



# JOURNEY TO SETTLEMENT



*Te umu tīrama nuku, Te umu tīrama rangi  
Ko koe kei wetekia noatia e koe  
Whiwhia ōu ngākau ōu mahara  
Kia puta ki te whaiāo ki te ao mārama.  
Tēnā te umu ka eke, Te umu kei a koe  
Nā te umu o ēnei kōrero  
Ka mā ngā koromatua  
Ka mā hoki tēnei tangata*

# Contents

Crown Apology to Heretaunga Tamatea	1
Our Roll of Honour	2
He Tohu Maumahara	4
Message from the Chairs	5
Changes Along The Way	8
Help Along The Way	9
Negotiation Teams	12
Milestones To Settlement	13
Te Whare Kōrero	14
Communications Strategy	15
Our Call Centre Team	16
Key Relationships	18
Key Assurances	19
Total Cost Of The Claim	20
Conclusion	26
Deed Of Settlement	28



# CROWN APOLOGY TO HERETAUNGA TAMATEA

## TE WHAKAPĀHATANGA

E tāpaetia ana e te Karauna tēnei whakapāhatanga ki ngā tīpuna, ki ngā hapū, ki ngā whānau, ki ngā mokopuna hoki o Heretaunga Tamatea.

Inā kē te nui o te whakapāha a te Karauna i te rite tonu o tana kore i hāpai i te pātuitanga i manakohia ai e te Tiriti, i whāia ai hoki e ngā tīpuna o Heretaunga Tamatea mai i ngā tau 1840. E whakapāha mārika atu nei te Karauna, he rite tonu tāna takahi i te Tiriti o Waitangi, mō 'ngā mamae me ngā tūkino' i hua mai ai ki ngā whakatipuranga o Heretaunga Tamatea i ēnei takahitanga.

E whakapāha ana te Karauna i te tini o ana kaupapa here, o ana mahi, o ana hapa nā reira i tata whenua kore ai ngā whānau me ngā hapū o Heretaunga Tamatea. I ngā tau 1850, i whakamahi ai te Karauna i ana whakaritenga muna me ētahi atu rautaki whakawehewehe ki te hoko i ētahi wāhanga nui rawa atu o ngā whenua o Heretaunga Tamatea, ka mutu, i te nuinga o te wā, kāre ngā tāngata nō rātau te mana whenua i taua rohe i mōhio, kāre rānei i whakaae. E tino whakapāha ana te Karauna i runga i tana mōhio nā ana rautaki hoko i tutū ai te puehu i waenga i tō iwi, me te aha, ka hua ko te riri, ko te wharanga me te matenga o te tangata.

I whakatauhia e te Karauna ngā ture whenua nā reira i kino kē atu ai te rawakoretanga o ngā hapū o Heretaunga Tamatea. I te tīmatanga o te rautau rua tekau, he wāhanga iti noa iho nō ngā whenua o Heretaunga Tamatea i ngā ringaringa tonu o te Māori, engari ka haere tonu ngā mahi hoko whenua a te Karauna, ka mutu, i ētahi wā, nā aua mahi i kaha pēhi ngā tāngata takitahi nō rātau ngā whenua. E tāpaetia ana e te Karauna ana whakapāha nui mō āna mahi nā reira i wehe ai koutou i te whenua i noho rā hai oranga mō ō koutou tīpuna mō ngā whakatipuranga e hia nei, i kore ai hoki tā koutou āhei ki te toro ki ō koutou roto, ki ō koutou awa, ki ō koutou whenua kueo me ō koutou puna.

E tino whakapāha ana te Karauna, nā tāna takahi i te Tiriti o Waitangi i tino uaua ai tā koutou whai i ngā ara ā-ōhanga, ā-pāpori hoki, i ngahoro ai ō koutou anga ā-iwi, i raru ai tō koutou oranga, e tino taupatupatu nei ki ngā hua o te pātuitanga i mahara ai koutou ka riro i a koutou i runga i tā te Karauna i oati ai i ngā tau 1850.

E whakapāha ana te Karauna i tana kore i whakautu tika ki ngā whakatipuranga o Heretaunga Tamatea kua whai nei i te tika mō tō rātau iwi. E mihi ana te Karauna ki ērā kāre i te ora tonu ki te kite i te otinga o tēnei whakataunga.

E tūmanako ana te Karauna, mā tēnei whakataunga me tēnei whakapāhatanga, ka mahea ake te taumaha o ngā nawe me te mamae kua pīkaungia e ngā whānau me ngā hapū o Heretaunga Tamatea mō te hia whakatipuranga. E anga whakamua ana te Karauna ki te whakamārō ake i te taura hono ki ngā hapū o Heretaunga Tamatea e whiria ana ki ngā here o te whakapono, o te mahitahi, o te whakaaro nui o tētahi ki tētahi, o te Tiriti o Waitangi hoki me ōna mātāpono.

## CROWN APOLOGY

The Crown offers this apology to the tīpuna, hapū, whānau, and mokopuna of Heretaunga Tamatea.

The Crown is profoundly sorry that it has repeatedly failed to uphold the partnership envisaged by the Treaty and sought by the tīpuna of Heretaunga Tamatea since the 1840s. The Crown unreservedly apologises for its repeated breaches of the Treaty of Waitangi, and for 'ngā mamae me ngā tūkino', or the pain and damage, that these breaches have caused to generations of Heretaunga Tamatea.

The Crown regrets its many policies, acts, and omissions that have contributed to the whānau and hapū of Heretaunga Tamatea being left virtually landless. In the 1850s, the Crown used secret transactions and other divisive tactics to purchase huge areas of Heretaunga Tamatea land, often without the knowledge or consent of local customary owners. The Crown is deeply sorry that its purchasing tactics created tensions among your people that culminated in war, injury, and death.

The Crown introduced land laws that facilitated the further dispossession of the hapū of Heretaunga Tamatea. At the beginning of the twentieth century only a fraction of Heretaunga Tamatea lands remained in Māori ownership, yet the Crown continued to purchase land, often through measures that placed considerable pressure on individual owners. The Crown offers its profound apologies for its actions that alienated you from the whenua that had sustained your ancestors for generations, and deprived you of access to your lakes, rivers, wetlands, and springs.

The Crown is deeply sorry that its breaches of the Treaty of Waitangi have severely limited your economic and social opportunities, eroded your tribal structures and undermined your well-being, in stark contrast to the benefits of partnership that the Crown led you to expect in the 1850s.

The Crown regrets that it has failed to respond appropriately to the generations of Heretaunga Tamatea who have worked to obtain justice for their people. The Crown pays tribute to those who have not survived to see this settlement completed.

Through this settlement and this apology, the Crown hopes to ease the burden of grievance and sorrow that the whānau and hapū of Heretaunga Tamatea have carried for generations. The Crown looks forward to restoring a relationship with the hapū of Heretaunga Tamatea that is built on trust, co-operation, and respect for each other and the Treaty of Waitangi and its principles.

“C. Finlayson”

Hon Christopher Finlayson  
Minister for Treaty of Waitangi Negotiations

# Our Roll of Honour

	<b>WAI Claim</b>	<b>Named Claimant</b>
69	Rangaika Reserve Claim	Eru Smith
71	Mangateretere West Block Claim	Margaret McGuire
127	Puketapu - Fernhill Claim	Waipa Te Rito
161	Waipukurau Block Claim	Don Ihaia Hutana
201	Wairoa ki Wairarapa Claim	
263	Te Koau Block and Ruahine Ranges Claim	Marei Apatu
270	Kairakau Block Claim	James Broughton
378	Owhaoko C3B Block Claim	Wero Karena
382	Kaweka Forest Park and Ngaruroro River	Wero Karena
397	Gwavas Forest Park Claim	Rawiri Eparaima Kamau, Tuterangi Nepe-Apatu, Owen Jerry Hapuku, David Gary Tamati
401	Renata Kawepo Estate Claim	Kenneth Renata Broughton
402	Pt Ngaruroro Riverbed Claim	Mare Kupa
516	Waingongoro Stream Claim	Ngamoia Gillies
527	Paki Paki School House Claim	Tanira Te Au
536	Pakowhai Native Reserve and Ngaruroro River Bed Claim	Ashley Apatu
574	Karanema Reserve Claim	Mereana Wickliffe-Belcher
595	Heretaunga Aquifer Claim	Marei Apatu
596	Ngatarawa Block Claim	Olivia Thompson on behalf of Irimana Heemi
610	Omarunui Lands Claim	Angela Harmer
652	Tamaki-Nui-a-Rua Rohe Claim	Josphine Hape
657	Aorangi Settlement Claim	Elizabeth Helen Graham and John Barry Smith
692	Napier Hospital Services Claim	Hana Cotter
768	Korongata Land Blocks (Heretaunga) Claim	David Gary Tamati and Ngaraurekau Michael Tamati
769	Waipapa No. 3 and Other Blocks (Heretaunga) Claim	Ngaraurekau Michael Tamati and David Gary Tamati
799	Karanema Reserve - Te Mata Peak Claim	John Pollet
816	Ngāti Whatui-A-Piti Rohe Claim	Michael Allan Reti-Kaukau
850	Cape Kidnappers Claim	Ngāti Whatui-A-Piti Rohe Claim Michael Allan Reti-Kaukau
852	Kahungunu Petroleum Claim	Hawea Moananui
885	Peka Peka Blocks (South Hastings) Claim	Michael Douglas, Harris Junior
1021	Ngāti Te Whatuiapiti Land Reserves Claim	Kahu Pene
1188	Kenrick Whānau Pekapeka land Claim	May Kenrick
1232	Ngāti Kere Heretaunga and Tamatea Lands and Resources Claim	Ahitana Hawea
1233	Ngāi Te Kikiri o Te Rangi Heretaunga and Tamatea Lands and Resources Claim	John Barry Smith, AHIRANGI HEPERI, Tahu Heperi, Dr Peter Sharples, Mandy Crawford and Roger Maaka
1234	Rongo a Tahu Heretaunga and Tamatea Lands and Resources Claim	John Barry Smith
1235	Ngāti Pōporo Heretaunga and Tamatea Lands and Recourses Claim	Alice Hopa
1236	Ngāi Te Rangikoianake Heretaunga and Tamatea Lands and Resources Claim	Haami Hilton

	<b>WAI Claim</b>	<b>Named Claimant</b>
1237	Hapū of Houngarea Marae Heretaunga and Tamatea Lands and Resources Claim	Waa Harris
1238	Hapū of Mangaroa Marae Heretaunga and Tamatea Lands and Resources Claim	Cordry Huata
1239	Hapū of Matahiwi Marae Heretaunga and Tamatea Lands and Resources Claim	Dawn Kingi
1240	Ngāti Mihiroa Heretaunga and Tamatea Lands and Resources Claim	Karanema Bartlett
1241	Hapū of Omāhu Marae Heretaunga and Tamatea Lands and Resources Claim	Frances Te Moana
1242	Hapū of Ruahapia Marae Heretaunga and Tamatea Lands and Resources Claim	Michael Paku
1243	Hapū of Te Awhina Marae Heretaunga and Tamatea Lands and Resources Claim	Hiraani Awarangi
1244	Hapū of Waipatu Marae Heretaunga and Tamatea Lands and Resources Claim	Manu Vercoe
1245	Hapū of Waimarama Marae Heretaunga and Tamatea Lands and Resources Claim	Ngahiwi Tomoana
1246	Ngāi Te Whatuiāpiti Heretaunga and Tamatea Lands and Resources Claim	Jenny Nelson
1344	Te Orora (Peka Peka) Claim	Turi Pohatu
1345	Te Orora (Tuingara Point Native Reserve) Claim	Jill Munroe
1346	Nga Uri o Te Hapuku Claim	John Pollet and Myrtle Ratapu
1348	Parahaki Claim	Te Riria Tomlins - Stone
1351	Ruaumoko Incorporated Claim	Ripia Waaka
1418	Heretaunga Plains Claim	Rose Mohi
1419	Horonui Station Claim	Rama Smith
1425	Ngāti Hinemanu (Te Rito and others) Claim	Waipa Te Rito
1429	Ngāti Mihiroa (Marine Mammals Protection Act) Claim	Marcus Stone
1453	Ngāti Mihiroa and Ngāti Ngarengare (Smith-laea) Claim	Janine Smith-laea
1456	Te Aute College Claim	Gary Meroiti
1567	Ngaruroro River and Kohupatiki Marae Claim	Mike Paku
1570	Soldiers Settlement Act and Māori Social and Economic Advancement Act Claim	Amber Logan -Riley
1581	Descendants of Tunui-a-rangi Rupuha Te Hianga and Ripeka Rupuha Lands Claim	
1835	Ngāti Paki and Ngāti Hinemanu (Winiata, Lomax, Cross, and Teariki) Claim	Christine Te Ariki
1853	Pukehou and other blocks (kiripatea) Claim	
1893	Ngāti Kahungunu Lands and Resources (Pene) Claim	Kahu Pene
1946	Descendants of Te Hāpuku (Roach) Lands Claim	
1948	Heretaunga Plains Lands (Moananui) Claim	Hawea Moananui
1951	Descendants of Hineipaketia Waipukurau Block Claim	Don Hutana
1984	Ngāti Mihiroa and Ngāti Kahungunu Local Government and Rating Claim	Donna Keefe
1985	Waimarama Lands and Waterways (Grey) Claim	
2051	Kenrick Whānau Mental Health Claim	Maysie Kenrick
2144	Poukawa Lake (Grey) Claim	
2332	Te Aute College Claim II	

# He Tohu Maumahara

Hāro ake rā e taku kāhu  
Kanohi hōmiromiro  
Mātaia rā ngā ararau ki Heretaunga  
Tae noa atu ki ngā whenua i takahia e Tamatea.  
Ko mātou ēnei ō koutou pōnonga  
E tuku atu nei i ēnei kupu kī taurangi  
Kia tutuki ai te āhuetanga ki a rātou kua wehe atu ki tua  
Ki a tātou hoki me ō tātou uri whakaheke.  
Ki te hoe e hika ma, ki te hoe!!!

