




Ngāti Tara Tokanui

DEED OF SETTLEMENT
RATIFICATION INFORMATION
BOOKLET

23 JUNE 2017-21 JULY 2017



A vertical wooden carving, likely a traditional Māori artifact, is mounted on a red-painted wooden roof. The carving features a central face with large, white eyes and a wide, open mouth. Above the face, two hands are carved, one holding a small object. The top of the carving is a long, thin, pointed shape. The background is a bright blue sky with scattered white clouds.

*Ko Te Aroha me Moehau nga Maunga
Ko Tikapa te Moana
Ko Ohinemuri te Awa
Ko Ngahutoitoi te Marae
Ko Hauraki te whenua*

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MIHIMIHI

Kei ngā pātaka iringa kāmeheameha

*Kei ngā taonga tūmatangaingai o ngā ripa
tauārai o Hauraki*

Tēnā rā tātou katoa

*Mokori anō te waihape atu ki ērā kupu i
whakatakotohia e ngā mumu whatukura,*

*e ngā mumu māreikura e mihi ana ki te
whenua e tangi ana ki te tangata*

*nā reira ka waiho rātou ki a rātou, ko tātou te
hunga ora ki a tātou, tēnā hoki tātou katoa*

OVERVIEW

On 29 June 2011, the Crown recognised the mandate of the Ngāti Tara Tokanui negotiators to negotiate a comprehensive settlement of the historical Treaty claims of Ngāti Tara Tokanui with the Crown. The mandated negotiators and the Crown entered into an agreement in principle equivalent on 22 July 2011. On 31 May 2017, Ngāti Tara Tokanui and the Crown initialled a Deed of Settlement.

Ngāti Tara Tokanui is a member of the Pare Hauraki Collective and will also receive collective redress through the Pare Hauraki Collective Redress Deed which was approved in February and March 2017. Details about the Pare Hauraki Collective Redress Deed can be viewed on the Ngāti Tara Tokanui website at www.ngatitاراتokanui.maori.nz.

The ratification process outlined in this booklet focusses on Ngāti Tara Tokanui-specific negotiations.

The Ngāti Tara Tokanui governance entity, the Ngāti Tara

Tokanui Trust, was ratified and established in 2013 to receive and manage Treaty settlements assets on behalf of the members of Ngāti Tara Tokanui.

As the final step of our Treaty settlement journey, we now seek your approval of the Crown offer as it relates specifically to Ngāti Tara Tokanui. This booklet summarises the settlement redress provided through the Ngāti Tara Tokanui Deed of Settlement.

