



Collective Redress Deed

BETWEEN THE CROWN AND THE IWI OF HAURAKI

General background

In 2009, the 12 Iwi of Hauraki formed the Pare Hauraki Collective for the purpose of negotiating a Treaty settlement. The 12 iwi are Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga and Te Patukirikiri.

The areas of interest of the Iwi of Hauraki extend from the Mahurangi coast in the north to the western Bay of Plenty and include the islands of the Hauraki Gulf/Tikapa Moana. The Iwi of Hauraki have a combined population of over 16,000.

The 12 iwi have individual mandates to negotiate the settlement of their claims. Each iwi appointed negotiators to negotiate this redress. All 12 iwi will receive redress:

- through the Pare Hauraki Collective, where the iwi have shared interests and
- as individual iwi, including joint redress with other iwi in some instances.

On 1 October 2010, the Crown and the Pare Hauraki Collective signed a Framework Agreement which outlined the process for ongoing negotiations towards settlement of shared claims and included the potential elements of a collective settlement. On 22 July 2011, the Iwi of Hauraki all signed iwi-specific Agreement in Principle Equivalents which expanded upon the Framework Agreement and included iwi specific offers to negotiate further redress.

On 22 December 2016, the Crown and the Pare Hauraki Collective initialled the Pare Hauraki Collective Redress Deed (the Deed). The Deed has been ratified by the members of the Iwi of Hauraki. Parts of the Deed are conditional on the enactment of legislation.

The Office of Treaty Settlements, with the support of the Department of Conservation, Land Information New Zealand, Ministry for the Environment and other government agencies, represented the Crown in day-to-day negotiations.

The Minister for Treaty of Waitangi Negotiations, Hon Andrew Little (and his predecessor Hon Christopher Finlayson), represented the Crown in high-level negotiations with the Pare Hauraki Collective.

Summary of the collective redress

Overview

The Deed provides shared redress for the collective interests of the 12 Iwi of Hauraki in the Hauraki region. It also provides certain redress which will then on-transfer to specific iwi to form part of their iwi-specific Treaty settlements.

The Deed includes both cultural redress and commercial redress. It does not include financial redress, which each of the 12 Iwi of Hauraki will receive through their iwi-specific settlements. The full and final settlement of historical Treaty of Waitangi claims of the Iwi of Hauraki will be made through iwi-specific settlements.

Cultural redress

The cultural redress recognises the losses suffered by the Iwi of Hauraki arising from breaches by the Crown of its Treaty obligations. The Deed includes a cultural redress package that recognises the spiritual, cultural, traditional and historical associations of the Iwi of Hauraki with areas owned by the Crown.

STATEMENT OF PARE HAURAKI WORLD VIEW

The Deed outlines the spiritual and cultural relationship between the Iwi of Hauraki and their environment, and identifies values and principles that form the base of meaningful natural resource partnerships.

Co-governance/co-management arrangements

PARE HAURAKI COLLECTIVE CULTURAL ENTITY

The Deed provides for the establishment of the Pare Hauraki Collective Cultural Entity (the Collective Cultural Entity) to represent the Iwi of Hauraki in relation to natural resource matters. The Collective Cultural Entity will appoint members to a range of co-governance bodies in the Pare Hauraki rohe that will provide governance, oversight and direction in relation to the management of waterways, catchments and maunga in the Hauraki region. The Collective Cultural Entity will also have partnerships and relationships with relevant Ministers and ministries.

The Collective Cultural Entity will receive \$500,000 from the Crown as a contribution to its establishment and other costs including funding its own participation in natural resource co-governance arrangements.

MOEHAU

Moehau Tūpuna Maunga (1,000 hectares) will be vested in the Collective Cultural Entity as a Government Purpose (Pare Hauraki Whenua Kura and Ecological Sanctuary) Reserve. The purpose of the reserve will be to protect and enhance the spiritual, cultural, ancestral, customary and historical relationship between the Iwi of Hauraki and Moehau. The reserve will be administered by the Moehau Tūpuna Maunga Board which will consist of 3 members appointed by the Collective Cultural Entity and up to 3 members appointed by the Director-General of the Department of Conservation who are to be senior staff members from the Department.

