

Pire Whakataunga Kerēme a Ngāti Tūwharetoa

Pire Kāwanatanga

Tērā i pūrongotia e te Komiti Whiriwhiri Take Māori

Ngā kōrero

Tūtohutanga

Kua āta tirohia e te Komiti Whiriwhiri Take Māori te Pire Whakataunga Kerēme a Ngāti Tūwharetoa, ā, e tūtohu ana kia whakamanatia me ngā whakatikanga e whakaaturia ana.

Kupu whakataki

E rapu ana te pire ki te whakamana i ētahi take i roto i te whakaaetanga whakataunga i waitohua e te Karauna me Ngāti Tūwharetoa i te 8 Hūrae 2017. Ko te whakaaetanga te whakataunga whakamutunga o ngā kerēme hītori Tiriti o Waitanga a Ngāti Tūwharetoa i hua ake i ngā mahi, i ngā aweretanga rānei a te Karauna i mua i te 21 Hepetema 1992. Ka pupuri hoki i ngā mihi me te whakapāha a te Karauna ki a Ngāti Tūwharetoa.

Ka whakaahua, ka whakatau hoki te pire i ngā kerēme hītori. Kei te wāhanga 1 he whakarāpopoto o te hītori, ngā mihi, me te whakapāha a te Karauna. Ka tahuri ngā wāhanga 2 ki te 4 ki ngā whakatikanga hapa ā-ahurea, ā-pūtea, ā-tauhoko, aha kē rānei mō Ngāti Tūwharetoa. Ka whakatakoto te wāhanga 5 i ngā whakakahoretanga i puta mō ngā Taupō Landing Reserve Regulations 1938 me ngā Tongariro Hatchery Anglers' Camping Ground Regulations 1954.

E 36 ngā tāpaetanga taketake i whiwhi i a mātau. 15 o ēnei i tautoko i te katoa, i ētahi wāhanga rānei o te pire, 15 kāore i tautohu i te tū, ā, e 6 rawa i whakahē i te pire. E 44 ngā tāpaetanga tāpiri i whiwhi hoki.

Mō Ngāti Tūwharetoa

Ko Ngāti Tūwharetoa te iwi tuarima nei te nui i Aotearoa, ko tōna 36,000 ngā uri. Ko te pokapū o te rohe o Ngāti Tūwharetoa ko Taupō Moana me te Central Plateau, ā, ka kopi te nuinga o te Puku o te Ika me te rohe o Te Arawa.

Ka whakatauria rawatia e te whakataunga nei ngā Kerēme hītori Tiriti a Ngāti Tūwharetoa. He huhua nei ngā whakataunga me ngā whakaaetanga iti nei a te iwi kua oti i te Karauna kāore nei e whai wāhi ki te whakataunga whānui nei nā.

Ko te Rōpū Whakahere ā Muri i te Whakataunga o Ngāti Tūwharetoa ko Te Kotahitanga o Ngāti Tūwharetoa (TKT).

Whakatikatanga e marohitia ana

E tūtohu ana mātau kia whakatikangia te rārangi 14(3)(a) kia rārangi mai ngā kerēme Wai e 24 e pā ana ki a Ngāti Tūwharetoa kāore nei e rārangi mai ana i te whakatakotoranga o ngā kerēme i roto i te Whakaaetanga me te pire. I huraina ngā kerēme nei e ngā kaiwhakamāherehere nāna nei i arotake te pire i te pūnaha tāpaetanga. I kīa mai ka kore e rārangi mai aua kerēme i roto i te pire, ka wāwāhingia Te Tiriti o Waitangi.

He whāiti, he hangarau ētahi atu whakatikatika e marohi nei mātau ki te pire. Ka whakatakoto ngā wāhanga i raro iho nei ngā take whakataunga i kōrerohia e mātau i tā mātau whiriwhiri i te pire nei.

