

Frequently Asked Questions

Our Agreement in Principle (AIP)

1. What is an Agreement in Principle (AIP)?

The AIP marks the point in time where the Crown and the claimant group have agreed to all the components that go into the redress package and they sign an agreement to mark that point.

It forms the content on which the claimant group will base negotiating the full and final Deed of Settlement.

An Agreement in Principle is non-binding on the claimant group and the Crown, and is subject to the resolution of overlapping claims.

2. In general terms, what is included in Ngāti Rangitihī's AIP?

Ngāti Rangitihī's AIP includes a commitment to:

- An Historical Account
- Crown Acknowledgements
- A Crown Apology
- Proposed Cultural Redress in the form of:
 - The return of cultural significant lands
 - Place name changes
 - Financial and Commercial Redress – an additional \$4 million
 - Relationship Redress with Government agencies
 - The creation of an entity to restore and protect Tarawera Awa

3. When and where was Ngāti Rangitihī's AIP signed?

The AIP was signed on Saturday 22 December 2018 at Rangitihī Marae in Matatā.

4. Who signed the AIP?

The AIP was signed by Te Mana o Ngāti Rangitihī Trust Trustees; Crown Representatives, including Minister for Treaty of Waitangi Negotiations, Hon Andrew Little; and members of Ngāti Rangitihī who attended the AIP Signing Ceremony on 22 December 2018.

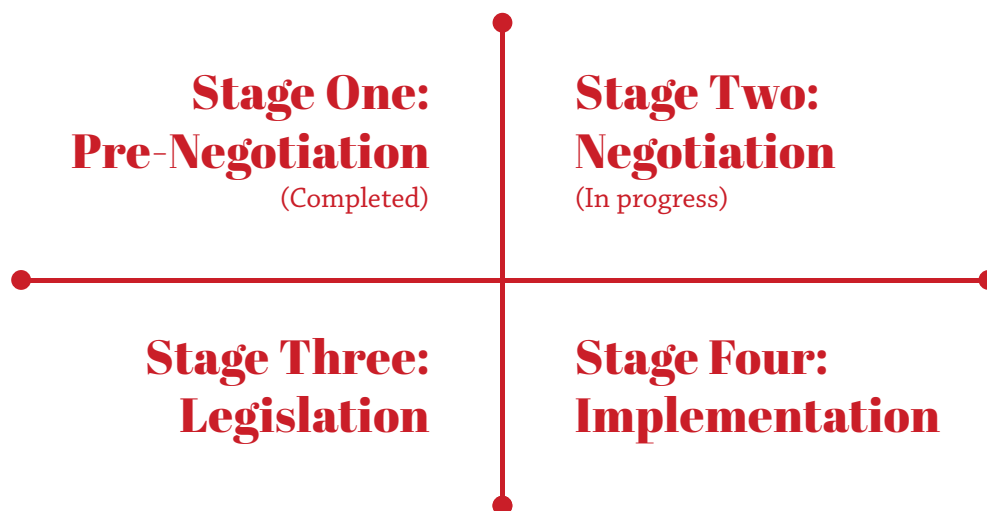
5. Where can I access the Agreement in Principle?

The Agreement in Principle can be accessed on the Te Mana o Ngāti Rangitihī Trust website:
www.ngatirangitihī.iwi.nz/about-us/documents/

The settlement process

1. What does the settlement process look like?

There are four key stages in a Treaty settlement.



2. What stage of the negotiations process is Ngāti Rangitihi up to?

Ngāti Rangitihi are currently in the **negotiations stage** of the settlement process. A Crown offer was made to Ngāti Rangitihi earlier in 2018, and on 22 December 2018, an Agreement in Principle was signed.

3. How long does it take for a settlement to be completed?

There is no set timeframe for a settlement to be completed. Every settlement is unique, and the time each settlement takes varies between iwi.

4. How can Ngāti Rangitihi get involved in the settlement journey?

There will be plenty of opportunity for Ngāti Rangitihi to have their say on this settlement. The settlement is not final until Ngāti Rangitihi ratifies it.

