



Deed of

Deed of Settlement
between the Crown and
NgāiTakoto

Settlement

General background

NgāiTakoto is one of five iwi based in Te Hiku o Te Ika a Maui (the tail of the fish of Maui). Their rohe extends from the river of Wharo (Ahipara) in the south to Te Rerenga Wairua (Cape Reinga) in the north, and across to the Kermadec Islands and Three Kings Island, then down to Rangaunu Harbour, across the hill range and Pa at Pungaungau, Wharekakariki, Tutatarakihi, Pukekahikatea to Kerekere Pa (Kaitaia) and returning across Tangonge, to Wharo.

Negotiations between the Crown and NgāiTakoto started in 2008. The five Te Hiku iwi (including NgāiTakoto) also signed the Te Hiku Agreement in Principle in January 2010.

On 23 November 2011, NgāiTakoto and the Crown agreed that the deed of settlement setting out collective Te Hiku o Te Ika iwi redress and redress specific to NgāiTakoto was ready for presentation to the members of the iwi to decide whether it was an acceptable settlement of their historical claims. The deed was then ratified by the NgāiTakoto community and signed on 27 October 2012 in Kaitaia. The settlement will be implemented following the passage of settlement legislation.

NgāiTakoto were represented in negotiations by NgāiTakoto Ā Iwi Research Unit Trust.

The Office of Treaty Settlements, with the support of the Department of Conservation, the Treasury, Land Information New Zealand 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 NgāiTakoto.

Summary of the historical background to the claims by NgāiTakoto

Traditionally, the NgāiTakoto rohe is defined by the journeys taken by spirits as they return to their spiritual homeland of Hawaiki, stretching from the southern boundary, of Ahipara in the west and Rangaunu in the east, northward to Te Rerenga Wairua (Cape Reinga).

Prior to the arrival of Europeans, NgāiTakoto were largely based around various pa and kainga Kapowairua, Parengarenga, Houhora, Waimanoni, Kaitaia and Te Make. Like other Te Hiku iwi, they were highly mobile, relying on the coast and local waterways for kai and passage.

British missionaries were some of the first settlers to establish themselves within the NgāiTakoto rohe. The local iwi initially saw advantages with the arrival of settlers, through the introduction of new technologies, access to the European world, and the benefits these might bring.

Numerous land agreements with settlers occurred throughout the 1830s, covering much of the NgāiTakoto rohe. While some of the deeds provided for ongoing use of land by local Māori, they were signed by rangatira from other iwi, and NgāiTakoto had limited involvement in the transactions.

NgāiTakoto signed Te Tiriti o Waitangi/Treaty of Waitangi in Kaitaia on 28 April 1840. After the signing of the Treaty, the Crown appointed land claims commissioners to investigate pre-Treaty land claims. The commissioners' final recommendation confirmed the alienation of an initial 32,000 acres of land in the NgāiTakoto rohe; settlers received 17,000 acres and 15,000 went to the Crown as surplus land. NgāiTakoto with interests in these lands were to receive 450 acres.

Unlike the terms of the original land transactions, the new Crown grants did not allow for NgāiTakoto to continue to use cultivation areas and kainga in Te Make, Ohotu, Awanui and numerous other traditional areas. The loss of rights to land along the Awanui River was especially hard as it limited access to river resources and fertile land.

Moreover, some of the proposed 450 acres of reserves were never established.

In 1844, NgāiTakoto lost further land rights in the forced cession of almost 2500 acres at Ruatorara (East Beach), when the Crown demanded another iwi provide compensation to a settler over an incident involving a ship in Ahipara.

In 1858 and 1959, before the pre-Treaty transactions were finalised, the Crown purchased an additional four land blocks (Muriwhenua South, Wharemaru, Oinu, and Ahipara), totalling 112,613 acres, in which NgāiTakoto had mana whenua interests. As with previous transactions, NgāiTakoto had no involvement in these arrangements, nor were they able to retain any of the reserves created from these Crown purchases, including the Houhora Peninsular which totalled 7500 acres.

By 1859, NgāiTakoto were virtually landless. The loss of their lands severely affected their ability to access and manage traditional natural resources, destroyed their cultural foundations and undermined the tribal structures of NgāiTakoto.

Settlement

Summary of the Ngāi Takoto Settlement

Overview

The Ngāi Takoto Deed of Settlement is the final settlement of all historical claims of Ngāi Takoto 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 and Crown acknowledgements, which form the basis for a Crown apology, to Ngāi Takoto;
- cultural redress;
- financial and commercial redress; and
- collective redress.

The benefits of the settlement will be available to all members of Ngāi Takoto, wherever they live.

Crown acknowledgements and apology

The Crown apologises to Ngāi Takoto for its acts and omissions that breached the Crown's obligations under Te Tiriti o Waitangi/the Treaty of Waitangi. The breaches relate to the Crown's investigation of pre-Treaty land transactions and taking of 'surplus land'; the forced cession of land at Ruatorara (East Beach) in 1844; the Crown's pre-1865 land purchases; and the failure to ensure Ngāi Takoto had sufficient land for its present and future needs. The Crown profoundly regrets its failure to actively protect Ngāi Takoto and acknowledges that this hindered their ability to participate in economic development and marginalised the iwi.

Cultural redress

1. Recognition of the traditional, historical, cultural and spiritual association of Ngāi Takoto with places and sites owned by the Crown within their primary area of interest. This allows Ngāi Takoto and the Crown to protect and enhance the conservation values associated with these sites

1(A) SITES TRANSFERRED TO NGĀI TAKOTO

A total of 10 properties will be vested in Ngāi Takoto and six jointly vested in one or more other Te Hiku iwi, totalling approximately 1355 hectares.

Sites to be vested in Ngāi Takoto:

- Wharemaru/East Beach site, approximately 1000 hectares
- Kaimaumu Marae site, more or less 14.57 hectares
- Waipapakauri Beach site, approximately 6 hectares
- Waipapakauri Papakainga site, approximately 5.3 hectares
- Bed of Lake Ngatu, approximately 54 hectares
- Bed of Lake Rotokawau, approximately 16 hectares
- Bed of Lake Ngakapua, approximately 14 hectares
- Bed of Lake Katavich, approximately 7 hectares
- Bed of Lake Waiparera, approximately 112 hectares
- Hukatere site A, approximately 2 hectares

Joint vesting to Ngāi Takoto and Te Rarawa:

- Tangonge site, approximately 110 hectares
- Lake Tangonge site A, approximately 31 hectares

Joint vesting to Ngāi Takoto, Te Rarawa, Ngāti Kuri and Te Aupōuri:

- Te Oneroa-a-Tōhē sites, totalling approximately 214 hectares

1(B) CULTURAL REDRESS FUND

Ngāi Takoto will also receive a cultural redress fund of \$2.4 million to assist it to undertake projects of cultural significance.

1(C) STATUTORY ACKNOWLEDGEMENTS

A Statutory Acknowledgement recognises the association between Ngāi Takoto and a particular site and enhances Ngāi Takoto's ability to participate in specified Resource Management processes. The Crown offers Statutory Acknowledgements over:

- Lake Heather (Wai Te Huahua)
- Lake Rotoroa
- Lake Waikaramu
- Remainder of Lake Ngatu Recreation Reserve
- Rarawa Beach Campground
- Kowhai Beach
- Southern part of Waipapakauri Conservation Area
- Whangatane Spillway
- Awanui River

1(D) PLACE NAME CHANGES

Six place names will be altered through the Ngāi Takoto settlement, including dual Māori-English names for Ninety Mile Beach (Te Oneroa-a-Tōhē/Ninety Mile Beach), Cape Reinga (Cape Reinga/Te Rerenga Wairua), Spirits Bay (Piwhane/Spirits Bay), East Beach (Ngārui-o-te-Marangai Beach), Tatarakihi (Tūtatarakihi), and Walker Island (Tāhuhua-Paopao-Karoro Island).

2. Relationships

2(A) PROTOCOLS, LETTER OF COMMITMENT & PROMOTION OF RELATIONSHIPS

The deed of settlement provides for protocols to be issued by the Minister for Culture and Heritage, the Minister of Energy and Resources and the Minister of Primary Industries. These protocols set out how the relevant government agencies will interact and consult with Ngāi Takoto when carrying out duties and functions.

In addition, the Minister of Primary Industries will appoint Te Rūnanga o Ngāi Takoto as a fisheries advisory committee.

The deed of settlement also provides for Ngāi Takoto, the Museum of New Zealand Te Papa Tongarewa Board and the Department of Internal Affairs to enter into a letter of commitment to facilitate the care, management, access to and use of, and development and revitalisation of, iwi taonga. The Crown will facilitate a process between Ngāi Takoto and New Zealand Historical Places Trust to enter into a working relationship on specific projects of mutual interest.

The deed of settlement also provides for the promotion of relationships with local authorities and government agencies. The Minister for Treaty of Waitangi Negotiations and the Director of the Office of Treaty Settlements will write letters of introduction and relationship promotion to Crown Ministers, government agencies, local authorities and museums.

