Ngāti Tama ki Te Tau Ihu

DEED OF SETTLEMENT

& POST-SETTLEMENT GOVERNANCE ENTITY



Ka tū te Tāngata o Ngāti Tama ki Te Tau Ihu Uphold the wairua, tikanga and mana of the iwi for future generations





Titiro whakarongo ngā iwi e

Listen and hear, our people are Ngāti Tama ki Te Tau Ihu

Ko Horoirangi, Maungatapu, Wharepapa, Piki-ki-runga e Tai atu ki Pukeone, Anatoki, Parapara, Aorere, Wakamarama, ngā maunga e The highest loftiest peaks that etch out our mountain ranges

Ko Whangamoa ki Kahurangi te rohe nei

From Whangamoa in the east to Kahurangi in the west are the lands of Ngāti Tama ki Te Tau Ihu

Hoki mai mātou ngā awa o Whangamoa, Wakapuaka, Mahitahi, Waimea, Wai-iti, Wairoa, Motueka e Tai atu ki Takaka, Pariwhakaoho, Aorere, Paturau, Anatori, Turimawiwi e Our rivers that flow through our lands

Pupū ake te puna tapu o Te Waikoropupū e

The sacred bubbling puna waiora, the life essence of Ngāti Tama ki Te Tau Ihu

E tiaki tonu ake ngā taniwha e Kai Whakaruaki, Ngararahuarau, Huriawa, Poutini e Our spiritual guardians who protect our treasures, our people and our lands

Titiro mai mātou ki ngā wāhi ō mātou tūpuna e Wakapuaka, Whakatū, Motueka, Takaka, Mohua, Onetahua, Kahurangi e Our ancestral homelands across Te Tau Ihu

E tū tonu ngā whare o ngā tūpuna e Nō Whakatū, Te Awhina, Onetahua e Anei te rohe o Ngāti Tama ki Te Tau Ihu e. Our marae, our place to stand as Naāti Tama across Te Tau Ihu

Te Tai Tapu ki te uta o Mohua, Te Tai o Aorere ki te uta o Whakatū, The ebbing and surging tides that caress our shores



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THE PURPOSE OF THIS BOOKLET

To inform your vote, this booklet outlines:

- (a) the key elements of the proposed Deed of Settlement between Ngāti Tama ki Te Tau Ihu and the Crown in respect of the settlement of the historical Treaty of Waitangi claims of Ngāti Tama ki Te Tau Ihu;
- (b) the proposed post-settlement governance entity to receive and manage the Treaty settlement assets of Ngāti Tama ki Te Tau Ihu.

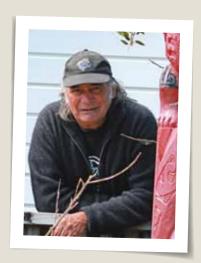
From 18 March to 15 April 2013 you have the opportunity to vote whether to approve the Deed of Settlement and the proposed post-settlement governance entity. For more information about how to vote, please refer to the Voting Instructions and Voting Paper that you received with this booklet.





MESSAGE FROM THE CHAIR

Principal Negotiator



Ko Wharepapa tōku maunga Ko Motueka tōku awa Ko Ngāti Tama ki te Tau Ihu tōku iwi Ko Fred Te Miha tōku ingoa Tēnā koutou katoa

Over the 20 year history of Ngāti Tama Manawhenua ki Te Tau Ihu Trust, a lot of energy has been focussed on settling our long-standing grievances with the Crown. This struggle has been driven by our strong belief in Ngāti Tama ki Te Tau Ihu, and over time has needed a huge commitment from many of our people.

Our settlement negotiation with the Crown commenced in 2005, and we need to acknowledge that the current economic environment has affected our ability to secure our full redress entitlement. I ask that all uri of Ngāti Tama ki Te Tau Ihu consider the redress package as a new beginning – a time to develop the social, cultural and economic future for our members.

The ability of Ngāti Tama ki Te Tau Ihu to reach this much-anticipated milestone was based on our strong belief in our cause, and this settlement package provides evidence that the Crown recognises the validity of our claims.

We now stand at the entrance way of a new journey, with the aim being to ensure our mokopuna grasp the opportunities denied to our tūpuna. The Deed of Settlement is the instrument whereby the Crown recognises and re-affirms our status as an iwi of mana, and an iwi who have held ahi kā roa in Mohua, Motueka, Whakatū and Wakapuaka since 1828.

Cultural redress provides for recognition of Ngāti Tama ki Te Tau Ihu's continuing relationship with our whenua, moana, awa, maunga, wāhi tapu, puna waiora and in some instances creates opportunities to strengthen those associations.

Over the next few weeks, I will be travelling across Aotearoa with Ngāti Tama ki Te Tau Ihu Trustees to discuss the settlement package, and we will be asking members to endorse the package. Accepting the package and proposed post-settlement governance entity will allow us as an iwi to leave our grievances in the past, and start a new pathway that will maintain, grow and protect our cultural and commercial aspirations to provide wealth for our mokopuna.

Fred Te Miha – Chair/Principal Negotiator

Thed Te Mila

Ngāti Tama Manawhenua ki Te Tau Ihu Trust

ACKNOWLEDGEMENTS



Janice Manson

Former Trustee & Chair of Ngāti Tama Manawhenua ki Te Tau Ihu Trust.

Ko Parapara tōna maunga Ko Pariwhakaoho tōna awa Ko Te Tai Tapu tōna moana Ko Te Waikoropupū tōna puna

Ko Mohua te takiwā

Ko Ngāti Tama, Te Ātiawa, Ngāti Te Whiti, Tainui ōna iwi

Ko Onetahua tōna marae

Ko Ward-Holmes tōna hapū

Ko Janice Manson tōna ingoa, kua wheturangitia ia, moe mai e whaea, moe mai ki te taha ō ōna tūpuna.

Janice's vision for Ngāti Tama ki Te Tau Ihu focused on sustainability of the iwi for future generations and ensuring that the Trust provide support for education, training and Te Reo Māori me ōna Tikanga. Her aim was to ensure that ngā mokopuna o Ngāti Tama gathered skills and training to succeed in Te Ao Pākehā as well as Te Ao Māori with the support, aroha, and encouragement from the Ngāti Tama whānau. She believed that the Trust need to provide opportunities for ngā mokopuna to gather the skills and training in their kete to return home to support the iwi, and stand proudly on our takiwā and our marae.

Her abilities of persuasion and determination were well known along with her passion, aroha, āwhina for her whānau, iwi, Māori education and her drive to ensure ngā mokopuna o Te Tau Ihu received the best education. She is fondly remembered by many across Te Tau Ihu.

Her message to both the Crown and ngā uri o Ngāti Tama ki Te Tau Ihu would focus on acknowledging our tūpuna; their courage, determination, perseverance to withstand all the injustices, discrimination, losses, sadness, mamae, and pōuritanga that they endured to ensure that ngā uri o Ngāti Tama ki Te Tau Ihu survived. She would also remind everyone that while this was a day of celebration, it is only a milestone in the long journey ahead towards the revitalisation of our iwi. Celebrate today, remember those who have gone but have been part of the Ngāti Tama journey, reflect, tangi, manaaki, and tomorrow start planning to safeguard and build our future strategic development of the iwi for our mokopuna.

'Whāia te iti kahurangi, ki te tuohu koe, me he maunga teitei.'

'Pursue that which you cherish the most and if you have to bow your head let it be to a lofty mountain'.



Acknowledgements continued...



Keri Stephens

Former Trustee & Chair of Ngāti Tama Manawhenua ki Te Tau Ihu Trust.

Ko Horoirangi tōna maunga Ko Wakapuaka raua ko Whangamoa ōna awa Ko Te Tai o Aorere tōna moana Ko Tokomaru tōna waka Ko Wakapuaka tōna takiwā Ko Naāti Tama ki Te Tau Ihu tōna iwi

Keri lived a colourful life but it was not until his involvement as a Trustee for Ngāti Tama Manawhenua ki Te Tau Ihu Trust that his leadership skills were enhanced; even more so when he was appointed Director of Tama Fishing Company Limited. Keri was elected Chair of Ngāti Tama Manawhenua ki Te Tau Ihu Trust, replacing Janice Manson and continuing her good work with equal passion and enthusiasm until his own tragic demise.



Ra Mason

Former Trustee of Ngāti Tama Manawhenua ki Te Tau Ihu Trust.

The Trustees of Ngāti Tama Manawhenua ki Te Tau Ihu Trust wish to acknowledge the valuable contribution that Ra Mason made as a Trustee over a lengthy period.

Chris Atutahi



The Trustees of Ngāti Tama Manawhenua ki Te Tau Ihu Trust take this opportunity to acknowledge the vast amount of mahi Chris undertook as inaugural Project Manager of Tainui Taranaki ki te Tonga. Chris took the lead role during the commercial negotiations with the then Minister in Charge of Treaty of Waitangi Negotiations, Dr Michael Cullen.

