



Deed of Settlement

BETWEEN THE CROWN AND NGĀTI MARU (TARANAKI)

General background

Ngāti Maru are an iwi whose area of interest extends from Mount Taranaki east to the upper Whanganui River and north-east to the Waitara River, and is approximately 220,000 hectares in size.

In 2016, the Crown recognised the mandate of Te Rūnanga o Ngāti Maru Trust to represent Ngāti Maru in negotiating a comprehensive historical Treaty settlement. The Crown signed Terms of Negotiation with Ngāti Maru on 27 July 2016. On 20 December 2017, the Crown and Ngāti Maru signed an Agreement in Principle which formed the basis for this settlement.

On 17 August 2020, Ngāti Maru and the Crown initialled a Deed of Settlement (Deed). The Deed was then ratified by the people of Ngāti Maru and signed on 27 February 2021 at Tarata. The settlement will be implemented following the passage of settlement legislation.

The Office for Māori Crown Relations – Te Arawhiti, 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, the Honourable Andrew Little (and his predecessor the Honourable Christopher Finlayson), represented the Crown in high-level negotiations with Ngāti Maru.

Summary of the historical background to the claims by Ngāti Maru

The Ngāti Maru rohe is centred on the inland Waitara River valley, east to the Whanganui River and its tributaries and west to Mount Taranaki. For generations, Ngāti Maru cultivated on the fertile river flats, and drew resources from the area's forests, rivers, and wetlands.

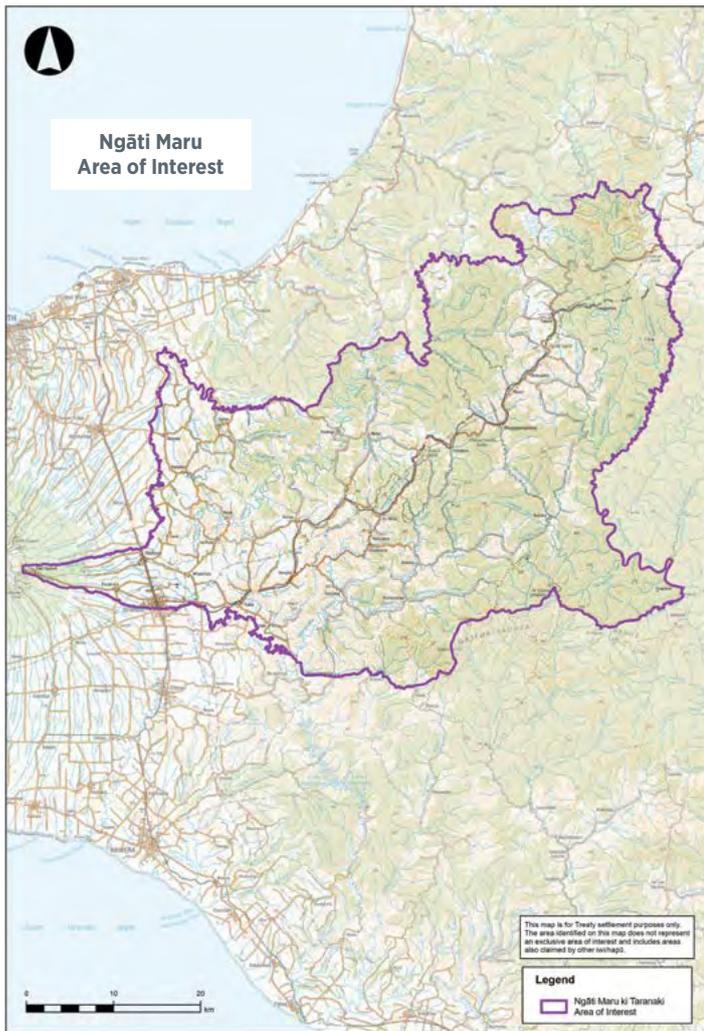
Because of their inland location, Ngāti Maru had limited contact with Europeans during the 1840s and 1850s. Ngāti Maru were not involved in the land dealings which led to war in Taranaki in 1860, and were not directly involved in the subsequent fighting. Their involvement was limited to providing refuge to Wiremu Kingi Te Rangitake, in accordance with the requirements of whanaungatanga. However, when the Crown confiscated huge tracts of Taranaki to punish so called 'rebels' in 1865, approximately half of the traditional lands of Ngāti Maru were included. Many of their main kāinga, urupā and wāhi tapu were taken, and some have never been returned.

