



Deed of Settlement

BETWEEN THE CROWN AND NGĀTI RĀHIRI TUMUTUMU

General background

Ngāti Rāhiri Tumutumu is an iwi of approximately 250 members (according to 2013 Census figures). The area of interest of Ngāti Rāhiri Tumutumu centres around Te Aroha and extends south across the Kaimai range to Katikati and Te Puna, and north to the Tāmaki Makaurau region.

Ngāti Rāhiri Tumutumu is a member of the Pare Hauraki Collective and will receive collective redress through the Pare Hauraki Collective Redress Deed.

On 27 June 2011, the Crown recognised the mandate of the Ngāti Rāhiri Tumutumu negotiators to negotiate a comprehensive settlement of the historical Treaty claims of Ngāti Rāhiri Tumutumu with the Crown. The mandated negotiators and the Crown entered into an agreement in principle equivalent on 22 July 2011.

On 13 July 2017, Ngāti Rāhiri Tumutumu and the Crown initialled a Deed of Settlement (the Deed). The Deed is subject to ratification by the members of Ngāti Rāhiri Tumutumu and conditional on the enactment of the settlement legislation. On settlement, the trustees of the Ngāti Rāhiri Tumutumu Post Settlement Governance Entity will manage the settlement assets.

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, the Hon Christopher Finlayson, represented the Crown in high-level negotiations with Ngāti Rāhiri Tumutumu.

Collective redress

Ngāti Rāhiri Tumutumu is a member of the Pare Hauraki Collective and will receive collective redress through the Pare Hauraki Collective Redress Deed.

The collective approach recognises that the iwi of Hauraki have various overlapping customary interests which cannot be considered separately from each other. Details about the collective redress can be found in the Pare Hauraki Collective Redress Deed and the summary of that Deed.

Summary of the historical background to the claims by Ngāti Rāhiri Tumutumu

Ngāti Rāhiri Tumutumu tradition records that before the arrival of Europeans, Ngāti Rāhiri Tumutumu lived on the lands on and surrounding Te Aroha.

In 1863 the Crown initiated war with Māori in the Waikato when its armed forces crossed the Mangatāwhiri Stream. Ngāti Rāhiri Tumutumu sent men to fight Crown forces in Waikato. The Crown regarded Māori who fought against it as rebels. As punishment, the Crown confiscated 290,000 acres of land in the Tauranga district between 1865 and 1868. This included lands in which Ngāti Rāhiri Tumutumu had interests. The Crown subsequently returned 240,000 acres to Māori in individualised title.

In 1864 the Crown purchased the Katikati and Te Puna blocks. Ngāti Rāhiri Tumutumu had interests in some of these lands and received payment of £500. The 1866 deed for the blocks provided for reserves containing wāhi tapu and urupā but there is no evidence these reserves were made. After the Crown acquired Te Puna-Katikati, Ngāti Rāhiri Tumutumu retained no lands in Tauranga Moana.

In 1871, the Native Land Court overturned an earlier decision and awarded the Te Aroha block to Hauraki iwi including Ngāti Rāhiri Tumutumu. Between 1872 and 1877 the Crown purchased much of the Te Aroha block from other iwi. Ngāti Rāhiri Tumutumu objected to other iwi receiving payment for land they considered to be theirs. In 1878, following an investigation by the Native Land Court, the entire block was awarded to the Crown subject to the provision of reserves for Ngāti Rāhiri Tumutumu.

The Crown retained the hot springs near Te Aroha and the Omahu Reserve was granted to Ngāti Rāhiri Tumutumu in 1878. According to Ngāti Rāhiri Tumutumu traditions the land was gifted to the Crown by the iwi who would have ongoing rights to use the springs. However, by the early-twentieth century Māori no longer had free access to the springs or input into the management of the site.

In 1880, the Crown negotiated a lease with Ngāti Rāhiri Tumutumu to open a goldfield on the Omahu Reserve. As part of this agreement the Crown promised to build a township at Te Aroha with a reserve for Ngāti Rāhiri Tumutumu. In 1882 streets within the township on Māori reserved land were declared public roads. Ngāti Rāhiri Tumutumu received no compensation for this.

