



Te Pire Whakataunga i Ngā Kerēme a Rangitāne Tū Mai Rā (Wairarapa Tāmaki nui-ā-rua)

162—1

Pūrongo a te Komiti o Ngā Take Māori

Ngā kaupapa

Tūtōhutanga	2
Kupu whakataki	2
Ngā kōrero whakamārama mō Rangitāne	2
Te mana me te whaikanohitanga	3
Te puretumu ahurea me te arumoni	4
Te ngahere o Ngāumu me te Moana o Wairarapa	4
Tāpiritanga	6

Te Pire Whakataunga i Ngā Kerēme a Rangitāne Tū Mai Rā (Wairarapa Tāmaki nui-ā-rua)

Tūtohutanga

Kua āta tirohia e Te Komiti o Ngā Take Māori te Pire Whakataunga i Ngā Kerēme a Rangitāne Tū Mai Rā (Wairarapa Tāmaki nui-ā-rua), me te tūtohu kia whakamanatia me te kore menemana.

Kupu Whakataki

Ko tā te Pire Whakataunga i Ngā Kerēme a Rangitāne Tū Mai Rā (Wairarapa Tāmaki nui-ā-rua) he whakamana i te pukapuka whakataunga i whakaaehia i waenga i te Karauna me Rangitāne o Wairarapa me Rangitāne o Tāmaki nui-ā-Rua hei whakatau i ngā kerēme Tiriti o Waitangi katoa o neherā a Rangitāne. Kei roto anō ko ngā whākinga me te whakapāha a te Karauna i whakatakotohia atu ki a Rangitāne.

He tino whānui ngā kerēme o neherā a Rangitāne ki te Karauna. He hāngai ki te tangohanga o ngā whenua tino whānui e te Karauna me tana ngoikore ki te rūri tika, te tiaki rānei i ngā whenua rāhui maha kia kore ai e tukuna, ngā pānga o te noho kore whenua me ngā aukatitanga ā-iwi, te ngoikore o te Karauna ki te tiaki i te anga ā-iwi o Rangitāne, me te ngarotanga o te reo Māori.

Kei roto anō i te whakataunga ko ngā whakapāha e pā ana ki te rironga atu o Te Tapere nui o Whātonga me ngā taonga pēnei i te manu huia, te kore whakaae a te Karauna ki te mana o Rangitāne, me te ngoikore o te Karauna ki te manaaki i te rangatiratanga o Rangitāne.

Kei roto i te pire ko aua wāhanga anake o te puretumu i roto i te whakataunga me whai mana ā-ture. Kei te Wāhanga 1 o te pire he whakarāpopototanga kōrero hitori, me ngā whākinga me te whakapāha a te Karauna. E whakatakotohia ana i te Wāhanga 2 ko te puretumu ahurea, ā, kei te Wāhanga 3 ko te puretumu arumoni.

E whakatakotohia ana i te pukapuka whakataunga ko te puretumu whānui i tukuna ki a Rangitāne hei whakataunga whakamutunga tūturu mō ana kerēme Tiriti o Waitangi o neherā.

Ngā kōrero whakamārama mō Rangitāne

He iwi a Rangitāne, e tata ana ki te 3,000 tō rātau tokomaha. Ka ahu atu te rohe pānga whenua o Rangitāne mai i te taha uru o ngā pae maunga o Ruahine ki te raki o Taniwaka, rāwhiti atu ki Mākaramu (tūtata ki Pōrangahau), piki whakarunga ki Mātakitaki-a-Kupe, ka karapoti i ngā rohe whānui o Te Wairarapa me Tāmaki nui-ā-Rua.

He nui te whiti atu o Ngāti Kahungunu ki te rohe pānga whenua o Rangitāne. Ka whakatinanahia e ngā ture puretumu motuhake he puretumu ahurea tūhonohono i waenga i a Rangitāne me Ngāti Kahungunu.

Ko ētahi atu iwi ka whiti atu ki te rohe pānga whenua o Rangitāne ko: Heretaunga Tamatea, Ngāti Toa Rangatira, Muaūpoko, Ngāti Tama (Te Whanganui-a-Tara), Rangitāne o Manawatū, Ngāti Rangatahi, Taranaki Whānui ki Te Ūpoko o Te Ika, Ngāti Raukawa ki te Tonga, me Ngāti Kauwhata.