Financial and commercial redress

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

3(A) FINANCIAL REDRESS

NgāiTakoto will receive a financial quantum of \$21.04 million, plus interest through their settlement. NgāiTakoto will purchase from this quantum:

- part of the Crown-owned Sweetwater farm; and
- other Crown-owned properties including:
 - three schools (Paparore, Waiharara and Awanui) to leaseback to the Crown;
 - three Land and Information New Zealand properties;
 - three Office of Treaty Settlements landbank properties; and
 - two Office of Treaty Settlement landbank properties to be purchased jointly with Te Rarawa.

Collective redress

4. The collective redress elements of the deed have been negotiated between the Crown, NgāiTakoto, Ngāti Kuri, Te Aupōuri and Te Rarawa. Collective redress will be available to Te Hiku iwi as they complete settlements.

4(A) AUPOURI CROWN FOREST LAND

NgāiTakoto, Te Aupōuri, Te Rarawa, and Ngāti Kuri will jointly own (as tenants in common) the 21,283 hectares Crown forest land on the Aupouri peninsula and will receive a share of the accumulated rentals (approximately \$2.2 million to each iwi). NgāiTakoto will own an undivided 20 percent share of future rentals.

4(B) TE ONEROA-A-TŌHĒ/NINETY MILE BEACH

The settlement will create the Te Oneroa-a-Tōhē Board to manage the beach – a new permanent joint committee between iwi, Northland Regional Council and Far North District Council.

The Te Oneroa-a-Tōhē Board (the Board) will have 50 percent iwi members and 50 percent local authority members. It will be chaired by iwi and make decisions by a 70 percent majority.

The Board will provide governance and direction in order to promote the use, development and protection of the Te Oneroa-a-Tōhē/Ninety Mile Beach management area and its resources in a manner which ensures the environmental, economic, social, spiritual and cultural wellbeing for present and future generations. The Board is responsible for developing a beach management plan. It will publicly notify the plan and seek submissions on it. The plan will be recognised and provided for in the next revisions of the relevant Regional Policy Statement, Regional Plan and District Plan.

The Board will consult with communities through the beach management plan regarding any changes to beach access (eg by changing access points and reducing environmental damage on and to the beach). The feedback from this consultation will influence the plan which the Board will then implement.

The iwi members of the Board will appoint up to half of the hearing panel for consent applications within the beach management area.

The Crown is providing a one-off contribution of \$137,500 per iwi to install interpretative signs, raise pouwhenua at Waipapakauri and fund regeneration activities along the beach. The Crown is also providing a one-off contribution of \$400,000 to establish the Board.

4(C) KOROWAI FOR ENHANCED CONSERVATION

The settlement includes a co-governance arrangement for conservation land known as the *Korowai for Enhanced Conservation*.

The word 'korowai' means cloak. The *Korowai for Enhanced Conservation* recognises the historical, spiritual and cultural association Te Hiku iwi have with public conservation land. It gives iwi greater input into decision-making including in the protection of public conservation lands and important cultural taonga within the combined areas of interest of NgāiTakoto, Te Aupōuri, Te Rarawa and Ngāti Kuri.

A new Te Hiku Conservation Board will be established with equal Te Hiku iwi and public membership.

The Te Hiku Conservation Board will have a number of statutory functions, similar to those of the Northland Conservation Board, including recommending the approval of a new Te Hiku part of the Northland Conservation Management Strategy, relating to public conservation land within the area covered by the Korowai.

Te Hiku iwi and the Department of Conservation (DOC) will co-author the Te Hiku part of the Conservation Management Strategy, which will ensure that Te Hiku iwi interests will be integrated into this primary DOC planning document.

The Korowai means DOC decision-making under the Conservation Act 1987 and Schedule 1 legislation will occur in a framework in which iwi cultural interests will play a key role. There will also be joint decision-making between DOC, Ngāti Kuri, NgāiTakoto and Te Aupōuri over approximately 70 hectares of public conservation land at Cape Reinga/Te Rerenga Wairua, a place of profound significance to Te Hiku iwi.

Iwi will have decision-making power over applications from iwi members for customary materials, gathering of flora and possession of dead protected fauna, in accordance with an agreed customary materials plan between iwi and DOC. It will contain criteria and guidance on who, what, when, how and where customary materials can be gathered, obtained or possessed.

Each iwi will hold a register of wāhi tapu sites and identify general wāhi tapu areas. Iwi will have the opportunity to enter into management agreements in relation to wāhi tapu on public conservation land.

4(D) SOCIAL DEVELOPMENT AND WELLBEING ACCORD

The Te Hiku – Crown Social Development and Wellbeing Accord sets out how the iwi and the Crown will work together to improve the social circumstances of the Te Hiku whanau, hapū and iwi and the wider community.

In particular, the Accord will be implemented through multi-level engagement between Te Hiku iwi and the Crown including:

- an annual Te Hiku iwi-Crown Taumata Rangatira hui between the Ministers who have signed the Accord or whose departments have portfolio agreements and Te Hiku iwi representatives;
- regular Crown-Te Hiku iwi operational level engagement through Te Kahui Tiaki Whanau (a twice-yearly forum) and related Kaupapa Cluster meetings (ongoing engagement in relation to particular kaupapa/specific areas of work); and
- an evaluation and planning process to assess progress and design and implement strategies to achieve the shared outcomes for the Accord.

The Accord involves nine agencies: the Ministry of Social Development, Te Puni Kōkiri, the Ministry of Education, the Ministry of Productivity, Innovation and Enterprise, New Zealand Police, the Ministry of Justice, the Department of Internal Affairs, the Department of Corrections and Statistics New Zealand. The Crown is providing a one-off contribution of \$812,500 per iwi towards the implementation of the Accord.

The Accord will enable the government and the iwi to address pressing socio-economic issues in what is one of the most impoverished areas of the country.

4(E) JOINT RIGHT OF FIRST REFUSAL

NgāiTakoto will have a right of first refusal (RFR) for 172 years to purchase listed Crown properties should the Crown decide to sell them. This RFR is shared with other Te Hiku iwi whose areas of interest overlap with NgāiTakoto. NgāiTakoto will also have the opportunity to purchase Te Hiku RFR properties located outside the NgāiTakoto area of interest if the iwi in whose area the property is located do not want to purchase them.



Q&A

Questions and Answers

1. What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the NgāiTakoto Deed of Settlement includes \$21.04 million plus interest, discount on farm purchase price, the value of the cultural redress properties to be vested, \$2.4 million cultural redress fund, \$812,500 towards social accord implementation, \$137,500 in recognition of the historical and cultural associations of NgāiTakoto with Te Oneroa-a-Tōhē/Ninety Mile Beach and a portion of the one-off contribution of \$400,000 to the Te Oneroa-a-Tōhē Board.

2. Is there any private land being transferred?

No.

3. Are the public's rights affected?

In general, all existing public access rights in relation to areas affected by this settlement will be preserved.

Once the Aupouri Crown forest land transfers out of Crown ownership, the agreement of the landowner (iwi) will be required for both foot and vehicular access other than use of Hukatere Road. The scope of such access will remain subject to the forestry operational requirements of the licensee.

4. Are any place names being changed?

Yes. Place names are significant for recognising iwi associations with geographic areas.

Six place names will be altered through the NgāiTakoto settlement, including dual Maori-English names for Ninety Mile Beach (Te Oneroa-a-Tōhē/Ninety Mile Beach), Cape Reinga (Cape Reinga/Te Rerenga Wairua), Spirits Bay (Piwhane/Spirits Bay), East Beach (Ngārui-o-te-Marangai Beach), Tatarakihi (Tūtatarakihi), and Walker Island (Tāhuahua-Paopao-Karoro Island).

5. Does NgāiTakoto 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 the historical (relating to events before 21 September 1992) Treaty of Waitangi claims of the iwi. The settlement legislation, once passed, will prevent the iwi re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement still allows NgāiTakoto to pursue claims against the Crown for acts or omissions after 21 September 1992, as well as claims based on the continued existence of aboriginal title or customary rights. The Crown retains the right to dispute such claims or the existence of such title rights.

6. Who benefits from the settlements?

All members of NgāiTakoto whom descend from the tupuna Tuwhakaterere, wherever they may now live, will benefit from the settlement of the iwi of which they are a registered member.

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



Deed of Settlement

BETWEEN THE CROWN AND NGĀTI KURI

General background

Ngāti Kuri is one of five iwi based in Te Hiku o Te Ika a Māui (the tail of the fish of Māui), the region from the Hokianga Harbour to Mangonui northwards. The Ngāti Kuri contemporary rohe extends north of a line from Maunga Tohoraha (Mt Camel) east to Hukatere and extending north-west to Motuopao, across to Te Rerenga Wairua (Cape Reinga) and then east to Murimotu and including the islands of Manawatāwhi (Three Kings Islands) and Rangitāhūa (the Kermadecs). According to the 2013 census, approximately 6,492 people affiliate to Ngāti Kuri.

In January 2010, the Crown and the five Te Hiku iwi (including Ngāti Kuri) signed Te Hiku Agreement in Principle which formed the basis for this settlement. The Ngāti Kuri deed of settlement was finalised on 14 October 2013. The settlement will be implemented following the signing of the deed of settlement. The Te Hiku Claims Settlement Bill (Omnibus) will be introduced to the House after the deed of settlement has been signed.