Ngā kerēme inaki

E 20 ngā iwi, hapū rānei e inaki ana ki te rohe o Ngāti Tūwharetoa. I waenga i a rātau, e waru rawa ngā rōpū e kaha rawa nei te inaki ki a Ngāti Tūwharetoa:

- Ngāti Tahu–Ngāti Whaoa (uri o Te Arawa)
- Ngāti Raukawa
- Maniapoto
- Ngāti Hāua (Northern Whanganui Large Natural Group (LNG))
- Te Korowai o Wainuiārua (Central Whanganui LNG)
- Ngāti Rangi (Eastern Whanganui LNG)
- Ngāti Tūwharetoa ki Kawerau (Bay of Plenty)
- Mōkai Pātea.

Mai anō i te tau 2015, i whakawhitiwhiti kōrero Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi me te Tūwharetoa Hapū Forum (THF), ā, i hui tahi hoki me ngā rōpū inaki ki te kimi tautoko mō te kete whakataunga i marohitia.

Whenua Rāhui o Rotokawa

E tika ana kia mātotoru ngā kōrero i waenga i a Ngāti Tūwharetoa me Ngāti Tahu–Ngāti Whaoa mō te whakatikanga hapa inaki. Tērā koa ko te whakaaro ki te tuku i te Whenua Rāhui o Rotokawa ki te Rōpū Whakahaere ā Muri i te Whakataunga o Ngāti Tūwharetoa hei te rā whakataunga.

I te Hūrae 2016, i whakahaere te Karauna i tētahi hui me Ngāti Tūwharetoa me Ngāti Tahu–Ngāti Whaoa kia whakaaetia ai te whakatikanga hapa e marohitia ana. I whakaaetia e Ngāti Tūwharetoa me Ngāti Tahu–Ngāti Whaoa te nuinga o te whakatikanga hapa inaki, engari kaua ko te Whenua Rāhui.

I te Hepetema 2016, i tango te Karauna i te Whenua Rāhui o Rotokawa i te kete whakataunga a Ngāti Tūwharetoa nā te korenga o te Tūwharetoa Hapū Forum me te Rūnanga Trust i whakaae.

E whakahēngia ana te tangohanga o te Whenua Rāhui i te kete whakataunga a Ngāti Tūwharetoa, he putanga o te tukanga kerēme inaki a te Karauna. E iwa rawa ngā tāpaetanga whakahē a ētahi tāngata, hapū, rūpū hoki o Ngāti Tūwharetoa. Kua whakapuaki a Ngāti Tahu-Ngāti Whaoa i tana tautoko i taua whakatau.

I whiwhi kupu whakamāherehere mātau, arā kei tua o tā mātau e taea nei te tūtohu hei whakatikatika ki te pire ko te inoi a ngā kaitāpae o Ngāti Tūwharetoa. He kore nō te Whenua Rāhui e whai wāhi ki te pire. E ai ki te whakamāherehere a Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi, he pakari te tukanga kerēme inaki, ā, e mauru ana te Karauna i te āhua o te whakataunga o ngā kerēme inaki.

Ngā take i whakaarangia e Te Kotahitanga o Ngāti Tūwharetoa

Whenua Rāhui Whakangahau o Motutere

I roto i tana tāpaetanga, i inoi a TKT kia whai wāhi ki te pire te Whenua Rāhui Whakangahau o Motutere hei whakatikanga hapa ā-ahurea, hei ritenga rānei e hoki ai te whenua ki a Ngāti Tūwharetoa ā te wā. E tautoko ana te Kaunihera ā-Rohe o Taupō i te kaonga o te whenua rāhui ki te pire.

I whakamāhereheretia mātau e Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi, kāore te whenua rāhui i roto i te pire. Nā reira i noho ai te inoi a ngā kaitāpae o Ngāti Tūwharetoa i tua o ngā whakatikatika ki te pire nei e taea ana e mātau te tūtohu. E whakapae ana mātau, tērā pea ka hiahia a Ngāti Tūwharetoa ki te whai huarahi kē i waho o te tukanga whakataunga mō te whenua rāhui.

Waiteti Landcorp Farm

E rua rawa ngā tāpaetanga, nā TKT tētahi, e hāngai ana ki te Waiteti Landcorp Farm. Ka inoi kia whai wāhi tēnei ki te pire hei whakatikanga hapa ā-ahurea, kia whakatakotoria rānei he wā pai kia āta rangahau a Ngāti Tūwharetoa me Landcorp Farming Limited, kia whakaritea he utu mō te hoko i Waiteti.

