



Deed of Settlement

BETWEEN THE CROWN AND NGĀTI HAUĀ

General background

Ngāti Hauā descend from the eponymous ancestor Hauā, a direct descendant of Hoturoa, the captain of the Tainui waka. The hapū of Ngāti Hauā are Ngāti Te Oro, Ngāti Werewere, Ngāti Waenganui, Ngāti Te Rangitaupi and Ngāti Rangī Tawhaki.

The Ngāti Hauā rohe spans from Te Aroha, south along the Kaimai Range to Te Weraiti, from Te Weraiti west to Maungatautari then northwest to Te Rapa, from Te Rapa eastward to Mangateparu and then to Te Aroha. Part of the Ngāti Hauā rohe is located within the Waikato Raupatu Claims Area established in 1995.

In December 2012, the Crown recognised the mandate of the Ngāti Hauā Trust Board to represent Ngāti Hauā in negotiating a comprehensive historical Treaty settlement and signed Terms of Negotiation with Ngāti Hauā. Ngāti Hauā and the Crown signed an Agreement in Principle on 19 February 2013 which formed the basis for this settlement. On 24 May 2013, Ngāti Hauā and the Crown initialled a deed of settlement. The deed was then ratified by the people of Ngāti Hauā and signed on 18 July 2013. The settlement will be implemented following the passage of settlement legislation.

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 Ngāti Hauā.

Summary of the historical background to the claims by Ngāti Hauā

During the 1840s and 1850s Ngāti Hauā established a strong economy centred on the thriving Christian community of Peria. Their rangatira Wiremu Tamehana sought a constructive relationship with the Crown on issues of Māori governance. However, his attempts to engage with the Crown left him dissatisfied, and he supported the establishment of a Māori King to provide order and laws within Māori communities. He anointed the first Māori King, giving rise to the position of Tumuaki, a role of political and spiritual significance that endures to the present day.

Relations between the Crown and the Kīngitanga deteriorated over the early 1860s. In July 1863 Crown forces invaded the Waikato. As part of the Kīngitanga, Ngāti Hauā opposed the invasion of 1863 and 1864, and many were killed or wounded. The February 1864 attack by Crown forces on the unfortified agricultural settlement of Rangiaowhia aggrieved Wiremu Tamehana, who understood it should be a place of refuge for women, children and the elderly.

In 1865 the Crown confiscated a large area of Waikato land, including the western part of the Ngāti Hauā rohe. The raupatu caused destitution within the Ngāti Hauā rohe and was a critical step towards the iwi being left virtually landless.

In May 1865 at Tamahere, Wiremu Tamehana laid his taiaha at the feet of a British officer and signed 'he maungarongo' ('the covenant of peace'). Until his death in 1866 he sought the return of the confiscated Waikato lands and an investigation into the causes of the war. In the late nineteenth and early twentieth centuries his son Tupu Taingakawa continued to seek justice in his role as Tumuaki (Premier) of Te Kauhanganui.

From 1866 the Native Land Court operated within the Ngāti Hauā rohe, determining the owners of Māori land and converting customary title into title derived from the Crown. Legislation in force until 1873 limited the ownership of any land block to ten or fewer individuals. Large areas of land awarded to Ngāti Hauā by the Court were sold by the individual owners, who could alienate their interests without reference to other members of their hapū or iwi. By the 1880s private parties had acquired a large quantity of Ngāti Hauā land.

Crown purchasing activity further reduced Ngāti Hauā land holdings. In the early twentieth century the Crown purchased the interests of some individual owners in the Matamata North block, having disregarded the owners' collective decision not to sell.

Ngāti Hauā lost further land in the nineteenth and twentieth centuries through public works takings for roading, railways, schools, and hydro-electric purposes. Ngāti Hauā have a longstanding grievance relating to the Crown's public works taking of land at Waharoa for aerodrome purposes in 1951. Pākehā settlement and colonisation resulted in significant changes to the landscape and waterways within the Ngāti Hauā rohe.

Ngāti Hauā consider that Crown actions and omissions since 1840 have caused them enduring harm. Today the iwi is virtually landless.

