




Ngāti Tamaterā  
**2018 DEED OF SETTLEMENT**

# Ratification Information Booklet







**Ko ngā puke ki Hauraki ka tārehu  
E mihi ana ki te whenua, e tangi ana ki te tangata  
Ko Moehau ki tai, ko Te Aroha ki uta  
Ko Tīkapakapa te moana  
Ko Hauraki te whenua  
Ko Marutūāhu te tangata  
Ko Tamaterā te tumu whakarae**

Tēnā koutou katoa i roto i ngā āhuatanga mē ōna tūrūa-pō katoa.  
E rere atu ana ngā mihi ki tēnā, ki tēnā, tae rawa atu ki ngā hau nui, ki ngā  
hau roa  
Ki taitai nui, ki tatitai ririki o te motu.  
Me mihi, me tangi, me poroporoaki te hunga kua mene atu ā, kāti, waiho  
rātou ki a rātou  
ko tātou te hunga ora, ki a tātou, tēnā hoki tātou katoa.

Nā reira, ko te hono kia ita, ko te herenga kia mau, kia tūturu whakamaua  
kia tīna!

Haumi e, hui e, tāiki e!

Hei konā mai rā, i roto i ngā mihi.



# Contents

1. Overview	4
2. Crown Offer	5
3. Post-Settlement Governance Entity	11
4. Eligibility to Vote	11
5. Voting Process	12
6. Ratification Information Hui	12
7. What Happens if the Deed of Settlement is Ratified	13



# 1. Overview

Ngāti Tamaterā is one of the iwi of Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective). It is also a member of the Pare Hauraki and the Marutūāhu Iwi collectives. Ngāti Tamaterā has received collective redress as part of the Tāmaki Collective Redress Deed and will receive collective redress as part of the Pare Hauraki Collective Redress Deed and the Marutūāhu Collective Redress Deed. Details about the collective redress can be found in the Tāmaki Makaurau Collective Redress Deed, the Pare Hauraki Collective Redress Deed, the Marutūāhu Collective Redress Deed and their respective Collective Redress Summaries.

The Ngāti Tamaterā area of interest is shown on the map.

On 20 June 2011, the Crown recognised the mandate of the Ngāti Tamaterā negotiators to negotiate a comprehensive settlement of the historical te Tiriti o Waitangi/the Treaty of Waitangi claims of Ngāti Tamaterā with the Crown. Ngāti Tamaterā and the Crown entered into an agreement in principle equivalent on 22 July 2011. On 20 September 2017, Ngāti Tamaterā initialled a Deed of Settlement with the Crown.

The ratification process outlined in this booklet focuses on Ngāti Tamaterā-specific negotiations.

Voting is now open to all registered members of Ngāti Tamaterā aged 18 or over on the Ngāti Tamaterā Deed of Settlement.





## 2. Crown Offer

The Deed of Settlement is the legal document that sets out the redress to be offered in the full and final settlement of the historical Treaty of Waitangi claims of Ngāti Tamaterā.

By voting 'YES' to support the Deed of Settlement, you will be voting 'YES' to the Crown offer discussed in the further details below.

The Ngāti Tamaterā Deed of Settlement contains the following key redress:

- Historical redress;
- Cultural redress; and
- Financial and commercial redress.

### Historical redress

The historical redress includes a Crown apology to Ngāti Tamaterā, an agreed historical account and Crown acknowledgements of its Treaty breaches.

#### Crown apology

The Deed includes the following Crown apology to Ngāti Tamaterā:

*"The Crown profoundly regrets its failure to protect Ngāti Tamaterā from the rapid alienation of your lands in the decades following the signing of te Tiriti o Waitangi/the Treaty of Waitangi, and its invasion of lands south of the Mangatāwhiri and subsequent confiscations of land and resources under the New Zealand Settlements Act 1863, which had a crippling impact on the welfare, economy, and development of Ngāti Tamaterā.*

