



Deed of Settlement

BETWEEN THE CROWN AND HINEURU

General background

Hineuru is an iwi based northwest of Napier in the Hawke's Bay region.

In October 2009, the Crown recognised the mandate of Ngāti Hineuru Iwi Incorporated to enter negotiations for the comprehensive settlement of all Hineuru historical Treaty of Waitangi claims.

On 2 October 2012, the Crown and Hineuru signed an Agreement in Principle which formed the basis for this settlement. The Hineuru Deed of Settlement was initialled between 24 and 25 July 2014 and signed on 2 April 2015. The settlement will be implemented after the legislation is passed.

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 Hineuru.

Summary of the historical background to the claims by Hineuru

In the mid-19th century the tipuna of Hineuru lived and cultivated in the Waipunga and Mōhaka river valleys and at Tarawera, Waiparati and other kāinga in the mountainous inland region between Hawke's Bay and Taupō Moana.

In November 1851 the Crown purchased the Ahuriri block of approximately 265,000 acres from another iwi without including Hineuru in the negotiations. The Crown did not reserve any land from the Ahuriri block for Hineuru.

From the mid-1860s some Hineuru converted to Pai Mārire. Panapa, the Pai Mārire leader amongst Hineuru, established a Pai Mārire settlement at Waiparati.

In 1866 Panapa and the Hineuru rangatira Te Rangihīroa wrote to the Crown that they would come with a party to coastal Hawke's Bay in response to a Crown invitation to meet. The Crown viewed this party as a threat to the region's security. In October 1866, after the expiry of an ultimatum calling for their surrender, Crown forces attacked a group of people, including Hineuru, camped at Ōmarunui. On the same day Crown forces also intercepted and surrounded, and then subsequently attacked, another group led by Te Rangihīroa near Pētane. About 35 Māori, including Te Rangihīroa and other Hineuru people, were killed in the two attacks. Crown forces subsequently pursued Hineuru and other Māori, who escaped the attacks, into the Hineuru rohe and plundered the kāinga at Waiparati as well as the surrounding area. By the end of 1866 Hineuru had abandoned nearly all of their kāinga and cultivations due to conflict with the Crown.

Thirty-four Hineuru individuals were among the 86 prisoners of the Crown captured at Ōmarunui and the conflict near Pētane. Most were transported to the Chatham Islands and detained without trial in harsh conditions for almost two years. In 1868 the prisoners escaped and became embroiled in a war with the Crown. During this war Crown forces attacked Ngātapa in January 1869. After the attack a severed head reported to belong to Nikora of Hineuru was brought back to the Crown camp. Crown forces summarily executed a number of prisoners captured at Ngātapa.

In 1867 the Crown proclaimed a large confiscation district in Hawke's Bay that included much of the rohe of Hineuru. The Crown subsequently retained approximately 43,000 acres in the Tarawera Reserve, Te Hāroto and Waitara blocks, in the core of the Hineuru rohe. The Crown returned the remainder of the land in the confiscation district within the Hineuru rohe, including the Tarawera and Tatarakina blocks, to individual Māori. This excluded a number of Hineuru from the titles for Tarawera and Tatarakina, reducing the Hineuru interest in the Tarawera block to that of a minority.

Between 1909 and 1924 Hineuru repeatedly petitioned Parliament and protested to the Crown about their grievances in respect of the Tarawera and Tatarakina titles. The Crown acquired parts of the Tarawera block in 1923 and 1924. In 1924 the Crown promoted legislation that allowed the Native Land Court to award land in Tarawera and Tatarakina to Hineuru individuals descended from those excluded from the titles in 1870. As a result the Native Land Court made a number of changes to the titles to the two blocks in the 1920s. In 1952 the Crown promoted further legislation that overturned the titles awarded as a result of the 1924 legislation, and empowered the Native Land Court to compile new ownership lists for the blocks. The new ownership lists excluded Hineuru individuals who had been admitted to the titles after 1924. These changes resulted in decades of uncertainty about tenure, significant financial burdens and social dislocation for Hineuru.

The northern part of the Hineuru rohe was not included in the confiscation. After 1877 the Native Land Court investigated title to a number of blocks in the Hineuru rohe, and the Crown and private purchasers subsequently acquired large areas of Hineuru land. The Crown employed purchasing tactics such as the payment of pre-title advances, declining to pay regular rents on lands it had agreed to lease and the imposition of monopoly powers. The Crown also purchased individual interests in Heruiwi 4A2B after the owners made collective decisions not to sell, and took a significant amount of land for survey costs. Today Hineuru are virtually landless.