I whakamāhereheretia mātau kei tua te inoi nei i ngā whakatikatika ki te pire e taea ana e mātau te tūtohu. E tutuki ai te inoi nei, me kaha tonu nei te panoni i te kaupapa here a te Karauna e pā ana ki te āhua o te whakamahi i ngā pāmu o Landcorp hei whakatikanga hapa i ngā whakataunga Tiriti.

Whenua o Ōnekeneke

I whakamāhereheretia mātau ki tētahi take e pā ana ki te whenua o Ōnekeneke me te rīhi o te DeBrett's Land Act 1948. E haere tonu ana ngā kōrero te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi me Te Ringa Atawhai, ā, ka kōrerorero hoki ki a TKT me ngā rōpū e whai pānga ana hei whakatau i te take. I kī mai ngā kaiwhakamāherehere mā te Pepa Whakataunga Tāpiri pea te take nei e whakatau hei te whiringa a te Komiti o te Whare katoa.

Tāpiritanga

Tukanga komiti

I tukuna mai te Pire Whakataunga Kerēme a Ngāti Tūwharetoa ki te komiti i te 19 Tihema 2017. Ko te rā aukati i ngā tāpaetanga ko te 2 Pepuere 2018. E 80 ngā tāpaetanga i whiwhi, i whiriwhiria hoki nā ngā rōpū me ngā tāngata whai pānga. I rongo mātau i ngā kōrero ā-waha a ngā kaitāpae e 29 i te hui i Taupō.

I whiwhi mātau i ngā whakamāherehere a Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi.

Ngā mema o te komiti

Rino Tirikatene (Heamana)

Marama Davidson

Hon Christopher Finlayson

Joanne Hayes

Harete Hipango

Tutehounuku Korako

Jenny Marcroft

Adrian Rurawhe

Ngāti Tūwharetoa Claims Settlement Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined the Ngāti Tūwharetoa Claims Settlement Bill and recommends that it be passed with the amendments shown.

Introduction

The bill seeks to give effect to matters contained in the deed of settlement signed between the Crown and Ngāti Tūwharetoa on 8 July 2017. The deed will be the final settlement of the historical Treaty of Waitangi claims of Ngāti Tūwharetoa resulting from acts or omissions by the Crown before 21 September 1992. It also records the acknowledgements and apology that the Crown offered to Ngāti Tūwharetoa.

The bill defines and settles the historical claims. Part 1 includes a summary of the historical account, acknowledgements, and an apology from the Crown. Parts 2 to 4 deal with cultural, financial, commercial and other redress for Ngāti Tūwharetoa. Part 5 sets out consequential revocations for the Taupō Landing Reserve Regulations 1938 and the Tongariro Hatchery Anglers' Camping Ground Regulations 1954.

We received 36 original submissions. Of these, 15 supported the bill in full or in part, 15 did not state a position, and 6 opposed the bill. We also received 44 supplementary submissions.

About Ngāti Tūwharetoa

Ngāti Tūwharetoa is the fifth largest iwi in New Zealand, with about 36,000 members. The Ngāti Tūwharetoa area centres on Lake Taupō (Taupōmoana) and the Central Plateau, and covers most of the Central North Island and Te Arawa regions.

This settlement comprehensively settles Ngāti Tūwharetoa's historical Treaty claims. The iwi has had several previous partial settlements and agreements addressed by the Crown on claims not included in the comprehensive settlement.

Te Kotahitanga o Ngāti Tūwharetoa (TKT) is the Ngāti Tūwharetoa post-settlement governance entity.

Proposed amendment

We recommend amending clause 14(3)(a) to list the 24 Wai claims relating to Ngāti Tūwharetoa that are not listed in the definition of claims included in the deed or the bill. These claims were discovered by advisers reviewing the bill during the submissions process. We were advised that failing to list these claims in the bill would breach the Treaty of Waitangi.

Other amendments we recommend to the bill are minor and technical in nature. The following sections outline the settlement issues we discussed during our consideration of this bill.