*The Crown has promoted laws and policies that caused Ngāti Tamaterā enduring harm through the alienation of whenua in the face of Ngāti Tamaterā protest, the loss of Ngāti Tamaterā rangatiratanga over lands in gold mining districts subject to resident site licenses, the pollution of the Ōhinemuri and Waihou Rivers due to gold mining, the draining of the Hauraki wetlands, and the loss of your taonga te reo Māori. For the prejudice it has caused Ngāti Tamaterā, and its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, the Crown unreservedly apologises.*

*Through this settlement the Crown hopes to begin a new relationship with Ngāti Tamaterā, forged in the spirit of partnership, cooperation, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles."*

## Summary of the historical account

Between 1836 and 1839 missionaries negotiated an agreement to purchase the 83,000 acre Tāmaki block with Ngāti Tamaterā and other iwi which included provision for one-third of the block to be reserved for Māori. The Crown did not follow the recommendation made by the Land Claims Commissioner investigating this transaction in 1842 to return one-third of the block to Māori. Instead, it granted 5494 acres to a missionary purchaser and retained the remaining 78,000 acres in accordance with its surplus lands policy. In 1851, following further investigation, Ngāti Tamaterā agreed to relinquish their claim in the Tāmaki block in exchange for £200. The purchase was never surveyed in its entirety and no land was reserved for Ngāti Tamaterā.

At Karaka Bay on 4 March 1840, several Marutūāhu rangatira signed te Tiriti. One signatory was “Paora”, who is thought to be Paora Te Putu of Ngāti Tamaterā. However, this cannot be firmly established. Another copy of the treaty was taken to Coromandel Harbour on 4 May but no Ngāti Tamaterā rangatira signed the document. It is believed Tāraia Ngākuti Te Tumuhua of Ngāti Tamaterā was one of two rangatira who refused to sign the treaty.

In 1841 the Crown acquired land at Mahurangi and Kohimarama from Ngāti Tamaterā and other iwi. In 1844 a reserve set aside from the Mahurangi sale was alienated by another iwi. This left Ngāti Tamaterā with no reserves in the Tāmaki region. Ngāti Tamaterā were excluded from their ancestral lands and the economic benefits of growth in Auckland.

From 1852 when gold was discovered in Coromandel the Crown tried to gain consent for gold mining on Ngāti Tamaterā lands. In 1861 some representatives of Ngāti Tamaterā agreed to open lands to mining, while other Ngāti Tamaterā rangatira remained resolutely opposed. In 1862 the Crown proclaimed most of the Coromandel Peninsula a goldfield despite this opposition.

In 1863 Ngāti Tamaterā refused to fight in conflicts between the Crown and the Kīngitanga. Despite this, in 1864 and 1865, the Crown confiscated lands in which Ngāti Tamaterā had interests in the central Waikato raupatu district. Ngāti Tamaterā did not receive compensation for their interest in these confiscated lands. In Tauranga Moana, Ngāti Tamaterā received a share of £1660 for their interest in the confiscated Te Puna and Katikati blocks and two reserves of 65 acres. This seriously undermined the relationship of Ngāti Tamaterā with their ancestral lands in Tauranga Moana.

After the war, interest in gold mining at Thames and Ohinemuri intensified. Ngāti Tamaterā initially opposed leasing more land for gold mining but by 1867 some Ngāti Tamaterā rangatira agreed to lease further lands to the Crown. However, complaints arose about the Crown’s collection and distribution of revenue from the goldfields.

During the 1870s the Crown used monopoly purchasing powers and raihana debts to acquire Ngāti Tamaterā lands at Ohinemuri, Moehau, and Waikawau. Māori purchased goods from stores and the Crown paid for the items, treating the payment (raihana) as pre-title advances against Māori lands. The Crown charged these debts against lands at Ohinemuri, Moehau, and Waikawau. Ngāti Tamaterā saw opening Ohinemuri land for gold mining, with the Crown retaining the revenue, as a way to repay significant debts while retaining ownership of the land. As a result of this Ngāti Tamaterā did not receive any income from gold mining in their rohe.