Ngāti Kuri were represented in negotiations by the Ngāti Kuri Trust Board. The settlement assets will be received by a new entity called Te Manawa o Ngāti Kuri Trust.

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, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Ngāti Kuri, as did his predecessors Hon Dr Michael Cullen and Hon Margaret Wilson.

Summary of the historical background to the claims by Ngāti Kuri

According to tradition, Ngāti Kuri ancestors have occupied Te Hiku o Te Ika from before the first waka arrivals. Traditionally Ngāti Kuri lived in several permanent settlements, and moved from those bases around their rohe in small groups, following seasonal cycles for gardening, fishing and food gathering. Ngāti Kuri did not sign Te Tiriti o Waitangi/the Treaty of Waitangi, and for many years after Pākehā settlement tikanga Māori (customary law) largely prevailed in their rohe. Ngāti Kuri were not included in the first land transactions in the area. Crown officials had limited understanding of the complex whakapapa relationships in Te Hiku and at times failed to distinguish Ngāti Kuri from other iwi in the rohe.

Under the nineteenth century native land laws, much of Ngāti Kuri's remaining land was vested in small numbers of individual owners. No provisions existed to ensure those individuals acted as trustees for their iwi, and much of the land was soon sold. By 1890 over 70% of Ngāti Kuri's traditional land had been alienated. The only large blocks of land remaining in their ownership were around the Pārengarenga harbour. The main economic activity available for Māori in the region was gum digging, which due to the isolation and lack of roading in the area, tended to trap workers in a debt cycle with the local storekeepers, who bought the gum from local Māori and sold them goods, controlling the prices of both.

In 1896 the Native Land Court began hearings on the Pārengarenga and Pākohu blocks around the harbour. The hearings and surveys were expensive, and the lands were almost lost to pay survey debts. In order to prevent that the Crown took over the debt and vested these blocks in the Tokerau Māori Land Board. This kept the lands in Māori ownership but the owners lost all control of their management. Māori were left with only three small reserves around the Pārengarenga Harbour on which to live. Ngāti Kuri's main papakāinga, Te Hāpua, flooded every year and the community suffered from high rates of typhoid and tuberculosis, which the Crown was aware of but did little to remedy.

By 1910 the survey debts had been repaid, but despite this control of the lands did not go back to the owners. Ngāti Kuri repeatedly asked for the return of the lands so they could begin farming initiatives but their requests were denied until the 1950s.

In 1953 the Crown empowered the Māori Trustee to compulsorily acquire small interests in the Pārengarenga and Pākohu blocks. Many Ngāti Kuri lost their last shares in their land through this process.

Due to the Crown's actions and omissions Ngāti Kuri as an iwi were left with little land and few economic opportunities. Many had to leave the rohe altogether, resulting in a loss of social cohesion and difficulty in passing on Ngāti Kuri's tikanga, traditional knowledge and language to younger generations.

Summary of the Ngāti Kuri settlement

Settlement overview

The Ngāti Kuri Deed of Settlement will be the final settlement of all historical claims of Ngāti Kuri 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 acknowledgements and apology
- cultural redress
- financial and commercial redress
- collective redress.

The benefits of the settlement will be available to all members of Ngāti Kuri, wherever they live.

Crown acknowledgements and apology

The Crown apologises to Ngāti Kuri for its acts and omissions which have breached the Crown's obligations under Te Tiriti o Waitangi/the Treaty of Waitangi. These include: the failure to ensure Ngāti Kuri had adequate land for their needs; the failure to actively protect Ngāti Kuri in their exercise of rangatiratanga; the purchase of the Muriwhenua South Block in 1858; the taking of Motuopao Island in 1875; the impact of the native land laws on Ngāti Kuri tribal structures and the compulsory acquisition of uneconomic interests in Ngāti Kuri land between 1953 and 1974. The Crown deeply regrets its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi. These breaches have caused prejudice to Ngāti Kuri by obstructing their ability to transmit their culture to new generations, to exercise customary rights and responsibilities in their rohe, and to develop economically.

Cultural redress

Cultural redress provides recognition of the traditional, historical, cultural and spiritual association of Ngāti Kuri with places and sites owned by the Crown within their primary area of interest. This allows Ngāti Kuri and the Crown to protect and enhance the conservation values associated with these sites, and includes:

SITES TO BE VESTED IN NGĀTI KURI

A total of 10 properties will be vested in Ngāti Kuri, and seven jointly vested in Ngāti Kuri and one or more other Te Hiku iwi, totalling approximately 4015 hectares. These are:

- The Pines Block, approximately 319.35 hectares
- Tiriranga Urupā, approximately 3.59 hectares
- Te Hāpua School (site B), approximately 1.16 hectares for leaseback to the Crown
- Te Hāpua School House site, approximately 0.22 hectares for leaseback to the Crown
- Wairoa Pā (part of Mokaikai Scenic Reserve), approximately 2 hectares
- Wharekawa Pā (part of Mokaikai Scenic Reserve), approximately 2 hectares
- Mokaikai Pā (part of Mokaikai Scenic Reserve), approximately 6 hectares
- Mokaikai (part of Mokaikai Scenic Reserve), approximately 2990 hectares
- Kapowairua (part of Te Paki Recreation Reserve), approximately 290 hectares
- Te Rerenga Wairua (part of Te Paki Recreation Reserve), approximately 77 hectares
- Part of Te Ramanuka Conservation Area, approximately 70.7 hectares.

SITES TO BE JOINTLY VESTED IN NGĀTI KURI AND TE AUPOURI:

- Murimotu Island, approximately 8.85 hectares
- Waihopo Lake property, approximately 20.46 hectares
- Bed of Lake Ngākeketo (part of Te Paki Recreation Reserve), approximately 9 hectares.

SITES TO BE JOINTLY VESTED IN NGĀTI KURI, TE AUPOURI, NGĀITAKOTO AND TE RARAWA:

- Te Oneroa-a-Tōhē sites, totalling approximately 214 hectares.

CULTURAL ENDOWMENT FUND

Ngāti Kuri will receive a cultural endowment fund of \$2.230 million for Ngāti Kuri cultural development initiatives.

STATUTORY ACKNOWLEDGEMENTS

A statutory acknowledgement recognises the association between Ngāti Kuri and a particular site and enhances Ngāti Kuri's ability to participate in specified resource management processes. The Crown offers statutory acknowledgements over:

- Paxton Point Conservation Area (including Rarawa Beach camp ground)
- Motuopao Island
- Three Kings Islands (Manawatāwhi)
- Kermadec Islands (Rangitāhua).

PLACE NAME CHANGES

Eighteen geographic names will be altered through the Ngāti Kuri settlement, including dual Māori-English names for Ninety Mile Beach (Te Oneroa-a-Tōhē/Ninety Mile Beach), Cape Reinga (Te Rerenga Wairua/Cape Reinga), Spirits Bay (Piwhane/Spirits Bay), Paxton Point (Wharekāpu/Paxton Point), Henderson Bay (Ōtaipango/Henderson Bay) and Mount Camel (Tohoraha/Mount Camel). The full list of place name changes included in the Ngāti Kuri Deed of Settlement is available on www.ots.govt.nz

PROTOCOLS, LETTER OF COMMITMENT AND PROMOTION OF RELATIONSHIPS

The deed provides for protocols to be issued by the Minister for Arts, Culture and Heritage, the Minister of Energy and Resources and the Minister for Primary Industries. These protocols set out how the relevant government agencies will interact and consult with Ngāti Kuri when carrying out duties and functions.

The deed of settlement also provides for Ngāti Kuri, the Museum of New Zealand Te Papa Tongarewa Board and the Department of Internal Affairs to enter into a letter of commitment to facilitate the care, management, access to and use of, and development and revitalisation of iwi taonga. The Crown will also facilitate a letter of intent between Ngāti Kuri and New Zealand Historical Places Trust to enter into a working relationship on specific projects of mutual interest.

The Minister for Treaty of Waitangi Negotiations and the Deputy Secretary Treaty and Director of the Office of Treaty Settlements will write letters of introduction and relationship promotion to Crown Ministers, government agencies, local authorities and museums.

Financial and commercial redress

This redress recognises the economic loss suffered by Ngāti Kuri arising from breaches by the Crown of its Treaty obligations.

The financial and commercial redress is aimed at providing Ngāti Kuri with resources to assist them to develop their economic and social well-being.

FINANCIAL REDRESS

Ngāti Kuri will receive a financial settlement of \$21.040 million in recognition of all their historical claims. Interest that has been accumulating since the Te Hiku Agreement in Principle was signed in January 2010 will also be paid.

COMMERCIAL REDRESS

Ngāti Kuri will purchase from the Crown:

- the Ngāti Kuri undivided 30% share of Peninsula Block (part of Aupouri Crown Forest Land), approximately 21,158.33 hectares (total block)
- McManus Road/Kimberley Road property, approximately 3.98 hectares
- Te Paki Station, approximately 3157 hectares
- two school properties to be bought and leased back to the Crown:
 - Te Hāpua School (site A), approximately 0.79 hectares (the remainder will be gifted – refer cultural redress vesting)
 - Ngātaki School, approximately 2.09 hectares.

