



RUKUTIA TE MANA

DEED OF SETTLEMENT BETWEEN THE CROWN AND NGĀTI RANGI

General background

Ngāti Rangi is an iwi whose area of interest extends from the western and southern foot of Mount Ruapehu. The principal townships within their area of interest are Ohakune and Waiouru.

In 2014, the Crown recognised the mandate of the Ngāti Rangi Trust to represent Ngāti Rangi in negotiating a comprehensive settlement of the historical Te Tiriti o Waitangi/Treaty of Waitangi claims of Ngāti Rangi with the Crown.

The Crown signed Terms of Negotiation with the Ngāti Rangi Trust in February 2015. On 15 March 2017, the Ngāti Rangi Trust and the Crown entered into an Agreement in Principle which forms the basis for this settlement.

On 17 August 2017, the Ngāti Rangi Trust and the Crown initialled a Deed of Settlement. The Deed of Settlement is subject to ratification by the Ngāti Rangi claimant community and conditional on the enactment of settlement legislation. Once ratified, the Deed of Settlement will be signed. On settlement, the trustees of the Ngāti Rangi Post Settlement Governance Entity will manage the settlement assets.

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, the Honourable Christopher Finlayson, represented the Crown in high-level negotiations with the Ngāti Rangi Trust.

Summary of the historical background to the claims by Ngāti Rangi

In 1840, Whanganui Māori with Ngāti Rangi affiliations signed te Tiriti o Waitangi and, in doing so, exercised their mana and committed themselves to a partnership with the Crown. In the decade that followed, Ngāti Rangi rangatira sold land for the establishment of a township, built whare in anticipation of the arrival of Europeans, and welcomed settlers into the district. Throughout the 1860s and 1870s, some Ngāti Rangi rangatira aligned themselves with the Crown during the New Zealand Wars as a strategy to maintain the rohe established by their tūpuna, and uphold their mana in a time of great change in the district. Despite Ngāti Rangi's allegiance to the Crown, the Crown labelled up-river Whanganui Māori as its opponents.

In the 1870s, Ngāti Rangi also began entering private leasing arrangements with Europeans without the Crown's involvement. However, the Crown prevented Ngāti Rangi from leasing their land to private parties, and became the lessee of the lands which it subleased to private parties. Before the 21 year leases had come to an end, the Crown had purchased more than half of the land Ngāti Rangi sought to lease. In the 1860s, the Crown introduced a series of native land laws which provided for the individualisation of Māori land holdings which had previously been held in tribal tenure. These laws made Ngāti Rangi's land more vulnerable to partition, fragmentation and alienation as the Crown's continued purchases of Ngāti Rangi land increased dramatically following the establishment of the Native Land Court. Ngāti Rangi sought to exercise tribal control over their lands through Te Keepa's Trust, but the Crown did not support this initiative. In the 1890s, Ngāti Rangi became strong supporters of the Te Kotahitanga movement to assert their rangatiratanga and protect their interests. However, the iwi felt they risked exclusion from the ownership of their lands if they did not participate in Court hearings.

In 1907, the Crown proclaimed the boundaries of the Tongariro National Park without consulting Ngāti Rangi. The Crown included a block of land that had not passed through the Native Land Court within the Park's boundaries, and has never sought to identify the customary owners of the land or pay them compensation. Wāhi tapu of immense significance to Ngāti Rangi are located on this block. Ngāti Rangi were excluded from the administration of the Park until the late 1980s.

As Ngāti Rangi's landholdings continued to diminish throughout the twentieth century, they sought to vest their remaining land and lease it to Europeans for 42 years, after which Ngāti Rangi intended to reoccupy the developed land. However, satisfactory arrangements were not made for Ngāti Rangi to pay compensation for the lessees' improvements, and the iwi were unable to reoccupy their lands until after they were incorporated in 1970. Additionally, the continued purchasing of Ngāti Rangi land by the Crown and private parties, and compulsory acquisitions by the Crown for public works projects meant that, of the 62,000 acres of Ngāti Rangi land owned in 1900, today the iwi retain only 13,500 acres. Public works projects also disrupted the natural environment in Ngāti Rangi's rohe: for example, the Crown diverted almost all of the water that flows from Mount Ruapehu into the tunnels and hydro-electric power stations of the Tongariro Power Development scheme without consulting Ngāti Rangi, leading to the ecological destruction of many of these waterways.

The extent of Ngāti Rangi's loss of land through the nineteenth and early twentieth centuries meant that the iwi's economic base was eroded, along with their ability to sustain themselves. Consequently, Ngāti Rangi have suffered poor housing, low educational achievement, and a lack of opportunities for social and economic development. This, in turn, has led to a dispersal of the Ngāti Rangi population to urban centres, and a loss of community, te reo Māori skills, and traditional cultural practices. Over the last few decades, due to a concerted effort by Ngāti Rangi, a revival based on the homeland community has begun.