I whakamanatia ko te Rangitāne Settlement Negotiations Trust te māngai o Rangitāne mō ngā mahi whakariterite me te Karauna.

Te mana kōkiri me te whaikanohitanga

Te Hika o Pāpāuma (ngā kaikerēme o Wai 420)

I whiwhi tāpaetanga mātau mai i Te Hika o Pāpāuma (THoP) e whakahē ana i te pire i te mea ki ō rātau whakaaro kāore i te tika te whakamana me te tiaki i te tuakiri taketake, te mana whenua me te mana moana o THoP, he mea kī taurangi e Te Tiriti o Waitangi. Ko te hiahia o THoP kia whakamanahia rātau e te Karauna hei iwi tūturu whānui mō te kaupapa o ngā whakariterite whakataunga, wehekē mai i a Rangitāne me Ngāti Kahungungu. Engari, ko te whakaaro o te Karauna kāore tēnei i te tika i te mea nō Rangitāne me Ngāti Kahungungu a THoP, ā, kāore te Karauna i te hiahia ki te whakariterite me tētahi hapū takitahi, whānau takitahi, kerēme takitahi rānei.

E mārāma ana mātau i hui Te Tari Whakatau Take e Pā Ana ki Te Tiriti o Waitangi me THoP me ngā kaikerēme o Wai 420, me te whakahau i a rātau ki te kōrerorero i ō rātau āwangawanga ki te Rangitāne Settlement Negotiations Trust. I tohua tēnei tarahiti hei mana kōkiri whakakanohi i ngā whakariterite a THoP me te Karauna i te ekenga o tētahi whakaaetanga e whakarārangi ana i te taura here whakahirahira i waenga i a THoP me Rangitāne i te tau 2012.

I tā mātau rongo kōrero mai i Te Hika o Pāpāuma Mandated Iwi Authority i Whakaoriori, ko te āwangawanga nui o te tāpaetanga ki te whakaurua a THoP ki te whakamāramatanga kaikerēme mō Rangitāne ka raru te mana taketake o THoP. Hei pupuri i te tūranga motuhake o THoP, ko te whakaaro marohi a te kaitāpae kōrero ko ētahi menemana hei tuku puretumu me te whaikanohitanga wehekē mō THoP.

I tuku whakaaturanga a Rangitāne Tū Mai Rā Trust, te rūnanga whakahaere rawa ā-iwi, e whakahē ana i te kōrero a THoP e kī ana chara rātau i te hapū o Rangitāne. Kāore te tarahiti i te tautoko i ngā menemana marohi a te kaitāpae ki te pire, ka mutu kei te whakatohetoho ki te whakariterite anō i te whakataunga i te mea kua pōti kētia e te iwi te kerēme me te tautoko i te whakatūtanga o te Tarahiti hei rūnanga whakahaere rawa ā-iwi, me te waitohu i te whakataunga me te Karauna. Heoi anō, kei te pūmau te Tarahiti ki te tautoko i te whanaketanga o ngā hapū katoa o Rangitāne, tae atu ki THoP, otirā i āta kī anō rātau ka tautokona ngā wawata o THoP mō te āhuatanga o te hiahia o THoP ki te whakakanohi me te whakarite mai i a ia anō.

I āta wherawherahia e mātau ngā tāpaetanga a THoP. He mahi hira te āhukahuka i te tuakiri motuhake o te iwi, hapū, me ētahi atu rōpū hei whakamana anō i te Māori. I roto i ā mātau whiriwhiringa, i tiroiro mātau mēnā ka taea a THoP te whakahuahua ake i roto i te whakarāpopototanga kōrero hitori. Ko te whakahoki kōrero mai ki a mātau kua tau kē te kōrero i waenga i a Rangitāne me te Karauna ko te whakarāpopototanga kōrero hitori mō te iwi whānui kē o Rangitāne, ka mutu kāore i te tika kia kōrerōtia a THoP, ā, kaua ētahi atu

hapū. Ko te whakaaro i tukua hei anga whakamua ko te tāpiri i tētahi taupū ki te whakataunga e kōrero ana i ngā wāhi e whakahuahuatia ana a THoP i roto i te whakataunga. He tikanga tōtika tēnei ki ō mātau whakaaro hei whakamana i te tuakiri motuhake o THoP i roto o Rangitāne.