Otirā, koutou kei te wāhi ngaro  
Kei ngā mana kei tua o pae mahara  
Me moe mai koutou ki te pō  
Oki oki mai, haere atu rā

Ministerial speeches in Parliament are notorious for referring to the many claimants who passed before the settlement legislation was enacted. The same can be said of members of governing boards of the mandated negotiation groups. Many claimants of Heretaunga Tamatea were to pass before the 3rd and final reading and were fondly remembered on 21 June 2018.

Taumata members of He Toa Takitini who have passed were very much on everyone's minds that day also. Matahiwi was always at the HTT table with Pikihoru Mulligan; likewise for the Aorangī Māori Trust Board with Aunty Ahi Heperi. Mike Kaukau continued to support HTT despite the wish for a discrete negotiation. Many times, Ngāmoa Gillies would come to a Taumata meeting straight from a hospital appointment to update the Taumata on Waimarama's position on different matters. Tama Huata's signing of the Agreement In Principle was pivotal.



# Message From The Chairs

From the beginning of direct negotiations early in 2008 to 2018, He Toa Takitini was fortunate to have three Chairpersons of standing. Each reign was distinctive and reflective of the Crown's changing priorities in the journey to each milestone. Each Chair was perfect for each period.

## Peter Paku: 2008 - 2010

Ruahāpia representative, Peter Paku, held the Chair in the early stages of He Toa Takitini from 2003 and again from 2009 to 2010 when He Toa Takitini was reconstituted. A critical period, Heretaunga Tamatea grappled with going to the Waitangi Tribunal or to direct negotiations with the Crown, which was ultimately decided in 2008. Working closely with the then Project Manager, Marei Apatu, and lawyer, Grant Powell, significant research projects were undertaken under his leadership and the Mandate strategy was agreed. Peter led the early discussions on the Deed of Mandate and established the operations team of He Toa Takitini.

“Everything was on the go at the time. Many of the early ones thought they would own the claims and the redress. It couldn't be hapū because of the sheer numbers. We had 128 hapū. We did have 28 marae but I recall being firmly reminded by one gentlemen that I had promised to revisit hapū.”

“I couldn't have done this without Marei. I saw all the work that had to be done, with no funding. I don't know how he did it. It was his four chiefly lines. He was able to talk to everybody. He had the Taiwhenua o Heretaunga backing”.

“I was delighted when Treaty Minister, Chris Finlayson, approved the additional \$ 5 million



redress for Te Aute, especially with him being a good Catholic. And he took the time to walk through the entire Te Aute School site that day when the Deed of Settlement was signed. He missed out on lunch though and his advisors almost did too. Although they were in the dining room, protocol required them to wait for the Minister who was taking the grand tour of Te Aute at the impromptu invitation of four of the Te Aute students”.



## Professor Roger Maaka: 2010 - 2013

Te Rongo a Tahu representative, Professor Roger Maaka, stepped in to Chair He Toa Takitini from 2010 to 2013. Dean of EIT's faculty of Maori Studies, Te Uranga Waka at the time, Roger ably led HTT through the Deed of Mandate and the period that followed where timeframes were moving out, funds had to be stretched and discussions were heating up on the proposed Hawke's Bay Regional Planning Committee.

Countless letters were being written to the Crown Forestry Rental Trust and the Office of Treaty Settlements, to secure advanced claimant funding, to no avail. A small but short-lived reprieve came with the Government Share Offer and its administration budget. In the end the office was wound down to provide minimum support.

This period was notable for discussions with neighbouring Kahungunu negotiation teams, local and regional authorities and early negotiations with the Crown. It was also a time when other Iwi negotiations lent their experiences to support Heretaunga Tamatea, namely Chris MacKenzie, Tukuroirangi Morgan and Sir Tipene O'Regan.

Tamatea's quest for autonomy within the post-settlement environment was also important. Describing himself as "just another local lad from Takapau", Roger aspired to a model where a mother could raise her whānau in Takapau.



A momentous event was the meeting with former Minister for Treaty of Waitangi Negotiations, the Hon. Chris Finlayson to discuss the RPC. This was the first time our tīpuna led the ope in to the meeting. Their photos looked grand when they were seated in the front row next to our paepae and together with Haami Hilton and Jerry Hapuku, they presented the claims of Heretaunga Tamatea to the Minister.

Significant also was that He Toa Takitini did not disintegrate but continued to negotiate through clearly uncertain times. As Roger would say, "The negotiation was the only game in town".



## Dr David Tipene-Leach: 2013 - 2018

Rongomaraeroa representative, Dr David Tipene-Leach was the third and final Chairperson of He Toa Takitini from 2013 to 2018. A medical practitioner with neighbouring Te Taiwhenua o Heretaunga, this period is noted for all but two of the major settlement milestones as well as the historic Whare Kōrero where claimants presented their claims directly to the Crown.

The demands of the period were such that David took leave from his medical practice to focus solely on the negotiation. It meant the Chair could lead out all the consultation and information sharing hui undertaken throughout the motu. It was an intensive time with pivotal decisions being made along the way. For example:

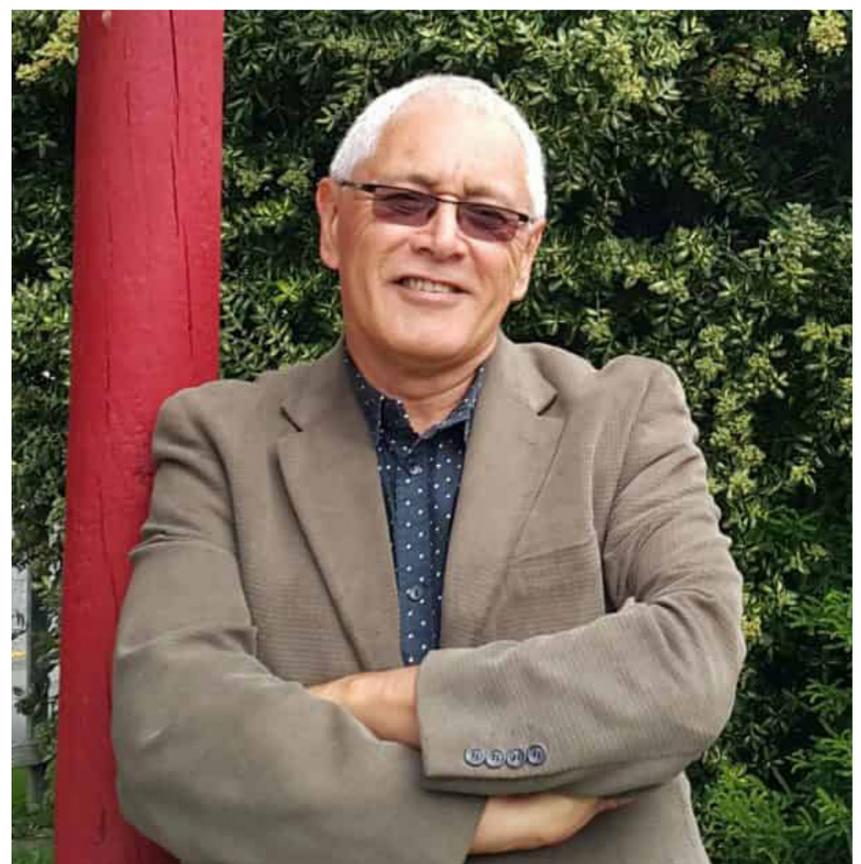
- Achieving Heretaunga Tamatea-wide support for the Agreement In Principle;
- Qualified support from the people of Tamatea for the proposed post-settlement governance entity on the promise of a review following enactment of the settlement legislation;
- Securing the agreement of the Taumata to the quantum offer.

\$100 million was the 3rd offer, and although it was far below expectations all around, it was an achievement, especially when we knew it had exceeded the Crown's original framework, foreshadowed previously in the government share offer negotiations.

Pivotal above all was the unanimous support given by our people to seek an overdraft facility, achieved at two hui-a-iwi in 2014. Until then, it was difficult to hold a strong position against a Crown proposal. From thereon however, the playing field evened

out and HTT saw rapid progress toward the Deed of Settlement that was signed one year later.

Memorable for David was the high participation rates of Heretaunga Tamatea who voted en mass in support of the post-settlement governance entity and later, the Deed of Settlement. The "yes" vote was significant at 96% but more important was the trust it showed from the voters. HTT's message was "let's get this settlement over the line and we will revisit the model after that".



Undeniably of all momentous moments for the 3rd and final HTT Chair was the 3rd and final reading of the Heretaunga Tamatea Claims Settlement Bill. "It was indeed a day to remember".



# Changes Along The Way

Changes occurred in the Taumata o He Toa Takitini along the way. Many have continued to interact with HTT when their busy schedules have allowed. Matua Haami has continued to lead the paepae at all the major milestone ceremonies.

Member	Claimant Group	Term
Ahi Heperi	Aorangi Māori Trust Board	2009 - 2010
John Barry Smith		2010 - 2013
Haami Hilton Libya	Kahurānaki Marae	2009 - 2012
Walker Kevin Tamati	Kairākau Lands Trust	2009 - 2013
Jill Munroe Johnny	Korongatā Marae	2009 - 2016
Nepe-Apatu Frank	Pourērere Marae	2009 - 2013
Kotua Parekura	Rākautātahi Marae	2009 - 2010
Beattie Paora		2010 - 2012
Gemmell Cathy	Rūnanga Marae	2009 - 2010
Pekepo Roger		2010 - 2013
Maaka Fiona	Te Tapairu Pā	2009 - 2013
Conrad	Te Rongo a Tahu Marae	2009 - 2013
	Te Whatuiāpiti Marae	2009 - 2013
Keith Hape	Te Whatuiāpiti Tribal Authority	2009 - 2012
Ngamoā Gillies	Waimārama Marae	2009 - 2015
Ngatai Huata	Waipatu Marae	2009 - 2013
Tama Huata		2014 - 2014
	Paratene Te Huia	
	Tip Tutaki	
	Ron Toatoa	
	Pikihoro Mulligan	



# Help Along The Way

Along the way He Toa Takitini has received support from key individuals that has been highly valued.

## Other Negotiators

Wānanga held early in the process provided opportunities for the Taumata to hear of the experiences of other Iwi, which had already settled.

Tukuroirangi Morgan shared the experience of Waikato-Tainui in negotiating the claim for the Waikato River and the resulting co-governance model. His key message was the importance of Ministerial relationships and establishing the terms of engagement. An invitation was also extended to the Taumata to visit with Waikato-Tainui that included a walk-through of the Te Awa Hub complex and a valuable presentation about the Inner Port (a proposal at the time) from Tainui Group Holdings executives.

