



Hauraki Collective

January 2012

From the Chair

E ngā maunga, e ngā pataka o nga tāonga tuku iho, tēnā ra koutou. Tēnā ra ano i runga i o tātou tini aitua kua wheturangitia. E mihi atu ana, e tangi atu ana. Rātou te hunga mate ki a rātou. Tātou te hunga ora ki a tātou. Tēnā ra tātou kātoa.

No reira, nau mai, haere mai. Haere mai ki Hauraki, he aute te awhea.

2012 is a significant year for the people of Hauraki with our impending Treaty settlements. We are well on track to achieve a collective deed of settlement for all 12 of the iwi of Hauraki and individual settlements for each iwi. As we progress towards these significant milestones, your negotiators continue to work on ensuring you continue to be informed via hui a iwi, and the collective / iwi websites etc. The hope is to conclude our Treaty settlements while our living kaumātua are still with us.

Paul Majurey
Chairperson

He Aute Te Awhea

Having Your Say

Our Treaty negotiations with the Crown since 2010 have resulted in a Hauraki Collective Framework Agreement (October 2010) and 12 iwi Agreement in Principle Equivalents (July 2011). We continue to work towards the deeds of settlement. When we have a proposed collective deed of settlement later this year, it must be taken out to the people of Hauraki for approval via a ratification process.

In addition to the deed of settlement, the people of Hauraki will also be asked to consider options around Post Settlement Governance Entities, the entity that will represent them after the settlement process is complete.

All adult members (18 years and over) that are registered with their iwi, will be posted a ratification pack with the details outlining the Deed of Settlement, Post Settlement Governance Entity and voting options. There will also be public notification and registration options throughout the motu.

With these key decisions ahead of us, it is important that we are all registered with our iwi to ensure we can have our say. If you have not already registered with your iwi, you can do so as set out below.

Ngāi Tai ki Tamaki

Register online at www.ngaitai-ki-tamaki.co.nz or download a registration form. Alternatively contact your iwi negotiator or phone 09 537 9485 to have a registration form sent out to you.

Ngāti Hako

Register online at www.hako.iwi.nz or email your request to info@hako.iwi.nz. Alternatively, contact your iwi negotiator or phone 07 862 8161 to have a registration form sent out to you.

Ngāti Hei

Register online at www.ngatihei.iwi.nz or email your request to ngatihei@wave.co.nz. Alternatively, contact your iwi negotiator or phone 07 866 5323 to have a registration form sent out to you.

Ngāti Maru

Register online at www.ngatimaru.iwi.nz or download a registration form. Alternatively contact your iwi negotiator or phone 07 867 9104 to have a registration form sent out to you

Ngāti Pāoa

Go to www.ngatipaoa.co.nz to download a registration form. Alternatively contact your iwi negotiator to have a registration form sent out to you.

Ngāti Porou ki Hauraki

Go to www.ngatiporoukihaauraki.maori.nz to download a registration form. Alternatively contact your iwi negotiator or phone 07 888 7509 to have a registration form sent out to you.

Ngāti Pūkenga

Register online at www.ngatipukenga.co.nz. Alternatively contact your iwi negotiator or phone 0800 89 52 12 to have a registration form sent out to you.

Ngāti Rāhiri Tumutumu

Register online at www.rahiritumutumu.co.nz or contact one of your iwi negotiators to have a registration form sent out to you.

Ngāti Tamaterā

Register online at www.tamatera.co.nz or email your request to enquiries@tamatera.co.nz. Alternatively contact your iwi negotiator to have a registration form sent out to you.

Ngāti Tara Tokanui

Register online at www.ngatitaratokanui.maori.nz or contact one of your iwi negotiators to have a registration form sent out to you.

Ngāti Whanaunga

Go to www.ngaatiwhanaunga.maori.nz to download a registration form. Alternatively contact your iwi negotiator or phone 07 869 0102 to have a registration form sent out to you. (online registration facility currently under development)

Te Patukirikiri

Register online at www.patukirikiri.iwi.nz or through the Hauraki Collective website, alternatively contact David Williams on 021 02219658.

Hauraki Collective Agreement in Principle Equivalent

We have had some feedback that not all people have been able to access the Hauraki Agreement in Principle Equivalents on the collective website (www.haurakicollective.maori.nz) or OTS website (www.ots.govt.nz).

As a reminder, the AIPes are high level documents that represent the next step towards a comprehensive deed of settlement. There is one for each iwi of Hauraki, and they contain a chapter on redress all twelve iwi will negotiate collectively, as well as negotiation issues and redress particular to each iwi.