To be able to take part in the ratification processes for our settlement, whānau must ensure they are registered as a beneficiary of Te Mana o Ngāti Rangitihi Trust. If you whakapapa to Ngāti Rangitihi and are over 18 years of age, you can take part in voting processes relating to Ngāti Rangitihi.

We encourage all Ngāti Rangitihi to ensure they are registered. Visit our website to register.

We also encourage all our members to follow us on Facebook, watch our videos on Youtube, and keep an eye out for pānui from the Trust which will contain important details on our settlement over the coming months.

5. What are the difference between 'historical claims' and 'contemporary claims'?

Historical claims are those arising out of Crown acts (things the Crown did) or omissions (things the Crown failed to do) before 21 September 1992. The acts or omissions include those done by or on behalf of the Crown or by or under legislation.

Contemporary claims arise out of Crown actions or omissions after that date.

6. What is settlement redress and what does it include?

Settlement redress is the component parts that form a claimant group’s settlement package with the Crown. It generally includes three main components: The Crown Apology, cultural redress, and financial and commercial redress.

Through the Crown Apology, the Crown recognises the wrongs done to the claimant group.

Cultural redress recognises the claimant group’s spiritual, cultural, historical and traditional associations with the natural environment, sites and areas within their rohe.

Financial and commercial redress can be used to build an economic base for the claimant group.

Together these areas make up a settlement package for the final settlement of a claimant group’s historical grievances.

Ngāti Rangitihī’s settlement package will include all these elements, as well as relationship agreements with Government agencies and the creation of an entity to restore and protect Tarawera Awa.

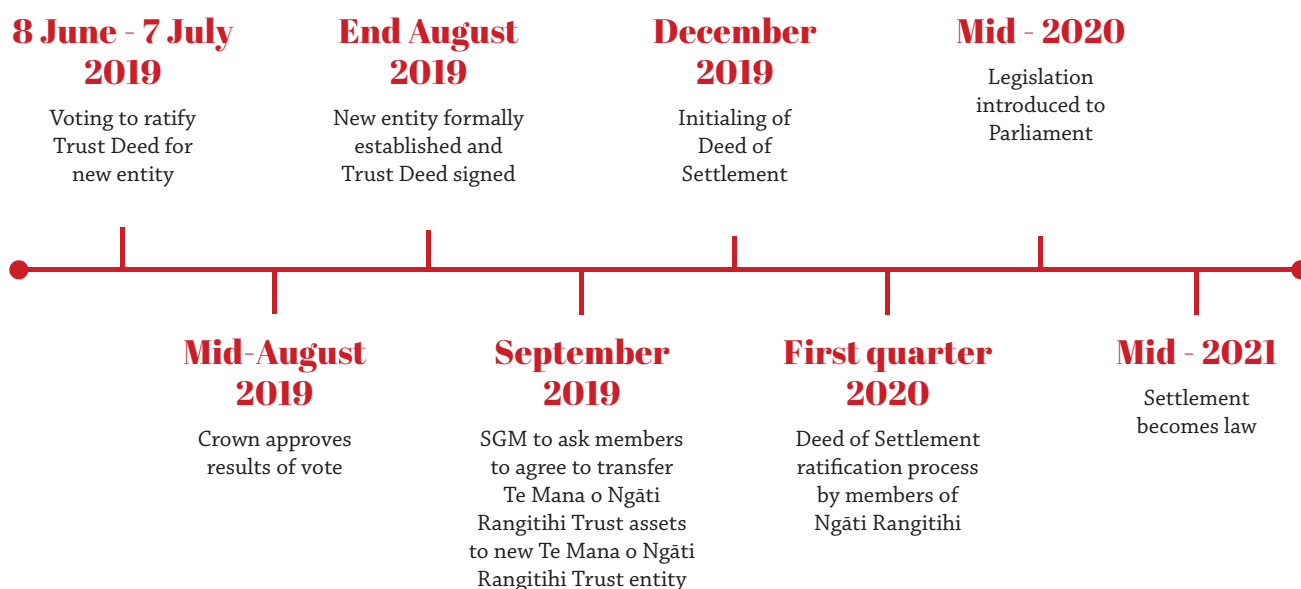
7. What is there left to do in order for us to settle?