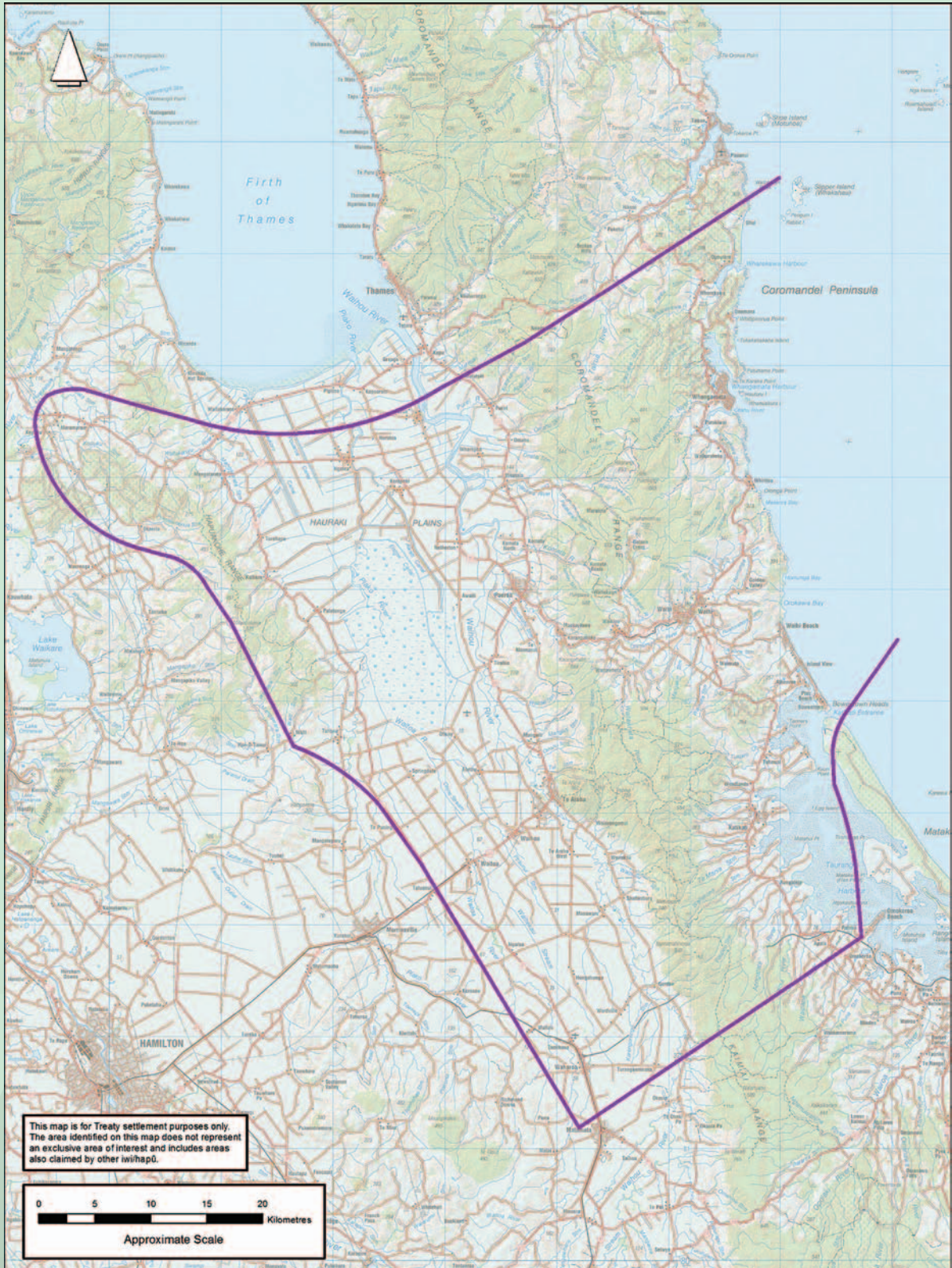
Voting is now open to all registered members of Ngāti Tara Tokanui on the Ngāti Tara Tokanui Deed of Settlement.

The information contained in this booklet and the documentation available on the Ngāti Tara Tokanui website, in addition to the upcoming ratification information Hui, will allow voters to make an informed decision.

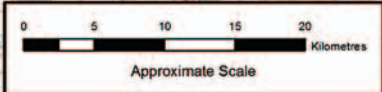
The Ngāti Tara Tokanui area of interest is shown on the following map.



NGĀTI TARA TOKANUI AREA OF INTEREST



This map is for Treaty settlement purposes only. The area identified on this map does not represent an exclusive area of interest and includes areas also claimed by other iwi/hapū.



South Auckland Land District
Territorial Authority: Thames-Coromandel,
Hauraki, Waikato, Matamata-Piako, Waipa
and Western Bay of Plenty Districts
Compiled as a graphic representation.
Boundaries are indicative only.



Ngāti Tara Tokanui Area of Interest

Areas referred to in the Deed of Settlement between
Ngāti Tara Tokanui and the Crown

Approved as to boundaries:

..... for Ngāti Tara Tokanui

..... for and on behalf of the Crown



CROWN OFFER

The Ngāti Tara Tokanui Deed of Settlement contains the following key redress:

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

Historical redress

The historical redress includes a Crown acknowledgement of its Treaty breaches, a Crown apology to Ngāti Tara Tokanui and an agreed historical account.