I roto i ngā āhuatanga o te wā, e tika ana ki te huri whakaaro ki te rangatira, nāna te mahi whakahirahira, nāna i tīmata tēnei mahi kia tae atu ki tēnei ra, nō reira e te rangatira Chris Atutahi, ka nui ngā mihi ki a koe. Ahakoa kaore koe i waenganui i a tātou, ko tōu wairua e rere ana. Nāu i kōkiri te kaupapa. I muri i a koe ko tōu whānau hei tautoko, ki a Natalie, Maraea, Renee, Nicole ka noho mokemoke tonu koutou, ka noho mokemoke tātou. Moe mai ra e te rangatira. Tēnā koutou, tēnā koutou, tēnā koutou katoa.

The Trustees of Ngāti Tama Manawhenua ki Te Tau Ihu Trust also acknowledge the contributions made by Bill Katene and Keith Warren to Ngāti Tama ki Te Tau Ihu over many years.

Te Kautere ngā Kahurangi Apakura ngā pounamu rangatira e Hoki mai ki te uma o Huriawa Hoki mai e roto ki te Waikoropupū e Float freely my beloved treasures Return to the bossom of Huriawa Lament for the loss of our ancestral treasures Return once more to the healing waters of our iwi.

HISTORICAL BACKGROUND TO OUR CLAIMS

Te Ahikāroa o Tama

Te Ahikāroa reflects the concept that Ngāti Tama ki Te Tau Ihu have continued to 'keep the home fires burning' for the maintenance of mana and the continual occupancy of our rohe, and the connections of belonging to this whenua.

Ngāti Tama ki Te Tau Ihu

Ngāti Tama ki Te Tau Ihu trace their roots to the Tokomaru waka from Hawaiki and take their name from Tamaariki, one of the five co-captains aboard the vessel. Ngāti Tama came to Te Tau Ihu (the northern South Island) in the late 1820s under their paramount chief Te Pūoho ki te Rangi. Ngāti Tama established pā and kāinga at several localities in Te Tau Ihu and at some places in northern Te Tai Poutini (Westland). In Te Tau Ihu, Ngāti Tama's main pā were at Wakapuaka (near Nelson) and at Wainui, Takaka, Tukurua and Parapara in Mohua (Golden Bay). On an expedition south in 1836 Te Pūoho was killed, along with other Ngāti Tama, at Tuturau in Southland. Subsequently, Wi Katene Te Pūoho, the youngest of Te Pūoho's four sons, became paramount chief of Ngāti Tama ki Te Tau Ihu.

New Zealand Company Purchases and the Treaty of Waitangi

In 1839 the New Zealand Company signed deeds with Māori that purported to purchase the entire northern South Island. No Ngāti Tama ki Te Tau Ihu signed the Company's deeds. In January 1840 the Crown proclaimed that it would only recognise land titles derived from the Crown and that all pre-1840 land purchases from Māori were to be investigated by a commission of inquiry.

No Ngāti Tama chiefs in Te Tau Ihu signed the Treaty of Waitangi. The Treaty was not taken to districts west of Rangitoto (D'Urville Island), and therefore resident iwi had no opportunity to consider whether they wished to formally accept British citizenship and protections guaranteed in the Treaty.

In 1842 the New Zealand Company established its Nelson settlement. The Company presented gifts to local Māori, including Ngāti Tama ki Te Tau Ihu.

During meetings with Māori, the Company agent claimed their lands had been purchased in the 1839 deeds, and that the gifts were 'a present upon settling on the land'. Some Ngāti Tama from Wakapuaka voiced objections to their land being sold by non-residents but accepted the gifts.

The Spain Inquiry in Te Tau Ihu

In 1844 a Crown-appointed Commissioner, William Spain, investigated the Company's purchases in New Zealand. He heard from only one Māori witness in Nelson before suspending the inquiry to enable the Company to negotiate a settlement. Māori signed deeds of release in return for accepting payments totalling £800 described by Commissioner Spain as gifts to assist settlement rather than payments for the land. Ngāti Tama rangatira signed the 'Whakapuaka' Deed of Release and received £200. The deeds of release excluded all Māori pā, cultivations and burial places.

Ngāti Tama rangatira from Mohua (Golden Bay) were not present at the Commissioner's hearing or negotiations for compensation. Nevertheless a sum of £290 was reserved for Golden Bay Māori from the £800 payment. The payment was accepted in October 1845, but Te Meihana Te Ao, the senior Ngāti Tama chief at Takaka, later complained that he did not receive a share of the payment intended for him.



In 1845, on the Commissioner's recommendation, the Crown prepared a grant to the New Zealand Company of 151,000 acres in Tasman and Golden Bays. This grant would have reserved 15,100 acres (one-tenth of the land) for Māori. However, the Company objected to several aspects of this grant and in 1848 the Company accepted a new Crown grant for a larger area of land in Te Tau Ihu. Under the 1848 grant only 5,053 acres were reserved at Nelson and Motueka, and certain occupation reserves in Golden Bay were excepted.

Tenths Reserves

Ngāti Tama ki Te Tau Ihu had negligible involvement in the subsequent administration and use of the Nelson and Motueka reserves, which were known as the 'Tenths'. The Tenths were leased to settlers and the income generated was spent on Māori purposes.

In 1862 the Crown allocated parts of at least four Motueka Tenths sections to Ngāti Tama ki Te Tau Ihu for their occupation. However, ownership of these lands was not granted and Ngāti Tama had no legal rights over the land they occupied.

In 1853, following some consultation with Māori, the Crown granted land at Motueka to the Church of England to establish a school. Of the 1,078 acres granted only 160 acres was Crown land. The remaining land comprised 918 acres of Tenths reserves at Motueka. Ngāti Tama people were among the whānau who had to move from those Tenths reserves when the school was established. The Whakarewa School was closed in 1881. Subsequently there were petitions and other forms of protest by generations of Motueka Māori seeking the return of the land. In 1993 the land was restored to Māori and vested in the Ngāti Rarua Atiawa lwi Trust, but the interests of Ngāti Tama ki Te Tau Ihu were not recognised in the establishment of that Trust.

From 1887, under the administration of the Public Trustee, the Tenths were leased under perpetually renewable leases. Rentals were infrequently reviewed and over time inflation reduced rental returns. In 1892 the Native Land Court determined the beneficiaries of the Tenths fund. Ngāti Tama ki Te Tau Ihu were allocated 40 of the 151 shares created in the Tenths estate. Ngāti Tama individuals identified as beneficiaries received a payment from the Tenths fund based on their iwi's proportionate interest in the Tenths. However, there was no means for Ngāti Tama ki Te Tau Ihu to receive or control their funds as an iwi. This undermined the rangatiratanga of Ngāti Tama ki Te Tau Ihu and impaired their social and economic development. Over time,

primarily due to succession, individual shareholdings in the Tenths became increasingly fragmented and consequently of less economic value.

During the twentieth century the Tenths reserves were reduced by the compulsory acquisition of uneconomic shares and the sale of reserves to lessees. In 1970, 348 Tenths owners, including Ngāti Tama owners, had their interests compulsorily acquired and on-sold to lessees. By 1975, 1,308 acres of Tenths reserves had been sold to lessees. In 1977 the remaining Tenths reserves were transferred to Wakatū Incorporation.

Crown Purchases

In 1852, the Crown purchased the mineral-rich Pakawau block in western Golden Bay. The Crown sought to purchase the block before Māori became aware of the full value of its minerals and the price paid reflected only the agricultural value of Pakawau. The Ngāti Tama pā site at Pakawau was not reserved from the sale.

In 1853, the Crown signed the Waipounamu Deed with other iwi in Porirua, and purported to have purchased most of the remaining Māori land in Te Tau Ihu. One of those who signed the Deed was the Ngāti Tama rangatira, Paremata Te Wahapiro, who was in Porirua at the time and had close links with the iwi who negotiated the Deed. However, Ngāti Tama ki Te Tau Ihu as an iwi was not involved in the actual negotiation. The Deed provided for £5,000 to be paid to all Māori with interests in Te Waipounamu. £2,000 was paid in 1853 to those who signed the Deed and the remaining £3,000 was to be distributed among six named Te Waipounamu iwi who did not include Ngāti Tama ki Te Tau Ihu.

The Crown did not travel to Te Tau Ihu to finalise the Te Waipounamu sale until November 1855. By this time the Crown had paid the £3,000 of purchase money to the Porirua iwi and other non-resident Māori. The Crown agent was authorised to spend a further £2,000 to complete the purchase. During negotiations with Ngāti Tama at Nelson, the Crown asserted that the land had been sold by virtue of the 1853 Deed, which Paremata Te Wahapiro of Ngāti Tama had signed.

Wi Katene Te Pūoho of Ngāti Tama vigorously dismissed the Crown's assertion, and argued that those who signed the 1853 deed had no right to sell Wakapuaka. The Crown reluctantly yielded, and 17,749 acres at Wakapuaka was excluded from the sale and remained Māori customary land. On 10 and 13 November 1855, Ngāti Tama ki Te Tau Ihu and another iwi signed a deed of sale for 'all our lands in this Island' and received £600.

IMAGES: TOP: Wi Katene Te Pūoho, MIDDLE: Huria Matenga, LOWER: Tamati Pirimona Marino

The reserves created for Ngāti Tama ki Te Tau Ihu in Golden Bay from the Waipounamu purchase were found to be generally inadequate for customary use or agricultural or pastoral farming. During the 1860s and 1870s some reserves were granted by the Crown to individual Ngāti Tama and many of these were quickly sold. Other reserves had their ownership determined by the Native Land Court in 1892, where ownership was also awarded to individuals rather than to Ngāti Tama ki Te Tau Ihu as an iwi.