Overview

The Ngāti Rangi Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Rangi 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, including:
 - Te Waiū-o-te-Ika Framework (Whangaehu River) redress
 - conservation redress,
 - Crown minerals redress,
 - a cultural fund, and
 - relationship redress.
- financial and commercial redress.

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

Crown acknowledgements and apology

The Deed of Settlement contains a series of acknowledgements by the Crown for its actions and omissions that have breached the Treaty of Waitangi and its principles. The Crown has made a series of acknowledgements to Ngāti Rangi for the Crown's actions which have caused the iwi prejudice, including the failure of the Crown to honour the Treaty of Waitangi from 1840, its acquisition of land and sites of immense significance to Ngāti Rangi for the Tongariro National Park, and the failure of the Crown to consult with Ngāti Rangi before constructing the Tongariro Power Development Scheme which has irreversibly affected the environment in Ngāti Rangi's rohe.

The Deed also includes the Crown's apology to Ngāti Rangi for its failure to honour the principles of the Treaty of Waitangi. Ngāti Rangi have acted as a genuine Treaty partner and friend of the Crown, but the Crown has not always upheld its side of the partnership nor recognised the service and sacrifices that Ngāti Rangi have made for the development of the country. Through its acknowledgments and apology, the Crown seeks to atone for the harm it has caused to Ngāti Rangi and rebuild its relationship with the iwi based on the Treaty of Waitangi and its principles.

Cultural redress

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

TE WAIŪ-O-TE-IKA FRAMEWORK (WHANGAEHU RIVER)

The settlement will provide for a redress framework for the Whangaehu River, Te Waiū-o-te-Ika.

Statutory recognition and values for Te Waiū-o-te-Ika

Under the settlement, Te Waiū-o-te-Ika will be recognised as a living and indivisible whole, from Te Wai-a-Moe (the Crater Lake) to the sea, comprising physical and metaphysical elements giving life and healing to its surroundings and communities.

The settlement also recognises a set of four intrinsic values that represent the essence of Te Waiū-o-te-Ika:

- Ko te Kāhui Maunga te mātāpuna o te ora:** The sacred mountain clan, the source of Te Waiū-o-te-Ika, the source of life.
Hapū, iwi and all communities draw sustenance and inspiration from Te Waiū-o-te-Ika's source upon Ruapehu extending to all reaches of the catchment.
- He wai-a-riki-rangi, he wai-ariki-nuku, tuku iho, tuku iho:** An interconnected whole; a river revered and valued from generation down to generation.
Hapū, iwi and all communities are united in the best interests of the indivisible Te Waiū-o-te-Ika as a gift to the future prosperity of our mokopuna.

- Ko ngā wai tiehu ki ngā wai riki, tuku iho ki tai hei waiū, hei wai tōtā e:** Living, nurturing waters, providing potency to the land and its people from source to tributary to the ocean.

Hapū, iwi and all communities benefit physically, spiritually, culturally and economically where water and its inherent life supporting capacity is valued and enhanced.

- Kia hua mai ngā kōrero o ngā wai, kia hua mai te wai ora e:** The latent potential of Te Waiū-o-te-Ika, the latent potential of its hapū and iwi.

Uplifting the mana of Te Waiū-o-te-Ika in turn uplifts the mana of its hapū and iwi leading to prosperity and growth for hapū and iwi.

The statutory recognition and values must be given appropriate consideration by persons exercising certain statutory functions, duties, or powers that relate to the River, or to activities in the catchment affecting the River.

Te Punga o Te Waiū-o-te-Ika

The settlement provides that Ngā iwi o Te Waiū-o-te-Ika may appoint an individual - Te Punga - to interact with relevant Ministers regarding issues relating to the implementation of Te Waiū-o-te-Ika framework, or the health and wellbeing of Te Waiū-o-te-Ika.

Te Waiū-o-te-Ika Entity

The settlement will create a River entity, with members appointed by relevant iwi and local authorities, to:

- prepare and approve a Whangaehu Catchment strategy document
- promote the statutory recognition
- advance the health and wellbeing and coordinated management of Te Waiū-o-te-Ika catchment, and
- engage with and provide advice to local authorities and Crown agencies in relation to Te Waiū-o-te-Ika catchment.

The Crown will provide a one-off contribution of \$400,000 to the cost of establishing the Te Waiū-o-te-Ika Entity and the development of the Whangaehu River strategy document.