Chris McKenzie provided an inside glimpse of Ngāti Raukawa's negotiation within the multi-iwi Waikato River negotiation. It was captivating. His presentation also provided an important steer that He Toa Takitini would later use when negotiating the historical account. Another pivotal message was the

importance of keeping the door open to whānau and/or claimants who chose to get off the bus in the course of the negotiation.

Sir Tipene O'Regan graced He Toa Takitini with a keynote address in the Chambers of the Hastings District Council. Being the first of the historical Treaty claims to be settled, there was much to learn from the Ngāi Tahu experience. The value add from Sir Tipene was about being clear where the bus was going when negotiating specific pieces of redress.

Tūhoe negotiation team, Tāmati Kruger and Kirsty Luke gave an insider look at post-settlement issues to HTST. In their experience committing iwi resources brought tino rangatiratanga for Ngāi Tūhoe rather than seeking contract funding from the government as many iwi have had to do to deliver services to their own people.



## Crown Ministers

Access to Crown Ministers made the difference at key times during the negotiation.

Hon. Meka Whaitiri from Kohupātiki Marae provided valuable support at the Māori Affairs Select Committee hearing in Havelock North earlier in 2018. It was received well by claimants to see Meka sitting amongst her Parliamentary colleagues. Meka's presence and support at important ratification Hui along the way also gave confidence to the wider whānau whānui of Heretaunga Tamatea that the negotiation was heading in the right direction.

The Aorangi negotiation proved to be a major challenge. Bringing the Hon. Sir Pita Sharples in to the negotiation was an important move, benefiting both HTT and the Crown in that it signalled the Aorangi claim was being escalated beyond the Crown officials.

The king hit came when the Hon. Sir Geoffrey Palmer QC agreed to seek an audience with Minister Finlayson on He Toa Takitini's behalf. Having met with the Aorangi Maori Trust Board beforehand, a discrete settlement was inevitable from that point on.



## Specialists

He Toa Takitini has promoted the use of its own specialists wherever possible in the course of the negotiation. Taterere (Jeremy) McLeod undertook the lengthy task of translating and reviewing significant sections of the Deed of Settlement. His mastery of Te Reo Rangatira provided confidence to HTT and also to the Crown translators who, like Taterere, were graduates of Te Panekiretanga.



Pohatu Paku and local historian, Patrick Parsons, undertook significant work in recording historical sites of significance within Heretaunga Tamatea. Stage 2 of this workstream will commence in the post-settlement phase.



## Legal Advice

Grant Powell and his associates provided early legal advice, concluding with the Deed of Mandate. Various combinations followed thereafter with Baden Vertongen taking instructions for the Deed of Settlement and all subsequent stages.

This relationship has been very respectful and collaborative. Baden's significant memory of the negotiation was "the 3rd reading was a highlight - the haka and waiata after the MPs had finished was spine-tingling".

"But probably one of the more memorable moments was the way we had to get the Deed to Amend signed off in early 2017. You'll remember that it came down to the wire and I had to travel up with copies, and spare paper for even more last minute changes, and work with the team in your office to get a final version ready for signing. The way that all came together is probably indicative of the last minute, high stress nature the negotiations and that it all turns out perfect in the end because of the way the HTT team just did whatever was needed to make things happen."

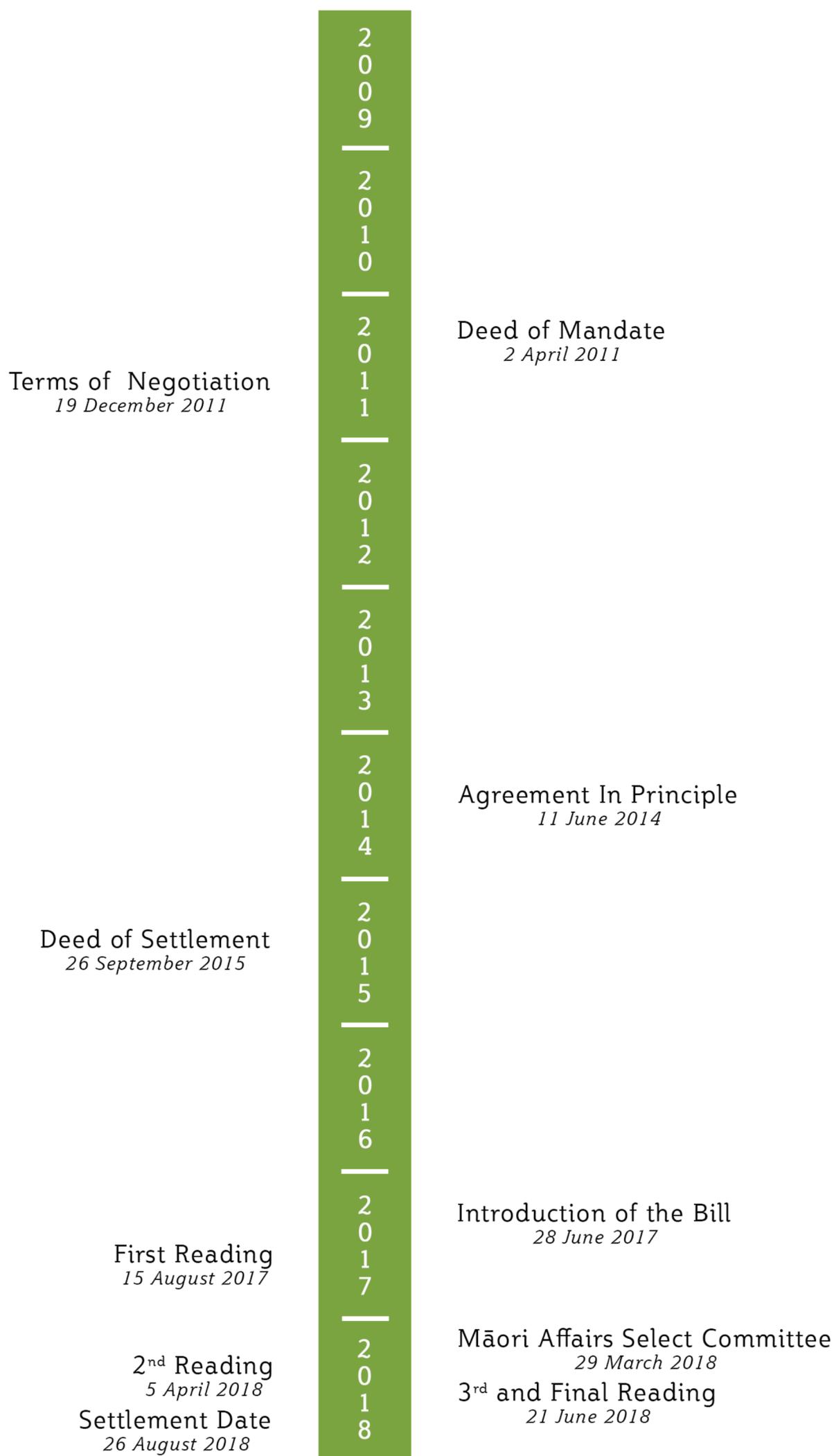
# Negotiation Teams

The diagram below sets out the two parties to the Heretaunga Tamatea negotiation. Whilst there were some changes at the Taumata level, the He Toa Takitini negotiation team remained largely unchanged. The Crown team, on the other hand, had numerous changes amongst the Crown officials and there was a change in Chief Negotiator mid-way through the negotiation. HTT saw this as strength and an opportunity.



# Milestones To Settlement

The settlement milestones in the Heretaunga Tamatea negotiation spanned ten (10) years from the Mandate Strategy to the enacting Heretaunga Tamatea Claims Settlement Act 2018. Little needs to be added other than the milestones and the respective dates that these were achieved. The pictorial presentation speaks for each milestone quite ably.



# Te Whare Kōrero

The Whare Kōrero was a four day mini-tribunal hui held in June 2013. It provided the opportunity for claimants to present their claims directly to the Crown in a forum that had been denied when the Crown and He Toa Takitini agreed to direct negotiations to settle the claims.

Some 56 presentations were made to the former Governor General, the Hon. Sir Anand Satyanand and Chief Crown Negotiator, Patrick Snedden who presided over the Whare Kōrero. A number of significant politicians also attended on Day One (1), made possible by Meka Whaitiri who was in the opposition in those days, prior to her rise to a

Minister of the Crown. This was also another occasion where large photos of tīpuna entered the Wharenui at the beginning of proceedings.

From one perspective it kept Heretaunga Tamatea busy whilst the Crown attended to other priorities and the timeframe for achieving the Agreement In Principle was moved out. From another, the Whare Kōrero provided for the grievances to be heard in a formal setting.



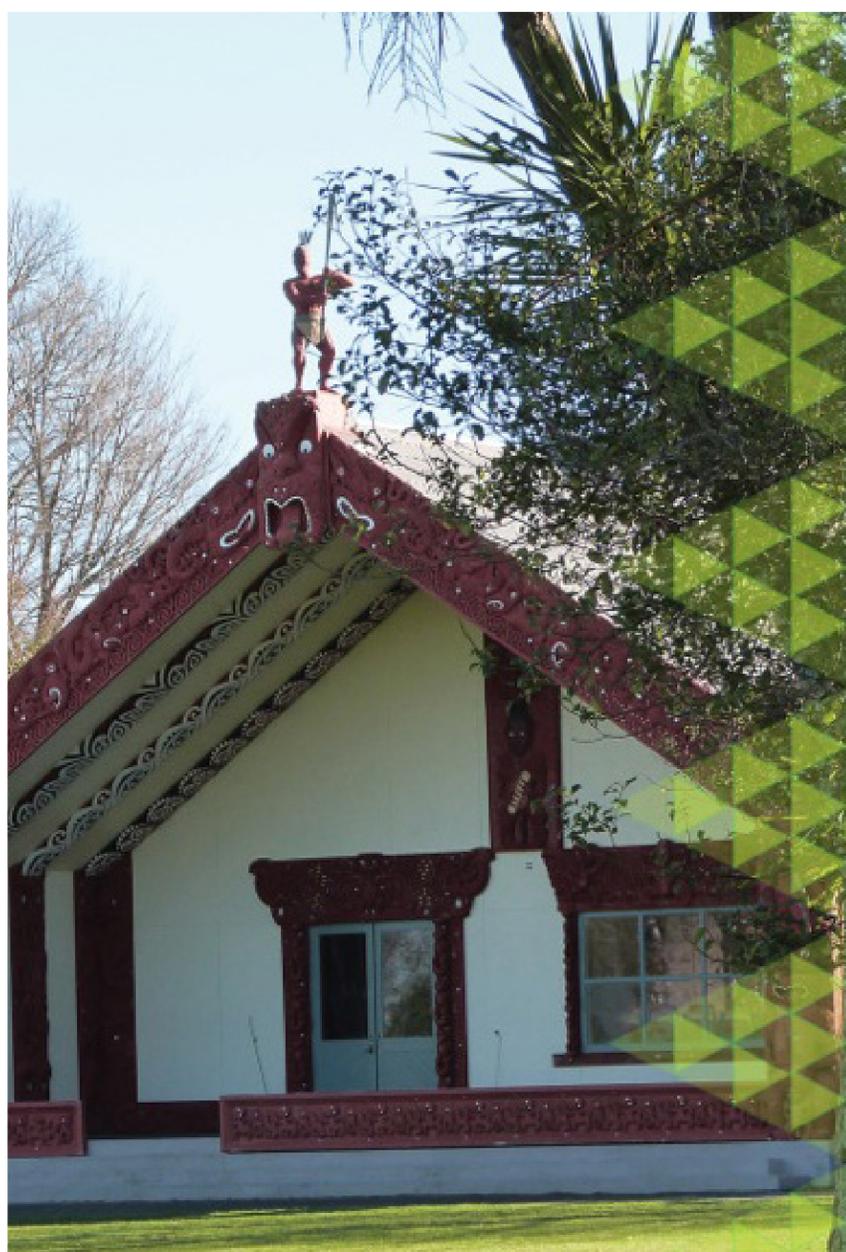
# Communications Strategy

He Toa Takitini's communication strategy has been the hallmark of the negotiation for keeping our Heretaunga Tamatea whānau informed "enough to stay on the bus" as the negotiation has gone along. It meant regular Hui-a-Iwi in both Heretaunga and Tamatea and doubling up on all the milestone hui that was required at each stage by the Crown. Often the HTT strategy changed following these Hui to accommodate the preferences of our Heretaunga Tamatea whānau. It was through these pre-ratification information Hui that the concern was voiced about the post-settlement governance model on offer, with our people aspiring for tino rangatiratanga, decentralisation and autonomy for our distinct Heretaunga and Tamatea regions. Rather than hold up the settlement, our people agreed to support the model on the understanding that the Deed would be reviewed soon after settlement. The draft Trust Deed was amended to reflect the undertaking that was given.