Collective redress

The collective redress elements of the deed have been negotiated between the Crown, Ngāti Kuri, Te Aupouri, Ngāi Takoto and Te Rarawa. Collective redress will be available to all Te Hiku iwi as they complete settlements.

AUPOURI CROWN FOREST LAND

Ngāti Kuri will join Te Aupouri, Te Rarawa and Ngāi Takoto as owners and tenants in common of approximately 21,158 hectares of Crown forest land on the Aupouri peninsula and consequently will receive a 20% share of the accumulated rentals. Ngāti Kuri will own an undivided 30% share.

TE ONEROA-A-TŌHĒ/NINETY MILE BEACH

The settlement will create the Te Oneroa-a-Tōhē Board to manage the beach – a new permanent joint committee between iwi, Northland Regional Council and Far North District Council. The Te Oneroa-a-Tōhē Board will have 50% iwi members and 50% local authority members. It will be chaired by iwi and make decisions by a 70% majority.

The Board will provide governance and direction in order to promote the use, development and protection of the Te Oneroa-a-Tōhē/Ninety Mile Beach management area and its resources in a manner which ensures its environmental, economic, social, spiritual and cultural wellbeing for present and future generations. The Board is responsible for developing a Beach Management Plan. It will publicly advertise the plan and seek submissions on it. The Plan will be recognised and provided for in the next revisions of the relevant Regional Policy Statement, Regional Plan and District Plan.

The Board will consult with communities through the Beach Management Plan regarding any changes to beach access (eg by changing access points and reducing environmental damage on and to the beach). The feedback from this consultation will influence the Plan which the Board will then implement.

The iwi members of the Board will appoint up to half of the hearing panel for consent applications within the beach management area.

The Crown is providing a one-off contribution of \$137,500 per iwi to install interpretative signs, raise pouwhenua at Waipapakauri and fund regeneration activities along the Beach. The Crown is also providing a one-off contribution of \$400,000 to the Board.

KOROWAI FOR ENHANCED CONSERVATION

The settlement includes a co-governance arrangement for conservation land known as the Korowai for Enhanced Conservation.

The word korowai means cloak. The Korowai for Enhanced Conservation recognises the historical, spiritual and cultural association Te Hiku iwi have with public conservation land in each of their rohe. It gives iwi greater input into decision-making including in the protection of public conservation lands and important cultural taonga within the combined areas of interest of Ngāti Kuri, Te Aupouri, Te Rarawa and Ngāi Takoto.

A new Te Hiku Conservation Board will be established with equal Te Hiku iwi and public membership.

The Te Hiku Conservation Board will have a number of statutory functions, similar to those of the Northland Conservation Board, including recommending the approval of a new Te Hiku part of the Northland Conservation Management Strategy, relating to public conservation land within the area covered by the Korowai.

Te Hiku iwi and the Department of Conservation (DOC) will co-author the Te Hiku part of the Conservation Management Strategy, which will ensure that Te Hiku iwi interests will be integrated into this primary Department of Conservation planning document.

The Korowai means DOC decision-making under the Conservation Act 1987 and Schedule 1 legislation will occur in a framework in which iwi cultural interests will play a key role. There will also be joint decision-making between DOC, Ngāti Kuri, Te Aupouri and Ngāi Takoto over approximately 70 hectares of public conservation land at Cape Reinga/Te Rerenga Wairua, a place of profound significance to Te Hiku iwi.

Iwi will have decision-making power over applications from iwi members relating to customary materials, including gathering of flora and possession of dead protected fauna, in accordance with an agreed customary materials plan between iwi and DOC. It will contain criteria and guidance on who, what, when, how and where customary materials can be gathered, obtained or possessed.

Each iwi will hold a register of wāhi tapu sites and identify general wāhi tapu areas. Iwi will have the opportunity to enter into management agreements in relation to wāhi tapu on public conservation land.

SOCIAL DEVELOPMENT AND WELLBEING ACCORD

Ngāti Kuri will enter into the Te Hiku–Crown Social Development and Wellbeing Accord with Te Aupouri, Te Rarawa and Ngāi Takoto. The Accord sets out how the iwi and the Crown will work together to improve the social development and wellbeing of the Te Hiku whānau, hapū, iwi and the wider community.

In particular, the Accord is being implemented through multi-level engagement between Te Hiku iwi and the Crown including:

- an annual Te Hiku iwi–Crown Taumata Rangatira hui between the Ministers who have signed the Accord or whose departments have portfolio agreements and Te Hiku iwi representatives
- regular Crown–Te Hiku iwi operational level engagement through Te Kāhui Tiaki Whānau (a twice-yearly forum) and related Kaupapa Cluster meetings (ongoing engagement in relation to particular kaupapa/specific areas of work)
- an evaluation and planning process to assess progress and design and implement strategies to achieve the shared outcomes for the Accord.

The Accord involves nine agencies: the Ministry of Social Development, Te Puni Kōkiri, the Ministry of Education, the Ministry of Business, Innovation and Employment, the Ministry of Justice, the New Zealand Police, the Department of Internal Affairs, the Department of Corrections and Statistics New Zealand. The Crown is providing a one-off contribution of \$812,500 per iwi towards the implementation of the Accord.

The Accord will enable the government and the iwi to work together to address pressing socio-economic issues in what is one of the most impoverished areas of the country.

JOINT RIGHT OF FIRST REFUSAL

Ngāti Kuri will have a right of first refusal (RFR) for 172 years to purchase listed Crown properties in their area of interest should the Crown decide to sell them. This RFR is shared with other Te Hiku iwi whose areas of interest overlap with Ngāti Kuri. Ngāti Kuri will also have the opportunity to purchase Te Hiku RFR properties located outside the Ngāti Kuri area of interest if the iwi in whose area the property is located do not want to purchase them.

Areas of interest



Questions and Answers

What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the Ngāti Kuri Deed of Settlement is \$21.04 million plus interest, the value of the cultural redress properties to be vested, \$2.230 million cultural endowment fund, \$812,500 towards social accord implementation, \$137,500 in recognition of the historical and cultural associations of Ngāti Kuri with Te Oneroa-a-Tōhē/Ninety Mile Beach and a portion of the \$400,000 one-off contribution to the Te Oneroa-a-Tōhē Beach Board.

Is any private land being transferred?

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.

Once the Aupouri Crown forest land transfers out of Crown ownership, the agreement of the new landowner (iwi) will be required for both foot and vehicular access other than use of Hukatere Road. The scope of such access will remain subject to the forestry operational requirements of the licensee.

Are any place names being changed?

Yes. Place names are significant for recognising iwi associations with geographic areas. There will be 18 geographic names amended through the Ngāti Kuri Deed of Settlement.

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.

Does Ngāti Kuri 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 (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Kuri. The settlement legislation, once passed, will prevent Ngāti Kuri from re-litigating the claims before the Waitangi Tribunal or the courts.

The settlement package will still allow Ngāti Kuri 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.

Who benefits from the settlement?

All members of Ngāti Kuri, wherever they may now live.

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



Deed of

Deed of Settlement
between the Crown
and Te Aupōuri

Settlement

General Background

Te Aupōuri is one of five iwi based in Te Hiku o Te Ika a Maui (the tail of the fish of Maui), the region from the Hokianga Harbour to Mangonui northwards. Their primary tūrangawaewae is Te Kao, a small rural settlement at the southern end of Pārengarenga Harbour, and their principal marae is Pōtahi. Their rohe extends from Te Oneroa-a-Tōhē (Ninety Mile Beach) on the west coast to Tokerau (Great Exhibition Bay) on the east coast, and from Ngapae (Waipapakauri Ramp) in the south to Te Rerenga Wairua (Cape Reinga) in the north, encompassing the surrounding offshore islands. According to the 2006 census, approximately 9,300 people affiliate to Te Aupōuri.

Negotiations between the Crown and Te Aupōuri began in 2000 and the first Agreement in Principle was signed in 2004. The five Te Hiku iwi (including Te Aupōuri) also signed the Te Hiku Agreement in Principle in January 2010.

On 3 November 2011 Te Aupōuri and the Crown agreed that the deed of settlement was ready for members of the iwi to decide whether it was an acceptable settlement of their historical claims. The deed was then ratified by the Te Aupōuri community, and signed on 28 January 2012 at Pōtahi Marae in Te Kao. The settlement will be implemented following the passage of settlement legislation.

Te Aupōuri were represented in the final stages of the negotiations by the trustees of Te Rūnanga Nui o Te Aupōuri Trust who took over responsibility from the Te Aupōuri Negotiations Company.

The Office of Treaty Settlements, with the support of the Department of Conservation, the Treasury, Land Information New Zealand 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 Te Aupōuri, as did his predecessors Hon Dr Michael Cullen, Hon Mark Burton and Hon Margaret Wilson.

Summary of the Historical Background to the claims by Te Aupōuri

Te Aupōuri were signatories to He Whakaputanga and Te Tiriti o Waitangi. Traditional Te Aupōuri life was regulated by their coastal environment and followed seasonal cycles of gardening, fishing and other food-gathering activities. Te Aupōuri interacted with early Europeans but entered few land transactions before 1840.