TE AROHA

The Te Aroha Tūpuna Maunga (1,000 hectares) will be vested in the Collective Cultural Entity as a Local Purpose (Pare Hauraki Whenua Kura) Reserve. The purpose of the reserve will be to protect and enhance the spiritual, cultural, ancestral, customary and historical relationship between the Iwi of Hauraki and Te Aroha. The reserve will be administered by the Collective Cultural Entity.

CONSERVATION FRAMEWORK WITH THE DEPARTMENT OF CONSERVATION

The Conservation Framework aims to establish an effective partnership that recognises both the mana whenua and kaitiakitanga responsibilities of the Iwi of Hauraki and enhances the conservation of natural resources and historical and cultural heritage in its rohe. The Conservation Framework co-governance and co-management provisions include the development of a conservation management plan and strategy, a decision-making framework and a Department of Conservation Relationship Agreement.

WAIHOU, PIAKO AND COROMANDEL CATCHMENT AUTHORITY

The Deed provides for the establishment of the Waihou, Piako and Coromandel Catchment Authority (the WPCC Authority) to provide co-governance, oversight and direction for the management of the Coromandel, Waihou and Piako waterways. The WPCC Authority will comprise 14 members: 6 appointed by the Collective Cultural Entity; 1 appointed jointly by the governance entities for Raukawa, Ngāti Hauā and Ngāti Hinerangi; and 7 appointed by the Waikato Regional Council and the Thames-Coromandel, Hauraki, Matamata-Piako and South Waikato district councils.

MANGATANGI RIVER, MANGATAWHIRI STREAM AND WHANGAMARINO WETLAND CATCHMENTS

The Deed provides for the establishment of the Upper Mangatangi and Mangatawhiri Catchment Authority (the UMMC Authority) to provide co-governance, oversight and direction for the waterways of the Upper Mangatangi Stream and Mangatawhiri River catchments. The UMMC Authority will consist of 4 members: 1 appointed by the Collective Cultural Entity, 1 member appointed by Waikato-Tainui and Waiohū iwi with interests in the Upper Mangatangi and Mangatawhiri River catchments; 1 member appointed by the Waikato Regional Council; and 1 member appointed by the Waikato District Council. The Auckland Council may appoint 1 non-voting member.

No later than 5 years after settlement date the Minister for the Environment will commission and receive an independent review report in relation to the UMMC Authority. The purpose

of the review will be to consider the extent to which the integrated governance and management of the catchments is being achieved through the existence of both the UMMC Authority and the Waikato River Authority.

STATUTORY ACKNOWLEDGEMENT

The Deed provides a statutory acknowledgement to the Iwi of Hauraki over the ridgeline Kaimai-Mamaku Range. This recognises the association of the Iwi of Hauraki with the Kaimai-Mamaku Range and enhances their ability to participate in specified resource management processes in relation to the Range.

TE REO REVITALISATION

The Deed provides for the Crown to support the Iwi of Hauraki in their development and implementation of a strategy for Te Reo revitalisation. This includes meetings between the Minister for Māori Development, the Minister of Education and the Collective Cultural Entity to discuss the development of the strategy and its implementation, and a payment of \$3 million after the Deed has been signed.

FISHERIES

The Minister responsible for fisheries will appoint the Collective Cultural Entity as an advisory committee to provide written advice to the Minister relating to the sustainable utilisation of fisheries resources managed under the Fisheries Act 1996.

The Deed also provides for the Crown to grant to the Collective Cultural Entity a right of first refusal to purchase certain fisheries quota.

HARBOURS AND HAURAKI GULF/TĪKAPA MOANA

The Deed does not provide for cultural redress in relation to these harbours at this time. Harbours redress will be developed in separate negotiations as soon as practicable.

Iwi of Hauraki have recognised interests in Tauranga Moana. The Deed acknowledges the Iwi of Hauraki and the Tauranga Moana Iwi Collective have agreed to discuss through a tikanga-based process how Tauranga Moana is to be protected and enhanced. The Tauranga Moana Framework will be provided for in separate legislation if agreement is reached between the Tauranga Moana Iwi Collective, the Hauraki Collective and the Crown on certain items.

CHANGES TO PLACE NAMES

Place names recognise iwi associations with geographic areas. The Deed provides for 52 place names to be altered by the Pare Hauraki settlement legislation.

Commercial redress

This redress recognises the losses suffered by the Iwi of Hauraki arising from breaches by the Crown of its Treaty obligations. The commercial redress is aimed at providing the 12 iwi with resources to assist them to develop their economic and social well-being.