The livestream was another standout feature of the Heretaunga Tamatea negotiation. A visual recording

of each Hui always featured in the planning for archiving purposes. The move to live-stream worked well for those of our whānau with busy lives and others who lived outside the regions where the Hui were being held. Being the first of all negotiating groups to take this approach, the livestream attendees were not counted in the reports of the Crown observers though the Negotiation Team were sure to make big of it in our reports to the Minister. Nowadays the live stream is commonplace in Treaty negotiations.

There is a considerable amount of archived material on the negotiation. This material will be available for whānau who may wish to research the negotiation or various aspects.



# Our Call Centre Team

Our Call Centre Teams were undeniably core to the success of the He Toa Takitini communication strategy. It was through their individual talents and their personal connections that He Toa Takitini, and later the Heretaunga Tamatea Settlement Trust, were able to reach into the homes and lives of the Heretaunga Tamatea whānau. Over the past nine (9) years, there have been four (4) different teams who were brought together for key milestones. These were:

Jan-Feb 2015	Ratification of the PSGE (post-settlement governance entity)
July-Aug 2016	Ratification of Deed of Settlement
Aug-Oct 2016	HTST Election 2016
Aug-Oct 2017	HTST Election 2017

The teams had two key tasks:

1. To check if the whānau member was registered on the He Toa Takitini database (and later the HTST database) and to confirm contact details; and
2. Ascertain whether the whānau member had received a voting form and then encourage them to vote.

A typical conversation:

Call Centre	Kia ora. Is that .....
Whānau	<i>Ae. Speaking.....</i>
Call Centre	My name is ..... I'm ringing from He Toa Takitini to check that we have the right details on our database.
Whānau	<i>Who are you? From where? What's that for?</i>
Call Centre	He Toa Takitini. The Treaty claims. We'll be sending you voting papers soon.
Whānau	<i>Kei te pai.....</i>

Another typical conversation:

Call Centre	Kia ora. Is that you Koro?
Whānau	<i>Ae.</i>
Call Centre	It's ..... I'm working at He Toa Takitini. I'm ringing up to see if you have received your voting papers.
Whānau	<i>Kia ora moko. Kei te pēhea?</i>
Call Centre	Kei te pai. Have you received your papers?
Whānau	<i>What papers?</i>
Call Centre	Voting papers. They're in a big white envelope.
Whānau	<i>Oh yes. I put them on the fridge.</i>
Call Centre	Well you need to vote Koro.
Whānau	<i>Kei te pai moko</i>

Sometimes the conversation did not go smoothly. Now and again the Call Centre member had to endure the wrath of a whānau member who did not agree with He Toa Takitini negotiating, preferring the claims to go through the Waitangi Tribunal. There were also many who had moved and others who were just not interested.

Occasionally a whānau member wanted to hear all about the claim or the caller's whānau. Occasionally our Call Centre member got caught up during the call on side issues. This was all fine though as it helped grow the link between He Toa Takitini and the Heretaunga Tamatea whānau. Our team also got to talk to cousins they hadn't spoken with for a long time or meet Hākui or Hākoro for the first time. We shuddered one time when a team member had not realized the status of the person they were calling. He just chuckled, as kaumātua do.

The team had clear instructions:

- CALL 1. Establish contact and let them know voting papers are coming;
- CALL 2. Confirm they have received voting papers and if they haven't, ensure another pack was sent;
- CALL 3. Check to see if they have voted and encourage them if they haven't or thank them if they had.

There were three ways to vote but the ballot box at the Hui proved to be the most popular with the postal vote coming a close second. Online voting was used more by the Deed of Settlement phase.

The work of the Call Centre Teams was done very well and this was reflected in the results, where participation rates exceeded the local body elections. Each team did such a great job that the voting was often the topic of the day at the local marae hui. It was also not unusual for whānau members to ask each other whether they had got their forms or voted when they met up in town. Close to voting time, however, some people would say "Oh no, Not you again" or "What now?" which brought great laughter amongst the team members.

One particular team was notorious for the tricks the members played on each other; another for its singing as they came up with a catchy waiata to encourage voting:

*Pōti Mai*  
*Pōti mai, pōti mai, pōti mai*  
*Ka pai.*

<i>E te iwi, e te iwi</i>	<i>Heretaunga Tamatea</i>
<i>Whakarongo mai</i>	<i>Time to listen up</i>
<i>He Toa Taki, he toa taki</i>	<i>He Toa Taki, he toa taki</i>
<i>He Toa Taki...tini</i>	<i>He Toa Taki...tini</i>
<i>Tikina he pene me tō pepa pōti</i>	<i>You can vote online</i>
<i>Pōti mai, pōti mai</i>	<i>You can post it too</i>
<i>Pōti mai</i>	<i>Or the Reg &amp; Comms team</i>
<i>Ka pai</i>	<i>Is coming after you</i>

*Tahi, rua, toru whā*  
*Pōti mai Hi!*

The skill sets amongst the teams was He Toa Takitini's fortune. The strength of the reo was clear and we were able to call on one team to sing "Pinepine te kura" to support the Chairperson's live stream launch of the voting process. These individuals brought with them much needed links into their respective communities as well as broad communication skills.

Our heartfelt congratulations are extended again to our Call Centre staff who came to help both He Toa Takitini and the Heretaunga Tamatea Settlement Trust during these crucial stages. Your work made all the difference to the negotiation. We know we would not have got there without you. Chaka Teao from Omahu Marae was a member of all four teams.



# Key Relationships

## Neighbouring Claims

Achieving agreement with neighbouring groups is an essential part of settlement negotiations. Referred to as “overlapping claims”, non-exclusive redress often intersects through the boundaries of two or more neighbouring groups. There is also discussion on boundaries and the area of interest, as well as whether one claim properly sits in one region or the other. For Heretaunga Tamatea, our area of interest borders on to the boundaries of two other Kahungunu groups, Mana Ahuriri and Ngāti Kahungunu ki Wairarapa. This did not mean the overlapping discussions were any less challenging though both negotiating teams readily adopted the tikanga where one group agreed to look after the interest of the other.

The Heretaunga Tamatea negotiation also extended into negotiations of other iwi, namely Rangitāne ki Wairarapa, Rangitāne ki Manawatū and Ngāti Tūwharetoa. In all discussions, the strategy of the HTT Negotiation team was to preserve the relationships

because these would continue after the negotiations were completed. We consider our relationships with neighbours remain intact.

A turning point in the negotiation was the agreement reached with Mana Ahuriri, and later Ngāti Hinemanu Ngāti Paki, on the Kāweka and Gwavas Crown Forest Licensed lands. Key to avoiding a discussion on the scale of each other’s interest in both forests was the acceptance of a one-third, two-thirds split with Mana Ahuriri taking 33% of the shareholding and Heretaunga Tamatea taking 66%. The Crown applauded the agreed model, which served also to address the claims of neighbouring Ngāti Hinemanu Ngāti Paki that were yet to be heard in the Waitangi Tribunal. Ten percent (10%) shareholding has been set aside within the Heretaunga Tamatea share as potential redress when the research findings are released.



# Key Assurances

From the outset of negotiations, getting the settlement over the line has been the goal. This has meant giving and receiving assurances throughout the course of negotiations whilst maintaining the integrity of the negotiation.

With the Crown, He Toa Takitini considered it acted with dignity at all times. With our people, the benchmark was higher and rightly so. The expectation was always to give a steer or take a steer wherever possible. Whilst some degree of compromise was inevitable, our people insisted on agreeing to any compromise and this was accommodated.

A number of these assurances have been given to our people. One example was when He Toa Takitini opened the way for our people to be involved in the drafting of the historical account. By no means an easy task between the Crown and the negotiation team, the Crown was to later see the value. The approach of Crown historian, John Armstrong, was pivotal during this process. Agreeing to meet with the claimants went a considerable way toward securing their confidence about the account that was being written. It provided clarity about the purpose of the historical account and what it could not say. This opened the

way for an assurance from HTT that the Heretaunga Tamatea perspective would be published at some future date. This brought a reciprocal assurance from our people to let the historical account proceed, if it meant getting the settlement over the line.

Other assurances included:

- Promoting a de-centralised post-settlement governance model;
- Providing for a review of the Trust Deed once the settlement has been completed;
- Facilitating autonomy for the distinct Heretaunga and Tamatea communities;
- Providing for tino rangatiratanga at the whānau, marae, hapū and PSGE levels; and
- Ensuring our people benefit directly from the settlement early.

The buy-in of our people, our marae and our hapū was critical to the settlement of the historical claims of Heretaunga Tamatea. The Taumata's response was to provide the assurances in recognition of the trust that was given. It now remains for the Heretaunga Tamatea Settlement Trust to follow through.



# Total Cost Of The Claim

The following report provides a financial summary of the costs and funding streams associated with the settlement of the historical Treaty claims of Heretaunga Tamatea.

This phase of the claim spanned 9 years from 1 September 2009 to 31 October 2018, beginning with the Deed of Mandate milestone. It concluded two months following the Settlement Date.

Expenses recorded during this phase totalled \$6,419,518. He Toa Takitini recorded revenue funding of \$844,500 from the Office of Treaty Settlements and \$2,417,534 from the Crown Forestry Rental Trust. The Heretaunga Tamatea Settlement Trust provided \$3,218,001 by way of reimbursements from interest on the settlement quantum, koha of \$5,857 and interest payments of \$3,625.

BM Accounting (formerly Barnes Mossman) has provided breakdowns of the expenses and revenue streams in the Tables below. The data has been extracted from annual financial statements prepared by BM Accounting over the entire course of the negotiation for He Toa Takitini.

HTT received unqualified audits throughout the negotiations and satisfied all compliance reporting requirements of OTS and CFRT. HTT continued to meet the Eligibility and Capability requirements of CFRT following reassessment.



## Analysis

- Funding from OTS and CFRT contributed 50% of the total cost;
- Repeated delays throughout the negotiation were caused by factors outside the control of HTT;
- The early release of \$45,500,000 was negotiated to reduce the impact of the ongoing delays and minimise the costs remaining to achieve settlement;
- Significant work was required following the Deed of Settlement to enact the legislation (refer below). The costs for this 3-year period were borne predominantly by HTT/HTST.
- Two urgency matters in the Waitangi Tribunal;
- Renegotiation of arrangements concerning the Kāweka and Gwavas Crown Forest Licensed lands;
- Deed to Amend the Deed of Settlement;
- Second Deed to Amend the Deed of Settlement; and

### LEGISLATIVE PHASE

- 28 June 2017: Introduction of Bill
- 15 August 2017: First Reading
- 29 March 2018: Maori Affairs Select Committee
- 5 April 2018: Second Reading
- 21 June 2018: Third Reading

## OVERLAPPING CLAIMS

## Points of Note

- Te Taiwhenua o Heretaunga underwrote the negotiation in its early stages; this was invaluable;
- Hapū members received no payment for significant research and other work in the pre-mandate phase from 2003;
- OTS & CFRT funding for 4.5 years was inadequate for a negotiation that spanned 9 years;
- the office staff were very loyal, enduring periods of unemployment during the negotiation;
- the unpaid contribution of Taumata members and hapū members was significant in keeping the negotiation moving forward;
- the approval from Hui-A-Iwi to the overdraft facility was generous and proved to be the turning point in the negotiation; it provided stability and removed the dependency on external funding;
- BNZ (in particular the late Bill Tims) are acknowledged for working constructively

with the Project team before the overdraft was sought;

- Legal fees for the period were low:

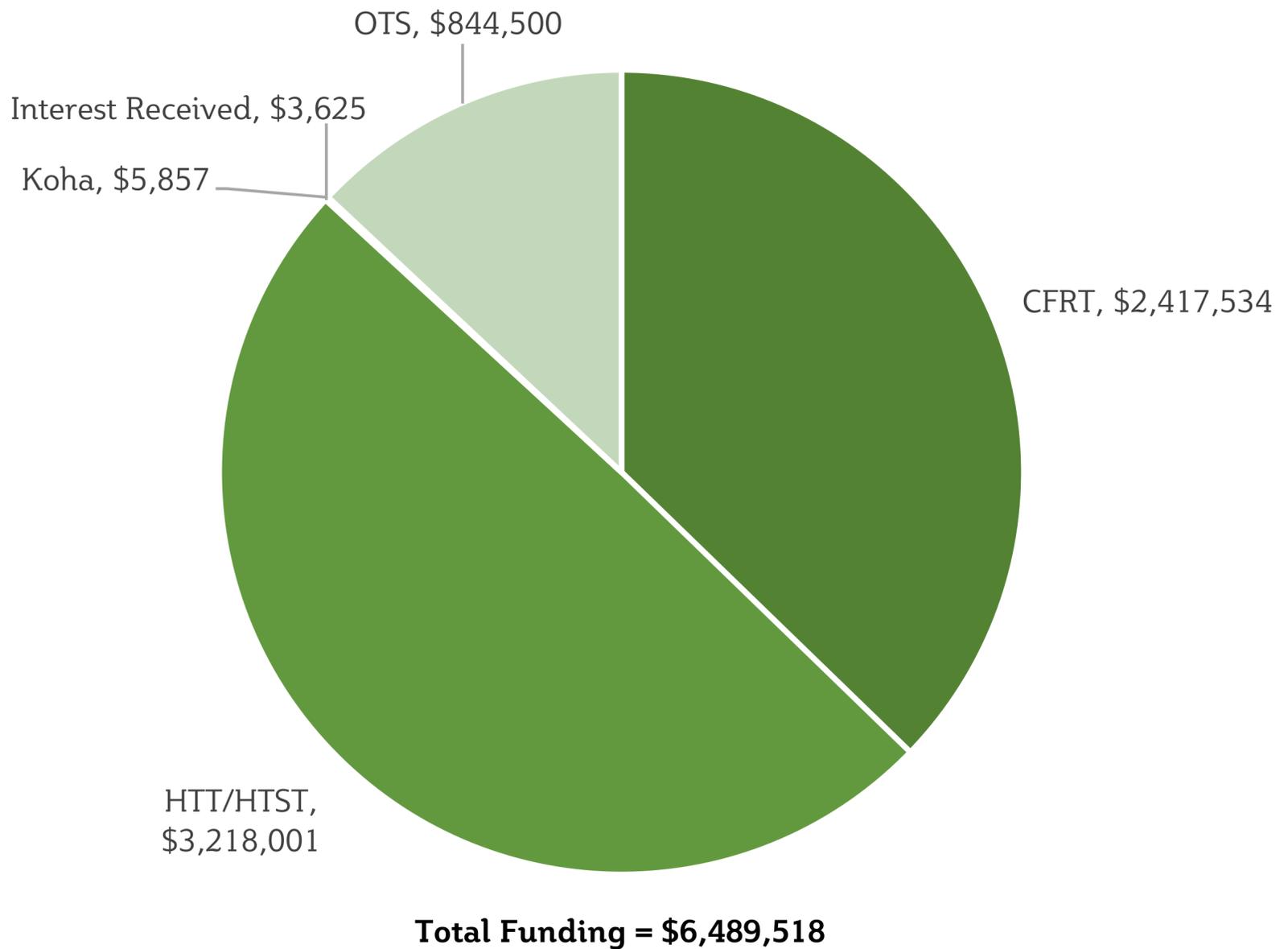
Iwi	Legal Fees
Heretaunga Tamatea	\$ 355,621
Iwi 1	\$ 2.5 million
Iwi 2	\$ 2.8 million
Iwi 3	\$ 4 million

- Professional Consultancy costs were low: \$139,580;
- HTT Communications programme was intensive and effective;
- Participation rates exceeded the local body elections - 41%
- Significant votes in favour of the PSGE and Deed of Settlement, 96% and 97% respectively;
  - HTT introduced the Livestream into Treaty negotiations.

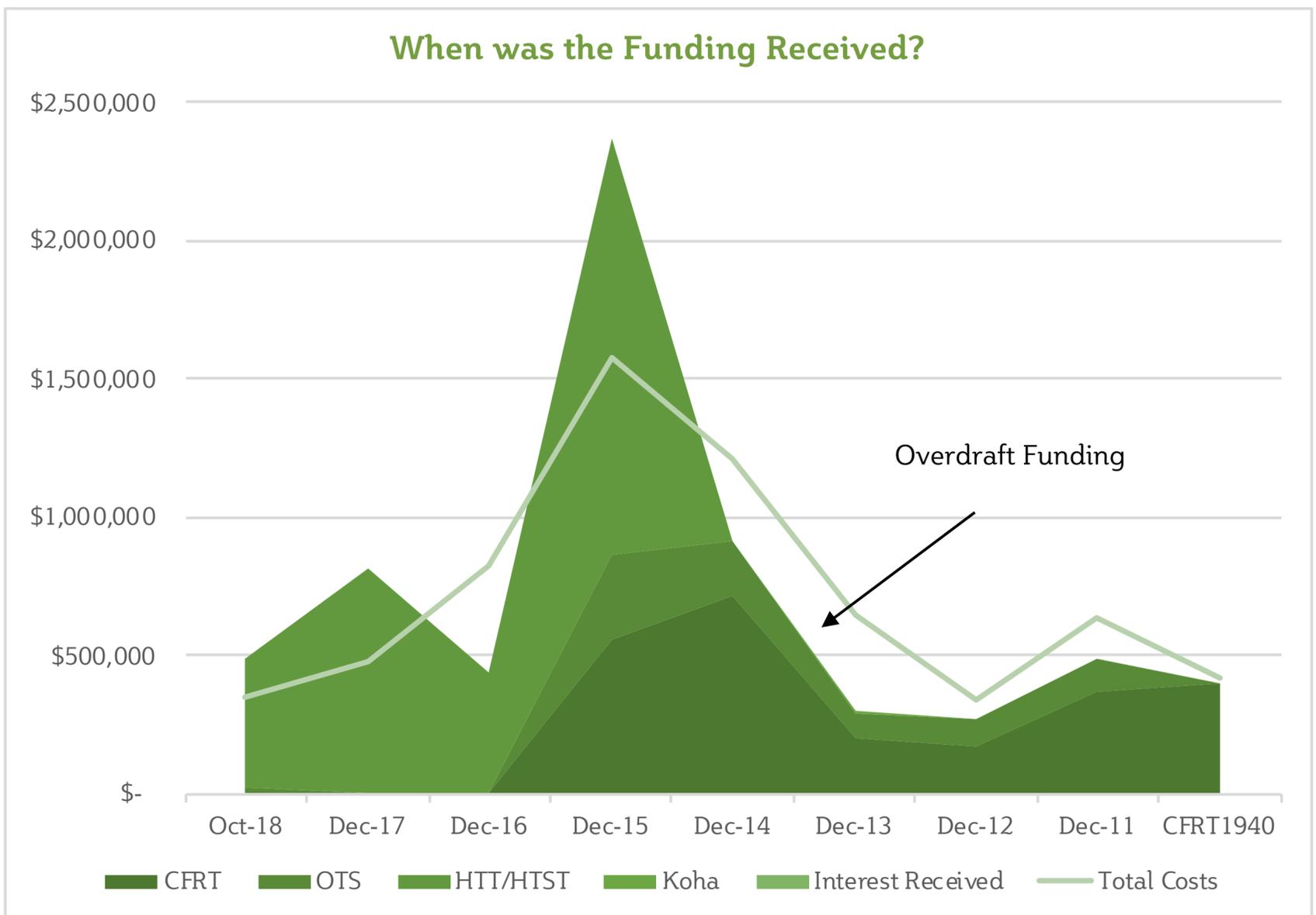


1 September 2009 - 31 October 2018

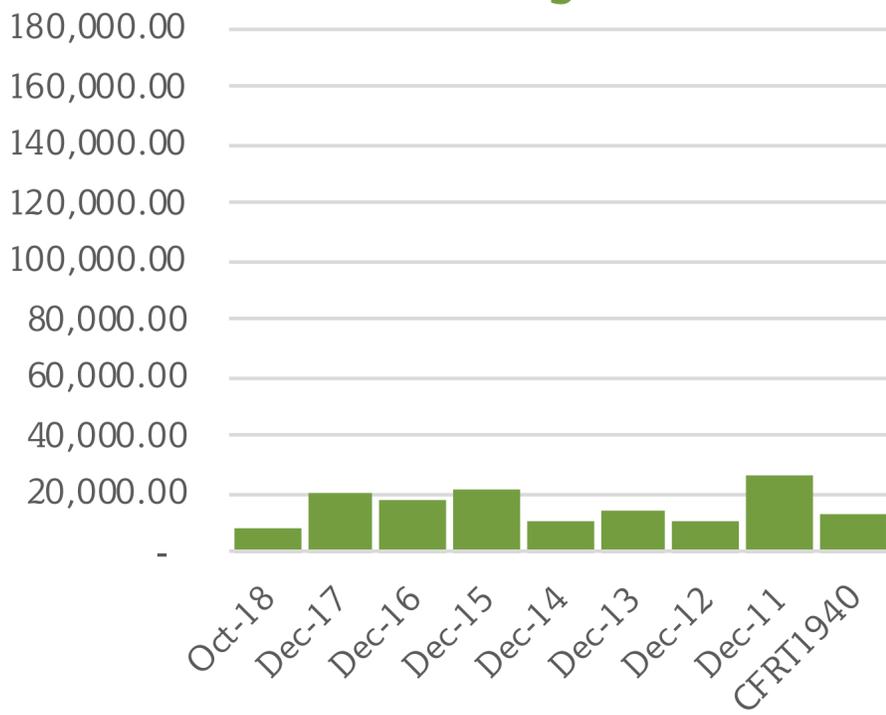
### How Was the Claim Funded?



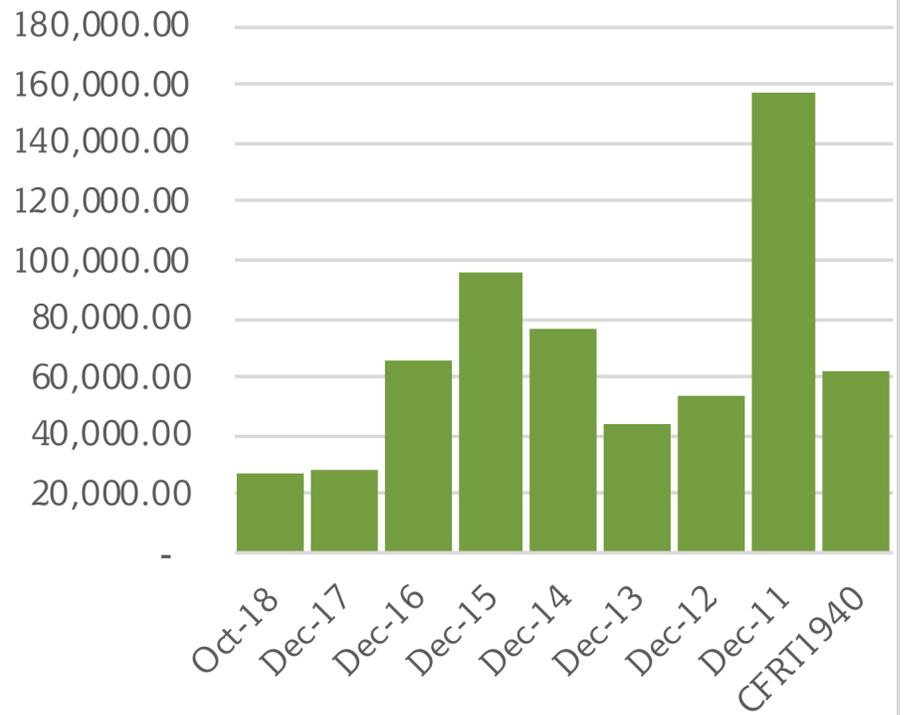
### When was the Funding Received?