Following the confiscation, Ngāti Maru continued to live on their lands. In the early 1870s, the Crown attempted to promote European settlement on confiscated land by paying some Ngāti Maru compensation for the rights that the confiscation had extinguished. These 'deeds of cession', covering around 60,000 acres, created significant divisions within the iwi, compounding the damage already caused by the loss of land.

Much of the remaining Ngāti Maru land was then put through the Native Land Court. Ngāti Maru had no alternative but to use the Native Land Court if they wanted a title that could be legally recognised and protected from claims by other Māori. A legal title was also necessary if Ngāti Maru wished to lease or sell land. However, the individualisation of customary title made the land more susceptible to alienation, and further damaged tribal cohesion. Ultimately, Ngāti Maru did not retain any of the land awarded to them by the Native Land Court.

In the early 1890s, some Ngāti Maru were virtually landless, and appealed to the Crown for help. The Crown's response was slow and ineffective. Legislation was not enacted until 1907, and the land ultimately provided to Ngāti Maru was poor and of limited size. An agreement to consolidate individual awards into more economically-viable family holdings was never carried out, and landless Ngāti Maru people not named in the 1907 Acts did not receive any land. Despite further petitions, in 1946 the Crown finally declined to provide any further land for Ngāti Maru. Much of the tribe's remaining land later came under Public Trustee administration and was subject to perpetual leases that invariably benefitted Pākehā farmers rather than the Ngāti Maru owners.

The extensive loss of Ngāti Maru lands has eroded tribal structures, created severe poverty, and damaged the physical, cultural, and spiritual health of generations of Ngāti Maru people. The intense sense of loss and disconnection is expressed in the following Ngāti Maru lament: Maru Hāhā. Hāhā te whenua. Hāhā te tangata. *Maru of extreme loss and breathlessness. The land is deserted. The people are gone and gasping for breath.*



Overview

Te Hinga Taketake – Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Maru 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 Maru wherever they may live.

Crown acknowledgements and apology

The deed contains a series of acknowledgements by the Crown where its actions arising from interaction with Ngāti Maru have breached the Treaty of Waitangi and its principles.

The deed also includes a Crown apology to Ngāti Maru 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 Ngāti Maru. These include acknowledgements relating to the wars in Taranaki in the 1860s, the Crown’s confiscation of approximately half of the Ngāti Maru rohe, its imprisonment of Ngāti Maru men without trial following their participation in protests initiated at Parihaka regarding the confiscation of Taranaki lands, and its subsequent invasion and destruction of Parihaka. The deed will also include an acknowledgement that the Crown failed to ensure that Ngāti Maru retained sufficient land for their present and future needs, and that it failed to protect their rangatiratanga.

Cultural redress

Cultural redress is intended to recognise the cultural, historical, spiritual and traditional associations of Ngāti Maru within their area of interest. A range of mechanisms are used to achieve this recognition. This allows Ngāti Maru and the Crown to protect and enhance the conservation values associated with these sites.

VESTING OF LAND

A total of 16 sites of cultural significance will be transferred to Ngāti Maru as cultural redress. Some sites will transfer subject to certain conditions which will protect existing third-party rights, and existing values such as public access and conservation.

The table below lists the sites and conditions of transfer. Images of each site can be found in the Deed Plans in the Attachments Schedule to the Deed of Settlement.

Vested in Ngāti Maru			
Site	Location	Area (ha)	Conditions of Vesting
Tahora Railways property	Ohura Road	4.00	In fee simple
former Matau School House property	Junction Road	0.13	In fee simple
former Tarata School property	Mungu Street	1.48	In fee simple
former Tarata School House property	Mungu Street	0.10	In fee simple
Te Kerikeringa – Toetoe Road property	Toetoe Road	0.01	In fee simple
Purangi Domain property	Purangi Terrace	4.05	In fee simple
Tarawai property	Waitara Valley Road	14.57	In fee simple
Te Kerikeringa - River property	Wiri Road	1.40	Subject to scenic reserve status, with New Plymouth District Council as the administering body
Purangi property	Junction Road	42.28	Subject to scenic reserve status, with the Ngāti Maru governance entity as the administering body
Tarata property	Tarata Road	132.10	Subject to scenic reserve status, with the Ngāti Maru governance entity as the administering body
Tangarakau River property	Tangarakau	3.50	Subject to historic reserve status, with the Ngāti Maru governance entity as the administering body
Waitara River No 3 property	Waitara Valley Road	5.24	Subject to historic reserve status, with the Ngāti Maru governance entity as the administering body
Whangamomona River property	Aotuhia	3.00	Subject to historic reserve status, with the Ngāti Maru governance entity as the administering body