Crown acknowledgements and apology

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

The Deed of Settlement also includes a Crown apology to Ngāti Tara Tokanui for its acts and omissions which reached its obligations under the Treaty of Waitangi and for the damage those actions caused to Ngāti Tara Tokanui. These include the promotion of laws and policies in New Zealand that led to the alienation of Ngāti Tara Tokanui land, caused environmental damage to the Waihou and Ohinemuri Rivers, eroded Ngāti Tara Tokanui tribal structures and dislocated them from their pā and kāinga. The Crown failed to uphold its obligations under Te Tiriti o Waitangi/the Treaty of Waitangi and caused physical and spiritual hardship that is deeply felt by Ngāti Tara Tokanui today.

Summary of the historical account

Ngāti Tara and Ngāti Tokanui had distinct whakapapa but were joined over many generations through intermarriage and together created the iwi known today as Ngāti Tara Tokanui. During the 19th century, Ngāti Tara rangatira described themselves primarily as Ngāti Koi.

Between 1865 and 1868, the Crown confiscated 290,000 acres of land around Tauranga. All customary interests in this land were extinguished, although the Crown returned most of the district to other Māori, and retained 50,000 acres. Ngāti Tara Tokanui had interests in lands that were included in the confiscation. In 1864 the Crown purchased from another iwi some of the land in the Katikati and Te Puna blocks. Ngāti Koi lands were included in these transactions. The Crown acknowledged the interests of other iwi in subsequent negotiations, but Ngāti Koi had no land returned and do not appear to have signed the sale deeds or to have been paid by the Crown.

In December 1868, Ngāti Tara Tokanui rangatira were among those who signed an agreement with the Crown to establish a goldfield at Ohinemuri. In 1870 Ngāti Tara Tokanui rangatira Te Keepa Raharuhi applied to the Native Land Court for a title investigation for the Owharoa in order to allow gold mining. The Court awarded Owharoa to Ngāti Tara Tokanui.

The iwi accumulated debts through the Native Land Court process, and by 1875 six of Owharoa's seven owners had sold their interests to private buyers. Further sales took place in the 1880s and 1890s. Today, just two acres of Ngāti Tara Tokanui's original holdings in the Owharoa blocks remain in Māori ownership.

From 1872, a Crown agent began making pre-title advances to individuals he deemed to have interests in the Ohinemuri block. In 1875, the Crown realised that it was not going to be able to obtain the agreement of enough owners to purchase the Ohinemuri block, and it negotiated a lease instead. Among the 88 individuals who signed the lease were at least eight members of the iwi. The Crown applied all the rental income to the repayment of advances despite not all of the owners having accepted these advances. As a result, Ngāti Tara Tokanui did not receive any income from gold mining in their rohe.

Between 1877 and 1882, a Crown official again made advance payments to individuals he deemed to have interests in Ohinemuri. Because the Crown had proclaimed monopoly powers over Ohinemuri, Māori had no option of alienating their land to private parties if they needed to sell their land. In 1882 the Native Land Court awarded the Crown 31,714 acres in Ohinemuri 17. The remaining 3,746-acre Ohinemuri 17A block went to the non-sellers (including Te Keepa). Some 1,170 acres and three wāhi tapu sites were reserved for Ngāti Koi, half the reserves they thought they had been promised. After further Crown purchases, by 1896 Ngāti Tara Tokanui were left with approximately 2,500 acres of land.

In 1895, the Crown authorised the discharge of mine tailings into the Waihou and Ohinemuri Rivers, including cyanide-treated waste. In 1900 a Crown official estimated that about 300 Māori people needed an alternative water supply because the Ohinemuri river was 'polluted' and 'unfit for either human, or animal consumption'.