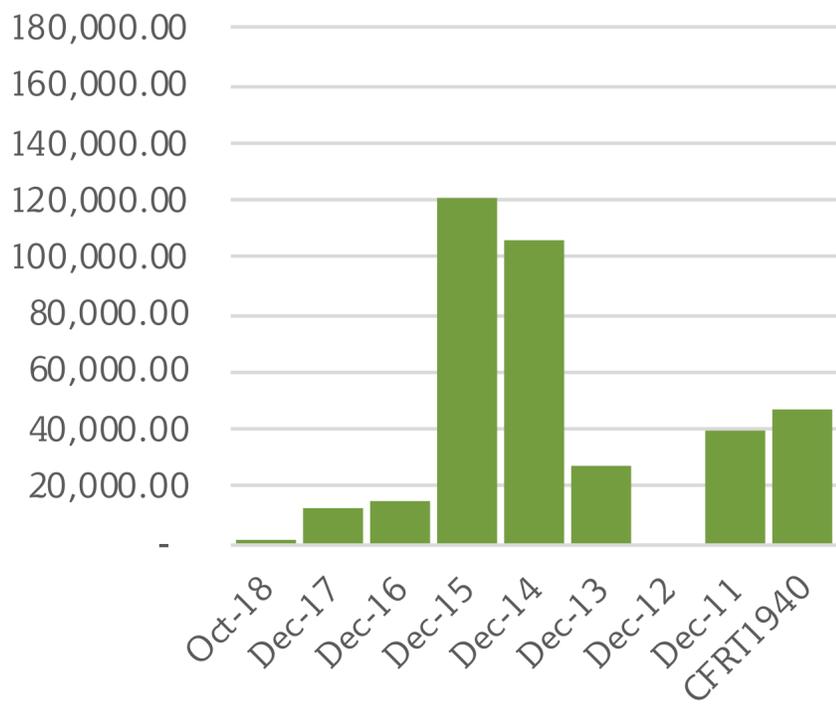
### Accounting



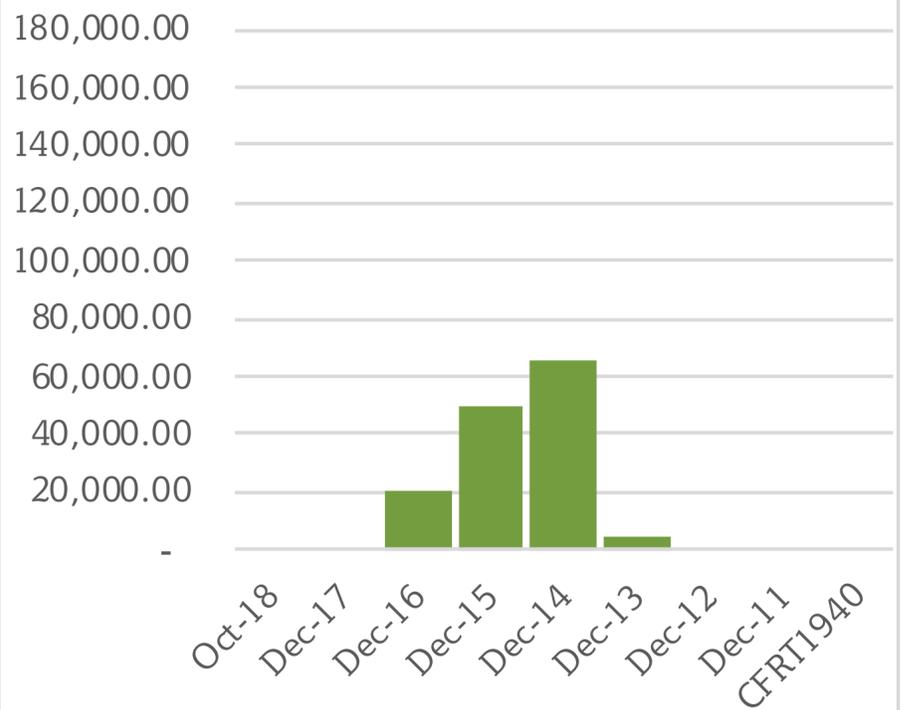
### Administration



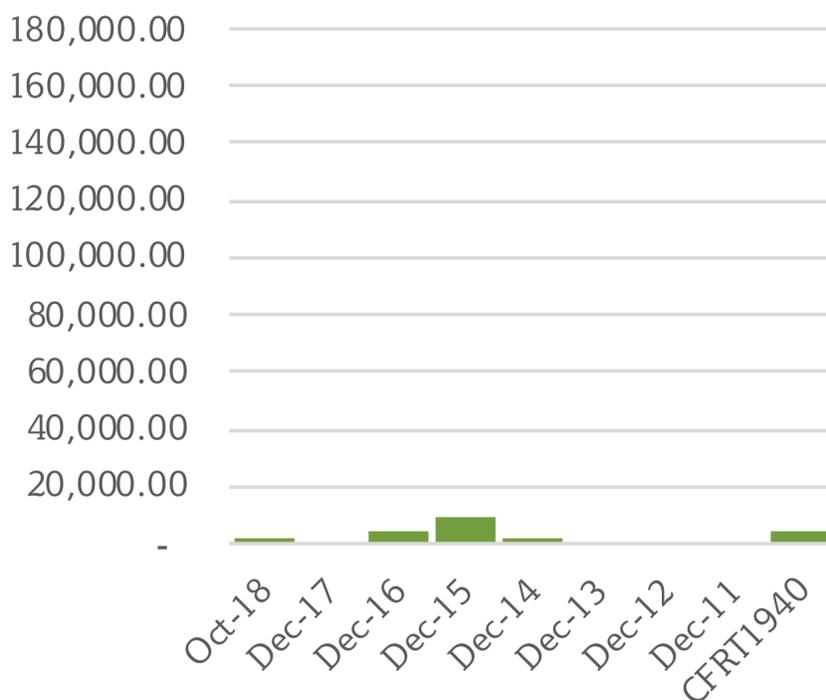
### Communication



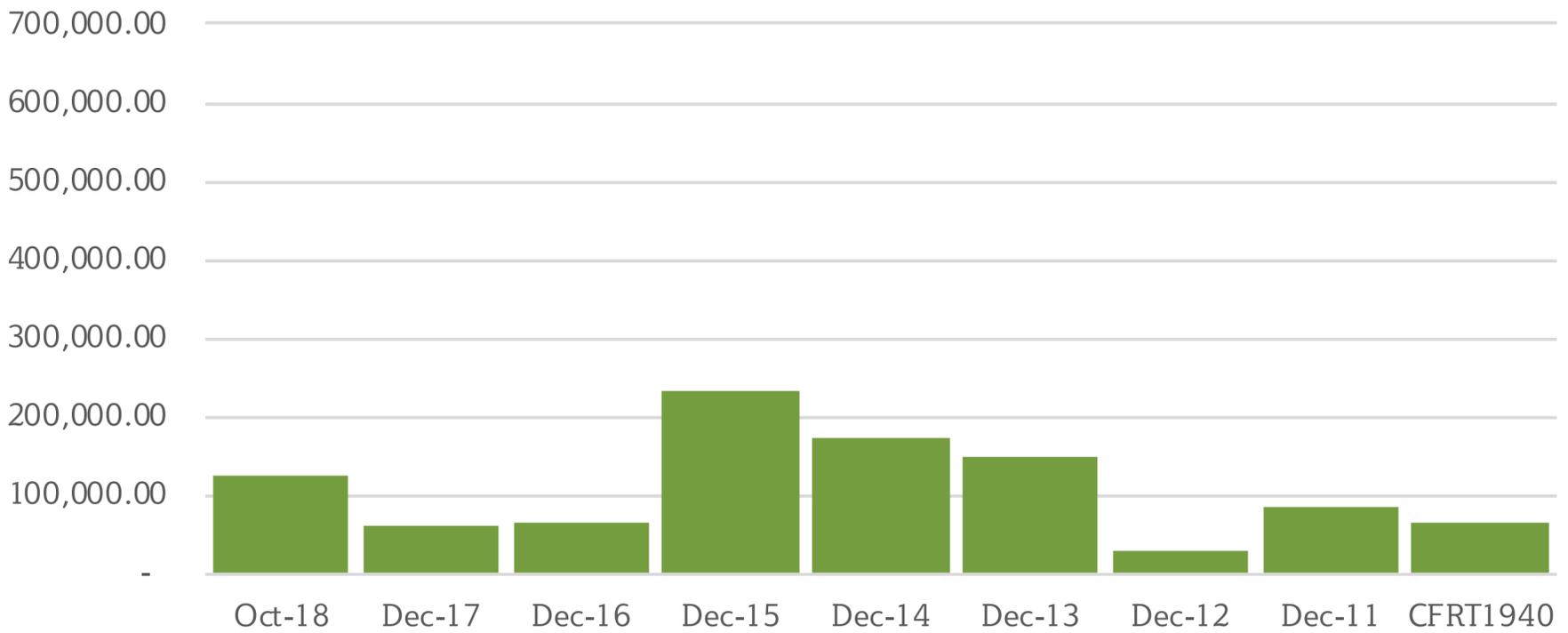
### Consultants



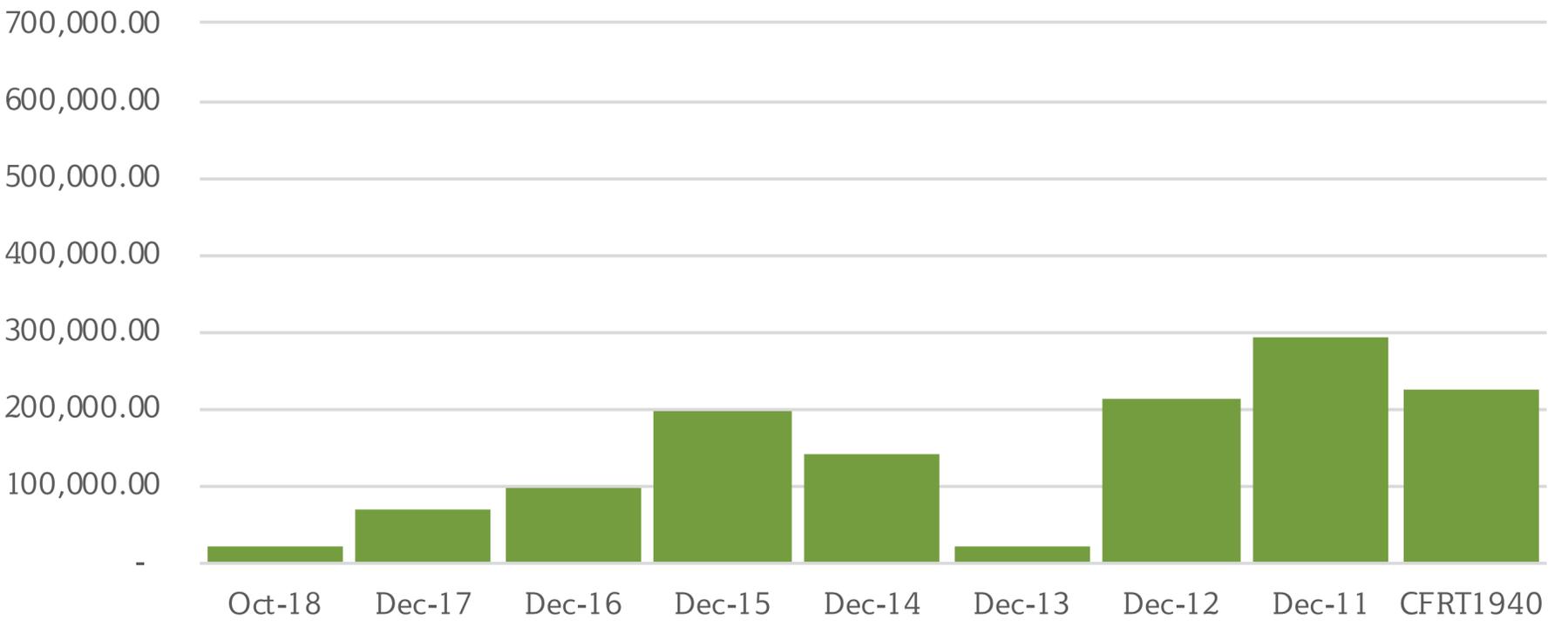
### Audit



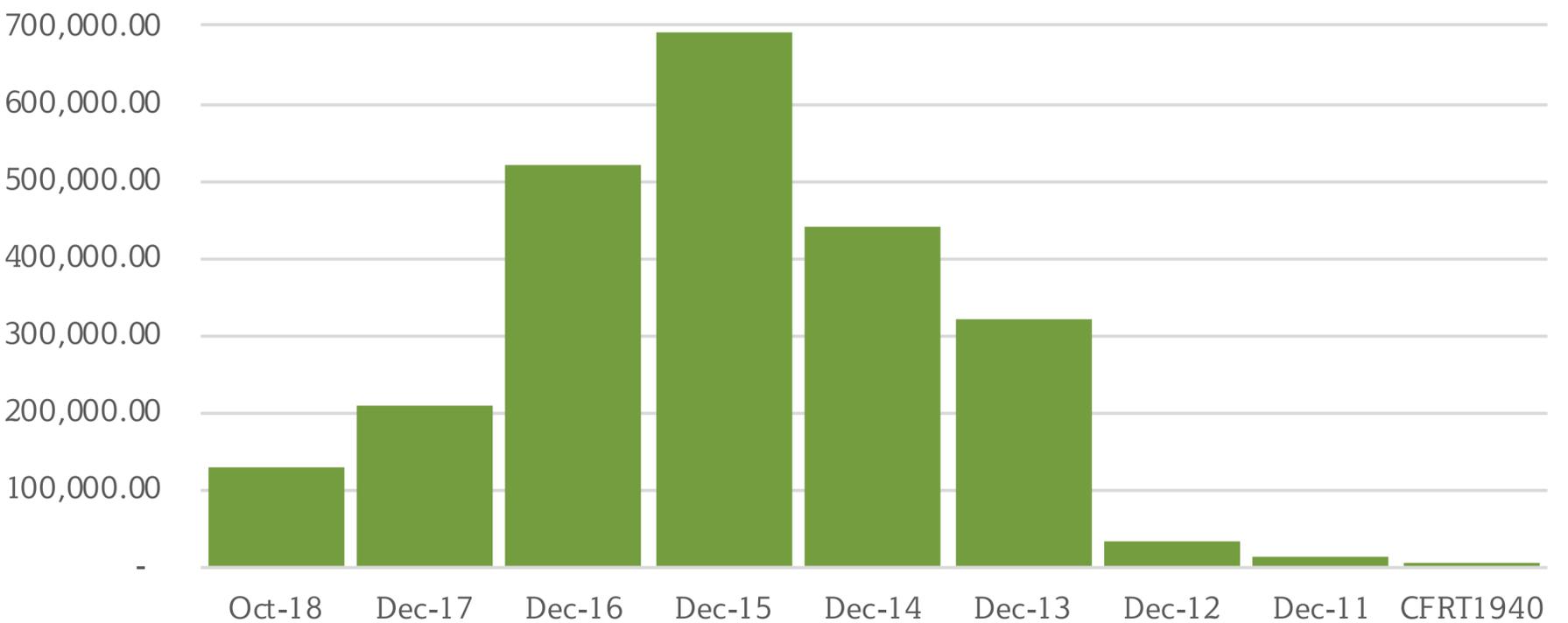
### Governance



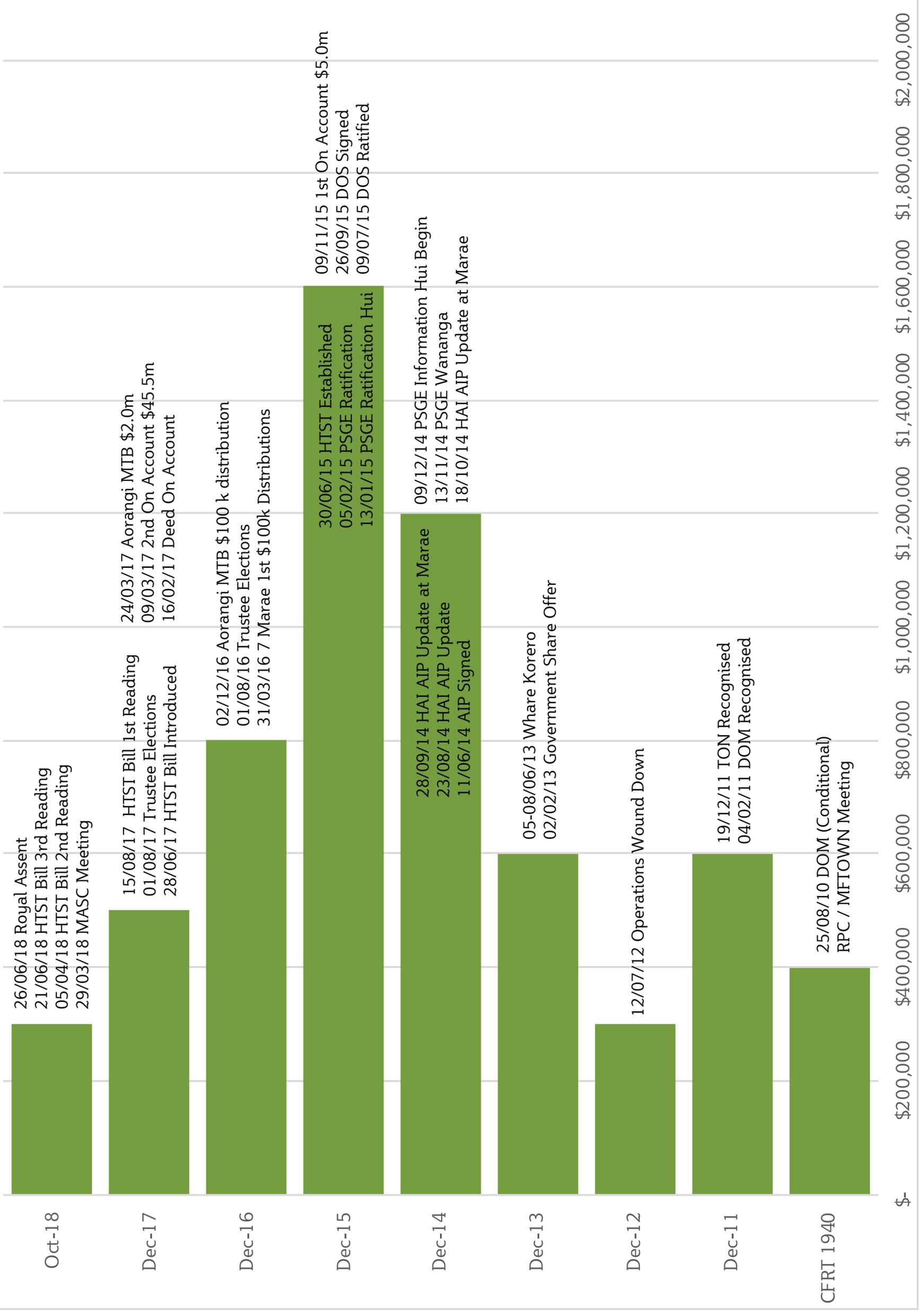
### Project Management



### Negotiation



## When Were the Cost Incurred?



# Conclusion

Anything other than a snapshot of the journey to settlement is all that can be expected at this stage. The more complete story will come in the fullness of time but it may be that the story is told in parts. The journey has been a long one, spanning nigh on ten (10) years with the negotiation proper and seven (7) years in the pre-mandate phase. There were many elements between each milestone that lifted this negotiation beyond the standard Treaty settlement negotiation. The internal issues for Heretaunga Tamatea added its own uniqueness with the size of the Taumata o He Toa Takitini comprising 22 marae and 3 organisations. It was a large board but the tenet of being unwieldy was proved wrong in this case. The size of the rohe brought its own challenges but this was overcome by the ongoing interaction throughout the negotiation between He Toa Takitini and its people, encouraging participation and taking direction wherever possible from those that it served.

Whilst ordinarily the negotiation is between the Crown and the negotiation team, in this instance the real negotiation took place between He Toa Takitini and its people, requiring reciprocal assurances every step of the way. Also significant was the presence of two settlements within the settlement – these were the Aorangi claim and the redress for Te Aute College.

It has been a significant journey in the history of Heretaunga Tamatea with a moderate result. It will however lead to further benefits as the implementation proceeds if we remain mindful that the Deed of Settlement was not the end but the beginning. It established a framework for further engagement with the Crown, implying there is much more to do. The Crown knows this.





## FINAL POLL RESULTS FOR THE HERETAUNGA-TAMATEA POST SETTLEMENT GOVERNANCE ENTITY RATIFICATION AND ON-ACCOUNT ARRANGMENTS

**Resolution 1:**

	Votes Received
Yes/Āe	1,600
No/Kao	96
INFORMAL BLANK	28

**Resolution 2:**

	Votes Received
Yes/Āe	1,603
No/Kao	105
INFORMAL BLANK	16

**Resolution 3:**

	Votes Received
Yes/Āe	1,508
No/Kao	171
INFORMAL BLANK	45

**Results confirmed 11 February 2015**

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## ELECTION RETURNS FOR THE DEED OF SETTLEMENT PROPOSAL FOR HERETAUNGA TAMATEA

### Final Poll Result

**Resolution:** *I support the Heretaunga Tamatea Deed of Settlement and authorise He Toa Takitini and the mandated negotiators to sign the Deed of Settlement on behalf of Heretaunga Tamatea.*

**VOTES RECEIVED**

<b>YES/ĀE</b>	<b>2,078</b>
<b>NO/KAO</b>	<b>78</b>
<b>INFORMAL</b>	<b>0</b>
<b>BLANK VOTING PAPER</b>	<b>21</b>

The majority being 96.38% of valid votes cast on the Resolution voted **Yes/Āe**.

The voter return was 40.59%, being 2,177 votes cast from 5,363 eligible voters, of which 34.82% voted on the internet and 65.18% voted by post or at hui.

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# Deed of Settlement

