



Collective Redress Deed

BETWEEN THE CROWN AND MARUTŪĀHU COLLECTIVE

General background

The Marutūāhu Collective is comprised of Ngāti Maru, Ngāti Pāoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri (Marutūāhu Iwi). These five closely related iwi total approximately 15,000 recorded members (according to 2013 Census figures) and their interests extend from Mahurangi in the north to the Bay of Plenty in the south.

The Marutūāhu Iwi Collective Redress Deed (Deed) will provide the Marutūāhu Iwi with collective cultural and commercial redress in Tāmaki Makaurau, Mahurangi and Hauraki Gulf/Tīkapa Moana.

The settlement of the iwi-specific historical Treaty of Waitangi claims for each Marutūāhu Iwi will occur with their individual iwi deeds of settlement. These deeds of settlement were agreed in separate negotiations between the Crown and each iwi in parallel to the collective negotiations.

Collective negotiations for collective redress commenced in July 2009. On 17 May 2013, the Marutūāhu Iwi and the Crown entered into a Record of Agreement.

On 27 July 2018, the Crown and Marutūāhu Iwi initialled the Deed. The Deed is subject to ratification by the members of the Marutūāhu Iwi and conditional on the enactment of legislation.

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 represented the Crown in high-level negotiations with the Marutūāhu Iwi.

Summary of the Marutūāhu Collective Redress

Overview

The Deed provides collective cultural and commercial Treaty redress in respect of the shared interests of the Marutūāhu Iwi. The collective redress provided by the Deed forms part of each iwi deed of settlement.

The Deed does not include financial redress or settle any historical claims of the Marutūāhu Iwi as that will be achieved by each iwi deed of settlement.

The collective redress will be available to all members of Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngaati Whanaunga and Te Patukirikiri wherever they may live.

Cultural redress

The cultural redress package for the Marutūāhu Iwi recognises the shared spiritual, cultural, ancestral, customary and historical associations of the Marutūāhu Iwi with areas owned by the Crown within the collective area of interest.

SITES VESTED IN MARUTŪĀHU IWI

The settlement will vest 11 areas of cultural significance in fee simple in the Marutūāhu Iwi:

- Omahu property;
- Moutohora property, subject to a covenant and easement;
- Marutūāhu property, as a scenic reserve;
- Te Wharekura property, as a scientific reserve;
- Te Mokai a Tinirau property, as a recreation reserve;
- Mangoparerua Pā property, as a historic reserve;
- Taurarua property A, as a recreation reserve and subject to easements;
- Taurarua property B, as a local purpose (community facilities) reserve;
- Whangaparaoa property;
- Te Kawau Tu Maro property and Sunny Bay Wharf, as a historic reserve; and
- Fort Takapuna Guardhouse.

STATUTORY ACKNOWLEDGEMENTS

A statutory acknowledgement recognises the association between the Marutūāhu Iwi and a particular area and enhances the ability of the iwi to collectively participate in specified resource management processes.

The Deed includes statutory acknowledgement to the Marutūāhu Iwi over:

- Motutapu area;
- Fort Takapuna area;
- Waipapa area;
- Taurarua area;

- Mutukaroa/Hamlin Hill; and
- a coastal statutory acknowledgement being Ngā Tai Whakarewa Kauri Marutūāhu Iwi.

WAIPAPA RELATIONSHIP AGREEMENT

The Deed provides for a relationship agreement with the New Zealand Transport Authority in relation to Waipapa.

MUTUKAROA/HAMLIN HILL

The Minister for Treaty of Waitangi Negotiations will write to the Auckland Council regarding the inclusion of Mutukaroa/Hamlin Hill in the integrated management plan prepared and approved by the Tūpuna Maunga o Tāmaki Makaurau Authority, established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Commercial redress

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

The Marutūāhu Iwi will receive:

- transfer of part of 6-10 Homestead Drive, Mt Wellington, on settlement date;
- the right to purchase Maramarua Forest, Crown forest licensed land;
- the right to purchase a number of New Zealand Defence Force properties on the North Shore and Whangaparaoa Peninsula, subject to a lease back to the Crown;
- the right to purchase the Torpedo Bay property, along with Ngāi Tai ki Tāmaki, subject to a lease back to the Crown;
- transfer of the Anzac Street property, Takapuna, as an early release property after signing the Deed;
- the opportunity to select for purchase, for two years from settlement date, the following:
 - 5 Treaty settlement landbank properties in central Auckland and Waiheke;
 - Panmure Probation Centre and Boston Road Probation Centre, subject to a leaseback to the Crown; and
 - specified school sites (land only) in central Auckland and the North Shore, subject to a leaseback to the Crown;
- the right to purchase land at Waipapa (central Auckland), if declared surplus, within 35 years of settlement date;

- rights of first refusal (RFR) to purchase certain Crown properties:
 - exclusive RFR in a specified area of the Kaipara region for a period of 177 years from settlement date;
 - shared RFR with Ngāti Whātua o Kaipara for a period of 169 years from commencement date; and
 - shared RFR with Te Kawerau ā Maki for a period of 173 years from commencement date.

Questions and Answers

1. What is the total redress package?

The redress package includes cultural and commercial redress. There is no financial redress associated with the Collective Redress Deed. The Marutūāhu Iwi will receive financial redress (and cultural and commercial redress) through their iwi deeds of settlement.

2. Is there any private land involved?

No.

3. Are the public's rights affected?

No. Nothing will change for the public. Public access, recreational use, reserve status and existing third party rights are maintained.

4. Are any place names changed?

No. Some existing geographic names may change through the individual deeds of settlement of the Marutūāhu Iwi.

5. What is a statutory acknowledgement?

A statutory acknowledgement acknowledges areas or sites with which iwi have a special relationship, and will be recognised in any relevant proceedings under the Resource Management Act. These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were simply cleared or excavated for public works or similar purposes without permission or consultation with iwi. A statutory acknowledgement does not convey a property right and is not exclusive.

6. 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.

7. When will the Deed take effect?

The Deed will take effect following the enactment of legislation.

8. Does the Collective have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

The historical claims of the Marutūāhu Iwi will be settled through their iwi deeds of settlements.

When these iwi deeds are signed and settlement legislation is passed they will be final and comprehensive settlements of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of the Marutūāhu Iwi.

The settlements will still allow the Marutūāhu Iwi to pursue claims against the Crown for acts or omissions after 21 September 1992 including claims based on the continued existence of aboriginal title of customary rights. The Crown also retains the right to dispute such claims or the existence of such title rights.

9. Who benefits from the settlement?

All members of those Marutūāhu Iwi who sign the Deed are able to be beneficiaries of the redress, wherever they may now live.



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

Te Kāwanatanga o Aotearoa