In 1858 the Crown purchased the Muriwhenua South and Wharemaru blocks (over 100,000 acres). A reserve was set aside for Te Aupōuri but not protected from later sale. There was also an expectation that European settlement would produce economic benefits but little settlement or benefits followed. Te Aupōuri petitioned unsuccessfully about the very low purchase price for Muriwhenua South. Te Aupōuri also protested the wrongful inclusion of land at Wairahi in the block. Local whānau were deprived of their land for more than 40 years while the Crown investigated and rectified this.

In the 1870s the Native Land Court awarded Te Aupōuri interests in various land blocks naming only ten persons as owners of each block. There was no provision requiring them to act as trustees for the wider group and the blocks were soon sold, causing hardship and conflict. Te Aupōuri retained only a few areas – notably Pārengarenga and interests in the Ohao and Pakohu blocks. Te Aupōuri became dependant on gum digging which caught many Te Aupōuri in a downward cycle of debt, poverty and deprivation.

In 1896 the Native Land Court determined title to Pārengarenga block where most of the remaining Te Aupōuri land interests lay. High hearing and survey costs left the owners with substantial debt. To prevent forced sale for debt recovery Te Aupōuri asked the Crown to vest the block in the Tokerau Māori Land Council. Although the debts were repaid by 1910, the lands did not return to owner control for many decades. Te Aupōuri were left with only three small reserves at Pārengarenga and Te Kao to live on.

In the 1920s the Crown established a dairy scheme at Te Kao in an effort to alleviate poverty. The partitioning of dairy units and development costs charged against them created unsustainable debt for many farmers, leading to further alienation. The development schemes did not create the outcomes Te Aupōuri were led to expect and deprived many Te Aupōuri owners of control of their remaining land.

In 1953 the Crown empowered the Māori Trustee to compulsorily acquire Te Aupōuri Pārengarenga block interests considered uneconomic. Many Te Aupōuri lost their whenua tuku-iho and connections to their tūrangawaewae through this process.

The Crown's actions and omissions left many Te Aupōuri without sufficient land for their needs resulting in many leaving their rohe to survive. Te Aupōuri have lacked opportunities for economic and social development and endured extreme poverty and poor health. This deprivation and separation of whānau has been detrimental to their material, cultural and spiritual well-being and Māori language proficiency has suffered as has the ability to pass on te reo and tikanga to new generations.

Summary of the Te Aupōuri Settlement

Overview

The Te Aupōuri Deed of Settlement will be the final settlement of all historical claims of Te Aupōuri 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 and Crown acknowledgements, which form the basis for a Crown Apology to Te Aupōuri;
- cultural redress;
- financial and commercial redress; and
- collective redress.

The benefits of the settlement will be available to all members of Te Aupōuri, wherever they live.

Crown Acknowledgements and Apology

The Crown apologises to Te Aupōuri for its acts and omissions which have breached the Crown's obligations under Te Tiriti o Waitangi/the Treaty of Waitangi. These breaches include the taking of Motuopao Island under the Crown's surplus land policy, the forced cession of land at Ruatotara (East Beach) in 1844 for a civil offence, pre-1865 Crown purchasing, the impact of native land legislation, the failure to return compulsorily vested lands at Pārengarenga and ensure Te Aupōuri retained sufficient lands for their needs while the land was under the control of the Tokerau Māori Land Board, the empowerment of the Māori Trustee to compulsorily acquire uneconomic interests in Te Aupōuri land between 1853 and 1974, and the cumulative impact of Crown actions and omissions that left many Te Aupōuri without sufficient suitable land for their needs. The Crown profoundly regrets its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi which have adversely affected Te Aupōuri cultural frameworks, the ability to exercise customary rights and responsibilities and to succeed economically.

Cultural redress

1. Recognition of the traditional, historical, cultural and spiritual association of Te Aupōuri with places and sites owned by the Crown within their primary area of interest. This allows Te Aupōuri and the Crown to protect and enhance the conservation values associated with these sites and includes:

1(A) SITES TRANSFERRED TO TE AUPŌURI

A total of 11 properties will be vested in Te Aupōuri, and 7 jointly vested in Te Aupōuri and one or more other Te Hiku iwi, totalling approximately 1370 hectares. These include:

Sites to be vested in Te Aupōuri:

- Te Ārai Conservation Area Site, approximately 1191.4 hectares
- Te Ārai Ecological Sanctuary, approximately 4.8 hectares
- Te Tomo a Tāwhana (Twin Pā) sites – located within Te Ramanuka Conservation Area, approximately 3.8 hectares
- Maungatūketūke Pā (in Te Paki Recreation Reserve), approximately 2 hectares
- Pitokūku Pā (in Te Paki Recreation Reserve), approximately 3.7 hectares
- Taurangatira Pā (in Te Paki Recreation Reserve), approximately 10.7 hectares
- Kahokawa, approximately 5.5 hectares
- Te Rerepari, approximately 6 hectares
- Hukatere Pā, approximately 10 hectares
- Waiparariki (Te Kao 76 and 77B), approximately 59.3 hectares
- Part Te Kao School site (site A), approximately 2.9 hectares for leaseback to the Crown

Joint vesting to Te Aupōuri and Ngāti Kuri:

- Murimotu Island, approximately 8.5 hectares;
- Bed of Waihopo Lake, approximately 14 hectares (subject to survey);
- Bed of Lake Ngakeketo (in Te Paki Recreation Reserve), approximately 9 hectares (subject to survey)

Joint Vesting to Te Aupōuri, Ngāti Takoto, Te Rarawa and Ngāti Kuri:

- Te Oneroa-a-Tōhē sites, totalling approximately 214 hectares

1(B) CULTURAL REDRESS FUND

Te Aupōuri will also receive a cultural redress fund of \$380,000 to assist it to undertake projects of cultural significance.

1(C) STATUTORY ACKNOWLEDGEMENTS

A Statutory Acknowledgement recognises the association between Te Aupōuri and a particular site and enhances Te Aupōuri's ability to participate in specified Resource Management processes. The Crown offers Statutory Acknowledgements over:

- Manawatāwhi / Three Kings Islands
- Raoul Island, Kermadec Islands
- Simmonds Islands
- Paxton Point Conservation Area, including Rarawa Beach camp ground (Wharekāpu / Rarawa)
- Kohurōnaki Pā
- North Cape Scientific Reserve

1(D) PLACE NAME CHANGES

Nineteen geographic names will be altered through the Te Aupōuri settlement, including dual Maori-English names for Ninety Mile Beach (Te Oneroa-a-Tōhe / Ninety Mile Beach), Cape Reinga (Cape Reinga / Te Rerenga Wairua), Spirits Bay (Piwhane / Spirits Bay), Paxton Point (Wharekāpu / Paxton Point), Henderson Bay (Ōtaipango / Henderson Bay) and Mount Camel (Tohoraha / Mount Camel). The full list of place name changes is included in the Te Aupōuri Deed of Settlement, available on www.ots.govt.nz.

2. Relationships

2(A) PROTOCOLS, LETTER OF COMMITMENT & PROMOTION OF RELATIONSHIPS

The deed provides for protocols to be issued by the Minister for Culture and Heritage, the Minister of Energy and Resources and the Minister of Primary Industries. These protocols set out how the relevant government agencies will interact and consult with Te Aupōuri when carrying out duties and functions.

In addition the Minister of Primary Industries will appoint the Trustees of Te Rūnanga Nui o Te Aupōuri as a fisheries advisory committee.

The deed of settlement also provides for Te Aupōuri, the Museum of New Zealand Te Papa Tongarewa Board and the Department of Internal Affairs to enter into a letter of commitment to facilitate the care, management, access to and use of, and development and revitalisation of iwi taonga. The Crown will also facilitate a process between Te Aupōuri and New Zealand Historical Places Trust to enter into a working relationship on specific projects of mutual interest.

The Minister for Treaty of Waitangi Negotiations and the Director of the Office of Treaty Settlements will write letters of introduction and relationship promotion to Crown Ministers, government agencies, local authorities and museums.

2(B) TE AUPŌURI PATU

The deed provides that the Crown will facilitate a relationship between Te Aupōuri and Norfolk Island Museum in relation to two Te Aupōuri patu held at Norfolk Island Museum.

2(C) STATEMENT OF ASSOCIATION: KUAKA (GODWITS)

The deed provides a Crown acknowledgement of Te Aupōuri's association with Kuaka.

Financial and commercial redress

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

3(A) FINANCIAL REDRESS

Te Aupōuri will receive a financial quantum of \$21.040 million together with interest from the date of signing the Te Hiku agreement in principle.

Te Aupōuri will purchase from this quantum:

- the Te Aupōuri undivided share of Aupouri Crown Forest Land;
- two Crown-owned farms (Te Raite and Cape View Farms); and
- other Crown-owned properties:
 - part of Te Kao School (the remainder will be gifted – refer cultural redress vesting); and
 - SH1, Te Kao – Office of Treaty Settlements' landbank residential property.

Collective Redress

4. The collective redress elements of the deed have been negotiated between the Crown, Ngāti Kuri, Te Aupōuri, Ngāi Takoto and Te Rarawa. Collective redress will be available to Te Hiku iwi as they complete settlements.