The operation and impact of the native land laws on the remaining lands of Ngāti Tama ki Te Tau Ihu and, in particular, the awarding of land to individuals, rather than to Ngāti Tama ki Te Tau Ihu as an iwi, made those lands more susceptible to partition, fragmentation and sale.

Te Tai Tapu

In 1862 gold was discovered on the 88,350 acre Te
Tai Tapu block that had been excluded from the
Waipounamu purchase. The Crown negotiated an
agreement with Māori to allow gold mining on the block.
Ngāti Tama were not included in the negotiations. In
1863 the Crown facilitated an agreement between three
iwi, including Ngāti Tama ki Te Tau Ihu, regarding their
respective interests in the block. In 1883 the Native Land
Court investigated the ownership of Te Tai Tapu, but Ngāti
Tama ki Te Tau Ihu were not recognised as owners by the
Court and the following year the entire block was sold.

Wakapuaka

In 1883 the Native Land Court determined the ownership of the Wakapuaka block. The Court awarded the entire block to the applicant, Huria Matenga, who was the daughter of Wi Katene Te Pūoho. This decision disinherited other Ngāti Tama who had lived on Wakapuaka since the 1830s. In 1896, Ngāti Tama ki Te Tau Ihu began protests to parliament asking for a rehearing of the block. A rehearing of the remaining portion of Wakapuaka was finally held in 1937, when the descendants of Paremata Te Wahapiro of Ngāti Tama were admitted to a share in the residue of Wakapuaka. Other Ngāti Tama whānau, however, who had previously resided on Wakapuaka were not admitted to the title.





Cumulative Effects on Ngāti Tama ki Te Tau Ihu

Ngāti Tama ki Te Tau Ihu as an iwi has suffered from Crown actions and omissions from 1842 to the present day. The loss of lands and resources, and the inadequate creation and protection of reserves, damaged the mana, social structure, and wellbeing of Ngāti Tama ki Te Tau Ihu as an iwi. Insufficient land contributed to some Ngāti Tama leaving Te Tau Ihu and losing their connection with Ngāti Tama ki Te Tau Ihu and their tūrangawaewae. By the end of the twentieth century Ngāti Tama ki Te Tau Ihu was virtually landless.

NB: The full historical account of Ngāti Tama ki Te Tau Ihu's interaction with the Crown is included in the Deed of Settlement.



Image: Looking toward Onetahua from Mohua

OUR LOGO - 'TOHU'

The original logo was designed in 1993 by Motueka High School student Brendon Miratana.

In 1993, Ngāti Tama Manawhenua ki Te Tau Ihu Trust ran a competition via the secondary schools of Te Tau Ihu, and asked students to design a logo for the Trust. Brendon Miratana, a student at Motueka High School, created the winning design.

Below is his korero about his winning logo design:

- The design depicts a main figure aboard a waka. The waka represents Tokomaru.
- The notches in the taurapa represent the other Taranaki iwi that stayed in their rohe (five notches with two embracing = 7).
- The front figure is Te Pūoho leading the heke of Ngāti Tama southwards.
- The shape of the design depicts the curve of Mohua (Golden Bay).
- The arrow-pointed design that flows through the middle of the waka represents an awa, and Brendon notes this as being Mohakatino River (the boundary between Taranaki and Tainui).



In 2011 Alex Walker of Prestige Print (a member of Ngāti Tama ki Te Tau Ihu) redefined the logo to what it is today.



THE ROAD TO SETTLEMENT

July 1998

Wai 723 – the Ngāti Tama ki Te Tau Ihu claim – was registered with the Waitangi Tribunal.

February 2005

The large natural grouping "Tainui Taranaki ki te Tonga" is formed, of which Ngāti Tama Manawhenua ki Te Tau Ihu Trust is a member.

March 2007

The Waitangi Tribunal releases Te Tau Ihu o Te Waka a Māui – a preliminary report on Customary Rights in the Northern South Island.

May 2008

The Hon Dr Michael Cullen, the then Minister in Charge of Treaty of Waitangi Negotiations, and Tainui Taranaki ki te Tonga finalise the commercial settlement offer.

1995

August 2000 to March 2004

The Waitangi Tribunal hears the Te Tau Ihu Inquiry, including the Ngāti Tama ki Te Tau Ihu claim which is presented in March 2003.

Image: Tasman Bay from Motueka

November 2005

Ngā Uri o Ngāti Tama ki Te Tau Ihu unanimously mandate Fred Te Miha and John Mitchell to act on behalf of Ngāti Tama ki Te Tau Ihu in the Treaty settlement process.

September 2007

The Waitangi Tribunal releases a second preliminary report on Te Tau Ihu Customary Rights in the Statutory Ngāi Tahu Takiwā.

November 2007

Tainui Taranaki ki te Tonga and the Crown sign the "Terms of Negotiation" at Whakatū Marae to officially mark the commencement of settlement negotiations.

November 2008

The Waitangi Tribunal presents its full and final Te Tau Ihu o Te Waka a Māui report to lwi at Whakatū Marae.

February 2009

Letter of Agreement signed by the iwi o Tainui Taranaki ki te Tonga and the Crown.

February 2011

Crown invites individual Tainui Taranaki ki te Tonga iwi, including Ngāti Tama ki Te Tau Ihu, to re-engage in negotiations.

March 2013

Ratification process commences.

2015

June 2008

The Waitangi Tribunal releases third preliminary Te Tau Ihu o Te Waka a Māui report.

December 2008

The new Minister for Treaty of Waitangi Negotiations, Hon Christopher Finlayson, recommences negotiations with Tainui Taranaki ki te Tonga.

October 2010

Crown suspends negotiations with Tainui Taranaki ki te Tonga.

October 2011

Ngāti Tama ki Te Tau Ihu and the Crown initial a draft Deed of Settlement concluding negotiations relating to the historical Treaty claims of Ngāti Tama ki Te Tau Ihu.



RECOGNITION & RE-AFFIRMATION OF MANA

An important aspect of the settlement is the formal apology to Ngāti Tama ki Te Tau Ihu by the Crown. The apology seeks to make amends for the past wrongdoings of the Crown and begin the healing process.

The apology expresses the desire of the Crown to build a relationship with Ngāti Tama ki Te Tau Ihu based on good faith, mutual trust and cooperation, and respect for the Treaty of Waitangi and its principles.

The Crown Apology is a practical and constructive means of addressing the hurt previously inflicted on Ngāti Tama ki Te Tau Ihu by the Crown, enabling us all to move on from the past and work towards a more positive future for our mokopuna. It begins the process of rebuilding in a positive manner.

The Crown Apology is included as part of the Deed of Settlement and Settlement legislation to publicly acknowledge the acts and omissions of the Crown and the Crown's failure to actively protect the interests of Ngāti Tama ki Te Tau Ihu.

The Crown Apology should be read in conjunction with the Historical Account and Crown Acknowledgements, which together vindicate the claims our tūpuna have made over several generations and recognise and reaffirm the mana of Ngāti Tama ki Te Tau Ihu.

The Historical Account is an agreed statement of the historical interaction between Ngāti Tama ki Te Tau Ihu and the Crown. Reaching agreement on the content of an Historical Account involves a considerable level of negotiation that focuses on evidence used in establishing breaches of Te Tiriti o Waitangi and the findings of the Waitangi Tribunal.

Events covered in the Ngāti Tama ki Te Tau Ihu Historical Account (which is summarised earlier in this Ratification Booklet) include:

- the NZ Company purchases;
- the establishment and administration of the Nelson and Motueka Tenths;
- Crown purchasing activity;
- Native Land Court operations; and
- twentieth century land administration.

Based on the agreed Historical Account, the Crown has acknowledged that certain historical acts and omissions affecting Ngāti Tama ki Te Tau Ihu were in breach of Te Tiriti o Waitangi. Crown acknowledgements included in the Deed of Settlement include:

- the Crown's failure to investigate and understand the nature and extent of the longstanding customary rights of Ngāti Tama ki Te Tau Ihu;
- the Crown's failure to protect the interests of Ngāti Tama ki Te Tau Ihu in the completion of the New Zealand Company's Nelson purchase;
- the Crown's failure to recognise the full nature and extent of the customary rights of Ngāti Tama ki Te Tau Ihu when it embarked on a series of purchases from 1847;
- the inadequacy of the reserves granted to Ngāti Tama ki Te Tau Ihu; and
- the Crown's failure to protect the traditional tribal structures of Ngāti Tama ki Te Tau Ihu which were eroded by the operation and impact of the native land laws.

The Crown also acknowledges that it has failed to deal with the longstanding grievances of Ngāti Tama ki Te Tau Ihu in an appropriate way, and that recognition of those grievances is long overdue.