Between 1884 and 1894, the Crown, local authorities and private buyers progressively acquired Māori interests in Te Aroha. By the 1920s, the Crown had purchased almost all of the reserve land awarded to Ngāti Rāhiri Tumutumu. In the early-twentieth century, the Crown used special legislation to acquire further land in Te Aroha.

Crown developments in the Te Aroha area continued in the 1960s. This included the construction of a road to the summit of Te Aroha and the granting of a mining licence to a private company. The mine site became severely polluted and the damage to the land has caused ongoing distress to Ngāti Rāhiri Tumutumu.

By the end of the twentieth century, less than 3 per cent of the land in the Te Aroha block remained in Māori ownership. Ngāti Rāhiri Tumutumu's resulting marginalisation, including the loss of te roa Māori, sickness, and socio-economic deprivation, caused much suffering for the iwi. With limited opportunities on their rohe, many Ngāti Rāhiri Tumutumu moved to cities. This undermined Ngāti Rāhiri Tumutumu's ability to sustain their culture and identity and ability to pass mātauranga Māori on to their mokopuna.

Summary of the settlement between the Crown and Ngāti Rāhiri Tumutumu

Overview

The Deed is the final settlement of all historical Treaty claims of Ngāti Rāhiri Tumutumu 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 Rāhiri Tumutumu wherever they may live.

Crown acknowledgements and apology

The Deed contains acknowledgements that the cumulative effect of Crown actions and omissions, including land acquisition, confiscation and the introduction of native land laws, alienated Ngāti Rāhiri Tumutumu from their ancestral lands. These actions had a negative impact on the traditional tribal structures of Ngāti Rāhiri Tumutumu, left Ngāti Rāhiri Tumutumu virtually landless and were a breach of Te Tiriti o Waitangi/the Treaty of Waitangi.

The Crown acknowledges that Crown action with respect to gold and other minerals deprived Ngāti Rāhiri Tumutumu of their rangatiratanga over land owned by Ngāti Rāhiri Tumutumu in the Hauraki region. The Crown also acknowledges that following acquisition of the Te Aroha springs it did not provide for Ngāti Rāhiri Tumutumu's relationship with the site. This is a long-standing grievance for Ngāti Rāhiri Tumutumu.

The Deed also includes a Crown apology to Ngāti Rāhiri Tumutumu for its actions which harmed Ngāti Rāhiri Tumutumu and for its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The Crown prejudiced Ngāti Rāhiri Tumutumu by promoting laws and policies which led to the loss of their whenua, damaged the sacred taonga Te Aroha maunga and severely undermined the well-being and ability of Ngāti Rāhiri Tumutumu to pass on mātauranga Māori to their mokopuna. The Crown unreservedly apologises for its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Cultural redress

The cultural redress package for Ngāti Rāhiri Tumutumu intends to recognise the traditional, historical, cultural and spiritual associations of Ngāti Rāhiri Tumutumu with places and sites owned by the Crown within their area of interest.

SITES VESTED IN NGĀTI RĀHIRI TUMUTUMU

Seventeen sites of cultural significance will be vested in fee simple in Ngāti Rāhiri Tumutumu:

- Waihou property (0.7 ha);
- Te Mokena Hou property (54.2 ha) as a scenic reserve, with Matamata-Piako District Council (MPDC) remaining the administering body;
- Tumutumu property (35.3 ha) as a recreation reserve subject to an easement, with MPDC remaining the administering body;