In 1878 Native Land Court investigations awarded the Crown 22,125 acres of land at Moehau and 44,161 acres at Waikawau. Within two years the Crown purchased further lands at Moehau originally set aside as a reserve for Ngāti Tamaterā. The Crown continued to acquire interests in Ohinemuri and was awarded more than half the block in 1882. By 1900 Ngāti Tamaterā retained less than 600 acres of land at Ohinemuri and by 1910 approximately 85 per cent of Hauraki land had been alienated from Māori.

The environmental impact of gold mining on the Ngāti Tamaterā rohe was profound. The discharge of mining waste into rivers left waters unsuitable for human consumption and compromised the quality of life for Ngāti Tamaterā living nearby. In the early twentieth century the Hauraki Plains drainage scheme did further damage to traditional Ngāti Tamaterā food sources. The small area they retained within the scheme limited their capacity to participate in the emerging agricultural economy. In the twentieth century Ngāti Tamaterā lands in Hauraki were alienated through the Public Works Act and the compulsory Crown acquisition of land the Crown deemed uneconomic. By the mid-twentieth century Ngāti Tamaterā retained very little of its ancestral rohe.

## Crown acknowledgments

The Deed contains acknowledgements that the cumulative effect of the Crown's actions and omissions, including confiscation, the operation and impact of the native land laws and continued Crown purchasing, has left Ngāti Tamaterā virtually landless and undermined our economic, social and cultural development. The Crown's failure to ensure that Ngāti Tamaterā retained sufficient land for their present and future needs was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

## Cultural redress

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

### Sites of significance to Ngāti Tamaterā

A range of redress will be offered to Ngāti Tamaterā over the following sites of cultural significance including 25 sites which will be vested in fee simple in Ngāti Tamaterā.

Site	Type of redress
<b>Cultural Redress Vestings</b>	
Homunga (113.72 ha)	Vested in fee simple as a scenic reserve
Horapūpara (0.9894 ha)	Vested in fee simple
Kāruhiruhi (7.8 ha)	Vested in fee simple as a recreation reserve and subject to a right of entry
Te Maunga Mau-paki (14.0 ha)	Vested in fee simple subject to a conservation covenant
Ō-kaharoa ki waenganui site A (10.4 ha)	Vested in fee simple subject to an easement, a restrictive covenant and a right of entry
Ō-kaharoa ki waenganui site B (20.2 ha)	Vested in fee simple as a recreation reserve and subject to 2 easements and a right of entry
Ō-kaharoa-mā-whiti (123.3 ha)	Vested in fee simple as a recreation reserve and subject to 2 easements and a right of entry
Ō-kahu-tai (13.1 ha)	Vested in fee simple as a recreation reserve and subject to 2 easements and a right of entry
Papa-aroha (5.15 ha)	Vested in fee simple as a scenic reserve
Pāuhu (20.5 ha)	Vested in fee simple as a recreation reserve and subject to an easement and a right of entry
Rangitāwhiri (16.2684 ha)	Vested in fee simple as a recreation reserve
Tāpapakaroro (52.1 ha)	Vested in fee simple as a recreation reserve and subject to a right of entry
Te Karaka property (0.08ha)	Vested in fee simple subject to the removal of a caveat over the title
Te Rauwhitiora (0.5185 ha)	Vested in fee simple as a recreation reserve subject to co-governance with Thames-Coromandel District Council
Te Āputa (40.7575 ha)	Vested in fee simple as a scenic reserve

Te Kahakaha (235.94 ha)	Vested in fee simple as a scenic reserve
Te Rohu (0.2879 ha)	Vested in fee simple as a recreation reserve
Te waha o Te Parata (2.176 ha)	Vested in fee simple as a recreation reserve subject to co-governance with Thames-Coromandel District Council
Urarima (9.7 ha)	Vested in fee simple as a government purpose reserve and managed through Pare Hauraki Collective arrangements
Waikanae property (5.2 ha)	Vested in fee simple as a recreation reserve
Waikawau property (5.54 ha)	Vested in fee simple subject to continued public access and use of the boat ramp and 2 easements
Wai-ō-umu (1.41 ha)	Vested in fee simple as a recreation reserve subject to co-governance with Thames-Coromandel District Council
Waipatukahu (1.0805 ha)	Vested in fee simple as a recreation reserve subject to co-governance with Thames-Coromandel District Council
Waitāwheta (145.2821 ha)	Vested in fee simple as a scenic reserve
Whakaangi (19.3 ha)	Vested in fee simple as a recreation reserve and subject to 3 easements and a right of entry

