



Deed of Settlement

BETWEEN THE CROWN AND TE ATIAWA

General background

Te Atiawa is one of eight Taranaki iwi (the other seven are Ngāti Tama, Ngāti Mutunga, Ngāti Ruanui, Ngā Rauru Kīhahi, Ngāruahine, Taranaki Iwi and Ngāti Maru). The rohe of Te Atiawa extends from Te Rau o Te Huia along the coast to the Herekawe Stream, inland to Tahuna Tutawa, east to Whakangerengere, northeast to Taramoukou, and north back to Te Rau o te Huia. The area of interest encompasses part of Mount Taranaki and Egmont National Park and overlaps with Ngāti Mutunga (north-east), Ngāti Maru (east), Ngāti Ruanui (south), Ngāruahine (south) and Taranaki Iwi (west).

In 2010 the Crown recommenced negotiations with Te Atiawa. Te Atiawa Iwi Authority is the mandated entity representing Te Atiawa in negotiations.

On 17 March 2010 the Crown and Te Atiawa signed terms of negotiation. On 22 December 2012 the Crown signed an Agreement in Principle with Te Atiawa which formed the basis for this settlement.

The Te Atiawa Deed of Settlement was initialled on 4 June 2014 and signed on 9 August 2014. The settlement will be implemented following the passage of settlement legislation. On settlement the trustees of Te Kotahitanga o Te Atiawa Trust (Te Kotahitanga), the 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, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Te Atiawa.

Summary of the historical background to the claims by Te Atiawa

From 1840, Te Atiawa came under significant pressure to sell their land. In the 1840s and 1850s, Crown agents sought to purchase Te Atiawa land, despite being aware of disagreement among Māori over land sales. By the mid-1850s, Crown purchasing had contributed to enmity and fighting within Te Atiawa, resulting in the loss of life of some Te Atiawa people. In 1860, the Crown deemed resistance to the survey of the Pekapeka block at Waitara, led by the Te Atiawa rangatira Wiremu Kingi Te Rangitake, to be an act of rebellion and commenced hostilities against him and his followers. A peace agreement was negotiated after one year of fighting.

Conflict resumed in 1863, and over the following two years a number of engagements were fought in the Te Atiawa rohe, resulting in the destruction of property and loss of life. In 1865, the Crown proclaimed 1.2 million acres of Taranaki land confiscated, including all of the Te Atiawa rohe. The confiscations were indiscriminate in that they deprived both 'loyal' and 'rebel' Māori of the ownership and use of their lands.

In 1866 the Compensation Court began the process to return confiscated land to 'loyal' Māori. However, most of the readily usable land in northern Taranaki had already been granted to European settlers. By 1880 most of the Compensation Court's awards to Te Atiawa individuals had not been implemented. The compensation process created uncertainty and distress among the people of Te Atiawa about where they were to live and whether they had security of title.

By the late 1870s, many Te Atiawa people were supporting Te Whiti o Rongomai and Tohu Kakahi and the movement for Māori peace and independence that they had established at Parihaka in central Taranaki. Between 1879 and 1880, many Te Atiawa people participating in campaigns of peaceful resistance initiated at Parihaka were arrested and exiled to South Island prisons where they were detained in harsh conditions without trial. Some Te Atiawa people who were arrested did receive trials but were then detained beyond the terms of their court-imposed sentences. Some died while in prison. In November 1881, Te Atiawa people were displaced from Parihaka after more than 1500 Crown troops invaded and dismantled the settlement.

In the early 1880s, the West Coast Commissions investigated Māori grievances, including the failure to implement compensation awards, and returned a limited amount of land to Te Atiawa. However, virtually all of the land granted to Te Atiawa was under uncustomary individualised title, and much of it was rough or inaccessible. In addition, the reserves were not returned to Te Atiawa outright, but were placed under the control of the Public Trustee, who then sold or leased in perpetuity large areas to European farmers. In 1963, the titles of all remaining Taranaki reserves were amalgamated, leaving owners without specific interests in customary land. Today, less than 5 percent of the area that was reserved for Māori is in Māori freehold ownership.