- Tui Park Domain property (86.2 ha) as a recreation reserve, with MPDC remaining the administering body;
- Te Aroha C property (32.7 ha) as a local purpose reserve subject to an easement, with MPDC remaining the administering body;
- Te Aroha A property (24.7 ha) subject to an easement, to be managed by Waikato Regional Council (WRC) under the Soil Conservation and Rivers Control Act 1941;
- Te Aroha G property (55.6 ha) to be managed by WRC under the Soil Conservation and Rivers Control Act 1941;
- Waterford Road property (0.08 ha);
- Windridge Land property (12 ha);
- Paewai (2 ha) subject to a conservation covenant;
- Takaihuehue (2 ha) subject to a conservation covenant;
- Pukewhakatara (19 ha) subject to a conservation covenant;
- Wahine Rock (7.7 ha) subject to a conservation covenant;
- Waiorongomai (3 ha);
- Miro Street property (0.15 ha); and
- Wairakau property (2.8 ha) as a scenic reserve.

SITES JOINTLY VESTED IN NGĀTI RĀHIRI TUMUTUMU AND OTHER IWI

- Tangitu (7.5 ha) will be jointly vested as undivided equal shares in Ngāti Rāhiri Tumutumu, Ngāti Maru and Ngāti Tamaterā subject to a conservation covenant and an easement; and
- Ngā Tukituki a Hikawera (8.7 ha) will be jointly vested as undivided equal shares in Ngāti Rāhiri Tumutumu, Ngāti Maru and Ngāti Tamaterā.

TE AROHA DOMAIN

The Crown will transfer its reversionary interest in Te Aroha Domain to the Ngāti Rāhiri Tumutumu post-settlement governance entity

OVERLAY CLASSIFICATIONS

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of Ngāti Hei with certain sites of significance. The declaration of an area as an overlay classification provides for the Crown to acknowledge iwi values in relation to that area.

The settlement provides an overlay classification over part Kaimai Mamaku Conservation Area (4,700 ha approximately).

STATUTORY ACKNOWLEDGEMENTS

A statutory acknowledgement recognises the association between Ngāti Rāhiri Tumutumu and a particular site or area and enhances the ability of the iwi to participate in specified resource management processes.

A deed of recognition requires the Minister of Conservation to consult the Ngāti Rāhiri Tumutumu governance entity and have regard to its views when undertaking certain activities within the area.

The Crown offers a statutory acknowledgement and deed of recognition over part Wairakau Scenic Reserve and part Maurihiro Scenic Reserve.

Relationships

PROTOCOLS, RELATIONSHIP AGREEMENT

The Deed will provide for the Minister for Culture, Arts and Heritage and the Minister for Primary Industries to issue protocols that set out how their respective agencies will interact with and consult the Ngāti Rāhiri Tumutumu governance entity when carrying out statutory duties and functions.

The Ngāti Rāhiri Tumutumu governance entity will enter into a conservation relationship agreement with the Department of Conservation that will outline how the Department of Conservation will engage with Ngāti Rāhiri Tumutumu.

CULTURAL REDRESS PAYMENT

The Ngāti Rāhiri Tumutumu governance entity will receive \$400,000 for cultural revitalisation.

Financial and commercial redress

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

The total value of financial and commercial redress in this settlement is \$5.5 million. This is made up of:

- \$500,000 received within ten days of the date of the Deed on-account of the settlement.
- \$2,934,732 to be received on settlement date;
- \$277,000 being the agreed transfer value of the commercial redress property at 21 Wyatt Avenue, Te Aroha; and
- \$1,523,317 being the agreed portion of the transfer value of four early release commercial redress properties provided through the Pare Hauraki Collective Redress Deed;
- \$264,951 being the agreed portion of the transfer value of four commercial redress properties provided through the Pare Hauraki Collective Redress Deed;

COMMERCIAL REDRESS PROPERTIES

Ngāti Rāhiri Tumutumu will receive the Treaty Settlements Landbank property at 21 Wyatt Avenue, Te Aroha, on the settlement date. Ngāti Rāhiri Tumutumu will receive the right to purchase for six months after the settlement date the Treaty Settlements Landbank property at Bush Road, Ngatea.

Ngāti Rāhiri Tumutumu will receive the right to purchase for two years after the settlement date the Te Aroha College site (land only) subject to its lease-back to the Crown.

