a trial, but all were detained in harsh conditions in South Island prisons for at least 14 months, and some for two years. In June 1880, Crown forces began to construct a road through cultivations near Parihaka. Between July and September 1880, 223 more Māori were arrested for placing fences across the road in an attempt to protect the cultivations. Only 59 fencers received a trial, but again all were sent to South Island prisons. Over this period, the Crown promoted and passed legislation to enable the continuing detention of those prisoners who had not been tried.

In July 1881, people from Parihaka and surrounding Taranaki Iwi settlements erected fences around traditional cultivation sites which the Crown had sold to settlers. On 5 November 1881, more than 1500 Crown troops, led by the Native Minister, invaded Parihaka and then dismantled the settlement and forcibly removed many of its inhabitants. Te Whiti and Tohu were arrested and held without trial for 16 months.

In 1881, the West Coast Commission found that the Crown had failed to fulfill promises about Māori reserves, and recommended that some reserves be granted. However, reserves were not returned to Māori outright, but were placed under the administration of the Public Trustee, who then sold or leased in perpetuity large areas to European farmers. Through the 20th century, a number of legislative acts further undermined the ability of Taranaki Iwi people to retain or control their remaining lands. Today, less than 5 percent of the reserved lands are in Māori freehold ownership, and approximately 50,000 acres remain leased in perpetuity. The massive loss of land has limited the ability of Taranaki Iwi to participate in society on equal terms with many other New Zealanders.

# Summary of the Taranaki Iwi settlement

## Overview

The Taranaki Iwi Deed of Settlement will be the final settlement of all historical claims of Taranaki Iwi resulting from acts or omissions by the Crown before 21 September 1992 and is made up of a package that includes:

- an agreed historical account, acknowledgements and apology
- cultural redress
- financial and commercial redress.

The benefits of the settlement will be available to all members of Taranaki Iwi, wherever they live. The redress was negotiated by the Taranaki Iwi Trust. Some redress in the Taranaki Iwi Deed of Settlement is jointly provided for with Te Atiawa.

## Crown acknowledgements and apology

The deed of settlement contains acknowledgements that historical Crown actions or omissions caused prejudice to Taranaki Iwi or breached the Treaty of Waitangi and its principles.

The deed of settlement also includes a Crown apology to Taranaki Iwi for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and for the damage that those actions caused to Taranaki Iwi. These include the Crown's actions that led to the outbreak of war in Taranaki, the indiscriminate, unjust and unconscionable confiscation of the land that had supported Taranaki Iwi for centuries, and its invasion of Parihaka and systematic dismantling of the community.

## Cultural redress

The cultural redress recognises the traditional, historical, cultural and spiritual association of Taranaki Iwi with places and sites owned by the Crown within Taranaki Iwi's primary area of interest. This allows Taranaki Iwi and the Crown to protect and enhance the conservation values associated with significant sites.

### VESTING OF SITES

The deed of settlement provides for the vesting of 29 Crown-owned sites to Taranaki Iwi. The settlement legislation will vest these sites in the PSGE, Te Kāhui o Taranaki Trust, on settlement date.

The following sites will be vested in fee simple in Taranaki Iwi:

- Arawhata Property
- Cape Egmont Lighthouse property
- Cape Egmont site A
- Opunake site A
- Ōrimupiko / Headlands site A
- Pungarehu property
- Puniho property
- Rahotu site A
- Rahotu site B
- Rahotu site C
- Kahui site A
- Kahui site B
- Warea site A
- Warea site B.

The following sites will be vested as historic reserves in Taranaki Iwi:

- Cape Egmont Marginal Strip
- Manihi Road Māori Local Purpose Reserve
- Oakura Marginal Strip

- Oanonui Recreation Reserve
- Okahu Stream Māori Local Purpose Reserve
- Okato Coast Marginal Strip
- Omata Stockade Historic Reserve
- Opunake Marginal Strip
- Opunake Headlands
- Sutton Road Marginal Strip
- Tapuinikau Pa Historic Reserve
- (Part of) Tataraimaka Pa Historic Reserve
- Te Koru Pa Historic Reserve.

Maitahi Scientific Reserve (Maitahi Property) is to be vested in Taranaki Iwi as a scientific reserve, with Te Kāhui o Taranaki Trust as the administering body.