4(A) AUPOURI CROWN FOREST LAND

Te Aupōuri, Te Rarawa, Ngāi Takoto and Ngāti Kuri will jointly own (as tenants in common) the 21,283 hectares Crown forest land on the Aupouri peninsula and consequently will receive a share of the accumulated rentals. Te Aupōuri will own an undivided 30 percent share.

4(B) TE ONEROA-A-TŌHĒ/NINETY MILE BEACH

The settlement will create the Te Oneroa-a-Tōhē Board to manage the beach – a new permanent joint committee between iwi, Northland Regional Council and Far North District Council. The Te Oneroa-a-Tōhē Board will have 50 percent iwi members and 50 percent local authority members. It will be chaired by iwi and make decisions by a 70 percent majority.

The Board will provide governance and direction in order to promote the use, development and protection of the Te Oneroa-a-Tōhē / Ninety Mile Beach management area and its resources in a manner which ensures its environmental, economic, social, spiritual and cultural wellbeing for present and future generations. The Board is responsible for developing a Beach Management Plan. It will publicly notify the plan and seek submissions on it. The Plan will be recognised and provided for in the next revisions of the relevant Regional Policy Statement, Regional Plan and District Plan.

The Board will consult with communities through the Beach Management Plan regarding any changes to beach access (e.g. by changing access points and reducing environmental damage on and to the beach). The feedback from this consultation will influence the Plan which the Board will then implement.

The iwi members of the Board will appoint up to half of the hearing panel for consent applications within the beach management area.

The Crown is providing a one-off contribution of \$137,500 per iwi to install interpretative signs, raise pouwhenua at Waipapakauri and fund regeneration activities along the Beach. The Crown is also providing a one-off contribution of \$400,000 to the Board.

4(C) KOROWAI FOR ENHANCED CONSERVATION

The settlement includes a co-governance arrangement for conservation land known as the *Korowai for Enhanced Conservation*.

The word "korowai" means cloak. The *Korowai for Enhanced Conservation* recognises the historical, spiritual and cultural association Te Hiku iwi have with public conservation land in each of their rohe. It gives iwi greater input into decision-making including in the protection of public conservation lands and important cultural taonga within the combined areas of interest of Te Aupōuri, Te Rarawa, Ngāi Takoto and Ngāti Kuri.

A new Te Hiku Conservation Board will be established with equal Te Hiku iwi and public membership.

The Te Hiku Conservation Board will have a number of statutory functions, similar to those of the Northland Conservation Board, including recommending the approval of a new Te Hiku part of the Northland Conservation Management Strategy, relating to public conservation land within the area covered by the Korowai.

Te Hiku iwi and the Department of Conservation (DoC) will co-author the Te Hiku part of the Conservation Management Strategy, which will ensure that Te Hiku iwi interests will be integrated into this primary Department of Conservation planning document.

The Korowai means DoC decision-making under the Conservation Act 1987 and Schedule 1 legislation will occur in a framework in which iwi cultural interests will play a key role. There will also be joint decision-making between DoC, Te Aupōuri, Ngāti Kuri and Ngāi Takoto over approximately 70 hectares of public conservation land at Cape Reinga / Te Rerenga Wairua, a place of profound significance to Te Hiku iwi.

Iwi will have decision-making power over applications from iwi members relating to customary materials, including gathering of flora and possession of dead protected fauna, in accordance with an agreed customary materials plan between iwi and DoC. It will contain criteria and guidance on who, what, when, how and where customary materials can be gathered, obtained or possessed.

Each iwi will hold a register of wāhi tapu sites and identify general wāhi tapu areas. Iwi will have the opportunity to enter into management agreements in relation to wāhi tapu on public conservation land.

4(D) SOCIAL DEVELOPMENT AND WELLBEING ACCORD

The Te Hiku–Crown Social Development and Wellbeing Accord sets out how the iwi and the Crown will work together to improve the social development and wellbeing of the Te Hiku whānau, hapū, iwi and the wider community.

In particular, the Accord will be implemented through multi level engagement between Te Hiku iwi and the Crown including:

- an annual Te Hiku iwi–Crown Taumata Rangatira hui between the Ministers who have signed the Accord or whose departments have portfolio agreements and Te Hiku iwi representatives;

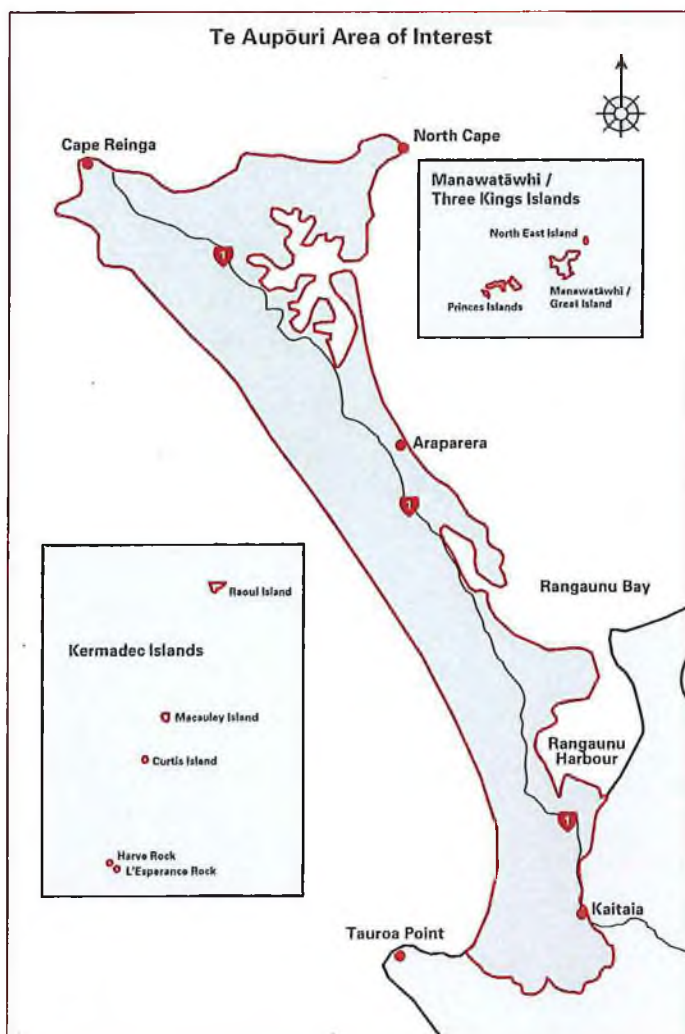
- regular Crown-Te Hiku iwi operational level engagement through Te Kahui Tiaki Whānau (a twice-yearly forum) and related Kaupapa Cluster meetings (ongoing engagement in relation to particular kaupapa/specific areas of work); and
- an evaluation and planning process to assess progress and design and implement strategies to achieve the shared outcomes for the Accord.

The Accord involves 11 agencies: the Ministry of Social Development, Te Puni Kōkiri, the Ministry of Education, the Department of Labour, the Department of Building and Housing, New Zealand Police, the Ministry of Economic Development, the Ministry of Justice, the Department of Internal Affairs, the Department of Corrections and Statistics New Zealand. The Crown is providing a one-off contribution of \$812,500 per iwi towards the implementation of the Accord.

The Accord will enable the government and the iwi to work together to address pressing socio-economic issues in what is one of the most impoverished areas of the country.

4(E) JOINT RIGHT OF FIRST REFUSAL

Te Aupōuri will have a right of first refusal (RFR) for 172 years to purchase listed Crown properties in their area of interest should the Crown decide to sell them. This RFR is shared with other Te Hiku iwi whose areas of interest overlap with Te Aupōuri. Te Aupōuri will also have the opportunity to purchase Te Hiku RFR properties located outside the Te Aupōuri area of interest if the iwi in whose area the property is located do not want to purchase them.



Questions and Answers

1. What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the Te Aupōuri Deed of Settlement is \$21.04 million plus interest, the value of the cultural redress properties to be vested, \$380,000 cultural redress fund, \$812,500 towards social accord implementation, \$137,500 in recognition of the historical and cultural associations of Te Aupōuri with Te Oneroa-a-Tohe / Ninety Mile Beach and a portion of the \$400,000 one-off contribution to the Te Oneroa-a-Tohe Beach Board.

2. Is there any private land being transferred?

No.

3. Are the public's rights affected?

In general, all existing public access rights in relation to areas affected by this settlement will be preserved.

Once the Aupōuri Crown forest land transfers out of Crown ownership, the agreement of the new landowner (iwi) will be required for both foot and vehicular access other than use of Hukatere Road. The scope of such access will remain subject to the forestry operational requirements of the licensee.

4. Are any place names being changed?

Yes. Place names are significant for recognising iwi associations with geographic areas. There will be 19 geographic names amended through the Te Aupōuri Deed of Settlement.

5. Does Te Aupōuri have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

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 (relating to events before 21 September 1992) Treaty of Waitangi claims of the iwi. The settlement legislation, once passed, will prevent the iwi re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement still allows Te Aupōuri to pursue claims against the Crown for acts or omissions after 21 September 1992, as well as 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.

6. Who benefits from the settlements?

All members of Te Aupōuri, wherever they may now live, will benefit from the settlement.