During the twentieth century, Crown efforts to address Taranaki Māori grievances failed. Some were limited in their scope, and others provided for compensation payments that were not discussed with Te Atiawa and other Taranaki Māori. The Taranaki Māori Claims Settlement Act 1944 stated that the sums were a full settlement of claims relating to the confiscations and Parihaka. There is no evidence Te Atiawa or other iwi agreed to this.

Te Atiawa has also experienced significant distress at the degradation of their environment, including the loss of indigenous plants and animals, and the pollution of waterways and important offshore fishing reefs.

Summary of the Te Atiawa settlement

Overview

The Te Atiawa Deed of Settlement will be the final settlement of all historical claims of Te Atiawa 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, acknowledgments and apology
- cultural redress
- financial and commercial redress.

The benefits of the settlement will be available to all members of Te Atiawa, wherever they live. The redress was negotiated by the Te Atiawa Iwi Authority, the mandated entity. Some redress in the Te Atiawa Deed of Settlement is joint redress with Taranaki Iwi. The settlement legislation to enact the Te Atiawa Deed of Settlement is drafted as part of an omnibus bill that will implement the Te Atiawa settlement along with other settlements in Taranaki.

Crown acknowledgements and apology

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

The Deed of Settlement also includes a Crown apology to Te Atiawa for its acts and omissions which have breached the Crown's obligations under the Treaty of Waitangi and for the damage that those actions have caused to Te Atiawa. These actions include purchasing activity which caused enmity and fighting among Te Atiawa and which ultimately led to the war between Taranaki Māori and the Crown. The Crown also apologises for its actions during the Taranaki Wars which resulted in the destruction of Te Atiawa's property, hardship and the loss of life of Te Atiawa people, for the confiscation of Te Atiawa lands, and for its treatment of Te Atiawa people at Parihaka.

Cultural redress

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

VESTING OF SITES

The Deed of Settlement provides for Taumata Historic Reserve to be vested in fee simple to Te Atiawa.

The Deed of Settlement also provides for the joint vesting of Ngā Motu/Sugar Loaf Islands in Te Kōtahitanga and the Taranaki Iwi post-settlement governance entity. Ngā Motu are held within the Sugar Loaf Islands (Ngā Motu) Marine Protected Area, which is subject to the Sugar Loaf Islands Marine Protected Area Act 1991. The area was also deemed a conservation area under the Conservation Act 1987. The islands will continue to be a conservation area and be managed by the Department of Conservation and public access will be maintained.

OVERLAY CLASSIFICATIONS

An overlay classification provides a very high degree of recognition and acknowledges Te Atiawa's spiritual, cultural, historical and traditional values in respect of a site. The site maintains its existing status but the Department of Conservation must consult and allow Te Atiawa to have input into the management of the site to avoid harming these values.

The Deed of Settlement provides for the following overlay classifications:

- Pukerangiora Pa Historic Reserve
- Puketarata-Parihamore Historic Reserve
- Rimutauteka Scenic Reserve
- Waitara Scenic Reserve.

STATUTORY ACKNOWLEDGEMENTS

A statutory acknowledgement recognises the association between Te Atiawa and particular sites. Statutory acknowledgements are recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014. The acknowledgements require consent authorities to provide Te Atiawa with summaries of all resource consent applications that may affect the areas named in the following acknowledgements:

- Awa te Take Pa Historic Reserve
- Awa te Take Scenic Reserve
- Bayly Road Conservation Area
- Everett Park Scenic Reserve
- Herekawe Stream and its tributaries
- Huatoki Stream and its tributaries
- Huatoki Stream Marginal Strip
- Huirangi Recreation Reserve
- Katere Scenic Reserve
- Kowhangamoku Stream and its tributaries
- Mahoetahi Historic Reserve
- Makara Scenic Reserve
- Mangahinau Esplanade Reserve
- Manganui River and its tributaries
- Mangati Stream and its tributaries
- Manu Stream and its tributaries
- Motukari Stream and its tributaries
- Ngahere Scenic Reserve
- Ngangana Pa (being Manukorihi Recreation Reserve)
- Onaero River and its tributaries
- Papamoa (being Meeting of the Waters Scenic Reserve)
- Parahaki Stream and its tributaries
- Puketakauere Pa Historic Reserve
- Robe Street Conservation Area
- Sentry Hill Conservation Area
- Sentry Hill Redoubt Historic Reserve
- Tapuae Stream and its tributaries
- Te Henui Stream and its tributaries
- Te Henui Stream Conservation Area
- Waiau Stream and its tributaries
- Waihi Stream and its tributaries
- Waihowaka Stream and its tributaries
- Waiongana Stream and its tributaries
- Waiongana Stream Conservation Area
- Waipapa Road Conservation Area
- Waipapa Stream and its tributaries