The fee simple estate in Sutton Road Foreshore Local Purpose Reserve (Sutton Road site B) is to be vested in Taranaki Iwi as a local purpose (foreshore) reserve, with Te Kāhui o Taranaki Trust as the administering body.

### NGĀ MOTU

The deed of settlement also provides for the joint vesting of Ngā Motu/ Sugar Loaf Islands in Te Kāhui o Taranaki Trust and the Te Atiawa PSGE, Te Kotahitanga o Te Atiawa. Ngā Motu are held within the Sugar Loaf Islands (Ngā Motu) Marine Protected Area, which is subject to the Sugar Loaf Islands Marine Protected Area Act 1991 and includes the islands of Mataora, Moturoa, Motumahanga, Motuotamatea, Pararaki, Whareumu and the reefs Waikaranga, Tokotapu and Motukuku/Koruanga. Ngā Motu will continue to be managed by the Department of Conservation as a conservation area under the Conservation Act 1987 and public access will be maintained.

### STATUTORY ACKNOWLEDGEMENTS

The statutory acknowledgements are acknowledgements by the Crown of statements by Taranaki Iwi of Taranaki Iwi's special cultural, historical or traditional association with certain areas of Crown-owned land.

These acknowledgements are recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014.

The authorities who give resource consents under these Acts – the New Plymouth District Council, the South Taranaki District Council, the Taranaki Regional Council, the Environment Court and Heritage New Zealand – must also have regard to these statements for certain purposes.

The acknowledgements also require that the local authorities provide Taranaki Iwi with summaries of all resource consent applications that may affect the areas named in these acknowledgements before any decision is made on those applications.

The deed of settlement provides for 25 statutory acknowledgements covering:

- Heimama Stream Gravel Local Purpose Reserve
- Kapoaia Stream and its tributaries
- Mangahume Stream and its tributaries
- Mangahume Stream Conservation Area
- Mangawarawara Stream Marginal Strip
- Ngatoronui Stream and its tributaries
- Oakura River and its tributaries
- Oeo Stream and its tributaries
- Otahi Stream and its tributaries
- Otahi Stream No 1 Marginal Strip

- Otahi Stream No 2 Marginal Strip
- Ouri Stream and its tributaries
- Ouri Stream Marginal Strip
- Pūnehu Stream and its tributaries
- Pūngaereere Stream and its tributaries
- Pūngarehu Marginal Strip
- Ratapihipi Scenic Reserve
- Tapuae Stream Marginal Strip
- Taranaki Iwi Coastal Marine Area
- Taungatara Stream and tributaries
- Waiaua River and tributaries
- Waiongana Stream and its tributaries
- Waiteika Stream and its tributaries
- Waiweranui Stream Marginal Strip
- Warea River (Teikaparua) and its tributaries.

### DEEDS OF RECOGNITION

Deeds of recognition require the Crown to consult with Taranaki Iwi, and have regard for Taranaki Iwi's special association with a site or place and specify Taranaki Iwi input into the management of those areas administered by the Department of Conservation or the Commissioner of Crown Lands.

The deed of settlement provides for 14 deeds of recognition covering:

- Kapoiaia Stream and its tributaries
- Mangahume Stream and its tributaries
- Ngatoronui Stream and tributaries
- Oakura River and its tributaries
- Oeo Stream and its tributaries
- Otahi Stream and its tributaries
- Ouri Stream and its tributaries
- Pūnehu Stream and its tributaries
- Pūngaereere Stream and its tributaries
- Taungatara Stream and its tributaries
- Waiaua River and its tributaries
- Waiongana Stream and its tributaries
- Waiteika Stream and its tributaries
- Warea River (Teikaparua) and its tributaries.