#### Sites jointly vested in Ngāti Tamaterā

Tiroa (2 ha)	Jointly vested as undivided half shares in Ngāti Tamaterā and Ngāti Maru as a scenic reserve
Pukewhakataratara (20 ha), Takaihuehue (2.9 ha) and Paewai (2.0 ha)	Jointly vested as undivided half shares in Ngāti Tamaterā and Ngāti Maru subject to conservation covenants (and an easement for Pukewhakataratara)
Tokatea (19.64 ha)	Jointly vested as undivided half shares in Ngāti Tamaterā and Te Patukirikiri as subject to an easement and a conservation covenant
Karangahake tihi (10 ha)	Jointly vested as undivided third shares in Ngāti Tamaterā, Hako and Ngāti Tara Tokanui subject to an easement and a conservation covenant
Ngā Tukituki a Hikawera (8.7 ha) and Tangitū (7.5 ha)	Jointly vested as undivided third shares in Ngāti Tamaterā, Ngāti Maru and Ngāti Rāhiri Tumutumu subject to a conservation covenant (and an easement for Tangitū)
Kauri Point (17.3675 ha)	Jointly vested as undivided half shares in Ngāti Tamaterā and Ngāi Te Rangi as a historic reserve administered by Western Bay of Plenty District Council
Whakamoehau (22.2 ha)	Jointly vested as undivided half shares in Ngāti Tamaterā and Ngāti Maru subject to a conservation covenant
Te Tihi o Hauturu (10.00 ha)	Jointly vested as undivided third shares in Ngāti Tamaterā, Ngāti Pūkenga and Ngāti Maru subject to a conservation covenant



### Vest and Vest Back

Repanga (Cuvier) Island Nature Reserve

Within one year from settlement date, Repanga (Cuvier) Island Nature Reserve will be vested jointly in the governance entities of Ngāti Tamaterā, Ngāti Hei, Ngāti Maru and Ngaati Whanaunga who will vest it back seven days later to the Crown for the people of New Zealand.

This arrangement provides for recognition of the association Ngāti Tamaterā has with Repanga.

### Overlay Classification

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

Repanga (Cuvier) Island Nature Reserve

The settlement provides a joint overlay classification over the Repanga (Cuvier) Island Nature Reserve in favour of Ngāti Tamaterā, Ngāti Hei, Ngāti Maru and Ngaati Whanaunga.

The Crown will acknowledge Ngāti Tamaterā's statement of values in relation to the Repanga (Cuvier) Island Nature and will take action in relation to a joint set of protection principles agreed between Ngāti Tamaterā, Ngāti Hei, Ngāti Maru and Ngaati Whanaunga.

### Statutory Acknowledgement and Deed of Recognition

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

A deed of recognition obliges the Crown to consult with Ngāti Tamaterā on specified matters and have regard to our views regarding our special associations with certain areas.

Mercury Islands

Ōhinemuri River and its tributaries

Paritū (Fantail Bay)

Kuaotunu property

Whangapoua Conservation area (Aotea)

## Place name changes

There are no place name changes in the Ngāti Tamaterā Deed of Settlement as the name changes of significance for Ngāti Tamaterā are contained in the Pare Hauraki Collective Redress Deed.

## Protocols and Relationship Agreements

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

The Ngāti Tamaterā PSGE will enter into a conservation relationship agreement with the Department of Conservation which will outline how the Department of Conservation will engage with Ngāti Tamaterā.

## Promotion of relationships

The Minister for Treaty of Waitangi Negotiations will write to a number of local authorities, Museums and Crown agencies to raise the profile of Ngāti Tamaterā, advise them of matters of particular importance to us and encourage those bodies to better engage with us.