Collective redress

Ngāti Rāhiri Tumutumu will receive collective redress as part of the Pare Hauraki Collective Redress Deed which includes collective cultural and commercial redress. The details of the redress can be found in the Pare Hauraki Collective Redress Deed settlement summary.

MINERALS

Ownership of any Crown-owned minerals in land transferred to Ngāti Rāhiri Tumutumu under the Deed will also transfer to Ngāti Rāhiri Tumutumu. This does not include nationalised minerals (petroleum, gold,

silver and uranium) or affect other lawful rights to subsurface minerals.

All land which is currently subject to Schedule 4 protection will continue to be subject to the same type of protection once owned by iwi.

HARBOURS AND HAURAKI GULF

The settlement does not provide for redress in relation to Tikapa Moana/ the Hauraki Gulf and Te Tai Tamahine/Te Tai Tamawahine. The Crown and Ngāti Rāhiri Tumutumu have agreed to conduct separate negotiations in the future to discuss potential cultural redress in relation to these areas.

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 a number of sites in the Ngāti Rāhiri Tumutumu area of interest and relationship redress
- financial and commercial redress of a total of \$5.5 million, and
- commercial redress involving the right to purchase Crown properties.

Ngāti Rāhiri Tumutumu will receive collective redress as part of the Pare Hauraki Collective Redress Deed which includes collective cultural and commercial redress.

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.

4. Will any place names change?

No.

5. What is an overlay classification?

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of an iwi with certain sites of significance administered by the Department of Conservation.

An overlay classification 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.

6. What is a statutory acknowledgement?

A statutory acknowledgement acknowledges 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. A statutory acknowledgement does not convey a property right and is non-exclusive.

7. What is a deed of recognition

If a statutory acknowledgement has been made, the Minister of the Crown responsible for the area may also enter into a deed of recognition over the land area under management. A deed of recognition provides that an iwi must be consulted on specified matters, and the relevant Minister must have regard to their views.

8. Whappens 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.

8. When will the settlement take effect?

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

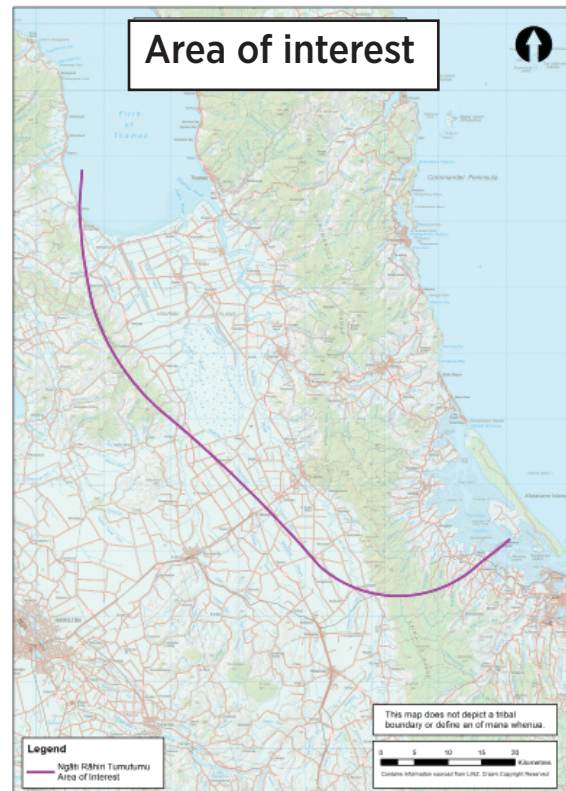
9. Do Ngāti Rāhiri Tumutumu have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. When the Deed is signed and settlement legislation is 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 Rāhiri Tumutumu. The settlement legislation, once passed, will prevent iwi relitigating the claim before the Waitangi Tribunal or the courts.

The settlement will still allow Ngāti Rāhiri Tumutumu 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.

10. Who benefits from the settlement?

All members of Ngāti Rāhiri Tumutumu wherever they may now live.



This and other settlement summaries are also available at www.govt.nz