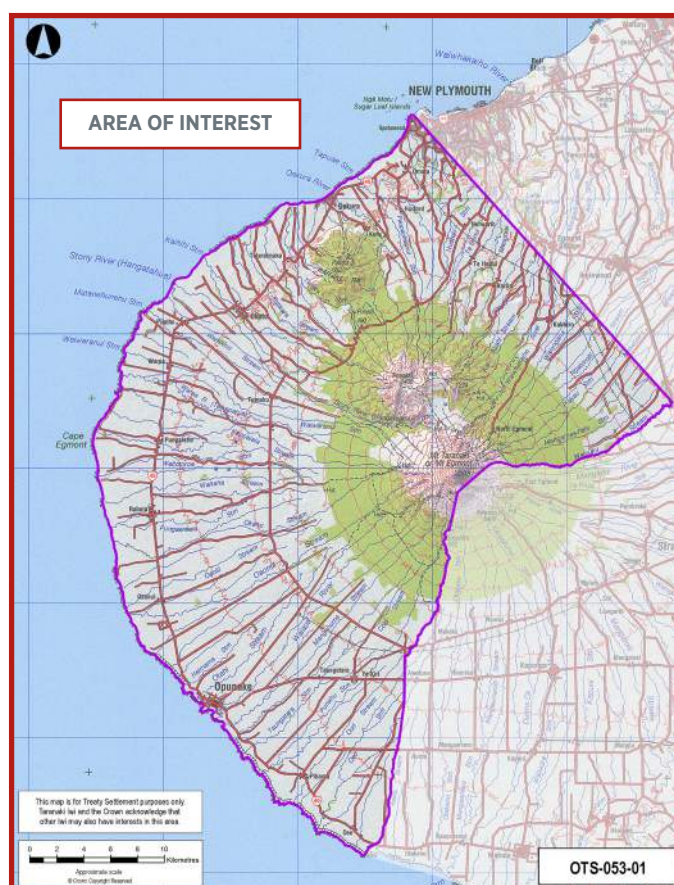
### RELATIONSHIP AGREEMENT

Taranaki Iwi and the Ministry for the Environment and the Ministry of Business, Innovation and Employment will enter into relationship agreements that outline how these Crown agencies will work and engage with Taranaki Iwi.

### PROTOCOLS

The deed of settlement provides for protocols between Taranaki Iwi and certain government departments that promote working relationships and participation in areas of decision making, including:

- a taonga tūturu protocol with the Ministry for Culture and Heritage which establishes, among other things, a framework for the determination of ownership and custody of taonga discovered within the Taranaki Iwi area of interest
- a fisheries protocol which provides input into planning by the Ministry for Primary Industries, and provides for some assistance with implementing kaimoana regulations to manage non-commercial fisheries
- a conservation protocol which provides for a relationship regarding Department of Conservation decisions about conservation lands within the Taranaki Iwi area of interest.



### LETTER OF COMMITMENT

The deed of settlement includes a letter of commitment from the Department of Internal Affairs and Te Papa setting out how these two organisations will work with Taranaki Iwi in the future.

### LOCAL GOVERNMENT PARTICIPATION

Taranaki Iwi, Te Atiawa and Ngāruahine have worked together with other iwi of Taranaki to develop a framework for iwi involvement in the decision-making processes of the Taranaki Regional Council (TRC). The redress provides for the iwi of Taranaki to participate in local government. These arrangements provide for direct iwi representation on TRC's two principal standing committees: Policy and Planning and Regulatory and Consents.

There are shared principles for this arrangement based on a commitment to establish and maintain a positive, cooperative and enduring relationship between the iwi of Taranaki and TRC. These shared principles include a desire for a relationship between the iwi of Taranaki and TRC that is:

- mutually beneficial
- based on good faith, a spirit of cooperation, goodwill, openness, flexibility
- understanding and respect for the positions of both parties.

### PLACE NAME CHANGES

The deed of settlement includes a commitment to make four place name changes. Once the settlement legislation has been enacted the following changes will be made:

- St George's Redoubt Historic Reserve to Tataraimaka/St George's Redoubt Historic Reserve
- Tataraimaka Pa Historic Reserve (part) to Tataraimaka Urupā Historic Reserve
- Patua Scenic Reserve to Patuhā Scenic Reserve

- Sugar Loaf Islands Sanctuary to:
  - Ngā Motu / Sugar Loaf Islands Sanctuary, and
  - Ngā Motu / Sugar Loaf Islands Conservation Park.

#### RUA TARANAKI TITLE

The settlement provides the opportunity for land to be vested in the name of Rua Taranaki.