The collective chapter includes historical account headings and statements on collective cultural and commercial redress. Iwi-specific chapters contain the unique sections which cover historical account headings and themes, particular redress each iwi seeks, and descriptions of places within the Hauraki region that are important to each iwi.

The Collective Agreement in Principle Equivalent comprises:

- a. redress agreed to by the Crown;
- b. redress the Crown is willing to explore; and
- c. redress the Hauraki Collective seek.

Appendix I to this newsletter sets out the collective chapter of the Agreement in Principle Equivalents. These documents are non-binding and do not create legal relations and the final settlement is conditional upon ratification and Cabinet agreement. A full copy of any of the 12 iwi Agreement in Principle equivalents, in their entirety, can be found on the OTS website, iwi websites or by contacting your iwi negotiators.

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Appendix I

Agreement in Principle Equivalent Hauraki Collective Section

HISTORICAL ACCOUNT, CROWN ACKNOWLEDGEMENTS AND CROWN APOLOGY

Historical Account

The Hauraki Collective Historical Account will include the following themes and other matters to be agreed:

- a. Iwi of Hauraki and the Crown;
- b. Te Tiriti o Waitangi / the Treaty of Waitangi;
- c. Pre-1840 transactions and pre-emption waiver purchases;
- d. Crown purchases: 1840-1865;
- e. War;
 - i. Crown military action in Hauraki;
 - ii. Crown naval blockade of Tikapa Moana;
- f. Raupatu (Katikati-Te Puna / Central and East Waikato / South Auckland);
- g. Gold and the opening of goldfields in Hauraki;
- h. Native Land Court: individualisation of tribal title, and costs of title determination;
- i. Te Reo Māori me ona tikanga;
- j. Crown purchase policy and legislation – 19th and 20th centuries:
 - i. Reihana and indebtedness;
 - ii. Crown use of pre-emption;
 - iii. timber licenses;
- k. marginalisation and protest: 19th and 20th centuries – including goldfields, and foreshore and seabed;
- l. Tāonga and wāhi tapu;
- m. Natural resources, including water and minerals;
- n. drainage of Hauraki Plains;
- o. rates and roads;
- p. public works and compulsory taking of land;
- q. Tikapa Moana and Te Tai Tamahine;
- r. landlessness and social deprivation;
- s. access to medical treatment and medicines;
- t. access to education;
- u. Iwi of Hauraki diaspora and urbanisation; and
- v. other socio-economic impacts.

The Hauraki Collective also seeks that the Historical Account includes the following statements:

- a. the Crown waged war against its Treaty Partner, the Iwi of Hauraki;
- b. the Crown's military invasion of Hauraki and related actions were unlawful;
- c. the Crown's naval blockade of Tikapa Moana and related actions were unlawful;
- d. the Crown destroyed the tribal land holding in Hauraki;
- e. the Crown unilaterally suspended the rule of law when inconvenient foreshore and seabed decisions were made by the Judiciary;
- f. the Crown pursued predatory land policy and legislation in the 19th and 20th centuries; and
- g. the land loss suffered by the Iwi of Hauraki at the hands of the Crown resulted in tribal devastation and poverty.

Crown acknowledgements

The Deed of Settlement will contain a full set of Crown acknowledgements that certain actions or omissions of the Crown were a breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

The Deed of Settlement will include the following Crown acknowledgements:

- a. the Crown had a duty of active protection to ensure that there was sufficient land holding retained by the Iwi of Hauraki for their future sustenance and growth and that its failure to ensure they retained possession of adequate land constituted a breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles;
- b. there was large scale and rapid Crown purchasing of Iwi of Hauraki land in the latter part of the 19th century. The Crown acknowledges that Crown purchasing contributed to the overall landlessness of the Iwi of Hauraki and this failure to ensure retention of sufficient land holding by the Iwi of Hauraki constituted a breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles; and
- c. that the application of the confiscation policy in respect of land in East Wairoa and central Waikato (Maramarua) was unjust and in breach of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Furthermore, it is envisaged that the Deed of Settlement will include the Treaty breach acknowledgements made during Stage I of the Tauranga Moana Inquiry insofar as they relate to the Hauraki region, including acknowledgements with respect to:

- a. perceptions of rebellion and the subsequent confiscation of lands;
- b. the failure to provide reserves; and
- c. certain public works takings.

