



Deed of Settlement

BETWEEN THE CROWN AND NGĀTI REHUA-NGĀTIWAI KI AOTEA

Background

Ngāti Rehua-Ngātiwai ki Aotea (Ngāti Rehua) is a group based on Aotea/Great Barrier Island with interests on Hauturu-a-Toi/Little Barrier Island, Rakitu Island/Arid Island, and the Mokohinau Islands. It has an iwi population of approximately 3,000 people and is represented in negotiations by the Ngāti Rehua-Ngātiwai ki Aotea Trust (the Trust).

The Trust's mandate was recognised in November 2009. In that same year, Ngāti Rehua entered into Treaty settlement negotiations alongside other groups in Auckland following Sir Douglas Graham's settlement proposal for the region. Ngāti Rehua is not a party to the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed and legislation. Ngāti Rehua signed an Agreement in Principle on 18 June 2011.

Summary of the historical background to the claims by Ngāti Rehua

In the early 19th century, Ngāti Rehua occupied their papatupu at Aotea (Great Barrier Island), Hauturu-o-Toi (Little Barrier Island), and the Mokohinau Islands.

In 1838, Ngāti Rehua were among the signatories of a deed for a transaction with a settler involving the whole of Aotea. Ngāti Rehua maintain that this transaction was not a sale of the land, but rather for the right to mine copper ore and harvest kauri.

In 1840, the Treaty of Waitangi established Crown pre-emption over land purchasing in New Zealand. The Land Claims Commission was created to investigate pre-Treaty transactions, and in 1844, the Commission investigated the transaction over Aotea. Following this investigation the Crown granted the settlers 24,269 acres in the northern part of the island. Ngāti Rehua were not involved in the investigation and the adequacy of their remaining land was not assessed by the Crown prior to the grant being issued.

Between 1844 and 1845, the Crown briefly waived its right of pre-emption to allow settlers to purchase land directly from Māori. Two purchases in the Ngāti Rehua rohe were made during this period; one on central Aotea, and one for land on the Mokohinau Islands. Ngāti Rehua had minimal involvement in these transactions, which were primarily conducted between the Crown and other iwi. The Crown retained approximately 15,000 acres of 'surplus' land from these transactions, land which included wāhi tapu and other sites of significance to Ngāti Rehua.

Crown purchasing on Aotea began in the 1850s. Like earlier settler purchases, these transactions were conducted principally with other iwi and without consideration of Ngāti Rehua's customary interests. By 1864, most of the Ngāti Rehua rohe had been alienated.

Between 1878 and 1886, one of the few remaining blocks of land, Hauturu-o-Toi, was subject to protracted Native Land Court hearings. The island was eventually awarded to Ngāti Rehua and another iwi, and the Crown began to negotiate a purchase. The Crown conducted these negotiations in a monopoly environment, utilising its powers under the Government Native Land Purchases Act 1877 and the Native Land Purchases Act 1892 to prevent Ngāti Rehua owners from selling the land privately and to prevent them from selling the island's timber.

When the Crown failed to secure the agreement of all Hauturu-o-Toi's owners to a sale it compulsorily acquired all interests in the island through the 1894 Little Barrier Island Purchase Act. The Crown later landed a military force and forcibly evicted Ngāti Rehua individuals who had continued living on the island.

By 1894, Ngāti Rehua were virtually landless. This has contributed to high levels of migration away from Aotea, leading to the fragmentation of Ngāti Rehua and the loss of traditional knowledge and customs, including te reo Māori. Ngāti Rehua also suffered poorer health, higher unemployment and lower incomes than the general New Zealand population during the 20th century.

Summary of the settlement between the Crown and Ngāti Rehua

Overview

The Ngāti Rehua Deed of Settlement (the Deed of Settlement) is the final settlement of all historical Treaty of Waitangi claims of Ngāti Rehua resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a redress package that includes:

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

The settlement redress will be available to all members of Ngāti Rehua, wherever they may live.

Crown acknowledgements and apology

The Deed of Settlement contains acknowledgements that historical Crown actions or omissions caused prejudice to Ngāti Rehua or breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes a Crown apology to Ngāti Rehua 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 Rehua.