## Financial and commercial redress

This redress recognises the economic loss suffered by Taranaki Iwi arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Taranaki Iwi with resources to help them develop their economic and social wellbeing.

#### FINANCIAL REDRESS

The Crown will make financial and commercial redress to Taranaki Iwi of \$70 million as follows:

- \$14 million paid to Te Kāhui o Taranaki Iwi Trust on 11 July 2013
- \$10 million to be paid to Te Kāhui o Taranaki Iwi Trust on settlement date
- \$46 million and accumulated interest (estimated to be \$3.726 million by the end of August 2015) as soon as practicable after the Taranaki Iwi Deed of Settlement signing.

The settlement also provides a cultural fund of \$55,633.

#### DEFERRED SELECTION PROPERTIES

Taranaki Iwi has the option to purchase specific Crown properties but does not have to confirm an intention to purchase these before settlement. The decision to purchase can be deferred for up to two years after settlement date. This allows Taranaki Iwi time to decide if it wants the properties and to whom they may be transferred. These properties include Wiremu Road Station, Opunake High School, Oakura Primary School and a number of other properties that are set out in a schedule in the deed of settlement.

#### SOUTH TARANAKI DISTRICT COUNCIL (STDC) LAND

Taranaki Iwi has the option to purchase specific STDC properties if they are declared to be surplus by STDC. Taranaki Iwi does not need to decide whether to buy these before settlement. The decision to purchase these properties can be deferred for up to five years after settlement date.

#### RIGHT OF FIRST REFUSAL (RFR)

On settlement, Taranaki Iwi will have an exclusive right of first refusal over specified core Crown land for a period of 172 years from settlement date. Taranaki Iwi will also have a non-exclusive shared RFR over core Crown land with Ngāruahine and Te Atiawa over certain defined areas.

If Crown property within an agreed exclusive RFR area comes up for sale, Taranaki Iwi will have the first option to purchase that property at market value.

## Questions and answers

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

The total cost to the Crown of the settlement redress outlined in the Taranaki Iwi Deed of Settlement is:

- \$70 million financial and commercial redress (plus interest estimated to be \$3.726 million by the end of August 2015), and
- \$55,633 as a cultural fund.

#### Is there any private land involved?

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.

#### 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.

#### Do Taranaki Iwi 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 Treaty of Waitangi claims of Taranaki Iwi (relating to events before 21 September 1992). The settlement legislation, once passed, will prevent Taranaki Iwi from re-litigating the claim before the Waitangi Tribunal or the courts. The settlement package will still allow Taranaki Iwi 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.

#### What about redress over Taranaki Maunga?

The deed of settlement settles all Taranaki Iwi historical claims over Taranaki Maunga, and provides that specific redress over Taranaki Maunga will be negotiated once all iwi of Taranaki have Crown-recognised mandates to negotiate. This approach recognises that Taranaki Maunga is significant to all eight iwi of Taranaki and is consistent with the agreements reached with the four iwi who have settled with the Crown (Ngāti Mutunga, Ngāti Tama, Ngāti Ruanui and Ngā Rauru Kīhahi).

#### What is the link between the Taranaki Iwi Deed of Settlement and the Parihaka working group (Kawe Tutaki)?

Each of the six completed Taranaki iwi settlements (Ngā Rauru Kīhahi; Ngāti Tama, Ngāti Ruanui; Ngāti Mutunga; Te Atiawa; Ngāruahine) have referred to the historical issues at Parihaka and their impact on those iwi. As with the other completed settlements, the Taranaki Iwi Deed of Settlement also refers to Parihaka and the impact the Crown's actions had.

The deed of settlement also sets out the process for the Parihaka working group (Kawe Tutaki) established by the Minister for Treaty of Waitangi Negotiations, Taranaki Iwi and Parihaka. This is in recognition of the serious historical grievances suffered at Parihaka and comes out of, but is not part of, the Taranaki Iwi Treaty settlement. Kawe Tutaki, and any Crown response to the report from Kawe Tutaki, are not redress under the deed of settlement.

#### Who benefits from the settlement?

All members of Taranaki Iwi, wherever they may now live.

This and other settlement summaries are also available at [www.govt.nz/office-of-treaty-settlements](http://www.govt.nz/office-of-treaty-settlements)