CONSERVATION

The Deed of Settlement provides for the establishment of a joint committee of two members appointed by each of the Ngāti Rangi governance entity and the Department of Conservation to be the administering body of the following sites:

- Kiokio Conservation Area
- Mangaehuehu Scenic Reserve
- Mangateitei Road Conservation Area
- Ohakune Lakes Scenic Reserve (part not vested)
- Raketapauma Conservation Area
- Raketapauma Scenic Reserve
- Rangataua Conservation Area (including part of the Rotokura Ecological Area)
- Rangataua No.2 Conservation Area
- Rangataua Scenic Reserve, and
- Rotokura Lake Beds.

The settlement will also provide for the Minister of Conservation to appoint an interim member of the Tongariro-Taupō Conservation Board on the nomination of the Ngāti Rangi governance entity. Following settlement, Ngāti Rangi will also have input into a defined place in the Tongariro-Taupō Conservation Management Strategy.

CROWN MINERALS

The settlement legislation will provide for:

- a Crown acknowledgement of the spiritual, traditional, cultural and historical association of Ngāti Rangi with pākohe, onewa and matā
- any member of Ngāti Rangi who has written authorisation from the governance entity to access a defined area for the purpose of searching for and removing pākohe, onewa and matā by hand, without authorisation under the conservation legislation or a permit under the Crown Minerals Act 1991.

SITES VESTED IN NGĀTI RANGI

Five sites of cultural significance will be vested in fee simple in Ngāti Rangi:

- Rangatauanui (approx 23 ha)
- Rau Korokio (approx 18 ha)
- Te Tāuru (approx 6 ha)
- Te Urunga property (approx 0.1088 ha), and
- Wai-maire (approx 2.46 ha).

The following site will be vested in fee simple in Ngāti Rangi subject to a conservation covenant:

- the Beds of Rotokura Lakes (approx 13 ha).

SITE TO BE VESTED AND GIFTED BACK

On the 1st 9th of November after the settlement date, the New Zealand Defence Force lands at Waiouru within the Raketepauma Land Block will be vested in the Ngāti Rangi governance entity who will gift it back 7 days later to the Crown for the people of New Zealand.

OVERLAY CLASSIFICATION

The settlement provides for an overlay classification over part of Hihitahi Forest Sanctuary. An overlay classification acknowledges the traditional, cultural, spiritual and historical association of Ngāti Rangi with a certain site of significance. The declaration of an area as an overlay classification provides for the Crown to acknowledge iwi values in relation to that area.

STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

A statutory acknowledgement recognises the association between Ngāti Rangi and a particular site or area and enhances the iwi's ability to participate in specified resource management processes. Deeds of Recognition oblige the Crown to consult with Ngāti Rangi on specified matters and have regard to their views regarding their special associations with certain areas.

The Crown offers a statutory acknowledgement and/or a deed of recognition over the following areas:

- Auahitōtara Pā
- Part of Hautapu River
- Part of Moawhango River
- Part of Ngaurukehu Scientific Reserve
- Part of Ngāmatea Swamp
- Part of Ohakune Lakes Scenic Reserve
- Part of Turakina River
- Parts of Upper Waikato Stream (Waikato-Iti), and
- Te Onetapu (Rangipō Desert).

Two additional deeds of recognition for Te Waiū-o-te-Ika (the Whangaehu River) are also provided, one for Ngāti Rangi and one for the Te Waiū-o-te-Ika Entity.

PLACE NAME CHANGES

The settlement legislation will provide for 33 official geographic name changes. Place names recognise iwi associations with geographic areas. Thirty-three place names will be changed/altered, including the presently officially unnamed places of:

- the historic site of Auahitōtara Pā
- Hautapurua Stream
- Kutaroa Stream
- Kutaroa Swamp
- the historic site of Ngā Rimutāmaka
- the historic site of Ō-taha-te-kapua Kāinga
- Raketapauma Wetland, and
- Rangatauaitei (the smaller of the two Ohakune Lakes) and Rangatauanui (the larger of the two Ohakune Lakes).

The settlement legislation will provide that the name of the Ohakune Lakes Scenic Reserve is to be changed to Ngā Roto-o-Rangataua Scenic Reserve.

CULTURAL FUND

The Ngāti Rangi governance entity will receive \$167,000 for a cultural fund.

Fisheries regulations

The settlement provides that the Ministry of Primary Industries and the Ngāti Rangi governance entity will develop customary non-commercial fisheries regulations for those parts of the Whangaehu River within the Ngāti Rangi area of interest.

Register of Hearing commissioners

The settlement provides for the establishment of a Te Waiū-o-te-Ika catchment register, maintained by the Te Waiū-o-te-Ika Entity, of accredited hearing commissioners which may be appointed to consider certain resource consent applications relating to the Whangaehu River.