Te hapū o Ehetere Kawemata Rautahi (ngā kaikerēme Wai 1950)

I whiwhi mātau i tētahi tāpaetanga mai i ngā kaikerēme o Wai 1950 e tono ana kia tangohia mai rātau i te pire. I kaha whakahē rātau ki te whakaurunga atu o tā rātau kerēme ki te mana kōkiri o Rangitāne Settlement Negotiations Trust, ā, i tono rātau kia tangohia mai i te whakataunga mana kōkiri. I whakaurua atu ngā kaikerēme ki raro i te mana kōkiri i te mea nō Te Rangiwhakaewa rātau, ā, kei roto tēnei i te whakamāramatanga kaikerēme e rārangi mai ana i te whiti 13. Engari, e ai ki ngā kaikerēme, i te mea he tuakiri motuhake tō rātau me wehe kē mai tā rātau kerēme i a Rangitāne.

I te Paengawhāwhā 2016, i tukuna e ngā kaikerēme he tono ki Te Rōpū Whakamana i Te Tiriti o Waitangi kia wawe te whakawāhia o te whakaaetanga o te whakataunga mana kōkiri me tā rātau kerēme i roto. I whakaurua tēnei pire ki te Whare Pāremata i te wā tonu e whakaaroarohia tonutia ana te tono e te Rōpū Whakamana i Te Tiriti o Waitangi. E ai ki ngā kaitāpae nā te whakaurunga o te pire i mua i te whakaritenga o tā rātau tono i murua he whakataunga mai i a rātau e āhei ai rātau ki te whaiwhai i ētahi atu huarahi ā-ture.

Kei te mōhio mātau i kī a Kaiwhakawā Savage o Te Rōpū Whakamana i Te Tiriti o Waitangi kua whakahēhia e ia te tono mō tētahi whakawātanga wawe ahakoa rā kua whakauruhia mai te pire ki te whare.

E ai ki ngā kōrero i runga ake, he take tino nui ki a mātau ngā tāpaetanga e whakatakoto ana i te tuakiri motuhake mai i tētahi iwi. Engari, kāore i te tika ki ō mātau whakaaro te tango mai i ngā kaikerēme Wai 1950 mai i te pire i te mea he hapū rātau nō Rangitāne, me te aha me uru tā rātau kerēme ki roto i te whakataunga whakamutunga a Rangitāne. E whakatenatena ana mātau i ngā kaikerēme o Wai 1950 kia āta whai wāhi atu me te uru atu ki te rūnanga whakahaere rawa ā-iwi kia whai hua ai rātau i te whakataunga.

Te puretumu ahurea me te arumoni

Wehewehenga

Ka whakarato tika te pire kia hokona mai atu ki te 30 ōrau o ngā whenua raihana Ngahere Karauna o Ngāumu me te tika ki te hoko mai i te kura tawhito o Landsdowne hei puretumu arumoni. He maha ngā tāpaetanga i whiwhi mātau e kī ana me whakaaroaro e mātau te wehewehe anō i tēnei puretumu hei puretumu ahurea nā tōna hiranga ahurea me te hītori nui o ēnei wāhi.

Kei te whakaae mātau ki te hiranga ahurea me te hītori o ngā wāhi nei. Engari, nā te mea i whitiwhiti kōrero ki te iwi kerēme o Rangitāne me tā rātau whakaae anō ki te kōpaki whakataunga, kāore i te tika ki ō mātau whakaaro kia huria te puretumu i tēnei wāhanga o te hātepe.

Te ngahere o Ngāumu me te Moana o Wairarapa

Kei te mōhio mātau kāore anō kia whakaaehia ngā taipitopito whakamutunga o te Poari ā-Ture o Te Moana o Wairarapa me te tohu i te papa moana o Te Roto o Wairarapa e te

Karauna, Rangitāne me Ngāti Kahungunu. Ka takoto ngā taipitopito whakamutunga ki te ture puretumu ngātahi.