In 1902, Te Keepa and other Māori protested that the discharge of mining waste into the rivers silted up the river beds, causing flooding and extensive crop damage. The Crown eventually initiated a number of schemes to try and control the flooding, resulting in significant changes to the Waihou and Ohinemuri Rivers and their tributaries and the surrounding lands from which Ngāti Tara Tokanui had traditionally drawn resources.

The wetland areas of the Hauraki plains were a significant source of food and resources for Ngāti Tara Tokanui. In the early 1900s, the Crown established the Hauraki Plains drainage scheme to drain the swamp and develop it for farming. The scheme was further expanded in the 1930s. From 1978 to 1995, land which Ngāti Tara Tokanui had traditionally occupied was taken under the Public Works Act for works related to the drainage scheme. Of the 2,500 acres Ngāti Tara Tokanui retained at 1896, only 232 acres remain as Māori freehold land today.



Cultural redress

This redress recognises the losses suffered by Ngāti Tara Tokanui arising from breaches by the Crown of its Treaty obligations. The cultural redress package recognises the spiritual, cultural, ancestral, customary, traditional and historical associations of Ngāti Tara Tokanui with places and sites owned by the Crown.

Sites vested in Ngāti Tara Tokanui

Seven sites of cultural significance will be vested in fee simple in Ngāti Tara Tokanui:

- Kepa Place (0.23 ha);
- Ngā Ure Tara (0.44 ha)
- Mimitu Pā (180.48 ha) subject to a conservation covenant;
- Te Pou o Tiki Te Aroha (1.48 ha) as a scenic reserve;
- Tawhitaraiā (261 ha) as a scenic reserve and subject to easements;
- Ngāmarama (2.96 ha) as a recreation reserve; and
- Ngāti Koi Domain (54.13 ha) as a recreation reserve and jointly administered with the Hauraki District Council.

Sites jointly vested in Ngāti Tara Tokanui and other iwi

The following sites of cultural significance will be vested in fee simple in Ngāti Tara Tokanui and other iwi of Hauraki:

- Tanners Point property (0.20 ha) will be jointly vested in Ngāti Tara Tokanui and Hako; and
- Karangahake Tihi (10 ha) will be jointly vested in Ngāti Tara Tokanui, Hako and Ngāti Tamaterā, subject to an easement and conservation covenant.

Whenua rāhui

An overlay classification (known as Whenua Rāhui) will be provided over the Karangahake Scenic Reserve. A Whenua Rāhui acknowledges the traditional, cultural, spiritual and historical association of Ngāti Tara Tokanui with certain sites 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

The redress package will include the provision of a statutory acknowledgement over a range of sites and rivers and tributaries of significance to Ngāti Tara Tokanui. A statutory acknowledgement recognises the association between Ngāti Tara Tokanui and a particular site or area and enhances the iwi's ability to participate in specified resource management processes.

Statement of association with Moehau and Te Aroha

The Deed of Settlement will acknowledge that Ngāti Tara Tokanui has associations with, and asserts certain spiritual, cultural, historical and traditional values in relation to, the Moehau maunga and Te Aroha maunga.

Protocols and relationship agreement

The Deed of Settlement will provide for the Chief Executive of the Ministry for Culture and Heritage and the Minister for Primary Industries to issue protocols that set out how their respective agency will interact with and consult the Ngāti Tara Tokanui governance entity when carrying out statutory duties and functions.

The Ngāti Tara Tokanui governance entity will enter into a conservation relationship agreement with the Department of Conservation that will outline how the Department of Conservation will engage with Ngāti Tara Tokanui.

Promotion of relationships

The Minister for Treaty of Waitangi Negotiations will write to a number of local authorities, Crown agencies and entities to raise the profile of Ngāti Tara Tokanui, advise them of matters of particular importance to the iwi and provide a platform for better engagement with the iwi.