Cultural redress

The Deed of Settlement includes a cultural redress package intended to recognise the traditional, historical, cultural and spiritual associations of Ngāti Rehua, including places and sites owned by the Crown within their area of interest.

Conservation management strategy redress

Ngāti Rehua will have an enhanced role in parts of the Auckland Conservation Management Strategy that cover Aotea/Great Barrier Island, Rakitu Island/Arid Island and the Mokohinau Islands.

'Hauturu Plan' Redress

Ngāti Rehua will have a joint role in developing the 'Hauturu Plan' (a statutory conservation management plan) for Te Hauturu-o-Toi/Little Barrier Island with Ngāti Manuhiri and the Department of Conservation.

VESTING OF SITES

The following sites of cultural significance will be vested in Ngāti Rehua's post-settlement governance entity, the Ngāti Rehua Settlement Trust, on the settlement date:

- Akapoua (part Aotea Conservation Park) property
- Awana Bay property (part Stony Beach Recreation Reserve)
- Harataonga property (part Aotea Conservation Park)
- Hirakimatā property (part Aotea Conservation Park)
- Kaitoke Estuary property (part Claris Recreation Reserve)
- Kaitoke A property (part Claris Recreation Reserve)
- Kaitoke B property (part Claris Recreation Reserve)

- Maraenui (part Te Hauturu-a-Toi/Little Barrier Island Nature Reserve)
- Matarehu property (part Aotea Conservation Park)
- Nga Pua o Mataahu property (part Te Hauturu-a-Toi/Little Barrier Island Nature Reserve)
- Ōkiwi property (part Ōkiwi Recreation Reserve and part Aotea Conservation Park)
- Rakitū Island property (part Rakitū Island Scenic Reserve)
- Rangitāwhiri property (part Aotea Conservation Park)
- 5 Pohutukawa Place, Tryphena
- 35 Mulberry Grove Road, Tryphena
- 37 Mulberry Grove Road, Tryphena
- 39 Mulberry Grove Road, Tryphena
- 41 Mulberry Grove Road, Tryphena
- Waipareira site A
- Waipareira site B.

VESTING AND GIFT BACK OF SITES

The following sites of cultural significance will be vested in the Ngāti Rehua Settlement Trust and then gifted back to the Crown for the people of New Zealand:

- Part Burgess Island Scenic Reserve
- Part Mokohinau Islands Nature Reserve.

STATUTORY ACKNOWLEDGEMENT AREAS

A statutory acknowledgement area recognises the association between Ngāti Rehua and a particular site or area and enhances the iwi's ability to participate in specified Resource Management Act 1991 processes. The Crown offers statutory acknowledgement areas over the following areas and waterways:

- Poutekorua area (part Aotea Conservation Park)
- Ruahine area (part Aotea Conservation Park)
- Okupe area (part Aotea Conservation Park)
- Hirakimatā area (part Aotea Conservation Park)
- Te Paparahi area (part Aotea Conservation Park)
- Komahunga area (part Aotea Conservation Park)
- Koroiti area (part Aotea Conservation Park)
- Rangitawhiri tuturu area (part Aotea Conservation Park)
- Whangapoua area (part Aotea Conservation Park)
- Fitzroy Bay Landing Recreation Reserve
- Fitzroy Local Purpose Public Utility Reserve
- Kotuku Point Scenic Reserve
- Medlands Wildlife Management Reserve
- Omahungaiti Bay Marginal Strip
- Onepoto Historic Reserve

- Oruawharo Creek Government Purpose Reserve
- Oruawharo Creek Recreation Reserve
- Oruawharo Marginal Strip
- Overtons Beach Marginal Strip
- Sandy Bay Marginal Strip
- S.S. Wairarapa Graves (Tapuwai Point) Historic Reserve
- Te Atamira Scenic Reserve
- Wairahi Area, and
- Whakatautuna Point Marginal Strip.