The full Historical Account and Crown apology and acknowledgements are contained in the Deed of Settlement which can be obtained from:

The office of

Ngāti Tama Manawhenua ki Te Tau Ihu Trust 72 Trafalgar Street, NELSON or PO Box 914, NELSON Telephone (03) 548 1740 www.ngati-tama.iwi.nz

The website of the Office of Treaty Settlements www.ots.govt.nz

CLAIMANT DEFINITION

The Deed of Settlement contains a definition of Ngāti Tama ki Te Tau Ihu as follows

'Ngāti Tama ki Te Tau Ihu'

means:

- a) the collective group composed of individuals who are descended from an ancestor of Ngāti Tama ki Te Tau Ihu; and
- b) includes those individuals referred to in (a); and
- includes any whānau, hapū, or group to the extent that it is composed of individuals referred to in subclauses (a) and (b) of this definition;

A person is *descended* from another person if the first person is descended from the other by:

- a) birth: or
- b) legal adoption; or
- Māori customary adoption in accordance with Ngāti Tama ki Te Tau Ihu tikanga (customary values and practice);

'Ancestor of Ngāti Tama ki Te Tau Ihu'

means:

- a) a tūpuna named in part 8 of the documents schedule to the Deed of Settlement; or
- b) any other tūpuna who exercised customary rights predominantly in relation to the Ngāti Tama ki
 Te Tau Ihu Area of Interest at any time after 6
 February 1840 and is recognised as:
 - i. a Ngāti Tama ki Te Tau Ihu signatory to the second Deed of Purchase by the New Zealand Company signed at Arapawa Island in November 1839; or
 - ii. a Ngāti Tama ki Te Tau Ihu signatory to the Treaty of Waitangi in Te Tau Ihu; or
 - iii. a Ngāti Tama ki Te Tau Ihu owner among the original owners of the Māori Reserved Lands in Nelson and Marlborough (such as Nelson native Tenths reserves, occupation reserves, original native title blocks and landless natives reserves); or
 - iv. a Ngāti Tama ki Te Tau Ihu signatory to a deed of sale of land to the Crown during the 1840s and 1850s; or
 - v. a person who, as Ngāti Tama ki Te Tau Ihu, held ahi kā roa in the Ngāti Tama ki Te Tau Ihu Area of Interest as established by censuses, Native Land Court and Māori Land Court records and other archives.

The list of tūpuna contained in part 8 of the documents schedule to the Deed of Settlement is set out on the last two pages of this Ratification Booklet.



THE SETTLEMENT

Protection, Development, Prosperity, Sustainability, Growth

Overview

The Ngāti Tama Deed of Settlement is the full and final settlement of all historical Treaty of Waitangi claims of Ngāti Tama ki Te Tau Ihu resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

- an agreed historical account, Crown acknowledgements and apology to Ngāti Tama ki Te Tau Ihu;
- · cultural redress; and
- financial and commercial redress.

The benefits of the settlement will be available to all members of Ngāti Tama ki Te Tau Ihu wherever they may live.

The Ngāti Tama settlement was negotiated alongside settlements with the other seven iwi with historical claims in Te Tau Ihu (the northern South Island). Some redress in the Ngāti Tama ki Te Tau Ihu settlement is joint redress with other iwi or overlaps with redress in other Te Tau Ihu settlements.

The settlement legislation to enact the Ngāti Tama ki Te Tau Ihu Deed of Settlement is drafted as part of an omnibus bill that will implement all Te Tau Ihu Treaty settlements. The day on which redress will transfer to Ngāti Tama ki Te Tau Ihu or otherwise be implemented is called the "settlement date", which is 70 working days after the settlement legislation receives the Royal Assent.

Image: Onetahua

Claims settled by the Deed of Settlement

The Deed of Settlement is a comprehensive settlement that addresses all historical claims of Ngāti Tama ki Te Tau Ihu. Ngāti Tama ki Te Tau Ihu is defined in relation to our tūpuna, the full list of which can be found on the final pages of this booklet.

The Deed of Settlement settles every historical claim to the Waitangi Tribunal insofar as it relates to Ngāti Tama ki Te Tau Ihu, including Wai 723.

The Wai 723 Claim included claims relating to the acts and omissions of the Crown in respect of:

- the transactions of the New Zealand Company
- Crown purchasing;
- the establishment and administration of the Nelson and Motueka Tenths;
- the failure to set aside adequate reserves for Ngāti Tama ki Te Tau Ihu;
- the operation and impact of the native land laws; and
- the failure to ensure that Ngāti Tama ki Te Tau Ihr retained sufficient lands for their present and future needs.

Exclusions

The Deed of Settlement does not include any of the following type of claims:

• Contemporary Claims

Claims relating to Crown acts or omission occurring after 21 September 1992 will not be settled by the Deed of Settlement.

Future Claims

Rights under the Treaty of Waitangi and aboriginal and customary rights continue. The ability for Ngāti Tama ki Te Tau Ihu to pursue redress for claims arising from any breaches of the Treaty of Waitangi that occur in the future are retained.

• Claims Already Settled

The Deed of Settlement does not in any way impact on the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 ("Te Ohu Kai Moana Fisheries Settlement"), the Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act.

The Deed of Settlement is also not intended to include any claim within the North Island of New Zealand that a member of Ngāti Tama ki Te Tau Ihu may have that is founded on a right arising as a result of being descended from an ancestor who is not a Ngāti Tama ki Te Tau Ihu ancestor.



CROWN ACKNOWLEDGMENTS to Ngāti Tama ki Te Tau Ihu

The full text of the Crown Acknowledgements is set out below:

- The Crown acknowledges that it has failed to address the long standing grievances of Ngāti Tama ki Te Tau Ihu in an appropriate way and that recognition of these grievances is long overdue.
- The Crown acknowledges that it failed to adequately inform itself of, and to protect the interests of Ngāti Tama ki Te Tau Ihu, including their ongoing needs, during the process by which land was granted to the New Zealand Company in 1848. The Crown acknowledges that this failure was a breach of the Treaty of Waitangi and its principles.
- 3. The Crown acknowledges that in respect of the reserves that were formally established following the 1848 Crown grant of land to the New Zealand Company and which became known as the Nelson and Motueka 'Tenths':
 - a) it failed to adequately provide for Ngāti Tama ki Te Tau Ihu to control those lands they occupied and used; and
 - b) it failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Ngāti Tama ki Te Tau Ihu.

The Crown acknowledges that these failures were in breach of the Treaty of Waitangi and its principles and that as a consequence Ngāti Tama ki Te Tau Ihu was unable to fully benefit from the developing economy of Nelson and the wider Te Tau Ihu region.

4. The Crown acknowledges that the grant of Tenths land at Whakarewa in 1853 meant that some Ngāti Tama whānau had to move from land they were occupying at the time. The Crown further acknowledges that despite protests from Māori beginning in 1881 the Whakarewa lands were not returned until 1993.

- 5. The Crown acknowledges that in 1852 it sought to purchase the Pakawau block before Ngāti Tama ki Te Tau Ihu and other Māori became aware of the full potential value of its minerals and that the price paid reflected the agricultural value of the land only.
- 6. The Crown acknowledges that it did not include Ngāti Tama ki Te Tau Ihu in its negotiations in 1862 to regulate gold mining on the Te Tai Tapu block.
- 7. The Crown acknowledges that when it purchased most of the remaining Māori land in Te Tau Ihu between 1853 and 1856:
 - a) it did not negotiate with Ngāti Tama ki Te
 Tau Ihu as an iwi prior to signing the 1853 Te
 Waipounamu deed and applied heavy pressure in its negotiations with resident Ngāti Tama in 1855, including presenting the land as already sold; and
 - b) it did not set aside adequate reserves for the present and future needs of Ngāti Tama in Te Tau Ihu.

The Crown acknowledges that these failures meant that it failed to adequately protect the interests of Ngāti Tama ki Te Tau Ihu when purchasing their land and this was in breach of the Treaty of Waitangi and its principles.

- 8. The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Ngāti Tama ki Te Tau Ihu and, in particular, the awarding of land to individuals, rather than to Ngāti Tama ki Te Tau Ihu as an iwi:
 - a) made those lands more susceptible to partition, fragmentation and alienation; and
 - b) further contributed to the erosion of the traditional social and cultural structures of Ngāti Tama ki Te Tau Ihu.

The Crown acknowledges that it failed to take adequate steps to protect the traditional social and cultural structures of Ngāti Tama ki Te Tau Ihu and that this was a breach of the Treaty of Waitangi and its principles.

9. The Crown acknowledges that it first became aware of protest by Ngāti Tama over the Native Land Court's Wakapuaka decision in 1896, but that it did not take steps to effect a reinvestigation of the Wakapuaka case until 1936. The Crown also acknowledges that the alienation of the Wakapuaka block has remained a significant grievance for Ngāti Tama ki Te Tau Ihu down to the present day.

10. The Crown acknowledges that:

- a) Ngāti Tama had negligible involvement in the administration of the Tenths reserves between 1842 and 1977:
- b) on occasion, the Crown used Tenths funds as a partial replacement to government spending;
- c) it was not until 1892, several decades after the establishment of the Tenths, that the beneficiaries of the Tenths fund were identified; and
- d) while the interests of Ngāti Tama ki Te Tau Ihu in the Tenths reserves were recognised, beneficial interests in the Tenths fund were awarded to individuals, rather than to Ngāti Tama ki Te Tau Ihu as an iwi.
- 11. The Crown acknowledges that certain actions and omissions with respect to the administration of the Nelson and Motueka Tenths reserves resulted in prejudice to those Ngāti Tama ki Te Tau Ihu who held a beneficial interest in the Tenths reserves fund, including:
 - a) the imposition of a regime of perpetually renewable leases; and
 - b) permitting the Māori Trustee to sell 'uneconomic interests' and Tenths land in the twentieth century.