Summary of the Ngāti Hauā settlement

Settlement overview

The Ngāti Hauā Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Hauā resulting from acts or omissions by the Crown prior to 21 September 1992. The raupatu claims of Ngāti Hauā were settled through the Waikato-Tainui Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. This settlement addresses the non-raupatu historical claims of Ngāti Hauā not settled by the earlier settlements. This settlement includes:

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

The benefits of the settlement will be available to all members of Ngāti Hauā 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 Hauā have breached the Treaty of Waitangi and its principles. The Crown apologises to Ngāti Hauā for its actions and omissions which have breached the Crown's obligations under the Treaty of Waitangi. The breaches relate to:

- the operation and impact of the native land laws, which undermined the traditional tribal structures of Ngāti Hauā, made their lands more susceptible to partition, fragmentation and alienation, and allowed individuals to sell land against the wishes of other owners
- the Crown's purchase of over 1,400 acres of Ngāti Hauā land from individuals in the twentieth century, in disregard of the collective decision of the owners not to sell
- the cumulative effect of the Crown's actions and omissions, particularly in relation to raupatu, the operation and impact of native land laws, Crown and private purchasing, and public works takings, leaving Ngāti Hauā with insufficient land for their present and future needs.

Cultural redress

The deed includes a cultural redress package intended to recognise the traditional, historical, cultural and spiritual associations of Ngāti Hauā with places and sites owned by the Crown within their area of interest. This allows Ngāti Hauā and the Crown to protect and enhance the conservation values associated with these sites.

SITES VESTED IN NGĀTI HAUĀ

A total of 8 sites will be vested in Ngāti Hauā totalling approximately 706.83 hectares. Sites to be vested in Ngāti Hauā include:

- Maungakawa, being part of Te Tapui Scenic Reserve, approximately 629.09 hectares, as a scenic reserve, with the trustees as the administering body, subject to the trustees providing a registerable easement in relation to that site
- Gordon Gow Scenic Reserve, approximately 7.4 hectares, as a scenic reserve, with the trustees as the administering body
- Pukemako Site A, being the Maungakawa Scenic Reserve, approximately 63.87 hectares, as a scenic reserve, with a joint board appointed by the trustees and the Waipa District Council (the joint board) as the administering body

- Pukemako Site B, being the Gudex Memorial Park Historic Reserve, approximately 2.83 hectares, as a historic reserve, with the joint board as the administering body
- 1199 Maungakawa Road, Te Miro, approximately 0.4 hectares
- 53 Firth Street, Matamata, approximately 0.13 hectares
- Former Mangateparu School, Morrinsville Tahuna Road, Mangateparu, approximately 2.02 hectares
- 72 Firth Street, Matamata, approximately 1.09 hectares.

WAHAROA (MATAMATA) AERODROME

- Vesting

If the Waharoa Aerodrome land (approximately 46.85 hectares) is no longer required for aerodrome and ancillary aviation purposes and reverts to the Crown, then the land will be vested in Ngāti Hauā.

- Joint committee

The settlement provides for the establishment of a permanent committee of representatives of the trustees and the Matamata Piako District Council to have a recommendatory role in the administration of Waharoa Aerodrome and final decision-making powers on access and parking arrangements for the Waharoa Aerodrome land and the Council's Waharoa Aerodrome land that affect Raungaiti Marae.

SITE TO BE VESTED IN NGĀTI HAUĀ AND GIFTED BACK TO THE CROWN AND PEOPLE OF NEW ZEALAND

Te Tapui Scenic Reserve, approximately 1,753 hectares, will be vested in the trustees and gifted back by the trustees to the Crown and the people of New Zealand.

CULTURAL FUNDING

Ngāti Hauā will receive \$178,000 from the Crown to enable the purchase of additional properties.

OVERLAY CLASSIFICATION

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of Ngāti Hauā 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 Te Miro Scenic Reserve.

STATUTORY ACKNOWLEDGMENTS AND DEEDS OF RECOGNITION

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

- Waiorongomai, being part of Kaimai Mamaku Conservation Park
- Ngatamahinerua, being part of Kaimai Mamaku Conservation Park and part of Maurihero Scenic Reserve
- Te Wairere, being Wairere Falls Scenic Reserve, part of Gordon Park Scenic Reserve and part of Kaimai Mamaku Conservation Park
- Te Weraiti, being part of Kaimai Mamaku Conservation Park
- Whewells Bush Scientific Reserve
- Te Oko Horoi (being a marginal strip alongside the Waikato River)
- Waikato River and tributaries within the Ngāti Hauā area of interest.