Relationships

PARTNERSHIP/RELATIONSHIP AGREEMENTS

The Deed of Settlement will provide for the Ngāti Rangi governance entity to enter into partnership and relationship agreements with:

- the Department of Conservation
- the Ministry of Education
- the Ministry for the Environment
- the Ministry of Social Development
- the Ministry for Vulnerable Children Oranga Tamariki
- the New Zealand Defence Force
- Te Puni Kōkiri, and
- a Justice Sector relationship agreement with the Department of Corrections, Ministry of Justice, and New Zealand Police.

PROTOCOLS

The Deed of Settlement will provide for a Taonga Tūturu Protocol to facilitate a good working relationship between Ngāti Rangi and the Ministry of Culture and Heritage.

LETTERS OF COMMITMENT AND RECOGNITION

The Deed of Settlement will provide for letters of commitment from the the Ministry of Business, Innovation and Employment, Department of Internal Affairs and Te Papa Tongarewa, and a letter of recognition from the Ministry for Primary Industries to the Ngāti Rangi governance entity.

LETTERS OF INTRODUCTION

The Minister for Treaty of Waitangi Negotiations will write letters of introduction to the following local authorities to raise the profile of Ngāti Rangi, advise of matters of particular importance to Ngāti Rangi, and encourage the local authorities to better engage with Ngāti Rangi:

- Horizons Regional Council
- Rangitikei District Council
- Ruapehu District Council
- Taupō District Council
- Waikato Regional Council, and
- Whanganui District Council.

Financial and commercial redress

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

FINANCIAL REDRESS

The total value of financial and commercial redress for Ngāti Rangi is \$17 million, plus interest. This is made up of:

- a \$50,000 on-account payment
- \$50,000 for cultural revitalisation, and
- commercial redress properties.

COMMERCIAL REDRESS

Ngāti Rangi will receive the following commercial redress properties:

- Ohakune Police Station (land only, to be leased-back to the Crown, transfer value \$173,065)
- Waiouru Police Station (land only, to be leased-back to the Crown, transfer value \$73,751), and
- Karioi Crown Forest Licensed Land (transfer value \$8.181 million).

Ngāti Rangi will also receive:

- the right to purchase for two years after the settlement date either Ohakune Primary School site (land only) or Ruapehu College site (land only) subject to its lease back to the Crown
- an exclusive right of first refusal for 177 years from the settlement date to purchase specified Crown land, should it be declared surplus, and
- a shared right of first refusal with Mōkai Pātea for 177 years over other specified Crown land, should it be declared surplus.

Ngāti Rangi and the New Zealand Defence Force are negotiating the possible sale and lease-back of non-surplus defence land and the construction of housing on that land. Subject to the governance entity and the New Zealand Defence Force reaching agreement, the settlement legislation will enable the transfer of land to the Ngāti Rangi governance entity for the construction of houses.

Questions and Answers

1. What is the total settlement package?

The Ngāti Rangi Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Rangi 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, including:
 - Te Waiū-o-te-Ika Framework (Whangaehu River) redress
 - conservation redress,
 - Crown minerals redress,
 - a cultural fund, and
 - relationship redress
- financial and commercial redress with a total value of \$17 million plus interest.

2. Is there any private land involved?

No.

3. Are the public's rights affected?

In general no. A small number of conservation sites will be transferred to Ngāti Rangi with reserve status revoked.

4. Are any place names changed?

Yes. There are 33 place names being changed by this settlement – refer to the full Deed of Settlement.

5. What are statutory acknowledgements and deeds of recognition?

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

Deeds of recognition set out an agreement between the administering Crown body (eg. the Minister of Conservation, the Chief of the Defence Force and the Commissioner of Crown Lands) and a claimant group in recognition of their special association with a site and specify the nature of their input into the management of the site.

6. What is an overlay classification?

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of an iwi with certain sites of significance administered by the Department of Conservation.

An overlay classification status requires the Minister of Conservation and the settling group to develop and publicise a set of principles that will assist the Minister to avoid harming or diminishing values of the settling group with regard to that land. The New Zealand Conservation Authority and relevant Conservation Boards will also be required to have regard to the principles and consult with the settling group.

7. 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.

8. When will the settlement take effect?

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

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

No. When the deed is signed and settlement legislation is passed it will be a final and comprehensive settlement of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Ngāti Rangi. The settlement legislation, once passed, will prevent the iwi re-litigating the claim before the Waitangi Tribunal or the courts.

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

10. Who benefits from the settlement?

All members of Ngāti Rangi wherever they may now live.