Crown apology

The Deed of Settlement will contain a Crown Apology for the acknowledged Crown breaches of Te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

CULTURAL REDRESS

The Crown and the Hauraki Collective will explore, for possible inclusion in the Deed of Settlement, the following types of cultural redress, that are being sought by the Hauraki Collective:

- a. land transfers;
- b. statutory instruments, including: overlay classifications; statutory acknowledgements, including: coastal statutory acknowledgements; river statutory acknowledgements and deeds of recognition; maunga statutory acknowledgements and deeds of recognition; and
- c. deeds of recognition;
- d. relationship agreements such as resource co-governance arrangements and protocols;
- e. access to cultural resources, including nohoanga and other arrangements;
- f. plans for management of resources; and
- g. official geographic name changes.

Land transfers

The Hauraki Collective seeks:

- a. the fee simple vesting of Crown owned parts of Moehau and Te Aroha Maunga;
- b. the fee simple vesting of other Crown lands of ancestral, spiritual and cultural significance to the Hauraki Collective, including Crown land administered by the Department of Conservation / Whenua Kura (conservation land), maunga and motu;
- c. other cultural lands to be returned to the Hauraki Collective for cultural purposes;
- d. the best endeavours of the Crown to facilitate requests by the Iwi of Hauraki to local authorities for the transfer of ancestral lands.

Co-governance and related arrangements

The Crown and the Hauraki Collective will continue to explore, further to the Framework Agreement, co-governance and other similar arrangements including in respect of:

- a. the Waihou River and Piako River catchments, which includes the Ohinemuri River, with the Waikato Regional Council and the local authorities in those catchments;
- b. the rivers and waterways of the Coromandel Peninsula with the Waikato Regional Council and the local authorities in those catchments;

- c. conservation land / Whenua Kura in the Hauraki region with the Department of Conservation.

The Waikato-Tainui settlement provides for co-governance arrangements, which have now been implemented through the Waikato River Authority, in parts of the Whangamarino system, and Mangatawhiri and Mangatangi streams. The Iwi of Hauraki are not included in those co-governance arrangements.

The Hauraki Collective seeks recognition of their interests in the Whangamarino system, and Mangatawhiri and Mangatangi river catchments.

The Crown and Hauraki Collective will explore arrangements such as:

- a. formal Conservation Board representation;
- b. formal Hauraki Gulf Forum representation; and
- c. a relationship agreement issued by the Minister of Conservation.

The Hauraki Collective also seeks co-governance arrangements over Tīkapa Moana (the Hauraki Gulf) and Te Tai Tamahine (the Coromandel East Coast), including harbours and waterways, with the Waikato Regional Council and other local authorities with responsibilities in those coastal marine areas.

Freshwater and marine fisheries

The iwi of Hauraki assert mana moana and kaitiaki responsibilities over fisheries in Tīkapa Moana and Te Tai Tamahine, and seek arrangements that reflect those direct relationships.

The Ministry of Fisheries will explore with the iwi of Hauraki the development of a protocol that will set out how the Ministry and the iwi will engage in the future, to recognise and provide for the iwi input and participation into sustainability and processes that relate to freshwater and marine fisheries managed under the Fisheries Act 1996.

The Ministry of Fisheries will also explore other mechanisms with the Hauraki Collective that may recognise the interests of the Hauraki Collective in marine and freshwater fisheries in Tīkapa Moana and Te Tai Tamahine, and the waterways of Hauraki.

Other Crown protocols

The Deed of Settlement will provide for protocols issued by Ministers setting out the way in which specific government agencies will interact with the Iwi of Hauraki in the future. Protocols issued by the following Ministers will be explored:

- a. Minister of Energy; and
- b. Minister for Arts, Culture and Heritage.

Relationships with other agencies

The Hauraki Collective seeks meaningful relationships with other agencies and the Crown and the Hauraki Collective will explore how the Crown can facilitate these relationships.

Te Reo Māori and tāonga

The Hauraki Collective seeks redress in respect of the following matters:

- a. Te Reo Māori me ona tikanga; and
- b. enhancement and return of all forms of tāonga.

Geographic name changes

The Crown and Hauraki Collective will explore amending or assigning an agreed list of place names of significance to the iwi of the Hauraki Collective:

- a. in consultation with the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa); in accordance with the requirements of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, and the orthographic conventions of Te Taura Whiri i te Reo Māori (the Māori Language Commission); and
- b. as included in the Deed of Settlement.

FINANCIAL REDRESS

Crown financial redress offer

The Crown will make a financial redress offer during negotiations to the Hauraki Collective for the settlement of all Treaty claims of the Iwi of Hauraki in the Hauraki region.

Interest

The Crown will explore non-compounding interest accruing on the agreed financial redress amount from the date that amount is agreed to the day before settlement date.

Iwi Proportions

It is intended that the proportion for each of the Iwi of Hauraki to the financial redress will be agreed between the Iwi of Hauraki in a timely fashion. Failing that, on the basis that no agreement between the iwi has been reached, the Crown will propose the proportions of the total financial redress offer it considers relates to each of the Iwi of Hauraki.