Hineuru re-established a community at Te Hāroto in the late-19th century. However, in the 20th century Hineuru faced economic insecurity, which was accompanied by widespread poverty, poor housing, disease, and the subsequent migration of many Hineuru from their traditional rohe.

Summary of the Hineuru settlement

Overview

The Hineuru Deed of Settlement is the full and final settlement of all historical Treaty of Waitangi claims of Hineuru 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, Crown acknowledgements and apology to Hineuru
- cultural redress
- financial and commercial redress.

The benefits of the settlement will be available to all members of Hineuru wherever they may live.

Crown acknowledgements and apology

The Deed of Settlement contains Crown acknowledgements of its acts and omissions that caused prejudice to Hineuru and breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes a Crown apology to Hineuru for Crown acts and omissions that breached the Treaty of Waitangi and its principles. These actions include the Crown's unjust attacks at Ōmarunui and near Pētane in 1866, the subsequent plundering of the Hineuru rohe by Crown forces, the imprisonment without trial of Hineuru people on the Chatham Islands for nearly two years, and the summary executions at Ngātapa in 1868. The Crown also apologises for the confiscation of Hineuru lands, and for its other policies, acts and omissions that have left Hineuru virtually landless.

Cultural redress

The cultural redress recognises the traditional, historical and spiritual associations of Hineuru with places and sites owned by the Crown within their rohe. This allows Hineuru and the Crown to protect and enhance the conservation values associated with these sites.

VESTING OF SITES

The settlement provides for eight sites to be vested in Hineuru. Vestings for a number of these sites are subject to specific conditions, including protection of conservation values and public access.

Sites to be vested in Hineuru are:

- former Te Haroto School
- Tarawera property
- Te Purotu
- Woodstock Station property
- Tarawera Hot Springs site A

- Tarawera Hot Springs site B
- Waipunga Falls property
- Tarapōnui-a-Kawheha.

VEST AND GIFT BACK

The settlement provides for the balance of Waipunga Falls Scenic Reserve to be vested in Hineuru on a date to be elected by Te Kōpere o Te iwi o Hineuru Trust that will be no later than 30 March 2020. The site will re-vest back in the Crown 10 days later as a gift from Hineuru to the people of New Zealand.

OVERLAY CLASSIFICATIONS

An overlay classification (known as Te Korowai o te Hā in the Hineuru settlement) acknowledges the traditional, cultural, spiritual and historical association of Hineuru with certain sites of significance. Overlay classifications apply to conservation land and require the New Zealand Conservation Authority (and any relevant conservation board) to have particular regard to Hineuru values and protection principles. The settlement provides for the following overlay classifications:

- Waitere Kiwi Conservation Area
- balance of Waipunga Falls Scenic Reserve
- balance of Tarapōnui-a-Kawheha Conservation Area.

STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

Statutory Acknowledgements recognise the special association Hineuru has with a particular site or area, and will be included in the settlement legislation. Statutory Acknowledgements are recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014. The acknowledgements require that consent authorities provide Hineuru with summaries of all resource consent applications that may affect the areas named in the acknowledgements.

Deeds of Recognition oblige the Crown to consult with Hineuru and have regard to their views regarding the special association Hineuru has with a site. They also specify the nature of Hineuru's input into management of those areas by the Department of Conservation and Land Information New Zealand.

The Crown offers a Statutory Acknowledgement over the following areas:

- Heruiwi Block Conservation Area
- Kaimanawa Forest Park
- Kokomoka Forest
- Mohaka River and its tributaries
- Opoto Scenic Reserve
- Rangitaiki Conservation Area
- Rangitaiki River and its tributaries
- Ripia River and its tributaries

- Stoney Creek Conservation Area
- Tarawera Conservation Area
- Te Hoe River and its tributaries
- Te Kohu Ecological Area
- Turangakumu Scenic Reserve
- Urutomo Conservation Area
- Waipunga Forest
- Waipunga River and its tributaries
- Whirinaki Te Pua-ā-Tāne Conservation Park (Whirinaki Conservation Park).

The Crown offers a Deed of Recognition over the following areas:

- Kokomoka Forest
- Opoato Scenic Reserve
- Rangitaiki Conservation Area
- Stoney Creek Conservation Area
- Turangakumu Scenic Reserve
- Urutomo Conservation Area
- Waipunga Forest
- Mohaka River and its tributaries
- Rangitaiki River and its tributaries
- Waipunga River and its tributaries
- Mohaka River and its tributaries
- Rangitaiki River and its tributaries.