- Waipu Stream and its tributaries
- Waitaha Stream and its tributaries
- Waitara River and its tributaries
- Waitara River No 1 Marginal Strip
- Waitara West Marginal Strip
- Waiwhakaiho River Mouth
- Waiwhakaiho River and its tributaries
- the coastal marine area from Herekawe Stream to Onaero River.

DEEDS OF RECOGNITION

Deeds of Recognition oblige the Crown to consult with Te Atiawa and have regard to their views about the special association Te Atiawa has with a site. They also specify the nature of Te Atiawa's input into the Department of Conservation's management of the following sites:

- Awa te Take Pa Historic Reserve
- Awa te Take Scenic Reserve
- Everett Park Scenic Reserve
- Katere Scenic Reserve
- Mahoetahi Historic Reserve
- Makara Scenic Reserve
- Ngangana Pa (being Manukorihi Recreation Reserve)
- Papamoa (being Meeting of the Waters Scenic Reserve)
- Puketakauere Pa Historic Reserve
- Robe Street Conservation Area
- Sentry Hill Conservation Area
- Sentry Hill Redoubt Historic Reserve
- Waitara River No 1 Marginal Strip
- Waiwhakaiho River Mouth (Crown Land Conservation Area).

There is also a Deed of Recognition, signed by the Commissioner of Crown Lands, in relation to Onaero River and its tributaries.

PLACE NAME CHANGES

Seven geographic names will be changed through the Te Atiawa settlement, including dual Māori-English names. The settlement legislation will, from the settlement date, provide for each of the names listed in the second column to be the official geographic name for the features set out in columns 3 and 4.

Existing name	Official geographic name	Location (NZTopo50 and grid references)	Geographic feature type
East End Beach (local use name)	Autere/East End Beach	BH29 945773	Beach
Blagdon Hill (local use name)	Maungaroa/Blagdon Hill	BH29 899750	Hill
Barrett Street Hospital (local use name)	Otūmaikuku	BH29 923755	Historic site
Mount Moturoa (local use name)	Papawhero/Mount Moturoa	BH29 891756	Hill
Marsland Hill (local use name)	Pūkākā/Marsland Hill	BH29 929758	Hill
Barrett Lagoon (official)	Rotokare/Barrett Lagoon	BH29 900726	Lagoon
	Te Mōrere Pā	BH29 037783	Historic site

PROTOCOLS

The Deed of Settlement provides for protocols to be issued by the Minister for Arts, Culture and Heritage, the Minister for Primary Industries and the Minister of Conservation. These protocols set out how the relevant government agencies will interact and consult with Te Atiawa when carrying out duties and functions.

RELATIONSHIP AGREEMENTS

The Deed of Settlement provides for Te Atiawa and the Ministry for the Environment and the Ministry of Business, Innovation and Employment (in relation to petroleum and minerals) to enter into a relationship agreement that outlines how these Crown agencies will interact with Te Atiawa.

MEMORANDUM OF UNDERSTANDING

The Deed of Settlement notes that Te Atiawa and the Ministry of Transport have entered into a memorandum of understanding to formalise an engagement agreement in relation to any future disposal by the Crown of the New Plymouth Airport. The memorandum is outside of the Treaty settlement but acknowledges Te Atiawa's cultural connection to the airport and commercial aspirations.

LETTERS OF INTRODUCTION

The Deed of Settlement provides for the promotion of relationships between Te Atiawa and Crown agencies and museums. The Crown will write letters of introduction to these agencies.