We still have some matters to negotiate with the Crown. This includes the ownership of the Tapahoro Campground, cross-claims issues with Tūhourangi, and some other detailed matters regarding the entity formed to clean up the awa.

We also need to take the important step of establishing a new Post Settlement Governance Entity (PSGE) for the purposes of this particular settlement, as set out in our AIP – it is this PSGE that will receive the settlement redress on behalf of Ngāti Rangitihī once a Deed of Settlement is signed. We will be communicating with Ngāti Rangitihī with more information on this over the coming months.

If there is sufficient support to ratify the new Te Mana PSGE, there will be a Special General Meeting held later in 2019 for members to agree to transfer the existing Te Mana’s assets to the new Te Mana PSGE.

The Initial Trustees of the new Te Mana PSGE will then proceed with initialling a Deed of Settlement, so that we can bring to the people of Ngāti Rangitihī an initialed Deed of Settlement to vote on.



The Historical Account

1. What is the Historical Account?

The Historical Account is an agreed statement between the Crown and the claimant group that:

- forms the factual background and foundation for the historical claims, and
 - refers to the Treaty-based relationship between the Crown and the claimant group, and the events that led to the breakdown of that relationship.
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2. What is the content of the Historical Account made up of?

Ngāti Rangitahi's Historical Account will be broken down into different parts.

The full Historical Account will cover a comprehensive list of issues:

1. Pre-Treaty Contact
 2. 1860s War and Confiscation
 3. Introduction of the Native Land Court
 4. Crown Purchasing
 5. Mt. Tarawera Eruption
 6. Twentieth Century Land Administration
 7. Public Works
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3. Who is putting together Ngāti Rangitahi's Historical Account?

The Historical Account is put together by Crown Historians. Te Mana o Ngāti Rangitahi Trust has engaged the services of two Historians, Bruce Sterling and Anthony Olsen, to contribute Ngāti Rangitahi knowledge to the Historical Account and cross-check the research. An independent person is also engaged to go through the research.

4. Who checks and cross-references the evidence? Is all of the evidence cross-checked?

All our research had a minimum of two independent sources. Where we were able to, we used three independent sources. Our process was driven by academic rigour.

The primary research is Māori Land Court minutes. We cross-referenced those Māori Land Court minutes from Block to Block and treated these as separate independent sources where appropriate.

We also referenced kōrero about a particular event from other iwi to understand if there was a difference in perspective. We then made decisions around where evidence was corroborated, where it wasn't, what those issues might be, whether we could mitigate evidence that was different from one iwi to the next, and, where we couldn't, we could not use that evidence.

An independent person is also engaged to go through the research.

All evidence has been footnoted – the sources of all the information provided to the Crown for the Historical Account is all available in the Archives and in the Ngāti Rangitahi Story on our website.

5. How was Te reo Māori evidence collected and analysed?

There was very limited Te reo Māori evidence other than general anecdotal evidence where there were multiple sources and independent sources (e.g. different whānau) with a similar perspective.

We engaged the services of two Ngāti Rangitahi people who are fluent Te reo Māori speakers and provided translations for us – Cathy Dewes and Pep Raureti.

This information is available in the Archives.

6. How reliable are Māori Land Court decisions?

The Crown requires iwi in their research to quote primary source evidence. As there is very limited primary source evidence written, we relied heavily on Māori Land Court *Minutes*, not decisions. We believe Māori Land Court evidence is reasonably robust.

7. What is a Crown Acknowledgement?

The Crown Acknowledgement is designed as a reconciliation tool to repair the relationship between the government and iwi.

Significantly, for the first time, the Crown is acknowledging the pollution of the Tarawera awa.