## BETWEEN THE CROWN AND HERETAUNGA TAMATEA

### Background

Heretaunga Tamatea and its hapū is one of six large natural groupings negotiating the settlement of the historical Treaty of Waitangi claims of Ngāti Kahungunu. Heretaunga Tamatea's area of interest extends from the Tūtaekurī River in the north following the ridge of the Ruahine Range south to Takapau and turns seawards to Pōrangahau in the south. The rohe includes five major river systems - the Tūtaekurī, the Ngaruroro, the Tukituki, the Maraetōtara and the Pōrangahau/Tāurekaitai - and comprises an alluvial plains system powered by the Heretaunga and the Ruataniwha aquifers. Heretaunga Tamatea have a population of approximately 15,900 people (2013 Census).

Heretaunga Tamatea mandated He Toa Takitini to negotiate a Deed of Settlement with the Crown, by undertaking consultations and meetings amongst claimant groups on 25 August 2010.

The Crown conditionally recognised the mandate of He Toa Takitini on 15 October 2010 and, following further mandating hui for members of Heretaunga Tamatea living outside the Heretaunga Tamatea area of interest, unconditionally recognised this mandate on 4 February 2011.

The mandated negotiators and the Crown by terms of negotiation dated 19 December 2011, agreed on the scope, objectives, and general procedures for the negotiations. On 11 June 2014, Heretaunga Tamatea and the Crown signed an agreement in principle that they were willing to enter into a Deed of Settlement on the basis set out in the agreement. Since the agreement in principle, He Toa Takitini and the Crown have in good faith conducted extensive negotiations and negotiated and initialled a Deed of Settlement.

The trustees of the Heretaunga Tamatea Settlement Trust, the post-settlement governance entity, will manage the settlement assets.

The Office of Treaty Settlements, with the support of the Department of Conservation and other government agencies, represented the Crown in day-to-day negotiations.

The Minister for Treaty of Waitangi Negotiations, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Heretaunga Tamatea.

### Summary of the historical background to the claims by Heretaunga Tamatea

Heretaunga Tamatea was a community of proud and self-sustaining independent hapū with an economy and polity consistent with tikanga Māori and traditional practices of the time.

In the late 1840s, Heretaunga Tamatea rangatira invited the Crown to acquire land in their rohe in the expectation of gaining economic opportunities from European settlement. During negotiations for its first land purchase in Heretaunga Tamatea in 1851, the Crown encouraged customary owners to accept a low price for their land in order to gain access to these anticipated benefits. Days before the Waipukurau deed was signed in 1851, Crown officials arranged for a large area to be added to the block without the knowledge of the area's occupants.

During the 1850s, the Crown purchased large areas of land in Heretaunga Tamatea. In a number of instances the Crown acquired land secretly without seeking the consent of all customary owners. The Crown continued purchasing land despite being aware that its approach to negotiations was creating tensions among hapū and their rangatira, and in 1857 these tensions led to fighting in which a number of people, including leading rangatira, were killed. Following this, Heretaunga Tamatea rangatira made internal political arrangements to preserve their remaining lands, and by 1860 land sales in Heretaunga Tamatea had stopped.