Vested in Ngāti Maru			
Site	Location	Area (ha)	Conditions of Vesting
Stratford Railway Strip property	Stratford	0.09	Subject to local purpose reserve status, with Stratford District Council as the administering body
Tarata Domain property	Tarata Road	4.97	Subject to recreation reserve status, with New Plymouth District Council as the administering body
Tangarakau Marginal Strip property	Tangarakau	1.0	Joint vesting with Ngāti Hāua subject to historic reserve status, with Ngāti Maru and Ngāti Hāua, as the administering body

STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

A statutory acknowledgement recognises the association between Ngāti Maru 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 Maru regarding their management of certain areas.

The Crown offers a statutory acknowledgement over the following areas:

Name of Site
Kirikiri property
Part Tāngarākau Forest Conservation Area
Tangarakau River and its tributaries within the area of interest
Whangamomona River and its tributaries

The Crown offers a statutory acknowledgement and deed of recognition over the following areas:

Name of Site
Matau Conservation Area
Whetu Conservation Area
Ngatoto Conservation Area
Part Whangamōmona Forest Conservation Area
Part Tāngarākau Forest Conservation Area
Part Waitaanga Conservation Area
Part Pouiatoa Conservation Area
Okau Scenic Reserve
Mataru Scenic Reserve
Part Rerekapa Falls Recreation Reserve
Part Moki Conservation Area
Jury Conservation Area
Kerekeringa Conservation Area
Autawa Road Conservation Area
Kirai Scenic Reserve
Marginal Strip – Waitara River
Waitara River and its tributaries within the area of interest
Manganui River and its tributaries within the area of interest
Patea River and its tributaries within the area of interest

CULTURAL REVITALISATION FUND

The deed provides for a fund of \$1,023,454 to assist Ngāti Maru with cultural revitalisation.

JOINT MANAGEMENT AGREEMENT

To address Ngāti Maru's aspirations to improve the health of the Waitara River, the Crown has agreed to establish a joint management agreement (JMA). A JMA is an existing tool under the Resource Management Act 1991 which provides for the parties (i.e. iwi and councils) to jointly perform or exercise any of the local authority's functions, powers, or duties relating to a natural or physical resource.

The proposed JMA does not create any new co-governance entities. Rather, it seeks to improve the effectiveness of the Taranaki Regional Council's Waitara River Committee by supplementing its functions to include a role for iwi in environmental monitoring of the river.

The Waitara River Committee was established by the New Plymouth District Council (Waitara Lands) Act 2018 to dispense certain endowment land funds to improve the health of the Waitara River. The Waitara River Committee will be a joint committee comprising equal numbers of representatives nominated by Taranaki Regional Council and by iwi with interests in the river. The proposed monitoring function for the Committee, to be provided for through the JMA and Ngāti Maru's settlement legislation, will be complementary to the Committee's current (and sole) function to make decisions about allocating funding.

The proposed JMA also utilises the Waitara River Committee structure to provide a single point for enhanced consultation with all iwi with interests in the river in relation to relevant resource consent applications.

Finally, unrelated to the Waitara River, the JMA will also provide that Taranaki Regional Council will notify Ngāti Maru of any environmental issues arising from abandoned petroleum wells and any consent applications relating to mining activities within their rohe.

MARU TAIAO PLAN

The deed will provide for a natural resources plan, Maru Taiao, which outlines the values and principles of Ngāti Maru and the resource management issues of significance to Ngāti Maru in relation to the Maru Taiao area. Local authorities must take the Maru Taiao plan into account when they are preparing or reviewing a policy statement or plan under the Resource Management Act 1991.

PĀKOHE AND PŪRANGI

The deed will provide for the governance entity to authorise members of Ngāti Maru to search for and remove Crown-owned pākohe or pūrangi from riverbeds in public conservation land within the Ngāti Maru area of interest:

- by hand; and
- without authorisation under conservation legislation; and
- without a permit under section 8(1)(a) of the Crown Minerals Act 1991; and
- in accordance with the Ngāti Maru cultural materials plan to be agreed with the Department of Conservation.