8. What is a Crown Apology?

A Crown Apology holds special significance for iwi. When the Crown makes an apology, it is apologising for historic acts and omissions from the Crown in breach of the Treaty of Waitangi. Apologising for the grief and resentment caused by these acts are needed to help heal old wounds like the suffering after the eruption of Mount Tarawera in 1886.

Financial and Commercial Redress

1. What is Financial Redress?

Financial redress is not compensation to the iwi for their losses, and it's not compensation to the claimants – it is a formula that the Crown uses to provide a token payment to the claimant group.

Financial redress refers to the portion of the total settlement the claimant group receives in cash as pūtea.

2. What is Commercial Redress?

Commercial redress refers to any Crown assets, such as property, that contribute to the total redress quantum.

3. What factors are considered when calculating the quantum?

There are several factors taken into account when calculating the quantum.

The Crown's quantum offer of financial redress relates to the nature and extent of the Crown's breaches of the Treaty of Waitangi and its principles.

The Crown takes into account:

- the amount of land lost by the claimant group through the Crown's breaches of the Treaty and its principles
 - the relative seriousness of the breaches involved
 - the benchmarks set by existing settlements for similar grievances
 - the size of the claimant group today
 - whether there are any overlapping interests
 - any other special factors affecting the claim.
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4. How much pūtea is Ngāti Rangitihi getting back as part of this settlement?

Ngāti Rangitihi's Agreement in Principle, with the Crown today includes provisions for \$4 million dollars in financial redress. This is in addition to the \$7 million of redress Ngāti Rangitihi already received in the Central North Island Forests Settlement.

5. How did Te Mana negotiate the additional \$4 million dollars?

Very early in the negotiations, Te Mana made a strategic choice that it would focus on the size of the beneficiary population.

Through research on Māori Land Court records, electoral roll records, and demographic research, we were able to demonstrate to the Crown that the Ngāti Rangitihī beneficiary population is approximately 9,500 across Aotearoa and overseas. This is more than the 2,000 figure that the Crown initially believed our beneficiary Ngāti Rangitihī population to be.

6. What does Ngāti Rangitihī's Commercial Redress in the AIP include?

Ngāti Rangitihī's Commercial Redress includes certain property that is made available for Ngāti Rangitihī to purchase at a commercial value.

Te Mana's AIP includes provisions for the Right of First Offer for two Landcorp farms – Rotomahana Bay of Plenty Farm and Rotomahana Deep Creek Farm - for a period of 178 years. What that means is that if at any stage in the next 178 years, Landcorp decides that it no longer wishes to own these farms, Ngāti Rangitihī has the right to make Landcorp an offer, before it goes on the market.

These farms are not directly owned by the Crown - the land is owned by Landcorp (Pāmu).

Cultural Redress

1. What is Cultural Redress?

The Crown's general approach to cultural redress is to provide redress in relation to areas that are of significance to a claimant group culturally, historically, traditionally, spiritually.

2. Can we get back privately-owned land?

Properties to be returned as part of cultural redress must be Crown-owned land to be able to be included in a Deed of Settlement. Iwi cannot get back privately-owned land.

However, cultural redress provides Ngāti Rangitihī with an opportunity to seek the return of significant landmarks, Wāhi Tapu and places of significance to us as Ngāti Rangitihī.

3. What are the key proposed sites of Cultural Redress in the AIP?

Research has helped identify that much of Ngāti Rangitihī tipuna whenua falls within the Department of Conservation estate.

Some of the key potential cultural redress properties included in the AIP include:

- Te Tapahoro Bay
- Moura
- Omanuhiri
- Ngāheretā to Ruakokopu
- Niheta
- Parts of Tarawera Awa
- Base of Tarawera Maunga – known as Crater Block
- Whakapoukarakia
- Oniao
- Te Puwaha o Te Awa o Te Atua
- Arawa Street
- Kaokaoroa
- Otaramuturangi
- Te Ariki site

4. How many hectares of land does Ngāti Rangitihī stand to be kaitiaki of as part of the settlement?

Ngāti Rangitihī could soon be kaitiaki of more than 500 hectares of land.