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



Deed of

Deed of Settlement
between the Crown and
Te Rarawa

Settlement

General background

Te Rarawa is one of five iwi based in Te Hiku o Te Ika a Maui (the tail of the fish of Maui). Their rohe extends from Hokianga eastwards along the Hokianga River to Mangataipa, then north along the Raetea ranges, down the Pampurua River to Maimaru across towards Awanui, westwards to Hukatere on Te Oneroa-a-Tōhē (Ninety-Mile Beach), back down the coastline past Ahipara towards Hokianga.

According to the 2006 census, approximately 14,895 people affiliate to Te Rarawa. There are many more overseas.

Negotiations between the Crown and Te Rarawa began in 2002 and an Agreement in Principle was signed in 2007. The five Te Hiku iwi (including Te Rarawa) also signed the Te Hiku Agreement in Principle in January 2010.

On 3 November 2011, Te Rarawa and the Crown agreed that the deed of settlement was ready for members of the iwi to decide whether it was an acceptable settlement of their historical claims. The deed was then ratified by the Te Rarawa community, and signed on 28 October 2012. The settlement will be implemented following the passage of settlement legislation.

The mandate for Te Rarawa was given to Te Rūnanga o Te Rarawa which was represented in negotiations over the negotiation period by Joseph Cooper, Haami Piripi, Paul White, Gloria Herbert, and Malcolm Peri.

The Office of Treaty Settlements, with the support of the Department of Conservation, Land Information New Zealand, the Ministry for the Environment 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 Te Rarawa, as did his predecessors Hon Dr Michael Cullen, Hon Mark Burton and Hon Margaret Wilson.

Summary of the historical background to the claims by Te Rarawa

Te Rarawa is a confederation of hapū, which emerged in the 16th century, and occupied the land in and around Hokianga, Whāngāpe and Ōwhata harbours, Te Oneroa-a-Tōhē, Tangonge and areas lying inland to Maungataniwha. Today, Te Rarawa and affiliated and associated hapū have as their foundation 23 hapū marae. Each hapū has its own identity.

Te Rarawa began to foster relationships with European sawyers, traders and missionaries from the early 1800s. In an attempt to expand their own economic activities and take advantage of developing technological opportunities, Te Rarawa allowed a number of settlers to live on their land.

By the 1830s, political engagement between Te Rarawa and the Crown had begun, and the iwi supported the idea of Māori taking a united approach to engagement with British officials. In 1835, Te Rarawa rangatira signed He Whakaputanga o te Rangatiratanga o Nū Tīreni (the Declaration of Independence); this was followed by the signing of Te Tiriti o Waitangi/the Treaty of Waitangi in 1840.

Prior to the signing of the Treaty, Te Rarawa had entered into over 20 transactions with settlers, for land around the Kaitiāia plains and the coastal fringe of the northern Hokianga Harbour along to the western arm of the Mangamuka River. While these transactions introduced Te Rarawa to British ideas of land ownership, the iwi maintained their traditional approach towards land dealings with an expectation of ongoing rights and obligations, often continuing to occupy and cultivate land.

After the 1840 signing, the Crown investigated pre-Treaty land transactions within Te Rarawa rohe, which included vital kainga and cultivation areas; approximately 21,500 acres of which went to the Crown as surplus land.

Further land was alienated when the Crown began a large scale land purchasing programme in the far north from 1858, with the aim of extinguishing customary land title and securing Crown ownership for the purpose of opening up Māori land for European settlement. By 1865, the Crown had purchased more than 100,000 acres in the Te Rarawa rohe.

This land loss was compounded by later Crown purchasing and the impact of the native land laws, which gave rights to individuals. This disrupted Te Rarawa tikanga and divided hapū, as the new land tenure system did not provide for the full range of complex and overlapping traditional land rights.

Even though there was limited European settlement on the acquired Crown land, and it was aware that previous purchases had not brought economic benefits to the iwi, the Crown continued to purchase land in the Te Rarawa rohe. From the 1870s to late nineteenth century, it purchased over 130,000 acres of Te Rarawa land and forest.

By the time the Crown suspended their land purchasing in 1899, Te Rarawa held less than a third of their original land.

Twentieth century claims from Te Rarawa relate largely to land administration issues, including failure to protect iwi interests in Te Karae and Waireia D, which were compulsorily vested in the Tokerau Māori Land Board. The Crown's land consolidation resulted in some Te Rarawa losing interests in land to which they had ancestral connections.

The cumulative impact of Crown actions and omissions left many Te Rarawa without sufficient and suitable land for their needs. The iwi have lacked opportunities for economic, social and cultural development, and those who remained in their rohe now live in one of the most deprived areas in New Zealand.

Settlement

Summary of the Te Rarawa Settlement

Overview

The Te Rarawa Deed of Settlement will be the final settlement of all historical claims of Te Rarawa 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 and Crown acknowledgements, which form the basis for a Crown apology to Te Rarawa;
- cultural redress;
- financial and commercial redress; and
- collective redress.

The benefits of the settlement will be available to all members of Te Rarawa, wherever they live.

Crown acknowledgements and apology

The Crown apologises to Te Rarawa for its acts and omissions which have breached the Crown's obligations under Te Tiriti o Waitangi/the Treaty of Waitangi. These breaches include the Crown's investigation of pre-Treaty transactions and the taking of land under its surplus lands policy, the failure to set aside sufficient reserves for Te Rarawa in pre-1865 Crown purchases, the impact of native land laws, Crown purchasing after 1865, the compulsory vesting of a large amount of Te Rarawa land in the Tokerau Māori Land Board between 1906 and 1909, Crown purchases of vested land, the failure to protect Te Rarawa interests when the Tokerau Māori Land Board approved the sale of Waireia D, empowering the Māori Trustee to compulsory acquire uneconomic interests in Te Rarawa land, the road survey at Owata that led to the imprisonment of Maraea Te Awaroa Heke, and the landlessness of some Te Rarawa hapū.

Cultural redress

1. Recognition of the traditional, historical, cultural and spiritual association of Te Rarawa with places and sites owned by the Crown within their primary area of interest. This allows Te Rarawa and the Crown to protect and enhance the conservation values associated with these sites and includes:

1(A) SITES TRANSFERRED TO TE RARAWA

A total of 17 properties will be vested in Te Rarawa and six jointly vested in Te Rarawa and one or more other Te Hiku iwi, totalling approximately 1024 hectares.

Sites to be vested in Te Rarawa:

- Epakauri Conservation Area, approximately 648 hectares
- Tauroa Point, approximately 133 hectares
- Mapere, approximately 19.03 hectares
- Te Oneroa-a-Tōhē – Clarke Road site, approximately 3.6 hectares
- Lake Tangonge site B, approximately 25 hectares
- Awanui River site, more or less 1.7155 hectares
- Whangape Road site, more or less 0.0985 hectares
- 12 Waiohēhue Road, more or less 2.0588 hectares
- Part Former Awanui (Kaitāia) Riverbed, approximately 0.5550 hectares
- Hukatere site B, approximately 2 hectares
- Pukepoto School, approximately 4.7981 hectares for leaseback to the Crown

- Rotokakahi War Memorial Site, approximately 0.8621 hectares
- Rotokakahi, approximately 2.78 hectares
- Motukaraka (sites A and B), more or less 40.4959 hectares
- Whangape Site, more or less 0.8875 hectares
- Kaitāia Domain, approximately 12.4008 hectares
- Mangamuka Road, Mangamuka, approximately 1.4 hectares
- Mangamuka Road, Tūtekēhua, more or less 1.0067 hectares

Joint vesting in Te Rarawa and NgāiTakoto

- Tangonge Site, approximately 110.0 hectares
- Lake Tangonge site A, approximately 31.0 hectares

Joint vesting to Te Rarawa, NgāiTakoto, Te Aupōuri and Ngāi Kuri

- Te Oneroa-a-Tōhē sites, totalling approximately 214.00 hectares

1(B) WARAWARA WHENUA NGĀHERE I TE TAI AO

An agreement between Te Rarawa and the Department of Conservation that provides for joint roles in relation to the governance and management of the Warawara Forest Park public conservation lands.

1(C) CULTURAL REDRESS FUND

Te Rarawa will also receive a cultural redress fund of \$530,000 to assist it to undertake projects of cultural significance.

1(D) STATUTORY ACKNOWLEDGEMENTS

A Statutory Acknowledgement recognises the association between Te Rarawa and a particular site and enhances Te Rarawa's ability to participate in specified Resource Management processes. The Crown offers Statutory Acknowledgements over:

- Herekino, Whāngāpe, Hokianga harbours
- Awaroa and Awanui rivers
- Wairoa Stream
- Tauroa Peninsula
- Coastal marine area extending from Hokianga Harbour to Hukatere

1(E) PLACE NAME CHANGES

Four geographic names will be amended or corrected through the Te Rarawa settlement including dual Māori-English names for Ninety Mile Beach (Te Oneroa-a-Tōhē/Ninety Mile Beach), Shipwreck Bay (Te Kōhanga/Shipwreck Bay), The Narrows (Rangiora Narrows), and Rangi Point (Kawehītiki Point).