Relationship redress

RELATIONSHIP AGREEMENTS AND PROTOCOLS

The settlement will provide for the Minister of Fisheries to issue a protocol that sets out how the Ministry for Primary Industries will interact with and consult Ngāti Maru when carrying out statutory duties and functions. It will also provide for a “Whakaaetanga Tiaki Taonga” with: Te Tari Taiwhenua, Department of Internal Affairs – the agency responsible for the National Library Te Puna Mātauranga o Aotearoa and Archives New Zealand Te Rua Mahara o Te Kāwanatanga; The Museum of New Zealand Te Papa Tongarewa; Heritage New Zealand Pouhere Taonga; and Manatū Taonga, Ministry for Culture and Heritage.

Ngāti Maru will enter into relationship agreements with the Department of Conservation, the Ministry for Business, Innovation and Employment, the Ministry for the Environment, and a combined relationship agreement with the Ministry of Justice and the New Zealand Police.

LETTERS OF RELATIONSHIP AND INTRODUCTION

Land Information New Zealand (LINZ) will write a letter of relationship to the governance entity detailing the intention to develop an enduring relationship with Ngāti Maru, and an invite to collaborate with LINZ on various projects.

The Minister for Treaty of Waitangi Negotiations will write a letter of introduction to the Minister of Finance and Minister for Land Information, as the responsible Ministers under the Overseas Investment Act 2005, in relation to sensitive land purchases.

The Chief Executive of the Office for Māori Crown Relations – Te Arawhiti will write letters to the following organisations to raise the profile of Ngāti Maru, advise of matters of particular importance to Ngāti Maru, and encourage better engagement with Ngāti Maru:

- Ministry of Social Development;
- Oranga Tamariki – Ministry for Children;
- Ministry of Education;
- Ministry of Business, Innovation and Employment;
- Ministry of Housing and Urban Development;
- Ministry of Justice;
- Ministry of Transport;
- Department of Corrections;
- Kāinga Ora – Homes and Communities;
- Ngā Taonga Sound & Vision;
- New Zealand Transport Agency;
- Transpower New Zealand Limited;
- KiwiRail Holdings Limited;
- Taranaki Regional Council;
- New Plymouth District Council;
- Stratford District Council;
- South Taranaki District Council;
- Ruapehu District Council;
- Manawatu-Wanganui Regional Council (Horizons Regional Council);
- Whanganui District Council; and
- Taranaki District Health Board.

Financial and commercial redress

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

FINANCIAL REDRESS

Ngāti Maru will receive financial redress of \$30 million plus interest, less any on-account payments and the transfer value of commercial redress.

Ngāti Maru received an on-account payment of \$15 million in August 2018. Ngāti Maru will also receive an on-account payment for \$1 million following the initialling of the deed of settlement.

COMMERCIAL REDRESS

Ngāti Maru will receive the right to purchase:

- Te Wera Crown Forest Licensed land on settlement date;
- 31 Treaty Settlements Landbank properties on a deferred selection basis;
- 3 school sites (land only) on a deferred selection basis, to be leased back to the Crown;
- Stratford Police Station (land only) on a deferred selection basis, to be leased back to the Crown; and

Ngāti Maru will receive:

- An exclusive right of first refusal for 179 years from the settlement date, over specific Crown-owned properties within the Ngāti Maru area of interest; and
- A shared right of first refusal over specified properties within the Ngāti Maru area of interest.

Questions and Answers

1. What is the total settlement package?

- Crown acknowledgement and apology for historical breaches of the Treaty of Waitangi
- An agreed historical account
- Cultural redress including the return of a number of sites throughout the Ngāti Maru area of interest
- Financial redress of a total of \$30 million plus interest
- Commercial redress involving a right to purchase Crown Forest Licensed land and sites from the Treaty Settlements Landbank

2. Is there any private land involved?

No.

3. Are the public's rights affected?

No, nothing will change for the public. Public access, recreational use, reserve status and existing third-party rights are maintained. Covenants and easements will guarantee continued public access, with the exception of a small number of sites which are currently not used by the public.

4. Are any place names changed?

No.

5. 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. 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 (the Minister of Conservation or the Commissioner of Crown Lands) 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.

6. 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.

7. When will the settlement take effect?

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

8. Does Ngāti Maru 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 is signed and settlement legislation is enacted it will be a final and comprehensive settlement of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Maru. 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 Maru 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.

9. Who benefits from the settlement?

All members of Ngāti Maru wherever they may now live.