5. What will happen to Lake Tarawera Scenic Reserve as part of our settlement?

The AIP makes provisions for the reclassification of part of Lake Tarawera Scenic Reserve as an historic reserve.

6. How are our interests over Mount Tarawera included in the AIP?

The AIP includes provisions for an overlay classification to be applied to the western flank of Mount Tarawera.

7. What is a Statutory Acknowledgement?

A Statutory Acknowledgement includes outlaying a claimant group's historical, spiritual, cultural and traditional association with several sites.

8. What Statutory Acknowledgements are included in our AIP?

Ngāti Rangitihī's AIP includes Statutory Acknowledgements over:

- Parts of Lake Tarawera Scenic Reserve
 - Crater Block Crown Land
 - Rotomahana Conservation Area
 - Waimangu Scenic Reserve – the parts still retained by the Crown
 - Bregman Wildlife Management Reserve
 - Tarawera Cut Wildlife Management Reserve
 - Crown retained parts of the Old Rangitaiki River Bed Conservation area
 - Awaiti Wildlife Management Reserve
 - Lake Tarawera Marginal Strips
 - Tarawera River and its Marginal Strips
 - Tarawera River – that is, areas of Tarawera River owned by the Crown
 - Ash Pit Road Marginal Strip (Te Kauae)
 - Lake Rerewhakaaitu Recreation Reserve
 - Rerewhakaaitu Conservation Area
 - Ohinekoao Scenic Reserve
 - Ohinekoao Recreation Reserve
 - Lake Tamarenuī Wildlife Management Reserve
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9. What is a Deed of Recognition?

In addition to Statutory Acknowledgements, certain sites can also have a Deed of Recognition.

If a Deed of Recognition is in place, then the Minister responsible for the agency that manages that site must acknowledge the statement of the group's association and then consult the claimant group in relation to that site, and seek their views on specified matters from that time on.

10. To which of Ngāti Rangitihī's Statutory areas do Deeds of Recognition apply?

Statutory areas to which Deeds of Recognition are to apply, include:

- Parts of Lake Tarawera Scenic Reserve
- Crown-retained parts of Crater Block Crown Land
- Rotomahana Conservation Area
- Crown-retained parts of Waimangu Scenic Reserve
- Bregman Wildlife Management Reserve
- Tarawera Cut Wildlife Management Reserve
- Crown-retained parts of the Old Rangitaiki River Conservation area
- Awaiti Wildlife Management Reserve
- Crown-owned areas of Tarawera River – which will take into account settlements with other iwi.

11. Are some place names being changed?

There is also discussion taking place over some place name changes. When those are agreed, the settlement legislation will allow those new names to be the official geographic names of the land feature.

12. What is the Crown's definition of a Whenua Rāhui? How can it be legally removed?

Yes, a Whenua Rāhui can legally be removed. However, it can only be removed with agreement from the beneficiary of the Whenua Rāhui.

13. What Tūhourangi land is the Crown willing to negotiate on our behalf to get the Whenua Rāhui removed?

The Crown is not looking at negotiating for other Tūhourangi land. This is because Tūhourangi's settlement is already complete and we cannot lay claim on land that has already been given to another iwi through a settlement that is already in legislation.

14. Can we do an overlapping Whenua Rāhui?

Yes, provisions for this have been included in our AIP. We have an existing Whenua Rāhui over the western flank of Mount Tarawera.

15. Did we claim that all the land at Tarawera was culturally significant?

Yes, we claimed that all of the land at Tarawera was culturally significant.

16. What are the limitations of the Crown returning all Ngāti Rangitihi land at Tarawera?

There are some significant limitations. There was a limit put in by the Crown in terms of the amount of land that could be returned via a settlement. That is up to the Crown to determine what that limit is. The land that we have claimed and received back already exceeds the original limit.

We are by far an iwi that has *the largest of Department of Conservation land per area and population.*

17. Why is there spiritually and culturally significant Ngāti Rangitihi land that is still under the control of the Department of Conservation (DOC)?