2. Relationships

2(A) PROTOCOLS, LETTER OF COMMITMENT & PROMOTION OF RELATIONSHIPS

The deed provides for protocols to be issued by the Minister for Culture and Heritage and the Minister of Primary Industries. These protocols set out how these government agencies will interact and consult with Te Rarawa when carrying out duties and functions.

In addition, the Minister of Primary Industries will appoint Te Rūnanga o Te Rarawa as a fisheries advisory committee.

The deed of settlement also provides for Te Rarawa, the Museum of New Zealand Te Papa Tongarewa Board and the Department of Internal Affairs to enter into a letter of commitment to facilitate the care, management, access to and use of, and development and revitalisation of iwi taonga.

The Crown will facilitate a process between Te Rarawa and New Zealand Historic Places Trust to enter into a working relationship on specific projects of mutual interest.

The deed also provides for the promotion of relationships with local authorities and government agencies.

The Minister for Treaty of Waitangi Negotiations and the Director of Office of Treaty Settlements will write letters of introduction and relationship promotion to Crown Ministers, government agencies, local authorities, entities and museums.

Financial and commercial redress

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

3(A) FINANCIAL REDRESS

Te Rarawa will receive financial and commercial redress of \$33.840 million, plus interest through their settlement.

Te Rarawa will use some of this redress to purchase:

- Crown-owned farms (Te Karae and part of Sweetwater farm)
- other Crown-owned properties including:
 - six schools (Matihetihe, Te Kura Taumata O Panguru, Kohukohu, Herekino, Broadwood and Ahipara), which will be leased back to the Crown;
 - Takahue Block – 526.36 hectares (more or less) Crown forest licence land;
 - six Land Information New Zealand properties;
 - eight Office of Treaty Settlements landbank properties; and
 - two Office of Treaty Settlements landbank properties to be purchased jointly with Ngāi Takoto
- Te Tapairu Hirahira o Kahakaharoa.

Te Rarawa will also have an exclusive right of first refusal to purchase 34 other Crown-owned properties located within the exclusive Te Rarawa area of interest.

Collective redress

4. The collective redress elements of the deed have been negotiated between the Crown, Te Rarawa, Ngāti Kuri, Te Aupōuri and Ngāi Takoto. Collective redress will be available to Te Hiku iwi as they complete settlements.

4(A) AUPOURI CROWN FOREST LAND

Te Rarawa, Te Aupōuri, Ngāi Takoto and Ngāi Kuri will jointly own (as tenants in common) the 21,283 hectares Crown forest land on the Aupouri peninsula and will receive a share of the accumulated rentals (approximately \$2.2 million to each iwi). Te Rarawa will own an undivided 20 percent share.

4(B) TE ONEROA-A-TŌHĒ/NINETY MILE BEACH

The settlement will create the Te Oneroa-a-Tōhē Board to manage the beach – a new permanent joint committee between iwi, Northland Regional Council and Far North District Council. The Te Oneroa-a-Tōhē Board (the Board) will have 50 percent iwi members and 50 percent local authority members. It will be chaired by iwi and make decisions by a 70 percent majority.

The Board will provide governance and direction in order to promote the use, development and protection of the Te Oneroa-a-Tōhē/Ninety Mile Beach management area and its resources in a manner which ensures the environmental, economic, social, spiritual and cultural wellbeing for present and future generations. The Board is responsible

for developing a beach management plan. It will publicly notify the plan and seek submissions on it. The plan will be recognised and provided for in the next revisions of the relevant Regional Policy Statement, Regional Plan and District Plan.

The Board will consult with communities through the beach management plan regarding any changes to beach access (eg by changing access points and reducing environmental damage on and to the beach). The feedback from this consultation will influence the plan, which the Board will then implement.

The iwi members of the Board will appoint up to half of the hearing panel for consent applications within the beach management area.

The Crown is providing a one-off contribution of \$137,500 per iwi to install interpretative signs, raise pouwhenua at Waipapakauri and fund regeneration activities along the beach. The Crown is also providing a one-off contribution of \$400,000 to the Board.

4(C) KOROWAI FOR ENHANCED CONSERVATION

The settlement includes a co-governance arrangement for conservation land known as the *Korowai for Enhanced Conservation*.

The word 'korowai' means cloak. The *Korowai for Enhanced Conservation* recognises the historical, spiritual and cultural association Te Hiku iwi have with public conservation land. It gives iwi greater input into decision-making including in the protection of public conservation lands and important cultural taonga within the combined areas of interest of Te Rarawa, Te Aupōuri, Ngāi Takoto and Ngāi Kuri.

A new Te Hiku Conservation Board will be established with equal Te Hiku iwi and public membership.

The Te Hiku Conservation Board will have a number of statutory functions, similar to those of the Northland Conservation Board, including recommending the approval of a new Te Hiku part of the Northland Conservation Management Strategy, relating to public conservation land within the area covered by the Korowai.

Te Hiku iwi and the Department of Conservation (DOC) will co-author the Te Hiku part of the Conservation Management Strategy, which will ensure that Te Hiku iwi interests will be integrated into this primary DOC planning document.

The Korowai means DOC decision-making under the Conservation Act 1987 and Schedule 1 legislation will occur in a framework in which iwi cultural interests will play a key role. There will also be joint decision-making between DOC, Te Aupōuri, Ngāi Kuri and Ngāi Takoto over approximately 70 hectares of public conservation land at Cape Reinga/Te Rerenga Wairua, a place of profound significance to Te Hiku iwi.

In addition, Te Rarawa and DOC will have a joint management agreement relating to the Warawara forest public conservation lands.

Iwi will have decision-making power over applications from iwi members for customary materials, gathering of flora and possession of dead protected fauna, in accordance with an agreed customary materials plan between iwi and DOC. It will contain criteria and guidance on who, what, when, how and where customary materials can be gathered, obtained or possessed.

Each iwi will hold a register of wāhi tapu sites and identify general wāhi tapu areas. Iwi will have the opportunity to enter into management agreements in relation to wāhi tapu on public conservation land.

4(D) SOCIAL DEVELOPMENT AND WELLBEING ACCORD

The Te Hiku – Crown Social Development and Wellbeing Accord sets out how the iwi and the Crown will work together to improve the social circumstances of the Te Hiku whānau, hapū and iwi and the wider community.

Q&A

Questions and Answers

In particular, the Accord will be implemented through multi-level engagement between Te Hiku iwi and the Crown including:

- an annual Te Hiku iwi-Crown taumata rangatira hui between the Ministers who have signed the Accord or whose departments have portfolio agreements and Te Hiku iwi representatives;
- regular Crown-Te Hiku iwi operational level engagement through Te Kahui Tiaki Whānau (a twice-yearly forum) and related Kaupapa Cluster meetings (ongoing engagement in relation to particular kaupapa/specific areas of work); and
- an evaluation and planning process to assess progress and design and implement strategies to achieve the shared outcomes for the Accord.

The Accord involves nine agencies: the Ministry of Social Development, Te Puni Kōkiri, the Ministry of Education, the Ministry of Productivity, Innovation and Enterprise, New Zealand Police, the Ministry of Justice, the Department of Internal Affairs, the Department of Corrections and Statistics New Zealand. The Crown is providing a one-off contribution of \$812,500 per iwi towards the implementation of the Accord.

The Accord will enable the government and the iwi to address pressing socio-economic issues in what is one of the most impoverished areas of the country.

4(E) JOINT RIGHT OF FIRST REFUSAL

Te Rarawa will have a right of first refusal (RFR) for 172 years to purchase listed Crown properties should the Crown decide to sell them. This RFR is shared with other Te Hiku iwi whose areas of interest overlap with Te Rarawa. Te Rarawa will also have the opportunity to purchase Te Hiku RFR properties located outside the Te Rarawa area of interest if the iwi in whose area the property is located do not want to purchase them.



1. What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the Te Rarawa Deed of Settlement includes \$33.84 million plus interest, discount on farm purchase price, the value of the cultural redress properties to be vested, \$530,000 cultural redress fund, \$812,500 towards social accord implementation, \$137,500 in recognition of the historical and cultural associations of Te Rarawa with Te Oneroa-a-Tōhē/Ninety Mile Beach and a portion of the \$400,000 one-off contribution to the Te Oneroa-a-Tōhē Beach Board.

2. Is there any private land being transferred?

No.

3. Are the public's rights affected?

In general, all existing public access rights in relation to areas affected by this settlement will be preserved.

Once the Aupouri Crown forest land transfers out of Crown ownership, the agreement of the new landowner (iwi) will be required for both foot and vehicular access other than use of Hukatere Road. The scope of such access will remain subject to the forestry operational requirements of the licensee.

4. Are any place names being changed?

Yes. Place names are significant for recognising iwi associations with geographic areas.

There will be four geographic names amended or corrected through the Te Rarawa Deed of Settlement.

5. Does Te Rarawa have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

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 (relating to events before 21 September 1992) Treaty of Waitangi claims of the iwi. The settlement legislation, once passed, will prevent the iwi re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement still allows Te Rarawa to pursue claims against the Crown for acts or omissions after 21 September 1992, as well as 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.

6. Who benefits from the settlements?

All members of Te Rarawa, wherever they may now live, will benefit from the settlement.

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