I rongō mātau i tētahi tāpaetanga e kī ana me nui ake ngā pānga o Rangitāne ki te ngahere o Ngāumu, kia ōrite te mana ariki ki te papa moana, ā, kia ōrite te whaikanohitanga ki te Poari ā-Ture o Te Moana o Wairarapa. I whakamōhiotia mai mātau i whai te Karauna i taua tikanga anō mō te whiriwhiri i te tohatohanga o te ngahere. Arā, ko te whakaaroaro i te taurite o ngā rawa arumoni i tonoa e Rangitāne me Ngāti Kahungunu, ā, me ngā mea ka wātea mai mō te wāhanga ki ā rāua kōpaki puretumu ake. I whai wā ngā taha e rua ki te tuku tāpaetanga mō ngā tohatohanga whiringa, kia eke rānei he whakaaetanga mō tētahi tohatohanga kē.

Kei te mōhio mātau, ahakoa kāore i eke he whakaaetanga i waenga i ngā taha e rua, i whakaae te Rangitāne Settlement Negotiations Trust ki te tukutanga a te Karauna i te tika kia hokona mai atu ki te 30 ōrau o te ngahere o Ngāumu. Nā tēnei whakaaetanga, me te take kei te whakaotioti haere tonu ngā taha e rua i ngā taipitopito o te puretumu ngātahi, kāore i te tika ki ō mātau whakaaro kia huria te rahinga o te puretumu.

Te tohu me te tuku anō i te Pūkaha/Mount Bruce National Wildlife Centre Reserve and Scenic Reserve

Ko tā te pire he tohu me te tuku anō i te Pūkaha/Mount Bruce National Wildlife Centre Reserve me te Pūkaha/Mount Bruce Scenic Reserve.

I whiwhi mātau i tētahi tāpaetanga e tono ana kia rua ngā tūru ki a Rangitāne ki te Poari o Pūkaha kia mātua kore ai e ngaro te mana tuku iho o Rangitāne. Kei te mārama mātau kotahi te tūru o Rangitāne ki te poari i tēnei wā. Kei te mōhio mātau kāore te tūranga o Rangitāne ki te poari i uru ki ngā take whakariterite i waenga i a Rangitāne me te Karauna, nō reira kāore i te tika mā tēnei pire tēnei take e whakarite. Nō reira ko tā mātau me whaiwhai a Rangitāne i tēnei take me te Poari o Pūkaha.

Tāpiritanga

Hātepe a te komiti

I tukuna mai te Pire Whakataunga i Ngā Kerēme a Rangitāne Tū Mai Rā (Wairarapa Tāmaki nui-ā-rua) ki te komiti i te 22 o Mahuru 2016. Ko te rā kati mō ngā tāpaetanga ko te 7 o Whiringa-ā-rangi 2016. I whiwhi mātau, i whakaaroarohia hoki ngā tāpaetanga 12 mai i ngā rōpū whai pānga me ngā tāngata takitahi. I rongō mātau i ngā whakaaturanga ā-waha mai i ngā kaitāpae e 6 i Whakaoriori.

I whiwhi tohutohu mātau mai i Te Tari Whakatau Take e Pā Ana ki Te Tiriti o Waitangi, me ngā āwhina tuhi ā-ture mai i Te Tari Tohutohu Pāremata.

Ngā mema o te komiti

Tutehounuku Korako (Tiamana)
Hon Chester Borrows
Marama Davidson
Kelvin Davis
Marama Fox
Peeni Henare
Pita Paraone
Tākuta Shane Reti



Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Bill

162—1

Report of the Māori Affairs Committee

Contents

Recommendation	2
Introduction	2
Background information about Rangitāne	2
Mandate and representation	3
Cultural and commercial redress	4
Ngāumu forest and the Wairarapa Moana	4
Appendix	6

Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Bill

Recommendation

The Māori Affairs Committee has examined the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Bill, and recommends that it be passed without amendment.

Introduction

The Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Bill seeks to give effect to the deed of settlement agreed by the Crown and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua to settle all of Rangitāne's outstanding historical Treaty of Waitangi claims. It also records the acknowledgements and apology the Crown offered to Rangitāne.