Over and above the Crown land that is being vested back in Ngāti Rangitihi, the bulk of Department of Conservation (DOC) estate in and around Lake Tarawera is going to be jointly managed by DOC and Ngāti Rangitihi. We will have joint governance over that land.

We did not want to be responsible for maintaining the conservation values of that land – that would be a huge cost to the iwi. So we chose to enter into a joint Governance arrangement over that land. This means we have a say over its management, but we have no responsibility for maintaining the bio-ecological values of that land. The Department of Conservation has the expertise in that area, so this is best-placed to sit with them.

19. What land do Ngāti Rangitihi own now?

Beneficiaries of Ngāti Rangitihi own a number of sites:

- Ruawahia 2B
- Matarumakina
- Hauani Block
- Onuku
- Rerewhakaitu Farm Block

20. What land are we going to get returned without restrictions? What land are we getting back with restrictions and what are the implications of the restrictions?

All vested land will be returned with some restrictions. The restrictions are primarily around maintaining ecological values of the land. Refer to pages 8 – 15 of the AIP for full details.

21. What land are we not getting back? What are our plans to get that land back?

We are not being given back two Landcorp Farms – Rotomahana Bay of Plenty Farm and Rotomahana Deep Creek Farm. However, we have a Right of First Offer over both of those blocks.

22. If we had not signed the AIP, what would have happened?

Negotiations would have fallen over. What we have negotiated to date would have come off the table and we would have to start the process all over again. There is no guarantee the redress negotiated would be available to us again.

We need to keep moving forwards for the benefit of the uri of Ngāti Rangitihi - culturally, spiritually and economically.

23. Can we get Tarawera recognised as its own entity?

No, we cannot. Half of Mount Tarawera is privately owned. Ruawahia 2B is in a privately-owned land Trust of Ngāti Rangitihi beneficiaries. The rest of Mount Tarawera is subject to a Whenua Rāhui.

Ngāti Rangitihi are acknowledged as having the Mana Whenua of Mount Tarawera and this will be included in our Deed of Settlement.

24. Are we getting the Waimea Stream back?

No, because part of the stream has already been subject to a Treaty Settlement with Ngāti Awa. Part of Matatā Scenic Reserve, where the stream is, is subject to a joint advisory committee; a Department of Conversation entity.

25. Is the block across from the sandhill a designated urupa? Are we getting this back?

No, this block is not a designated urupa - it is a *known* urupa. As it is on private land, we cannot get this land back.

26. The Manawahe School was offered to us. Is there more land there that we could claim?

We are getting Manawahe School land as part of our Settlement. There is no additional land available there that we can claim.

27. Are we buying the Matatā School?

We are not buying the Matatā School. It is being vested back into Ngāti Rangitihi as Cultural Redress in our settlement.

28. Why aren't we getting the land back next to where Tionga's wharetupuna was?

We cannot get this land back because it is privately-owned land.

29. Why haven't we claimed the foreshore and banks from Tarawera outlet down to the Ngāti Makino boundary (Pikowai)?

This relates to a different piece of legislation – the Marine and Coastal Act (MACA). We have claimed this area under MACA, as well as the area that tracks the other way, towards Walker Road. This area is also subject to our Fisheries Claim.

Relationships with Government agencies

1. What is Relationship Redress?

Relationship Redress is an important aspect of Ngāti Rangitihi's Agreement in Principle. It is a way to ensure that a claimant group has an ongoing, enduring, robust relationship with various Crown agencies, or Government agencies, after the settlement.

2. Why does Ngāti Rangitihi need to have relationships with Government agencies?

Having relationships with these Government agencies will help the development of protocols to manage several areas which Ngāti Rangitihi have interests in.