Deeds of recognition oblige the Crown to consult with Ngāti Hauā on specified matters and Ministers to have regard to Ngāti Hauā's views in their decision making.

The Crown offers deeds of recognition to Ngāti Hauā in relation to the Waikato River and tributaries within the Ngāti Hauā area of interest. The deeds of recognition are signed by the Minister of Conservation, Director General of Conservation and Commissioner of Crown Lands.

RELATIONSHIPS

TUMUAKITANGA

The settlement provides redress that is intended to restore, enhance and sustain the relationship between Ngāti Hauā, under the mana of the Tumuaki, and the Crown.

Redress includes:

- Tumuaki/Crown meetings – Annual meetings between the Crown, Tumuaki and Ngāti Hauā to discuss matters of strategic importance to the iwi
- \$3 million of the financial and commercial redress amount is to be used to help sustain the role of Tumuaki.

TE KAUWHANGANUI O MĀHUTA AND NGĀTI HAUĀ TAONGA

The Crown acknowledges and recognises the importance of Te Kauwhanganui o Māhuta. Redress for Te Kauwhanganui o Māhuta and Ngāti Hauā taonga includes:

- \$1 million of the financial and commercial redress amount is to be used to help restore Te Kauwhanganui o Māhuta
- Ngāti Hauā, the Department of Internal Affairs (Archives and National Library functions) and the Museum of New Zealand Te Papa Tongarewa Board have entered into a relationship agreement with respect to the restoration and protection of Te Kauwhanganui o Māhuta and the care, management, use, development and revitalisation of Ngāti Hauā Taonga
- A protocol to be issued by the Minister for Arts, Culture and Heritage that facilitates Crown engagement with Ngāti Hauā with respect to Te Kauwhanganui o Māhuta and Ngāti Hauā taonga.

CONSERVATION RELATIONSHIP AGREEMENT

The settlement also provides for the trustees and the Crown to sign a Conservation Relationship Agreement which outlines how the parties will co-operate to fulfil agreed strategic objectives and a framework to foster a positive, collaborative and enduring relationship between the Ngāti Hauā and the Department of Conservation.

LETTERS OF INTRODUCTION

The Minister for Treaty of Waitangi Negotiations will write letters of introduction introducing Ngāti Hauā, the Tumuaki, and the trustees to agreed Crown agencies, local authorities, entities and museums.

TUPUNA AWA (WAIKATO RIVER)

In 2008 the Crown and Waikato-Tainui signed a deed of settlement in relation to the Waikato River. The overarching purpose of the settlement is to restore and protect the health and well being of the river for future generations.

The Ngāti Hauā settlement will geographically extend the co-management instruments afforded to Waikato-Tainui through that settlement to cover the Ngāti Hauā area of interest. Ngāti Hauā will be able to be involved in the co-management of the Waikato River within their area of interest through Waikato-Tainui.

MAUNGATAUTARI

Ngāti Hauā interests to Maungatautari are recognised and provided for in the Ngāti Koroki Kahukura deed of settlement, signed in December 2012. The Ngāti Hauā settlement will provide for the chairperson of the Ngāti Hauā trust to engage with Te hāpori o Maungatautari (the Maungatautari community) in their carrying out of certain functions and powers in relation to the Maungatautari Mountain Scenic Reserve. The Ngāti Hauā settlement also records the Ngāti Hauā statement of significance of Maungatautari.

Financial and commercial redress

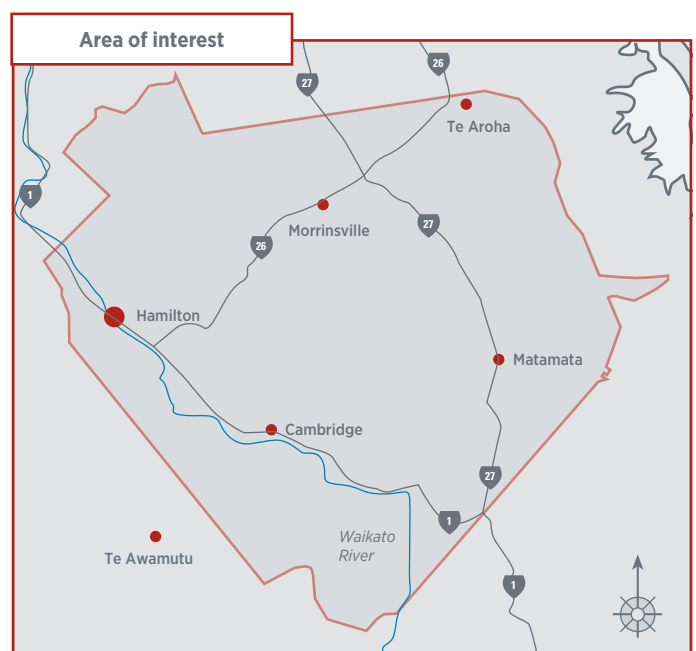
This redress recognises the losses suffered by Ngāti Hauā arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Ngāti Hauā with resources to assist them to develop their economic and social well being.