Rangitāne's historical claims against the Crown are wide ranging. They relate to the Crown's acquisition of vast areas of land and its failure to properly survey or protect a number of reserves from alienation, the resulting landlessness and social deprivation, the Crown's failure to protect Rangitāne tribal structure, and the loss of te reo Māori.

The settlement also includes apologies relating to the loss of Te Tapere nui o Whātonga (Seventy Mile Bush) and taonga such as the huia bird, the Crown's former lack of recognition of Rangitāne, and the Crown's failure to respect the rangatiratanga of Rangitāne.

The bill includes only those parts of the redress in the settlement that require legislative authority. Part 1 of the bill includes a summary of the historical account, and the Crown's acknowledgements and apology. Part 2 sets out cultural redress, and Part 3 sets out commercial redress.

The deed of settlement sets out in full the redress provided to Rangitāne for the full and final settlement of its historical Treaty of Waitangi claims.

Background information about Rangitāne

Rangitāne is an iwi of about 3,000 people. The Rangitāne area of interest extends from the western side of the Ruahine range to north of Dannevirke, east to Mākaramu (near Porangahau), down to Cape Palliser, and encompasses the wider Wairarapa and Tamaki nui-ā-Rua regions.

Ngāti Kahungunu substantially overlaps the Rangitāne area of interest. Separate redress legislation will implement shared cultural redress between Rangitāne and Ngāti Kahungunu.

Other groups overlapping the Rangitāne area of interest include: Heretaunga Tamatea, Ngāti Toa Rangatira, Muaūpoko, Ngāti Tama (Wellington), Rangitāne o Manawatu, Ngāti

Rangatahi, Taranaki Whānui ki Te Upoko o Te Ika, Ngāti Raukawa ki te Tonga, and Ngāti Kauwhata.

The Rangitāne Settlement Negotiations Trust was mandated to represent Rangitāne in negotiations with the Crown.

Mandate and representation

Te Hika o Pāpāuma (Wai 420 claimants)

We received submissions from Te Hika o Pāpāuma (THoP) opposing the bill because they consider that it does not adequately acknowledge and protect the distinct identity, mana whenua, and mana moana of THoP as guaranteed under the Treaty of Waitangi. THoP thinks that the Crown should recognise it as a large natural group for the purpose of settlement negotiations, separate from Rangitāne and Ngāti Kahungunu. However, the Crown considers that this would be inappropriate because THoP is part of Rangitāne and Ngāti Kahungunu, and the Crown prefers not to negotiate at individual hapū, whānau, or claim level.

We understand that the Office of Treaty Settlements has engaged with THoP and Wai 420 claimants, and encouraged them to discuss their concerns with the Rangitāne Settlement Negotiations Trust. This trust became the mandated authority to represent THoP in negotiations with the Crown after an agreement was reached outlining the special relationship between THoP and Rangitāne in 2012.

When we heard from Te Hika o Pāpāuma Mandated Iwi Authority in Masterton, the concern underlying the submission was that including THoP in the Rangitāne claimant definition compromises THoP's distinct identity. To maintain THoP's independent status, the submitter suggested amendments that would provide separate redress and representation for THoP.

The Rangitāne Tū Mai Rā Trust, which is the post-settlement governance entity, submitted evidence disputing THoP's assertion that it is not a hapū of Rangitāne. The Trust does not support the submitter's proposed amendments to the bill, and is not willing to re-negotiate because the claimant community has already voted on and supported the establishment of the Trust as the post-settlement governance entity, and the signing of the deed of settlement with the Crown. However, the Trust has made a commitment to supporting the development of all hapū of Rangitāne, including THoP, and specifically stated that it would support THoP's aspirations as to how THoP chooses to represent and organise itself.

We have reflected on THoP's submissions very carefully. Acknowledging the distinct identity of iwi, hapū, and other groups is an important part of re-empowering Māori. As part of our consideration, we looked at whether THoP could be specifically referred to in the historical account. We were advised that Rangitāne and the Crown agreed that the historical account would tell the story of Rangitāne iwi as a whole, and it would be remiss to single out THoP over other hapū. It was suggested that a possible way forward would be to attach an index to the deed of settlement which refers to instances where THoP is mentioned in the deed of settlement. We think that this is an appropriate way to recognise that THoP has a distinct identity within Rangitāne.