Statutory Acknowledgements and Deeds of Recognition are non-exclusive redress, meaning more than one iwi can have a Statutory Acknowledgement or Deed of Recognition over the same site.

PLACE NAME CHANGES

The Deed of Settlement will provide for three official geographic name changes:

- Stoney Creek and Ohane Stream to Ōhane Stream
- Hell's Hole to Tauria Mateāwhā
- Te Ahimanawa to Te Ahimanawa-a-Kohipiipi.

The Deed of Settlement will change the names of the following Crown-protected areas:

- Glenfalls Recreation Reserve to Waitara / Glenfalls Recreation Reserve
- Glenfalls Scenic Reserve to Waitara / Glenfalls Scenic Reserve
- Cashes Bush Conservation Area to Tarapōnui-a-Kawhea Conservation Area
- Waipunga Conservation Area to Urutomo Conservation Area.

CROWN PAYMENT

The Deed of Settlement will provide for a cultural payment to Te Kōpere o Te iwi o Hineuru Trust of \$2 million to contribute to the cultural revitalisation of Hineuru.

POUWHENUA FUNDING

The Deed of Settlement will provide for a sum of \$15,000 to Te Kōpere o Te iwi o Hineuru Trust for the purpose of erecting pouwhenua or interpretation panels which will be placed on agreed Crown or council-owned sites of historical and cultural importance to Hineuru.

Relationships

PROTOCOLS

Protocols will be issued to promote good working relationships on matters of cultural importance to Hineuru. Conservation, taonga tūturu and minerals protocols will be issued.

LETTERS OF INTRODUCTION

The Deed of Settlement provides for the promotion of relationships between Hineuru and Crown and non-Crown agencies. The full list of groups receiving letters of introduction is included in the Hineuru Deed of Settlement, available on ots.govt.nz

RANGITAIKI RIVER FORUM

The Deed of Settlement provides Hineuru permanent membership on the Rangitaiki River Forum (a joint committee of councils established through the Ngāti Manawa and Ngāti Whare settlements).

Financial and commercial redress

This redress recognises the losses suffered by Hineuru arising from the breaches by the Crown of its Treaty of Waitangi obligations. It will provide Hineuru with resources to assist them in developing their economic and social well-being.

FINANCIAL REDRESS

Hineuru will receive financial redress of \$25 million in recognition of historical claims. Interest that has been accumulating since the Agreement in Principle was signed in October 2012 will also be paid to Hineuru.

COMMERCIAL REDRESS

Hineuru will purchase part of Esk Forest at settlement date. Hineuru also have until 31 July 2015 to elect whether to purchase:

- Woodstock Station farm block
- Woodstock Station forestry block.

Hineuru have until 31 October 2015 to elect to purchase Waitara Road, Waimahanga.

Hineuru will also have a right of first refusal for a period of 174 years over three other sites.



Questions and answers

What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the Deed of Settlement is \$27.015 million, comprising: the quantum of the financial and commercial redress (\$25 million); the cultural payment of \$2 million; and \$15,000 of funding for pouwhenua. Interest on the financial and commercial redress is also accrued since the signing of the Agreement in Principle in October 2012.

Is there any private land involved?

No. In accordance with Crown policy, no private land is involved.

Are the public's rights affected?

No, all existing public rights to the area affected by this settlement will be preserved.

Are any place names changed?

Yes. The Deed of Settlement will provide for three official geographic name changes:

- Stoney Creek and Ohane Stream to Ōhane Stream
- Hell's Hole to Taura Mateāwhā
- Te Ahimanawa to Te Ahimanawa-a-Kohipiipi.

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.

When will the settlement take effect?

The settlement will take effect after the settlement legislation is enacted.

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

No. If a Deed of Settlement is ratified and passed into law, 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 Hineuru. The settlement legislation, once passed, will prevent Hineuru from re-litigating their historical claims before the Waitangi Tribunal or the courts.

The settlement package will still allow Hineuru or members of Hineuru to pursue claims against the Crown for acts and omissions after 21 September 1992, including claims based on the continued existence of aboriginal title or customary rights. The Crown also retains the right to dispute such claims or the existence of such title rights.

Who benefits from the settlement?

All members of Hineuru wherever they may now live.

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