The Native Lands Act 1865 provided for title to Māori land, previously held in customary collective tenure, to be awarded to no more than 10 individual grantees as absolute owners (the 'ten-owner rule'). The hapū of Heretaunga Tamatea understood that individual grantees were to act as trustees for their wider communities. However, the Native Lands Act 1865 enabled the shares of individual grantees to be alienated without the consent of the other grantees or other right-holders not named on the title.

The Native Lands Act 1865 did not prevent some settlers using practices such as extending credit to grantees, and then using those debts to acquire the freehold of grantees' shares. Some observers stated that many of the grantees who took goods on credit or signed mortgages were pressured to do so, or did not fully understand the potential ramifications of the documents they were signing. By such means, Heretaunga Tamatea hapū were soon dispossessed of further large areas of land. After 1865, the Crown and private parties also purchased a number of the areas that Māori had asked to be reserved from the sales of the 1850s. Other reserved areas became the subject of long-running disputes due to surveying errors or a failure to complete surveys.

The Crown was slow to address the dispossession of hapū under the ten-owner rule despite strong protests from the hapū of Heretaunga Tamatea. Those measures it did take provided little relief for the hapū of Heretaunga Tamatea because they were not retrospective, or did not apply where land had already been alienated.

In the 1870s, Heretaunga Tamatea rangatira established the Repudiation movement which sought to revoke earlier land transactions, and to address broader issues around the alienation of Māori-owned land by promoting collective decision making and political organisation. This movement was soon taken up by a number of other North Island tribes. In the 1880s and 1890s, the Kotahitanga movement adopted a similar approach, and in 1892 the first Māori Paremata (Parliament) was held at Waipatu near modern-day Hastings.

By 1900, approximately 1.2 million acres out of 1.4 million acres of Heretaunga Tamatea land had passed from Māori ownership, mostly through purchases carried out by the Crown. In the early 20th century, the Crown continued to purchase Māori-owned land in Heretaunga Tamatea, until by 1930 approximately 6% remained. During the 20th and 21st centuries, Heretaunga Tamatea hapū and whānau have suffered social, economic, and cultural marginalisation, and today more than half of their people live outside the traditional rohe.

# Summary of the Heretaunga Tamatea settlement

## Overview

The Heretaunga Tamatea Deed of Settlement will be the final settlement of all historical claims of Heretaunga Tamatea resulting from acts or omissions by the Crown before 21 September 1992 and is made up of a package that includes:

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

The benefits of the settlement will be available to all members of Heretaunga Tamatea, wherever they live. The redress was negotiated by He Toa Takitini, the mandated entity.

## Crown acknowledgements and apology

The Deed of Settlement contains acknowledgements that historical Crown actions or omissions caused prejudice to Heretaunga Tamatea or breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes a Crown apology to Heretaunga Tamatea for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and for the damage that those actions caused to Heretaunga Tamatea. These actions include using secret transactions and other divisive tactics to purchase huge areas of Heretaunga Tamatea land, and continuing to negotiate disputed purchases – despite being warned that its actions were creating serious tensions – that ultimately led to war among Heretaunga people in 1857. The Crown also apologises for introducing Native Land Laws that facilitated the further dispossession of the hapū of Heretaunga Tamatea, and for continuing to purchase land until by 1930 the whānau and hapū of Heretaunga Tamatea were virtually landless. The Deed also includes an apology for the damage that the Crown's breaches of the Treaty of Waitangi have caused to generations of Heretaunga Tamatea people, including severely limiting their economic and social opportunities and eroding their tribal structures

## Cultural redress

Cultural redress recognises the traditional, historical, cultural and spiritual association of Heretaunga Tamatea with places and sites owned by the Crown within their primary area of interest. This allows Heretaunga Tamatea and the Crown to protect and enhance the conservation values associated with these sites.

### SITES VESTED IN HERETAUNGA TAMATEA

The Deed of Settlement provides for the vesting of five Crown owned sites to Heretaunga Tamatea. The settlement legislation will vest these sites in the post settlement governance entity, Heretaunga Tamatea Settlement Trust, on settlement date.

The following sites will be vested in fee simple in Heretaunga Tamatea:

- Blackhead property
- Omahu property
- Parimāhu Beach property

The following sites will be vested as a recreation reserves in Heretaunga Tamatea:

- Lake Hatuma (Whatumā) property
- Pūrimu Lake property

### VEST AND GIFT BACK

- Cape Kidnappers Gannet Protection Reserve
- Cape Kidnappers Nature Reserve

### OVERLAY CLASSIFICATIONS

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of Heretaunga Tamatea with certain sites of significance. Overlay classifications apply to conservation land and require the New Zealand Conservation Authority (and any other relevant conservation board) to have particular regard to Heretaunga Tamatea values and protection principles. The settlement provides for the following overlay classifications:

- A'Deanes Bush Scenic Reserve
- Cape Kidnappers Gannet Protection Reserve
- Cape Kidnappers Nature Reserve
- Gwavas Conservation Area

### STATUTORY ACKNOWLEDGEMENTS

The Statutory Acknowledgements are acknowledgements by the Crown of statements by Heretaunga Tamatea of their special cultural, historical, or traditional association with certain areas of Crown-owned land.

These acknowledgements are recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014.

The authorities who give resource consents under these Acts, the Environment Court and Heritage New Zealand, must also have regard to these statements for certain purposes.

The Deed of Settlement provides for 27 Statutory Acknowledgements covering:

- Clive River and its tributaries
- Elsthorpe Scenic Reserve
- Hiranui Scenic Reserve
- Inglis Bush Scenic Reserve
- Kāhika Conservation Area
- Karamū Stream (with official name Karamu Stream) and its tributaries
- Part of Kāweka State Forest Park (with official name Kaweka State Forest Park)
- Māharakeke Stream (with recorded name Maharakeke Stream) and its tributaries
- Mākāretu River (with recorded name Makaretu River) and its tributaries within the Heretaunga Tamatea area of interest
- Maraetōtara River and its tributaries (with recorded name Maraetotara River)
- Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve)
- Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve)

- Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve)
- McLeans Bush Scenic Reserve
- Mohi Bush Scenic Reserve
- Monckton Scenic Reserve
- Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest
- Parkers Bush Scenic Reserve
- Pōrangahau/Tāurekaitai River (with recorded name Porangahau River) and its tributaries
- Ruahine Forest (East) Conservation Area
- Part of Ruahine Forest Park
- Springhill Scenic Reserve
- Te Aute Conservation Area
- Tukipō River (with recorded name Tukipo River) and its tributaries
- Tukituki River and its tributaries within the Heretaunga Tamatea area of interest
- Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest
- Waipawa River and its tributaries within the Heretaunga Tamatea area of interest

#### DEEDS OF RECOGNITION

Deeds of recognition require the Crown to consult with Heretaunga Tamatea, and have regard for Heretaunga Tamatea's special association with a site or place and specify Heretaunga Tamatea input into the management of those areas administered by the Department of Conservation or the Commissioner of Crown Lands.

The Deed of Settlement provides for 20 Deeds of Recognition covering:

- Clive River and its tributaries
- Elsthorpe Scenic Reserve
- Hiranui Scenic Reserve
- Inglis Bush Scenic Reserve
- Kāhika Conservation Area
- Karamū Stream (with official name Karamu Stream) and its tributaries
- Part of Kāweka State Forest Park (with official name Kaweka State Forest Park) Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve)
- Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve)
- Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve)
- McLeans Bush Scenic Reserve
- Mohi Bush Scenic Reserve
- Monckton Scenic Reserve
- Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest
- Parkers Bush Scenic Reserve
- Ruahine Forest (East) Conservation Area
- Part of Ruahine Forest Park
- Springhill Scenic Reserve

- Te Aute Conservation Area
- Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest

#### RELATIONSHIP STATEMENT

The commitment to a post-settlement relationship with each of the Department of Conservation, the Ministry for the Environment, Ministry of Social Development, the Department of Internal Affairs, the Museum of New Zealand Te Papa Tongarewa, the Ministry for Primary Industries and the Ministry for Culture and Heritage.

#### PLACE NAME CHANGES

The Deed of Settlement includes a commitment to make 11 name changes.

## Financial and commercial redress

This redress recognises the losses suffered by Heretaunga Tamatea arising from the breaches by the Crown of its Treaty of Waitangi obligations. It will provide Heretaunga Tamatea with resources to assist them in developing their economic and social well-being.

Financial and commercial redress of \$100 million, including the purchase of Kaweka and Gwavas Crown Forest land with Ahuriri Hapū and the right to purchase a number of Crown properties, plus interest on the financial and commercial redress accrued since the signing of the Agreement in Principle. A further \$5 million will be set aside to support the long-term sustainability of Te Aute College.

#### DEFERRED SELECTION PROPERTIES

Heretaunga Tamatea has the option to purchase six Office of Treaty Settlements Landbank-owned properties but does not have to confirm an intention to purchase these before settlement. The decision to purchase can be deferred for up to 18 months after settlement date.

#### RIGHT OF FIRST REFUSAL (RFR)

Heretaunga Tamatea has a right of first refusal for 174 years over the Hawke's Bay Regional Prison.



## Questions and Answers

### 1. What is the overall package of redress?

The settlement package is made up of:

- Acknowledgements and an apology by the Crown for the Crown's acts and omissions that caused prejudice to Heretaunga Tamatea and breached the Treaty of Waitangi and its principles
- Cultural redress, including an historical account, five significant site vestings, overlay classifications, statutory acknowledgements, deed of recognitions and geographic name changes
- Financial and commercial redress of \$100 million, including the purchase of Kaweka and Gwavas Crown Forest land with Ahuriri Hapū and the right to purchase a number of Crown properties, plus interest on the financial and commercial redress accrued since the signing of the Agreement in Principle. A further \$5 million will be set aside to support the long-term sustainability of Te Aute College.

### 2. Is there any private land involved?

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.

### 4. 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.

### 5. Does the Kaweka and Gwavas Crown Forest land include the Kaweka State Forest Park? Why is this being transferred?

Kaweka and Gwavas Crown Forest Licensed lands are legally separate from the Kaweka State Forest Park and the Gwavas Conservation Area. Heretaunga Tamatea will receive an overlay classification over the Gwavas Conservation Area and a deed of recognition and a statutory acknowledgement for parts of the Kaweka State Forest Park but these remain Conservation lands.

The Kaweka and Gwavas Crown Forest Licensed Lands are entirely within the Heretaunga Tamatea and Ahuriri Hapū areas of interest. The two parties will form a joint company to collectively own and manage the Crown Forest land. Heretaunga Tamatea will have a 66.66% shareholding and Ahuriri Hapū will have a 33.34% shareholding.

### 6. Are any place names changed? Why are they changing?

Place name changes acknowledge the history and association Heretaunga Tamatea have with sites within their rohe. This association was often undermined or cut off altogether by Crown actions. Place name changes recognise Heretaunga Tamatea associations with important sites in the rohe. The approved place name changes are:

Existing name (official and recorded local use)	Proposed name
Cape Kidnappers	Cape Kidnappers / Te Kauwae-a-Māui
Capstan Rock	Muhuaka / Capstan Rock
Flat Rock	Puapua
Hakakino	Hakikino
Kuku Reef/Rocks	Paparewa
Lake Hatuma	Lake Whatumā
Motuokura	Te Motu-o-Kura / Bare Island
Mount Erin	Kohinurākau or Kōhinerākau (alternative names)
Nga Puhake-o-te-ora	Ngā Puha-ake-o-te-ora
Puhokio Stream	Pouhōkio Stream
Waihakura	TeWai-a-Kura

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

No. If a Deed of Settlement is ratified and passed into law, the 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 Heretaunga Tamatea. The settlement legislation, once passed, will prevent the iwi and hapū of Heretaunga Tamatea from re-litigating the historical claims before the Waitangi Tribunal or the courts.

The settlement package does not prevent Heretaunga Tamatea from pursuing 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 relating to land or water. The Crown also retains the right to dispute such claims or the existence of such title rights.

### 8. Who benefits from the settlement?

All members of Heretaunga Tamatea, wherever they may now live.

This and other settlement summaries are also available at [www.ots.govt.nz](http://www.ots.govt.nz)

Te Kāwanatanga o Aotearoa