Financial and commercial redress

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

FINANCIAL REDRESS

The Crown will pay Te Kotahitanga on settlement date \$69,876,000, which is the financial and commercial redress amount of \$87,000,000 less the following on-account payments:

- \$400,000 paid to the Te Atiawa Iwi Authority Board on 26 November 1999
- \$16,724,000 paid to Te Kotahitanga on 15 May 2014.

The settlement also provides for a cultural fund of \$985,000.

COMMERCIAL REDRESS

LANDBANKED PROPERTIES

Te Atiawa will have the option to purchase, within a deferred selection period of one to two years from settlement date, 51 Office of Treaty Settlement landbanked sites.

SALE AND LEASEBACK

Te Atiawa has a deferred selection period of two years from settlement date to purchase and leaseback two non-surplus core Crown properties. These properties are the New Plymouth Court House and the New Plymouth Police Station.

RIGHT OF FIRST REFUSAL

On settlement Te Atiawa will have an exclusive right of first refusal over specified core Crown land for a period of 172 years. Te Atiawa will also have a non-exclusive shared right of first refusal over core Crown land with Taranaki Iwi over a certain defined area.

OPPORTUNITY TO PURCHASE ANY OF THE WAITARA ENDOWMENT LANDS

The Waitara Endowment Lands are of historical and cultural importance to Te Atiawa. The Deed of Settlement and the settlement legislation provides a mechanism to allow Te Kotahitanga and the New Plymouth District Council to enter into agreement to purchase any of the Waitara Endowment Lands. If agreement is reached the endowment land will transfer free of all statutory restrictions. This process is voluntary and there is no obligation on the parties to enter into any agreement for the sale and purchase of the Waitara Endowment Lands.

LOCAL GOVERNMENT PARTICIPATION

The collective redress elements of the deed have been negotiated between the Crown, Te Atiawa, Ngāruahine and Taranaki Iwi. Each iwi stressed their strong associations with all of the natural resources within their rohe and their desire to achieve more positive environmental outcomes for the Taranaki region. The Deed of Settlement sets out a proposed model for iwi representation on the two standing committees in the Taranaki Regional Council that perform the roles and functions associated with policy, planning and consents. This would provide the iwi of Taranaki with an opportunity to be represented at the decision-making table, influencing decisions that affect their rohe, and for the council and region to benefit from the experience and input of the iwi of Taranaki.



Questions and answers

What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the Te Atiawa Deed of Settlement is \$87 million plus interest. This amount is reduced by \$400,000 paid to the Te Atiawa Iwi Authority Board on 26 November 1999 and \$16,724,000 paid to the post-settlement governance entity, Te Kotahitanga, on 15 May 2014.

The total amount that will be paid on settlement will be \$69,876,000 plus interest accrued.

Is any private land being transferred?

No.

Are the public's rights affected?

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

Are any place names being changed?

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

What happens to memorials on private titles?

The legislative restrictions (memorials) placed on the title of Crown properties and some former Crown properties now in private ownership will be removed once all Treaty claims in the area have been settled.

Does Te Atiawa have the right to come back and make further claims about the behaviour of the Crown in the nineteenth and twentieth centuries?

No. If the Deed of Settlement is finalised by the passage of settlement legislation, both parties agree it will be a final and comprehensive settlement of all the historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Te Atiawa. The settlement legislation, once passed, will prevent Te Atiawa from re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement package will still allow Te Atiawa to pursue claims against the Crown for acts or omissions after 21 September 1992, including claims based on the continued existence of aboriginal title or customary rights and claims under the Marine and Coastal Area (Takutai Moana) Act 2011. The Crown retains the right to dispute such claims or the existence of such title rights.

What about redress over the Maunga?

The Deed of Settlement settles all Te Atiawa historical claims over the Maunga. However the deed provides that redress over the Maunga will be negotiated once all iwi of Taranaki have mandates to negotiate. This approach recognises that Maunga Taranaki is significant to all eight iwi of Taranaki and is consistent with the agreements reached with the four iwi who have settled with the Crown (Ngāti Mutunga, Ngāti Tama, Ngāti Ruanui and Ngā Rauru Kītahi).

Who benefits from the settlement?

All members of Te Atiawa, wherever they may now live.

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