The Crown acknowledges that these actions and omissions were in breach of the Treaty of Waitangi and its principles.

12. The Crown acknowledges that the loss of lands and resources over time has damaged the mana, social structure and well-being of Ngāti Tama ki Te Tau Ihu as an iwi. The Crown also acknowledges that this contributed to some Ngāti Tama leaving Te Tau Ihu and losing their connection with Ngāti Tama ki Te Tau Ihu and their tūrangawaewae.

The Crown acknowledges that it has failed to address the long standing grievances of Ngāti Tama ki Te Tau in an appropriate way and that recognition of these grievances is long overdue.

13. The Crown acknowledges that:

- a) the cumulative effect of the Crown's actions and omissions has left Ngāti Tama ki Te Tau Ihu virtually landless; and
- the Crown's failure to ensure that Ngāti Tama ki
 Te Tau Ihu retained sufficient land for its present and future needs was a breach of the Treaty of Waitangi and its principles.
- 14. The Crown further acknowledges that the cumulative effect of these actions and omissions have:
 - a) hindered Ngāti Tama ki Te Tau Ihu's economic, social and cultural development; and
 - b) undermined Ngāti Tama ki Te Tau Ihu's relationship with the Crown.



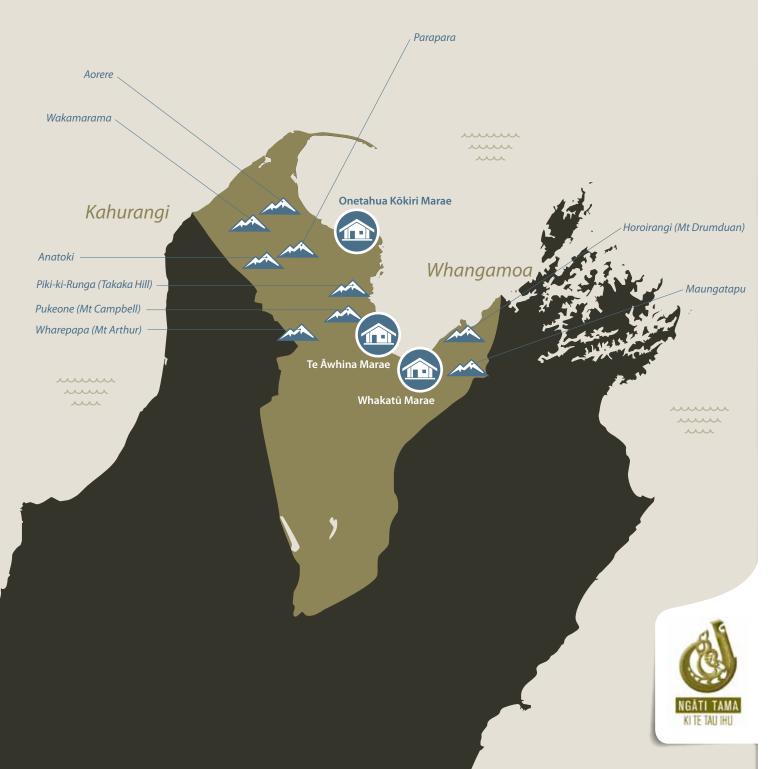
CROWN APOLOGY to Ngāti Tama ki Te Tau Ihu

The full text of the Crown Apology is set out below:

- 1. The Crown makes the following apology to Ngāti Tama ki Te Tau Ihu and to their ancestors and descendants.
- 2. The Crown profoundly regrets and unreservedly apologises for breaching its obligations to Ngāti Tama ki Te Tau Ihu under the Treaty of Waitangi.
- 3. The Crown profoundly regrets and apologises for its cumulative acts and omissions which left Ngāti Tama ki Te Tau Ihu virtually landless in Te Tau Ihu. The Crown deeply regrets and sincerely apologises that it did not adequately protect the interests of Ngāti Tama ki Te Tau Ihu and appropriately respect Ngāti Tama rangatiratanga when purchasing their land.
- 4. The Crown is deeply remorseful for the significant damage that the alienation of Ngāti Tama ki Te Tau Ihu from their whenua and customary resources in Golden and Tasman Bays has caused over many generations to the traditional social and cultural structures, mana and wellbeing of Ngāti Tama ki Te Tau Ihu.
- 5. The Crown is sincerely sorry that its actions and omissions have detrimentally affected the ability of Ngāti Tama ki Te Tau Ihu to exercise customary rights and responsibilities within their rohe and contributed to their economic and social marginalisation in Te Tau Ihu.
- 6. With this apology the Crown seeks to atone for its past wrongs, restore its honour which has been damaged by its actions, and begin the process of healing. With this settlement the Crown looks forward to beginning a renewed and enduring relationship with Ngāti Tama ki Te Tau Ihu based on good faith, mutual trust and co-operation, and respect for the Treaty of Waitangi and its principles.

AREA OF INTEREST

Ko Whangamoa ki Kahurangi te rohe o Ngāti Tama ki Te Tau Ihu



CULTURAL REDRESS

Ngā Kahurangi o Tama

The sacred and treasured possessions of Ngāti Tama, we are the kaitiaki of these taonga for ngā uri o Ngāti Tama, our future generations.

The cultural redress recognises the traditional, historical and spiritual associations of Ngāti Tama ki Te Tau Ihu with places and sites owned by the Crown within the Ngāti Tama ki Te Tau Ihu rohe. This allows Ngāti Tama ki Te Tau Ihu and the Crown to protect and enhance the conservation values associated with these sites.

Vest and Gift Back

The settlement provides for two sites - Kaka Point and Te Tai Tapu - totaling approximately 28,602 hectares to jointly vest in Ngāti Tama ki Te Tau Ihu and certain other Te Tau Ihu iwi on settlement date and then revest back in the Crown seven days later as a gift from those iwi to the people of New Zealand. It was not possible to secure the permanent return of these significant areas, however this mechanism recognises the mana of Ngāti Tama ki Te Tau Ihu as well as their generosity to the nation.

Vesting of sites

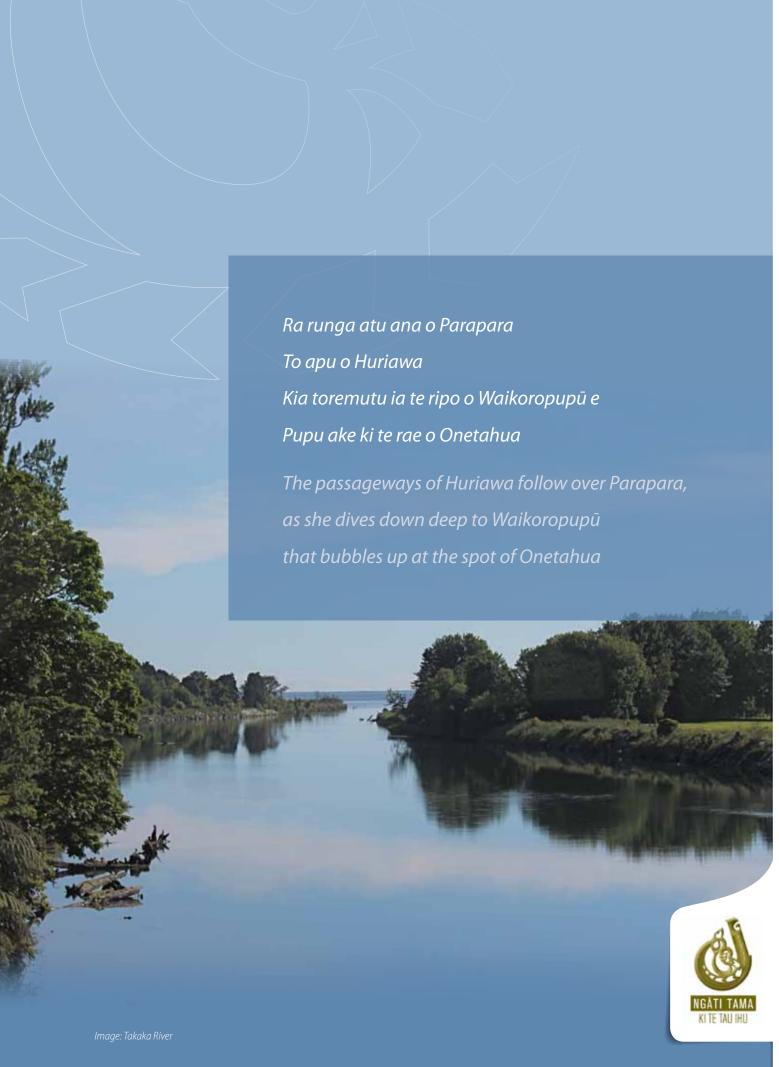
The settlement provides for four sites to be vested in Ngāti Tama ki Te Tau Ihu and seven sites jointly vested in Ngāti Tama ki Te Tau Ihu and one or more other iwi with claims in Te Tau Ihu, totalling approximately 169.71 hectares. The vesting of these sites is subject to specific conditions including protection of conservation values and public access.