Overlapping claims

The Ngāti Tūwharetoa area is overlapped by 20 neighbouring iwi or hapū. Of these, eight groups are most heavily overlapped with Ngāti Tūwharetoa:

- Ngāti Tahu–Ngāti Whaoa (affiliates with Te Arawa)

- Ngāti Raukawa
- Maniapoto
- Ngāti Hāua (Northern Whanganui Large Natural Group (LNG))
- Te Korowai o Wainuiārua (Central Whanganui LNG)
- Ngāti Rangi (Eastern Whanganui LNG)
- Ngāti Tūwharetoa ki Kawerau (Bay of Plenty)
- Mōkai Pātea.

Since early 2015, the Office of Treaty Settlements and the Tūwharetoa Hapū Forum (THF) exchanged correspondence and met with overlapping groups to seek support for the proposed settlement package.

Lake Rotokawa Conservation Area

Extensive consultation was required between Ngāti Tūwharetoa and Ngāti Tahu–Ngāti Whaoa on overlapping redress. Of particular concern was the proposal to vest the Lake Rotokawa Conservation Area in the Ngāti Tūwharetoa Post-Settlement Governance Entity on the settlement date.

In July 2016, the Crown facilitated a meeting with Ngāti Tūwharetoa and Ngāti Tahu–Ngāti Whaoa to try to reach agreement on the proposed redress. Ngāti Tūwharetoa and Ngāti Tahu–Ngāti Whaoa reached agreement on the majority of overlapping redress, but not the conservation area.

In September 2016, the Crown removed the Lake Rotokawa Conservation Area from the Ngāti Tūwharetoa settlement package because the Tūwharetoa Hapū Forum and the Rūnanga Trust failed to reach agreement.

Nine submissions, from Ngāti Tūwharetoa individuals, hapū, and entities, object to the removal of the conservation area from the

Ngāti Tūwharetoa settlement package as a result of the Crown's overlapping claims process. Ngāti Tahu–Ngāti Whaoa have expressed support for the decision.

We received advice that the request by Ngāti Tūwharetoa submitters falls outside the scope of the amendments to the bill that we can recommend. This is because the conservation area is not included in the bill. According to advice we received from the Office of Treaty Settlements, the overlapping claims process has been robust and overlapping claims have been resolved to the Crown's satisfaction.

Issues raised by Te Kotahitanga o Ngāti Tūwharetoa

Motutere Recreation Reserve

In its submission, TKT requested that the bill include the Motutere Recreation Reserve as cultural redress or a mechanism for the reserve to be returned to Ngāti Tūwharetoa in the future. The Taupō District Council supports the reserve being included in the bill.

The Office of Treaty Settlements advised us that the reserve is not included in the bill and therefore the request by Ngāti Tūwharetoa submitters falls outside the scope of amendments to this bill that we can recommend. We suggest that Ngāti Tūwharetoa may wish to pursue arrangements for the reserve outside of the settlement process.

Waiteti Landcorp Farm

Two submissions, including one from TKT, discussed the Waiteti Landcorp Farm. They asked that the bill include it as cultural redress or state a reasonable timeframe for Ngāti Tūwharetoa and Landcorp Farming Limited to complete due diligence and negotiate the price for purchasing Waiteti.

We were advised that the request falls outside the scope of amendments to this bill that we can recommend. Agreeing to this

request would also require a significant change of Crown policy on how Landcorp farms can be used as redress in Treaty settlements.

Ōnekenekene property

We were advised about an issue regarding the Ōnekenekene property and the DeBrett's Land Act 1948 lease. The Office of Treaty Settlements is in ongoing discussions with the Department of Conservation, and will consult with TKT and affected third parties to rectify the situation. Advisers told us that a Supplementary Order Paper will likely be required during the Committee of the whole House stage to address this issue.

Appendix

Committee process

The Ngāti Tūwharetoa Claims Settlement Bill was referred to the committee on 19 December 2017. The closing date for submissions was 2 February 2018. We received and considered 80 submissions from interested groups and individuals. We heard oral evidence from 29 submitters at a hearing in Taupō.

We received advice from the Office of Treaty Settlements.

Committee membership

Rino Tirikatene (Chairperson)

Marama Davidson

Hon Christopher Finlayson

Joanne Hayes

Harete Hipango

Tutehounuku Korako

Jenny Marcroft

Adrian Rurawhe