CROWN FOREST LICENSED LAND

The Iwi of Hauraki will receive the right to purchase Crown Forest Licensed (CFL) land. This right to purchase covers the Hauraki Athenree, Hauraki Waihou, Kauaeranga, Tairua, Whangamata, and Whangapoua CFL lands. The Iwi of Hauraki will also receive the accumulated rentals and New Zealand units associated with the CFL land purchased.

COMMERCIAL REDRESS PROPERTIES

Twenty-nine properties currently held in the Treaty Settlements Landbank will transfer to the Pare Hauraki Collective Commercial Entity (the Collective Commercial Entity) soon after the Deed is signed.

The Collective Commercial Entity will on-transfer these properties to the named Hauraki iwi shortly after the properties are received from the Crown.

A further 12 Landbank properties will transfer to the Collective Commercial Entity once the settlement legislation is passed. The Collective Commercial Entity will on-transfer these properties to individual Hauraki iwi shortly after the properties are received from the Crown.

RIGHT TO PURCHASE PROPERTIES

The Iwi of Hauraki will have the right to elect to purchase specified Crown-owned properties within 5 years after the settlement date.

RIGHTS OF REFUSAL

The Iwi of Hauraki will have a right of first refusal to purchase certain Crown properties if those properties become surplus to requirements. This right will be for a period of 178 years from the settlement date. The properties covered by this right of first refusal include:

- properties owned by the Crown within the Hauraki region on the settlement date;
- specified properties owned by Housing New Zealand, Waikato District Health Board, Waikato University and Maritime New Zealand;
- specified properties in Te Puna-Katikati; and

- specified properties acquired by the Crown since 1995 in the Waikato-Tainui RFR area.

The Iwi of Hauraki will also have a second right of refusal over specified Crown properties not purchased by Waikato-Tainui as part of the right of first refusal included in the Waikato Raupatu Claims Settlement Act 1995.

Minerals

Mineral extraction, especially gold, is central to the history of relations between the Crown and the Iwi of Hauraki. Its harmful effects are still felt in current times.

The Iwi of Hauraki will take ownership of any Crown-owned minerals found in land transferred to them as part of their Treaty settlements. This does not include minerals covered by section 10 of the Crown Minerals Act 1991 (ie. petroleum, gold, silver and uranium).

The Crown will involve the Iwi of Hauraki should it initiate a review of the ownership of gold and silver.

All land which is currently subject to Schedule 4 protection will continue to be subject to the same type of protection once owned by the Iwi of Hauraki. The Deed also provides for the Collective Cultural Entity to enter into a relationship agreement with the Ministry of Business, Innovation and Employment as the Crown agency responsible for minerals.

Questions and Answers

1. What is the total redress package?

The Pare Hauraki Collective Redress Deed provides cultural and commercial redress only. The Iwi of Hauraki will receive financial redress (as well as cultural and commercial redress) through their iwi-specific settlements.

2. Is there any private land involved?

No.

3. Are the public's rights affected?

Generally, no. Where land is transferred with a reserve classification then the relevant provisions of the Reserves Act 1977 (including those concerning public access) will continue to apply.

4. Are any place names changed?

Yes, a number of existing geographic names will change and some sites that do not currently have official names will be assigned geographic names. A full list is included in the Deed.

5. What is a statutory acknowledgement?

A statutory acknowledgement acknowledges areas or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the Resource Management Act 1991. These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were simply cleared or excavated for public works or similar purposes without permission or consultation with iwi. A statutory acknowledgement does not convey a property right and is non-exclusive.

6. 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 historical Treaty claims in the area have been settled.

7. When will the Deed take effect?

The redress described in the Deed will take effect following the signing of the Deed and/or the enactment of the legislation.

8. Do the Iwi of Hauraki have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

The Deed itself does not settle any claims. The historical claims of the Iwi of Hauraki will be settled through iwi-specific settlements.

When these individual deeds are signed and settlement legislation is passed there will be final and comprehensive settlements of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of the Iwi of Hauraki.

These settlements will still allow the Iwi of Hauraki to pursue claims against the Crown for acts or omissions after 21 September 1992 including claims based on the continued existence of aboriginal title of customary rights. The Crown also retains the right to dispute such claims or the existence of such title rights.

9. Who benefits from the Deed?

All members of the 12 Iwi of Hauraki wherever they may now live.

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