Sites to be vested in Ngāti Tama ki Te Tau Ihu are:

- Wainui Road (approximately 3.4 hectares);
- Hori Bay (approximately 100 hectares);
- Takaka River Mouth (approximately 3.8 hectares); and
- Parapara Peninsula (approximately 11.17 hectares).

Sites to be jointly vested in Ngāti Tama ki Te Tau Ihu and one or more other iwi with Te Tau Ihu claims:

- Pūponga Farm, Triangle Flat (approximately 0.2 hectares);
- Pūponga Farm, Cape House (approximately 5 hectares);
- Puketawai (approximately 11.9473 hectares);
- Te Tai Tapu (Anatori South), (approximately 15 hectares);
- Te Tai Tapu (Anatori North), (approximately 5 hectares);
- Pūponga Point Pā site (approximately 14 hectares); and
- Mātangi Āwhio (approximately 0.2061 hectares).



Te Korowai Mana - Overlay Classification

Overlay Classifications are non-exclusive redress items, meaning more than one iwi can have an Overly Classification over the same site. An Overlay Classification applies to conservation land and acknowledges the traditional, cultural, spiritual and historical association of an iwi with certain sites of significance.

Ngāti Tama has three Overlay Classifications:

- 1. Te Waikoropupū / Pupū Springs Scenic Reserve;
- 2. Onetahua / Farewell Spit Nature Reserve; and
- 3. The northern portion of the Heaphy Track

These Overlay Classifications require the New Zealand Conservation Authority (and any relevant conservation board) to have particular regard to:

- (a) Ngāti Tama ki Te Tau Ihu values; and
- (b) Ngāti Tama ki Te Tau Ihu protection principles.

Te Puna Waiora o Te Waikoropupū

The spiritual significance of Te Waikoropupū is illustrated by the legend of Huriawa, the Kaitiaki Taniwha (guardian spirit). Huriawa clears the waterways of storm debris to free the flow of water. The waters of Te Waikoropupū represent the lifeblood of Papa-tū-ā-nuku and the tears of Ranginui, symbolising the link between past and present. Te Waikoropupū is a source of wai, an essential element of life, and maintaining the purity of the waters in Te Waikoropupū is integral to the spiritual and cultural wellbeing of Ngāti Tama ki Te Tau Ihu.

Onetahua

Te Rangatira ukiuki Ancient and wise
Tāhuahua o te one Formed over centuries
Onetahua tuauri Noble Onetahua

Onetahua has always been of great cultural and spiritual significance to Ngāti Tama ki Te Tau Ihu as it is the departing place of te wairua o ngā tangata o te Waipounamu (the place from which spirits depart). Traditionally, whānau valued Onetāhua for a variety of resources found there, and seasonal camps were frequently used to harvest shellfish, fish and birdlife. At the base of the Spit, a number of small caves sheltered tūpuna as they cleaned and sewed sealskins. Onetahua is a strategic land form that is steeped in ancestral history, and traditions associated with the area and its resources are integral to the identity and role of Ngāti Tama ki Te Tau Ihu as Kaitiaki.

Heaphy Track

Historical associations of Ngāti Tama ki Te Tau Ihu with the Heaphy Track stem from a number of events. Te Pūoho ki te Rangi, the tribe's paramount chief who led Ngāti Tama ki Te Tau Ihu in the raupatu of Mohua (Golden Bay), assigned chiefs and warriors to hold the newly-won territories in the areas north and west of the Heaphy Track. From these bases in western Te Tau Ihu, Ngāti Tama ki Te Tau Ihu maintained their mana over the territory by the traditional practice of whakaarahi (beating the bounds). Records show there was considerable foot traffic between Mohua and Buller, via the Heaphy Track.

Waikoropupū, Waikoropupū
Pupū ake te whenua
Pupū ake ko ngā waiora
Waikoropupū
Ngā puna wai o Takaka
Ngā puna roimata wairua
Waikoropupū, Waikoropupū

Waters bubbling from the throat of the spring
Waters bubbling from the throat of the spring
Forever bubbling from the land
Forever bubbling for the health of the people and the spring waters

The spring waters of Takaka
The tears of the spirit ancestors
Waters bubbling from the throat of the spring
Waters bubbling from the throat of the spring



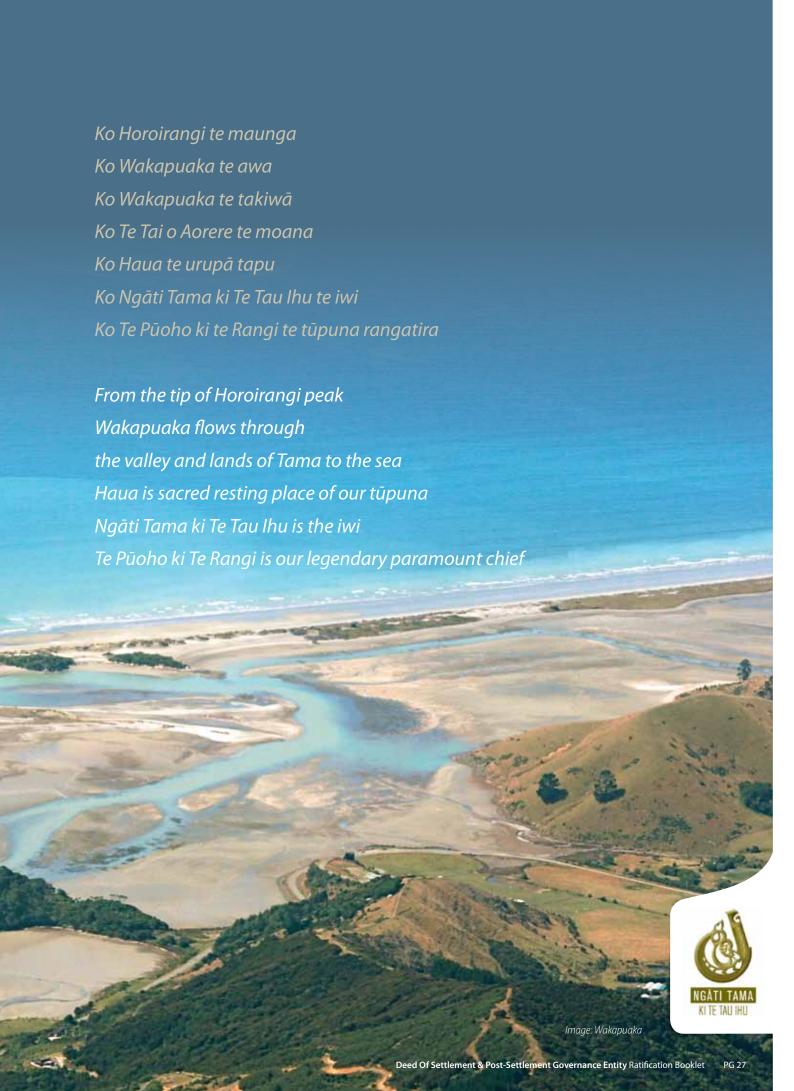
Protection Principles

The following protection principles are directed at the Minister of Conservation avoiding harm to, or the diminishing of Ngāti Tama ki Te Tau Ihu values as they relate to the three Te Korowai Mana areas of significance:

- 1. Protection of wāhi tapu, indigenous flora and fauna and the wider environment;
- 2. Recognition of the Ngāti Tama ki Te Tau Ihu mana, kaitiakitanga and tikanga within these areas of significance;
- 3. Respect for Ngāti Tama ki Te Tau Ihu tikanga and kaitiakitanga within these areas of significance;
- Encouragement of recognition and respect for the particular association of Ngāti Tama ki Te Tau Ihu to those areas of significance;

- 5. Accurate portrayal of the association and kaitiakitanga relationship of Ngāti Tama ki Te Tau Ihu with these areas of significance; and
- 6. Respect for and recognition of, the relationship of Ngāti Tama ki Te Tau Ihu with the wāhi tapu and wāhi whakahirahira.

Any kōiwi (human remains) or other taonga found or uncovered within Te Korowai Mana areas will be left untouched and Ngāti Tama ki Te Tau Ihu informed as soon as possible to enable the iwi/hapū to deal with the kōiwi or taonga in accordance with their tikanga.



Statutory Acknowledgements and Deeds of Recognition

Statutory Acknowledgements register the special association Ngāti Tama ki Te Tau Ihu has with an area, and will be included in the settlement legislation. Statutory Acknowledgements are recognised under the Resource Management Act 1991 and Historic Places Act 1993. The acknowledgements require that consent authorities provide Ngāti Tama ki Te Tau Ihu with summaries of all resource consent applications that may affect the areas named in the acknowledgments.

Deeds of Recognition oblige the Crown to consult with Ngāti Tama ki Te Tau Ihu and have regard to their views regarding the special association Ngāti Tama ki Te Tau Ihu has with a site. They also specify the nature of the input of Ngāti Tama ki Te Tau Ihu into the management of those areas by the Department of Conservation.