3. What is included in Ngāti Rangitihi's Relationship Redress?

Ngāti Rangitihi's relationship redress includes a commitment to:

- A Relationship Agreement with the Department of Conservation
- A Joint Advisory Committee for the Matatā Scenic Reserve and Matatā Wildlife Refuge Reserve
- A Relationship Agreement with the Ministry for the Environment
- Whakaaetanga Tiaki Taonga
- Letter of introduction to Ngā Taonga Whitiāhua Me Ngā Taonga Kōrero
- Letter of recognition from the Ministry for Primary Industries
- Appointment as an advisory committee to the Minister of Fisheries

4. Why does Ngāti Rangitihi need a formal relationship with the Ministry for Primary Industries?

Establishing a formal relationship with the Ministry for Primary Industries is important in paving the way for Ngāti Rangitihi to have a seat at the table when it comes to the national fisheries plans in Ngāti Rangitihi areas of interest.

It provides an opportunity for Ngāti Rangitihi to be recognised as Tangata Whenua in our area of interest, and the special relationship that we have with our fish species and tuna, for example. It provides a foundation for Ngāti Rangitihi participating in national fisheries plans, and so that Ngāti Rangitihi can implement the fisheries customary regulations going forward.

5. Why does Ngāti Rangitihi need a Relationship Agreement with the Ministry for the Environment?

Care and protection of Ngāti Rangitihi whenua, the Tarawera Awa and Te Awa o te Atua, are central to the Relationship Agreement with the Ministry for the Environment.

Over the past century, the Tarawera River has been subject to a number of human pressures and modifications, most of which have had a severe, detrimental impact on the mauri of this significant awa.

As part of the Treaty Settlement, Ngāti Rangitihi, as kaitiaki of the river, want to create a dedicated Restoration Strategy Group to support, co-ordinate and promote the integrated restoration and management of the wellbeing of the Tarawera River and Te Awa o Te Atua.

The AIP includes agreement from the Crown to support this initiative.

6. What does the Whakaaetanga Tiaki Taonga involve?

The Whakaaetanga Tiaki Taonga, with the various government culture and heritage organisations, is a significant part of the relationship redress for Ngāti Rangitihi. It is a way to ensure the preservation of our historical and cultural heritage and develop protocols for looking after Ngāti Rangitihi taonga.

The restoration of Tarawera Awa

1. Why does the mauri of Tarawera Awa need to be restored and protected?

Over the past century, the Tarawera River has been subject to a number of human pressures and modifications, most of which have had a severe, detrimental impact on the mauri of the awa.

For Ngāti Rangitihi, the essence of the awa is incredibly important to us. That mauri, that life essence, reflects our own understanding of being Ngāti Rangitihi, and as long as the river stays polluted, our life blood is polluted.

2. How does Ngāti Rangitihi's AIP make provisions for the restoration of Tarawera Awa?

To be included in Ngāti Rangitihi's future Deed of Settlement, is the apology from the Crown for what has happened to the mauri of Tarawera Awa. Significantly for Ngāti Rangitihi, the Crown is apologising for not only polluting the river, but also for not doing anything about the pollution.

As part of the Treaty Settlement, Ngāti Rangitihi, as kaitiaki of the river, want to create a dedicated Restoration Strategy Group to support, co-ordinate and promote the integrated restoration and management of the wellbeing of the Tarawera River and Te Awa o Te Atua. The AIP includes agreement from the Crown to support this initiative.

3. What will membership of the Restoration Group look like?

Group membership will balance those who have a statutory role with the awa and those who have an overarching interest in the awa, while enabling the group to make decisions efficiently and effectively. This Restoration Group will include the awa's neighbouring iwi, as well as several other entities, to provide a comprehensive process to undertake the initiatives that that group decides.

4. What funds are needed to support the aspirations of the iwi when it comes to Tarawera Awa?

Te Mana are hoping for a sum of \$200,000 a year over five years to support the aspirations of the iwi when it comes to Tarawera awa. The fund will give opportunity for the Restoration Group to then apply for contestable funding that is available for everybody through the Ministry for the Environment.

That five years' worth of funding will be used to work through what those initiatives might look like and which funds to apply to for those projects to come to fruition.

Health and social aspect of our settlement

1. What is included in the health and social component of our claim?

We are in the process of confirming a protocol with the Ministry of Health around health and social service provision, as part of our negotiation process. When we have further details on this, we will inform Ngāti Rangitihi.