Cultural redress payment

The Crown will pay the Ngāti Tara Tokanui governance entity the following amounts on settlement date:

- \$100,000 towards the cultural revitalisation of Ngāti Tara Tokanui; and
- \$344,166 to enable the purchase by the governance entity of three properties from the Hauraki collective commercial entity.

Vesting of minerals

Iwi will take ownership of any Crown-owned minerals found in land transferred to them. This does not include minerals covered by section 10 of the Crown Minerals Act 1991 (i.e. petroleum, gold, silver and uranium).

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

Harbours and Hauraki Gulf

The Crown and Ngāti Tara Tokanui have agreed to conduct separate negotiations in the future to discuss potential cultural redress in relation to Tikapa Moana / the Hauraki Gulf and Te Tai Tamahine / Te Tai Tamawahine.



Financial and commercial redress

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

The total value of the financial and commercial redress in this settlement is \$6 million. This includes:

- \$4.1 million already received in on-account payments; and
- the balance of \$1.9 million to be transferred on settlement date.

The commercial redress includes the right to purchase, for two years after the settlement date, the Paeroa College School site (land only) subject to its lease-back to the Crown. In the event that the school site becomes surplus to Crown's requirements, the Crown may give written notice to the governance entity advising it that the school site is no longer available for selection by the governance entity.

ELIGIBILITY TO VOTE

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

To be eligible to register, you must whakapapa to a Ngāti Tara Tokanui tupuna.

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

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

If someone you know is not registered with their iwi please encourage them to enrol before voting closes by contacting: electionz.com, the independent voting company (toll-free election helpline number - 0800 666 041 / iro@electionz.com); or their iwi website.

People will also be able to register at the ratification information hui and vote through the special vote process.

VOTING PROCESS

There is a four-week voting period beginning on 23 June 2017 and ending on 21 July 2017. To be counted, votes must be received by 12.00 noon on 21 July 2017, or by envelope date-stamped 21 July 2017 by the Post office and received within five days of 21 July 2017.

Voting methods

Eligible members of Ngāti Tara Tokanui have three ways to vote:

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

Resolution

The resolution to be voted on by eligible members of the iwi of Ngāti Tara Tokanui is:

I support the Ngāti Tara Tokanui Deed of Settlement

The Ngāti Tara Tokanui Deed of Settlement is available at www.ngatitاراتokanui.maori.nz as well as www.govt.nz/treaty-settlement-documents/ngati-tara-tokanui/.

A hard copy of the Ngāti Tara Tokanui Deed of Settlement will be available for viewing at the 9 July 2017 and 16 July 2017 Ratification Hui to be held at Ngāhutoitoi Marae at 6pm.



Special votes

Special votes can be cast at any of the ratification information hui or by contacting electionz.com, the independent election company (toll-free election helpline number - 0800 666 041 / iro@electionz.com).

Voters must complete a special voting form if they:

- turn 18 years during the voting period; or
- enrol as an iwi member during the voting period.

RATIFICATION INFORMATION HUI

Ratification information hui are being held during the voting period between 23 June 2017 and 21 July 2017 to provide Ngāti Tara Tokanui with information (in addition to the information available in the voter packs and websites) and to enable iwi members to make an informed decision when voting on the Ngāti Tara Tokanui Deed of Settlement.

We urge Ngāti Tara Tokanui to attend the following ratification information hui:

- **Ngāhutoitoi Marae, Paeroa – 9 July 2017 11.00am**
- **Ngāhutoitoi Marae, Paeroa – 16 July 2017 11.00am**



WHAT HAPPENS IF THE DEED OF SETTLEMENT IS RATIFIED

The ratification votes will be counted by electionz.com (the independent election company) and the results provided to Ngāti Tara Tokanui, and then to the Crown.

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

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

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

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

- electionz.com (toll-free election helpline number - 0800 666 041 / iro@electionz.com); or
- your iwi.

Iwi Website Contact

Ngāti Tara Tokanui www.ngatitاراتokanui.maori.nz



NOTES

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