On-account payment and incentive

The Hauraki Collective seeks an incentive for collectivity over and above the financial redress amount as and when agreements are made.

The Crown will explore the Hauraki Collective's request for on account cash payments as and when agreements are made.

COMMERCIAL REDRESS

Crown forest lands

Once relevant Deed of Settlement have been ratified and become unconditional, the Hauraki Collective will have the right to purchase the following Crown Forest Licensed lands at market valuation with the associated accumulated rentals being passed on to the Hauraki Collective:

- a. Kauaeranga;
- b. Tairua;
- c. Waihou;
- d. Whangamata;
- e. Whangapoua.

The Hauraki Collective will also receive the ETS credits, as provided for under the Climate Change Response Act 2002, associated with these Crown forests.

The Hauraki Collective and Tauranga Moana iwi will also receive redress in relation to the Athenree Crown Forest Licensed land.

Landcorp properties

On settlement date the Hauraki Collective will have the right to purchase Whenuakite Landcorp farm at market valuation.

Hauraki Collective seeks to purchase approximately 315 hectares of Pouarua Landcorp farm at market valuation.

Acquisition of other Crown properties

The Hauraki Collective seeks the right to purchase the following types of land and receive fee simple title:

- a. Crown lands, including Ministry of Justice properties, such as courts, and Ministry of Education school properties (land only); and
- b. Office of Treaty Settlements' land bank properties.

The Hauraki Collective seeks the right to purchase non-core Crown lands.

Purchase mechanisms the Crown and Hauraki Collective may explore in respect of land made available for transfer include purchase, leaseback and / or deferred selection.

The Hauraki Collective seeks other commercial redress mechanisms.

The Crown and the Hauraki Collective will explore the ability for the Collective to purchase commercial redress properties over and above the financial redress amount.

The Hauraki Collective also seeks the right to acquire certain lands via gift from the Crown.

Right of First Refusal

The Deed of Settlement will provide the Hauraki Collective a right of first refusal, on similar terms as in recent Treaty settlements, for the period of 170 years in relation to Crown properties within the Hauraki region.

The Crown and the Hauraki Collective will continue to explore a Right of First Refusal for the period of 170 years in relation to land currently held by non-Core Crown entities within the Hauraki region.

The Hauraki Collective also seeks a right of first refusal over certain other lands in the rohe of the Iwi of Hauraki.

Other commercial redress

The Hauraki Collective also seeks inclusion of the following in the Deed of Settlement:

- a. rights relating to nationalised and non-nationalised Crown-owned minerals and information held by the Crown or Crown Research Institutes on these minerals; and
- b. in relation to conservation land / Whenua Kura, Tikapa Moana and Te Tai Tamahine, preferential access to concessions;
- c. opportunities to enter into formal arrangements with the Crown over its proposed commercial arrangements in the Hauraki region, particularly in relation to infrastructure development and investment.

In relation to minerals, the Iwi of Hauraki reaffirm that since the 19th century they have consistently resisted the Crown's construct of a Royal prerogative, whether at common law or under statute, and never gave their free, prior and informed consent to the Crown's use of their minerals. Thus, within Hauraki, the Crown's arguments about legislative mineral rights are erroneous as the Crown never had lawful title to the minerals on which to found their purported legislative assumption of ownership.

The Crown asserts ownership of minerals under the Crown Minerals Act 1991 and does not accept that the nationalisation of minerals is a breach of the Treaty. Section 10 of the Crown Minerals Act 1991 provides that all gold, silver, uranium and petroleum existing in its natural condition in land shall be the property of the Crown. Section 11 of the Crown Minerals Act 1991 reserves all minerals to the Crown in any future alienation of Crown land and upholds all reservations of minerals made in earlier enactments. Decision-making regarding prospecting, exploration and mining of petroleum and minerals is prescribed under the Crown Minerals Act 1991.

Iwi proportions to collective commercial redress

It is intended that any allocation between the Iwi of Hauraki of commercial redress will be agreed between the Iwi of Hauraki in a timely fashion. Failing that, on the basis that no agreement between the Iwi has been reached, the Crown will propose the proportions of the total commercial redress offer it considers relates to each of the Iwi of Hauraki.

OTHER ISSUES FOR DISCUSSION

The Crown and the Hauraki Collective acknowledge that certain other matters which are the subject of historical claims have either not yet been discussed in negotiations or require further discussion, and agree to commence / continue those discussions following the signing of this Agreement in Principle Equivalent and any other documents through to Deed of Settlement and Settlement Legislation.