Ngāti Hauā will receive financial and commercial redress of \$13 million plus interest through their settlement and will use some of the financial redress to:

- Purchase three commercial properties from the Ministry of Education and Ministry of Justice which Ngāti Hauā will lease back to the Crown entity, subject to certain conditions (\$3.39 million)
- Make a contribution towards helping sustain the role of Tumuaki (\$3 million)
- Contribute towards the restoration of Te Kauwhanganui o Māhuta (\$1 million)

Ngāti Hauā will also:

- have an exclusive right of first refusal over ten Ministry of Education properties, three New Zealand Police properties, one Waikato District Health Board property and one Department of Conservation property for a period of 173 years from settlement date
- have, for six months from settlement date, the right to purchase specified properties from the Ministry of Justice and Land Information New Zealand
- have, the right (second to named iwi currently in negotiations) to purchase specified properties from the New Zealand Police and Ministry of Justice.



Questions and Answers

1. What is the total cost to the Crown?

The total cost to the Crown of redress offered to Ngāti Hauā is \$13,178,000 (\$13 million in financial and commercial redress and \$178,000 in cultural payment) plus the value of cultural redress properties to be vested.

2. Is there any private land involved?

No

3. Are any place names changed?

No

4. 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) 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.

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. When will the settlement take effect?

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

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

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 Hauā. 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 Hauā 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.

8. Who benefits from the settlement?

All members of Ngāti Hauā wherever they may now live.

9. What is Te Kauwhanganui o Māhuta?

Te Kauwhanganui o Māhuta means the Te Kauwhanganui Building and monument located at Rukumoana marae (Morrinsville-Walton Road, Morrinsville) which is dedicated to the establishment of Te Kauwhanganui (the Māori Parliament) and which holds the Te Kauwhanganui Collection (taonga).

10. Who is the Tumuaki?

Tumuakitanga is a hereditary role which encompasses three significant functions;

- Rangatira o Ngāti Haua
Before the establishment of Kīngitanga and following the death of his father the Warrior Chief Te Waharoa, Wiremu Tamehana became Paramount Chief of Ngāti Haua iwi.
- Tangata Whakawahi Kingi
This is a spiritual function, first practised by Wiremu Tamehana when he anointed the first Māori King Potatau by placing the Bible on the King's head and reciting scripture. The ceremony continues today with each successive Ariki anointed by a Tumuaki, using the same bible that anointed King Potatau.
- Tumuaki o te Kīngitanga
During the reign of King Tawhiao, Tupu Taingakawa the second son of Wiremu Tamehana was appointed by the King and endorsed by iwi leaders as the first Tumuaki o te Kīngitanga (premier) to lead on behalf of the King the business affairs of the movement.

11. Why are Ngāti Hauā getting a second settlement after the Waikato settlement?

Raupatu claims relate to lands confiscated under the terms of the 1863 New Zealand Settlements Act.

Ngāti Hauā's raupatu claims were settled under the Waikato Raupatu Claims Settlement Act 1995. The 1995 Deed of Settlement expressly excluded certain historical claims, including claims to the West Coast Harbours and the Waikato River, and any claims by individual hapū of Waikato to non-raupatu land outside the Waikato claim area.

Ngāti Hauā are also a beneficiary of the Waikato Raupatu Claims (Waikato River) Settlement Act 2010, which settled raupatu claims in relation the Waikato River from Karapiro to the mouth of the river.

This Deed of Settlement addresses the non-raupatu elements of Ngāti Hauā's historical Treaty claims not settled under the 1995 or 2010 settlements.

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