Ngāti Tama ki Te Tau Ihu will receive Statutory Acknowledgements and Deeds of Recognition over the following areas:

- Kaiteriteri Scenic Reserve
- Maungatapu
- Rotokura / Cable Bay
- Lake Rotoiti, Nelson Lakes National Park
- · Lake Rotoroa, Nelson Lakes National Park
- Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet)
 Wildlife Management Reserve (Statutory Acknowledgement only)
- Parapara Peak
- Pukeone / Mount Campbell
- Wharepapa / Arthur Range
- West of Separation Point / Te Matau
- Maitai River and its tributaries
- Waimea River, Wairoa River, and Wai-iti River and their tributaries
- Motueka River and its tributaries
- Takaka River and its tributaries
- Aorere River and its tributaries
- Te Hoiere / Pelorus River and its tributaries
- Paturau River and its tributaries
- Anatori River and its tributaries
- Whangamoa River and its tributaries.

Ngāti Tama ki Te Tau Ihu will receive a statutory acknowledgement in respect of Kaka Point.

Ngāti Tama ki Te Tau Ihu will also receive a Coastal Statutory Acknowledgement over the Te Tau Ihu coastal marine area.

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

Mineral Fossicking

The settlement provides for the river beds within a specified area to be searched for natural material with the permission of the Trustees of the Ngāti Tama Manawhenua ki Te Tau Ihu Trust.

Relationship Redress

In recognition of the shared commitment of Ngāti Tama ki Te Tau Ihu and Te Rūnanga o Ngāi Tahu to a positive, cooperative and enduring relationship the Crown will pay Ngāti Tama ki Te Tau Ihu \$500,000.

The Deed of Settlement provides for the promotion of relationships between Ngāti Tama ki Te Tau Ihu and local authorities. Nelson City Council, Tasman District Council, and Marlborough District Council are encouraged to enter into a Memorandum of Understanding with Ngāti Tama ki Te Tau Ihu.

The Deed of Settlement provides for the promotion of relationships between Ngāti Tama ki Te Tau Ihu and museums. The Crown will write letters of introduction to Te Papa Tongarewa, Golden Bay Museum, Motueka Museum and Nelson Provincial Museum.

River and Freshwater Advisory Committee

The Deed of Settlement provides for Ngāti Tama ki Te Tau Ihu to participate in an advisory committee providing input into local authority planning and decision making in relation to the management of rivers and fresh water under the Resource Management Act 1991, within the jurisdictions of Marlborough District Council, Nelson City Council and Tasman District Council.



Hei whakaaro tahi ki ngā mana o Ngāi Tahu me Ngāti Tama ki Te Tau Ihu.

On 6 August 2011, Ngāti Tama Manawhenua ki Te Tau Ihu Trustees and Te Rūnanga o Ngāi Tahu signed a Whakawhanaungatanga Agreement.

This agreement signifies the inter-generational relationship between the two iwi as a result of shared whakapapa and intertwined historical associations. The agreement recognises the mana ki mana relationship between Ngāti Tama ki Te Tau Ihu and Ngāi Tahu, and is intended to further develop and strengthen the commitment to a positive, cooperative and enduring relationship that recognises the mutual interests in the social, cultural, environmental and economic health and wellbeing of each iwi and Te Waipounamu generally.





Protocols

Protocols will be issued to encourage good working relationships on matters of cultural importance to Ngāti Tama ki Te Tau Ihu. Conservation, fisheries, taonga tūturu and minerals protocols will be issued.

The purpose of a Protocol is to assist Ngāti Tama ki Te Tau Ihu and a government department to exercise their respective responsibilities with the utmost cooperation. Notably, the Protocol with the Department of Conservation acknowledges that Ngāti Tama ki Te Tau Ihu has a tikanga responsibility in relation to the preservation, protection and disposal of marine mammals to ensure tikanga and kawa are observed in the interaction with, and handling of, these mammals. This Protocol will assist Ngāti Tama ki Te Tau Ihu and the Department of Conservation to cooperate in managing marine mammal strandings.

Image: John Ward-Holmes performing karakia with beached blue whale

PLACE NAME CHANGES

Ngā Pou Taunaha

Settlement legislation will change place names in respect of specific sites or areas. These changes have been approved by Ngā Pou Taunaha o Aotearoa (the New Zealand Geographic Board). The Crown will undertake to use the changed name in regard to departmental signage and official publications.

It will advise local authorities and Transit New Zealand of these changes and encourage the use of new official names on road signs as and where appropriate.

A total of 65 name changes have been authorised by the New Zealand Geographic Board and these are non-exclusive to iwi.

These name changes are:

New geographic name	Geographic feature type
Te Punawai Pā	Pā
Te Ope-a-Kupe Rock	Rock
Ōmāhuri	Isthmus
Te Ana-o-Rongomaipapa Bay	Bay
Te Araruahinewai	Locality
Paratītahi Tarns	Lake
Matapihi Bay	Bay
Kahuroa Hill	Hill
Pukekoikoi Hill	Hill
Paraumu Tarn	Lake
Otauira Pā	Pā
Mangatāwhai	Locality



Existing geographic name (gazetted, recorded or local)	Altered geographic name	Geographic feature type
Queen Charlotte Sound (Totaranui)	Queen Charlotte Sound / Tōtaranui	Sound
Port Underwood	Te Whanganui / Port Underwood	Bay
Pelorus Sound	Pelorus Sound / Te Hoiere	Sound
Drumduan	Horoirangi / Drumduan	Hill
Cloudy Bay	Te Koko-o-Kupe / Cloudy Bay	Bay
Separation Point	Separation Point / Te Matau	Point
Lake Angelus	Rotomaninitua / Lake Angelus	Lake
Mount Campbell	Pukeone / Mount Campbell	Hill
Fighting Bay	Ōraumoa / Fighting Bay	Bay
Angelus Peak	Maniniaro / Angelus Peak	Hill
Mount Freeth	Te Tara-o-Te-Marama / Mount Freeth	Hill
Greville Harbour	Greville Harbour / Wharariki	Harbour
Goulter Hill	Hikurangi / Goulter Hill	Hill
Waikoropupū River	Te Waikoropupū River	Stream
Whakitenga Bay	Whakakitenga Bay	Bay
Onamalutu River	Ōhinemahuta River	Stream
Tasman Bay	Tasman Bay / Te Tai-o-Aorere	Bay
Port Gore	Te Anamāhanga / Port Gore	Bay
Church Hill	Pikimai / Church Hill	Hill
Pickersgill Island	Matapara / Pickersgill Island	Island
Mount Robertson	Tokomaru / Mount Robertson	Hill
Tory Channel	Tory Channel / Kura Te Au	Strait
Robin Hood Bay	Waikutakuta / Robin Hood Bay	Bay
Torrent Bay	Rākauroa / Torrent Bay	Bay
Lake Constance	Rotopõhueroa / Lake Constance	Lake
Attempt Hill	Takapōtaka / Attempt Hill	Hill
Rabbit Island	Moturoa / Rabbit Island	Island
Mount Robert	Pourangahau / Mount Robert	Hill
Split Apple Rock	Tokangawhā / Split Apple Rock	Rock
Gowan River	Te Kauparenui / Gowan River	Stream
Travers Saddle	Poukirikiri / Travers Saddle	Saddle
Opawa River	Ōpaoa River	Stream
Whareata Bay	Whareātea Bay	Вау
Golden Bay	Golden Bay / Mohua	Вау
Cable Bay	Rotokura / Cable Bay	Вау
Pelorus River	Te Hoiere / Pelorus River	River

Existing geographic name (gazetted, recorded or local)	Altered geographic name	Geographic feature type
Boulder Bank	Te Pokohiwi / Boulder Bank	Boulder bank
Blue Lake	Rotomairewhenua / Blue Lake	Lake
Howard River	Hinemoatū / Howard River	River
Ship Cove	Meretoto / Ship Cove	Вау
Te Aumiti (French Pass)	Te Aumiti / French Pass	Strait
Canaan Downs (local name not recorded)	Pikikirunga / Canaan Downs	Area
Arthur Range	Wharepapa / Arthur Range	Range
Whites Bay	Pukatea / Whites Bay	Bay
Ruby Bay	Te Mamaku / Ruby Bay	Bay
Speargrass Creek	Te Horowai / Speargrass Creek	Stream
Adele Island	Motuareronui / Adele Island	Island
Red Hill	Maungakura / Red Hill	Hill
Arapawa Island	Arapaoa Island	Island
Riwaka River	Riuwaka River	Stream
Riwaka River North Branch	Riuwaka River North Branch	Stream
Riwaka River South Branch	Riuwaka River South Branch	Stream
Tutumopo	Tūtūmāpou Hill	Hill



FINANCIAL & COMMERCIAL REDRESS

Te Kokowai o Kaiwhakaruaki

Parapara te Maunga, Parapara te takiwā, Te Kaiwhakaruaki te kaitiaki taniwha o Kōkōwai.

Kōkōwai is a highly prized resource by chiefs and tohunga for its red ochre colour which is used in special ceremonies. The bloodthirsty taniwha, Te Kaiwhakaruaki, was assigned to protect and guard the Kōkōwai which is found in the Parapapa inlet and Parapara maunga.

Te Kaiwhakaruaki was defeated when warriors scared him by throwing a red stain of ground Kōkōwai over the water.