## Statement of Association

The Deed will acknowledge that Ngāti Tamaterā has associations with, and asserts certain spiritual, cultural, historical and traditional values in relation to Moehau, Waikawau, Motukorea (Browns Island), Hauraki Gulf/Tikapa Moana, Puna at Waioa and Paeroa, Moehau and Te Aroha Maunga and Tāmaki Makaurau motu and maunga.

## Other specific cultural redress

The Crown will consider the operation of the Grey-Faced Petrel (Northern Muttonbird) Notice 1979 as it applies to Ruamaahua regarding its alignment with the current Oi season. The Crown also intends that any redress over Ruamaahua provided in a Treaty settlement will include Ngāti Tamaterā.

The Crown will acknowledge Ahuahu / Great Mercury Island is of cultural significance to Ngāti Tamaterā and will acknowledge a Treaty breach in respect of the Crown acquisition of the island. The Crown intends that any redress over Crown owned land on Ahuahu / Great Mercury Island provided to any Iwi of Hauraki includes Ngāti Tamaterā.

The Crown will also pay Ngāti Tamaterā \$277,000 to use, at its discretion, for cultural revitalisation.

## Vesting of minerals

Ngāti Tamaterā will take ownership of any Crown-owned minerals in land transferred to us. This does not include minerals covered by Section 10 of the Crowns Mineral Act 1991 (i.e. petroleum, gold, silver and uranium).

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

## Harbours and Hauraki Gulf

The Crown and Ngāti Tamaterā have agreed to conduct separate negotiations in relation to Tikapa Moana/ the Hauraki Gulf or Te Tai Tamawahine.

# Financial and commercial redress

The total financial and commercial redress is \$25 million. This includes:

- \$15,300,000 paid on-account to the Pouarua Farm Limited Partnership in November 2013 for the part of the purchase of the Pouarua Dairy Farm attributed to Ngāti Tamaterā;
- \$500,000 received in 2014 on-account of the settlement; and
- \$1,517,180 being the agreed portion of the transfer value of 14 properties received as part of the Pare Hauraki Collective Redress Deed.

The commercial redress includes:

- a 15% share in Whenuakite Station transferring on settlement date;
- title to a further 3 commercial redress properties, including the Te Puru School site (land only and its transfer value is still to be agreed), on settlement date; and
- rights to purchase another 6 commercial properties in the Cape Colville Farm Park (recreation reserves at Fletcher Bay, Stony Bay, Sandy Bay) and Waikawau Bay Farm Park on settlement date. The transfer values of these properties are yet to be agreed and will be purchased using financial redress on settlement date.

Ngāti Tamaterā will also receive further rights to purchase properties including the right to purchase the balance of Fantail Bay Recreation Reserve (part of Cape Colville Farm Park), a joint right of first refusal for 16 Crown properties on Aotea and a joint second right to purchase the Pouarua Peat Block.



### 3. Post-Settlement Governance Entity

The Post-Settlement Governance Entity (PSGE) for Ngāti Tamaterā is the Ngāti Tamaterā Treaty Settlement Trust (NTTST). The NTTST was ratified between June and August 2012.

The NTTST is responsible for receiving Treaty settlement redress from the Crown and managing it on behalf of and for the benefit of the members of Ngāti Tamaterā; and fostering, developing and representing the interests of the members of Ngāti Tamaterā.

Full details of the objects and purposes of the Trust are set out in the Trust Deed, which can be accessed at [www.tamatera.co.nz](http://www.tamatera.co.nz). Alternatively, you can email the Mandated Negotiators for a digital copy.

### 4. Eligibility to Vote

All Ngāti Tamaterā registered adult members (aged 18 years or older) can vote. Registered members who turn 18 years old during the voting period are also eligible to vote.

If you are not yet registered with Ngāti Tamaterā, you can still vote. Contact the Returning Officer on free phone 0800 866 038 or [iro@electionz.com](mailto:iro@electionz.com) for a special voting pack (including registration form). Alternatively, a special voting pack can be obtained at the information hui.