OFFICIAL GEOGRAPHIC NAME CHANGES

Nineteen geographic name changes will be made by settlement legislation:

- Burgess Island (Pokohinu) to Burgess Island/Pokohinu
- Cape Barrier to Cape Barrier/Matarehu
- Fanal Island (Motukino) to Motukino/Fanal Island
- Great Barrier Island (Aotea) to Aotea/Great Barrier Island
- Katherine Bay to Te Whanga-o-Motairehe/Katherine Bay
- Motairehe (recorded) to Motairehe
- Motairehe Stream to Motairehe Stream
- Mount Hobson to Maunga Hirakimatā/Mount Hobson
- Needles Point to Needles Point/Ngā-Taratara-o-Toi
- Okupu to Ō-Kupe-Mai-Tawhiti
- Okupu Bay to Ō-Kupe-Mai-Tawhiti Bay
- Port Fitzroy to Te Whanga-o-Rarohara/Port Fitzroy
- Rakitu Island (Arid Island) to Rakitū/Arid Island
- Rangiahua Island (Flat Island) to Te Rangiāhua Island
- Rangiwhakaea Bay to Te Whanga-o-Rangiwhakaea
- Te Ahumata to Te Ahumatā
- Tryphena Harbour to Rangitāwhiri/Tryphena Harbour
- Tryphena Point to Tryphena Point/Te Kūrae-o-Turi, and
- Unnamed islet to Te Motu Tohorā.

RELATIONSHIPS

PROTOCOLS, RELATIONSHIP AGREEMENTS AND LETTER OF RECOGNITION

The post-settlement governance entity, the Ngāti Rehua Settlement Trust, will enter into a partnership agreement with the Department of Conservation and a relationship agreement with the Ministry for the Environment. These agreements outline how these agencies will engage with Ngāti Rehua.

The Ministry of Business, Innovation and Employment and Ngāti Rehua will enter into a Crown Minerals Protocol. The Ministry of Culture and Heritage will enter into a Taonga Tūturu Protocol.

The Ministry for Primary Industries will issue a letter of recognition to Ngāti Rehua regarding management of fisheries resources in its area of interest.

LETTERS OF INTRODUCTION

The Ngāti Rehua Deed of Settlement will include letters of introduction to the Ministry of Business, Innovation and Employment and the Ministry of Social Development.

Financial and commercial redress

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

FINANCIAL REDRESS

Ngāti Rehua will receive financial redress of \$5.1 million plus interest, less any on-account payments.

Ngāti Rehua will receive an on-account payment of \$500,000 as soon as practical after the signing of the Deed of Settlement.

COMMERCIAL REDRESS

This settlement provides a right of first refusal over six sites currently owned by the Ministry of Education, two sites owned by the New Zealand Police and two reserves owned by the Department of Conservation.

The right of first refusal operates as part of the disposal and leasing processes of Crown-owned land. These processes include other statutory requirements and government policies that must also be complied with.



Questions and Answers

1. What happens next?

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

2. 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 vesting of 20 properties
- financial redress of a total of \$5.1 million plus interest, less any on-account payments, and
- commercial redress of a right of first refusal over six sites currently owned by the Ministry of Education, two sites owned by the New Zealand Police and two reserves owned by the Department of Conservation if the land is owned by the Crown on the settlement date.

3. Is there any private land involved?

No.

4. Are the public's rights affected?

Existing public access rights will be preserved in respect of cultural redress properties vesting in the post-settlement governance entity.

5. Will any place names change?

Yes. The settlement legislation will provide for 19 names to be changed and become official geographic names.

6. What are statutory acknowledgement areas?

The statutory acknowledgement specifies areas or sites with which iwi have a special relationship that will be recognised in any relevant proceedings under the Resource Management Act. Statutory acknowledgement areas do not convey a property right and are non-exclusive.

7. What happens to resumptive memorials on private titles?

Any resumptive memorials such as those placed under section 27B of the State Owned Enterprises Act 1986 will be removed from the titles once all Treaty claims in the area have been settled.

8. When will the settlement take effect?

The settlement will take effect 40 business days after the date on which the settlement legislation comes into force.

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

The settlement legislation, once passed, will prevent the iwi relitigating any of the claims listed in the legislation before the Waitangi Tribunal or the courts. When the deed is signed and settlement legislation is passed, it will be a final and comprehensive settlement of all historical (relating to events from 6 February 1840 to 21 September 1992) Treaty of Waitangi claims of Ngāti Rehua.

The settlement will still allow Ngāti Rehua 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 registered members of Ngāti Rehua wherever they may now live.

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