Hapū of Ehetere Kawemata Rautahi (Wai 1950 claimants)

We received a submission on behalf of the Wai 1950 claimants asking to be removed from the bill. They had strongly objected to the inclusion of their claim in the Rangitāne Settlement Negotiations Trust's mandate, and had requested that it be removed from the deed of mandate. The claimants were included in the mandate because they affiliate to Te Rangiwhakaewa, which is included in the bill's claimant definition set out in clause 13. However, the claimants consider that, because they have a distinct identity, their claim should be considered separately to Rangitāne's.

In April 2016, the claimants filed an application with the Waitangi Tribunal seeking an urgent inquiry into the recognition of the deed of mandate with their claim in it. This bill was introduced into Parliament while the Tribunal was still considering the application. The submitters consider that introducing the bill before their application was determined deprived them of a decision through which they could have pursued other legal options.

We note that Judge Savage of the Waitangi Tribunal said he would have declined the application for urgency notwithstanding the introduction of the bill.

As discussed above, we take submissions asserting a distinct identity to iwi very seriously. However, we do not think it is appropriate to remove the Wai 1950 claimants from the bill because they are a hapū of Rangitāne, and their claim should be contained within Rangitāne's final settlement. We encourage the Wai 1950 claimants to actively participate and engage with the post-settlement governance entity so they can benefit from the settlement.

Cultural and commercial redress

Classification

The bill would provide for the right to purchase up to 30 percent of Ngāumu Crown Forest licensed land and the right to purchase the former Landsdowne School as commercial redress. We received several submissions suggesting that we consider reclassifying this redress as cultural redress because of the cultural and historical significance of these areas.

We acknowledge the areas' cultural and historical significance. However, because the Rangitāne claimant community was consulted and agreed to the settlement package, we do not think it is appropriate to change the redress at this stage in the process.

Ngāumu forest and the Wairarapa Moana

We note that the final details of the Wairarapa Moana Statutory Board and the vesting of the lakebed of Lake Wairarapa are still to be agreed by the Crown, Rangitāne, and Ngāti Kahungunu. The final details will be set out in the shared redress legislation.

We heard a submission that Rangitāne should have a larger share of the Ngāumu forest, equal ownership of the lakebed, and equal membership on the Wairarapa Moana Statutory Board. We are advised that the Crown applied the standard process for determining the allocation of the forest. This involves considering the balance of commercial assets sought by Rangitāne and Ngāti Kahungunu, and what may be made available as part of the

respective redress packages. Both groups had time to submit on the preliminary allocation, or to reach agreement on an alternative allocation.

We note that, although no agreement was reached between the groups, the Rangitāne Settlement Negotiations Trust accepted the Crown's offer of the right to purchase up to 30 percent of the Ngāumu forest. Because of this agreement, and the fact that the parties are still finalising the details of the shared redress, we do not think it is appropriate to change the level of redress.

Vesting and gifting back the Pukaha/Mount Bruce National Wildlife Centre Reserve and Scenic Reserve

The bill would vest and gift back Pukaha/Mount Bruce National Wildlife Centre Reserve and Pukaha/Mount Bruce Scenic Reserve.

We received a submission requesting that Rangitāne have two permanent seats on the Pukaha Board to make sure that Rangitāne's cultural footprint is never lost. We understand that Rangitāne currently holds one seat on the board. We note that Rangitāne membership on the board was not the subject of negotiations between Rangitāne and the Crown, so it would be inappropriate to address this issue through the bill. We therefore suggest that Rangitāne pursue this issue further with the Pukaha Board.

Appendix

Committee procedure

The Rangitāne Tū Mai Rā (Wairarapa Tamaki Nui-ā-Rua) Claims Settlement Bill was referred to the committee on 22 September 2016. The closing date for submissions was 7 November 2016. We received and considered 12 submissions from interested groups and individuals. We heard oral evidence from 6 submitters in Masterton.

We received advice from the Office of Treaty Settlements, and legal drafting assistance from the Parliamentary Counsel Office.

Committee members

Tutehounuku Korako (Chairperson)
Hon Chester Borrows
Marama Davidson
Kelvin Davis
Marama Fox
Peeni Henare
Pita Paraone
Dr Shane Reti