Even though they will not be eligible to vote at this time, we encourage you to register all your whānau, including tamariki and mokopuna under 18 years old.

Personal voting details, and all votes, are treated in strictest confidence. All voting papers will be destroyed 90 days after the close of voting.



## 5. Voting Process

There is a 6 week voting period, from 22 September 2018 to 2 November 2018. To be counted, votes must be received by 12 noon Friday 2 November 2018.

### Voting methods

All Ngāti Tamaterā registered adult members (aged 18 years or older) can vote via:

- 🔗 E-vote (via the iwi website – see below);
- 🔗 Post (using the enclosed free-post envelope); or
- 🔗 Ballot box (available at the ratification information hui).

### Resolution

You will be asked to vote on the following resolution:

***“I support the Ngāti Tamaterā Deed of Settlement.”***

A full copy of the Ngāti Tamaterā Deed of Settlement is available at [www.tamatera.co.nz](http://www.tamatera.co.nz) or [www.ots.govt.nz](http://www.ots.govt.nz).

### Special vote

If you are not registered, you can still vote with a special voting pack. You will need to complete a registration form when you vote. To request a special voting pack call the toll-free election helpline number 0800 666 038 or email [iro@electionz.com](mailto:iro@electionz.com) and ask for a special voting pack. The pack will include a registration form or you can get a special voting pack at one of the ratification information hui.

Special votes can be cast at the ratification information hui or by contacting the independent election company.

For your special vote to be counted, your registration must be confirmed.

## 6. Ratification Information Hui

To help you to make an informed decision about the Deed of Settlement we will be holding 4 ratification information hui across the country and we strongly encourage you to attend one of these hui. The hui will be an opportunity for you to come along and find out more about the Deed of Settlement, and why we need your vote. You can also cast your vote at the hui.

Date	Time	Venue
Sunday, 14 October 2018	10am	Te Pai o Hauraki Marae, Paeroa
Monday, 15 October, 2018	8pm	Distinctions Hotel, 100 Garnett Ave, Te Rapa, Hamilton
Tuesday, 16 October, 2018	8pm	Holiday Inn Auckland Airport, 2 Ascot Rd, Mangere, Auckland
Wednesday, 17 October, 2018	8pm	Brentwood Hotel, 16 Kemp St, Kilbirnie, Wellington

Independent (Te Puna Kōkiri) observers will be invited to attend each hui. This will assist officials when reporting to Ministers about the ratification process and results.



## 7. What Happens if the Deed of Settlement is Ratified

The voting process (including the 0800 helpline) is run by an independent company – electionz.com. The Independent Returning Officer will authenticate the votes and make a final judgement on the validity of the votes.

The Independent Returning Officer will provide the results to the Ngāti Tamaterā negotiators and the Crown. The Office of Treaty Settlements and Te Puni Kōkiri will report to the Minister for Treaty of Waitangi Negotiations and Minister for Māori Development on whether the results show enough support for the Settlement. The Ministers will then advise if they consider there is sufficient support for the Settlement.

If the Crown considers there is sufficient support for the Ngāti Tamaterā Deed of Settlement, representatives of Ngāti Tamaterā and the Crown will sign the Ngāti Tamaterā Deed of Settlement.

Settlement legislation to implement the relevant elements of the Ngāti Tamaterā Deed of Settlement will subsequently be introduced into Parliament. The legislative steps generally take around 12 months to complete (depending on the priorities of Parliament) and will include a select committee process.

If you want further information, additional voting packs, or wish to register, contact:

🔗 electionz.com (0800 666 038 or [iro@electionz.com](mailto:iro@electionz.com)); or

🔗 Ngāti Tamaterā: [www.tamatera.co.nz](http://www.tamatera.co.nz).

A hard copy of the Ngāti Tamaterā Deed of Settlement will be available for viewing at 433 Pollen Street, Business One Limited Chartered Accountants Thames.











**Ngāti Tamaterā**

[www.tamatera.co.nz](http://www.tamatera.co.nz)