It is said that when Ranginui (the sky father) and Papa-tū-ā-nuku (the earth mother) were separated by Tāne and his brothers, Ranginui's arms and wrists were torn. The blood from the wounds dripped down onto Papatuanuku's pubic area and this formed Kōkōwai. Tāne created the first woman Hine-ahu-one out of this sacred stone, and she tame known as the Sandstone Lady.

Artwork by Brian Flintoff

This redress recognises the losses suffered by Ngāti Tama ki Te Tau Ihu arising from the breaches by the Crown of its Treaty of Waitangi obligations. It will provide Ngāti Tama ki Te Tau Ihu with resources to assist the iwi in developing their economic and social well-being.

Financial Redress

Ngāti Tama ki Te Tau Ihu will receive a financial settlement of \$12,060,000 in recognition of all their historical claims.

Commercial Redress

Ngāti Tama ki Te Tau Ihu will purchase ten properties at settlement date, one of which will be leased back to the Crown. Ngāti Tama ki Te Tau Ihu has a further 13 deferred selection properties that are available for purchase by Ngāti Tama ki Te Tau Ihu for three years after settlement date.

Ngāti Tama ki Te Tau Ihu will purchase more than 11,398 hectares of the Crown forest licensed land in Te Tau Ihu comprising:

- Rai 6
- Golden Bay (Pakawau)
- Golden Downs West 11 ownership shared with Te Ātiawa
- Golden Downs West 12A and 12C
- Motueka 15 ownership shared with Te Ātiawa
- Motueka 16 and 17 ownership shared with Te Ātiawa and Ngāti Rārua

Ngāti Tama ki Te Tau Ihu will have a right of first refusal over a number of listed sites for a period of 169 years from settlement date. The iwi will also have a right of first refusal over Nelson Marlborough Institute of Technology for 169 years along with other Tainui Taranaki ki te Tonga iwi.

Ngāti Tama ki Te Tau Ihu will also have shared rights of first refusal with other iwi in Te Tau Ihu over other types of Crown properties in Te Tau Ihu for 100 years from the settlement date.

Associated with Commercial and Financial Redress

Associated with the Commercial and Financial redress, Ngāti Tama ki Te Tau Ihu will be entitled to receive:

- Payment of interest that has been accumulating for certain periods of negotiations. This is calculated at about \$700,000 to date but the final amount will depend on the timing of settlement date.
- 12.5% of the accumulated rentals on all Crown Forest Licensed Land in Te Tau Ihu.
 The rentals that have been paid by the licensees on this forestry land over the years are held on trust by the Crown Forestry Rental Trust. We estimate that the Ngāti Tama ki Te Tau Ihu share of 12.5% is currently about \$7.5 million (but the final amount will be subject to the timing of the settlement date).

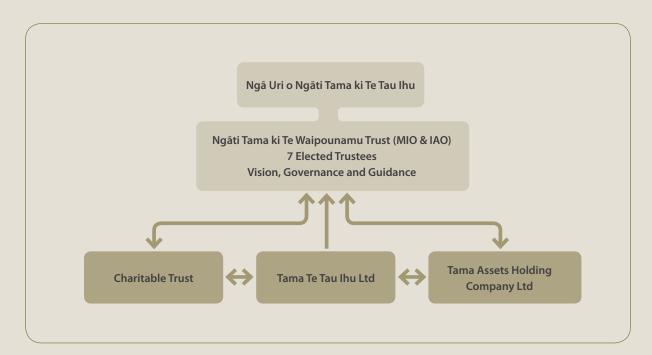


POST-SETTLEMENT GOVERNANCE

Before the cultural, financial and commercial redress assets in the Deed of Settlement can be transferred to Ngāti Tama ki Te Tau Ihu, the Crown requires our iwi to set up a body to receive hold and manage the redress on behalf of ngā uri o Ngāti Tama ki Te Tau Ihu.

We propose establishing a private trust called Ngāti Tama ki Te Waipounamu Trust. The Crown has reviewed this proposed trust to confirm that it meets Crown criteria around transparency, accountability and representation.

The proposed post-settlement governance structure for Ngāti Tama ki Te Tau Ihu, which comprises a Trust Group centred around Ngāti Tama ki Te Waipounamu Trust, is set out in the diagram below.



Roles and Responsibilities of Entities

Ngāti Tama ki Te Waipounamu Trust

This Trust will provide the overarching governance and strategic direction for the Trust Group and beneficiaries. It will receive all of the Treaty Settlement assets upon settlement, and retain ownership of the cultural lands vested in Ngāti Tama ki Te Tau Ihu. It will also take over the trusteeship of all existing iwi assets currently held by the Ngāti Tama Manawhenua ki Te Tau Ihu Trust and will become the approved Mandated Iwi Organisation and Iwi Aquaculture Organisation for the iwi in line with the requirements of the Māori Fisheries Act 2004.

The settlement legislation will be used to lift the charitable status from the existing assets held by Ngāti Tama Manawhenua ki Te Tau Ihu Trust to facilitate the transfers of these assets to the new Trust.

Trustees & Elections

Ngāti Tama ki Te Waipounamu Trust will consist of seven Trustees. The Establishment Trustees who will sign the Deed of Settlement will be:

- Anthony Little
- Margaret Little
- Robert McKewen
- Fred Te Miha
- Hinga Te Miha
- Andrew Stevens
- John Ward-Holmes

Two of the Establishment Trustees will retire and their positions will be open for election at the 2014 AGM (assuming the Treaty settlement is enacted and the readdress transfers that year). The positions of a further two Establishment Trustees will be up for election in the following year and the seats of the remaining three Establishment Trustees in the year thereafter.

Trustees will be elected for a term of three years. Four of the Trustees must be "rohe Trustees" meaning they must reside in the rohe of Ngati Tama ki Te Tau Ihu. Members aged 18 and over will be able to nominate and vote for the Trustee candidates.

Charitable Trust

The charitable arm of Ngāti Tama ki Te Tau Ihu will continue to provide benefits to iwi members – just as it does now. These benefits include education grants, tangi koha, cultural wānanga, and Trustees will continue to seek ways to fulfil the Trust's charitable purposes, and in doing so, fulfil cultural and social obligations to iwi members.

Tama Asset Holding Company Limited

Currently the Tama Asset Holding Company holds all fisheries settlement quota and the income shares owned in Aotearoa Fisheries Limited. After the settlement, the company will continue in this role and will also hold the Ngāti Tama ki Te Tau Ihu commercial assets received under the Treaty Settlement.

Directors on this company will be responsible for following the strategic and commercial direction set by Ngāti Tama ki Te Waipounamu Trustees. Some profit made by the Asset Holding Company will be returned to Ngāti Tama ki Te Waipounamu Trust by way of dividend, whilst some may be held for re-investment purposes.

This company will hold a Māori Authority tax status with Inland Revenue and will continue to be the Asset Holding Company for the iwi in line with the requirements of the Māori Fisheries Act 2004.

Tama Te Tau Ihu Limited

This company's purpose will be to provide corporate and administrative services to all entities within the Ngāti Tama ki Te Tau Ihu Group. Among other tasks, it will ensure clear and transparent communications are maintained between the Ngāti Tama ki Te Tau Ihu entities and manage commercial activity on behalf of the Tama Asset Holding Company.

This will be the only entity in the Ngāti Tama ki Te Tau Ihu group to employ staff. It will not hold any settlement redress or substantial physical assets (other than office and administration equipment).

Transfer of Mandated Iwi Organisation Status

Trustees of Ngāti Tama Manawhenua ki Te Tau Ihu Trust also are seeking approval by way of ratification from iwi members to replace Ngāti Tama Manawhenua ki Te Tau Ihu Trust as the Mandated Iwi Organisation (MIO) and the Iwi Aquaculture Organisation (IAO) for the purposes of the Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act 2004.

Trustees seek the approval of adult iwi members to transfer the MIO status and IAO status to Ngāti Tama ki Te Waipounamu Trust. If this proposal is approved (and Te Ohu Kai Moana Trustee Limited is satisfied that the requirements for recognition are met), the shares in the existing asset-holding company (Tama Asset Holding Company Limited) will be transferred from the Ngāti Tama Manawhenua ki Te Tau Ihu Trust to the new Ngāti Tama ki Te Waipounamu Trust.



THE RESOLUTIONS

The resolutions that adult iwi members are being asked to vote on are:

Resolution 1

I support the Ngāti Tama ki Te Tau Ihu Deed of Settlement and authorise the Trustees of the Ngāti Tama Manawhenua ki Te Tau Ihu Trust to sign the Deed of Settlement on behalf of Ngāti Tama ki Te Tau Ihu

Resolution 2

I support the establishment of the Ngāti Tama ki Te Waipounamu Trust as the Post-Settlement Governance Entity to receive and manage the settlement redress on behalf of Ngāti Tama ki Te Tau Ihu.

Resolution 3

I ratify the Trust Deed of the Ngāti Tama ki Te Waipounamu Trust for the purposes of the Māori Fisheries Act and Māori Commercial Aquaculture Claims Settlement Act and agree that the Ngāti Tama ki Te Waipounamu Trust should replace the Ngāti Tama Manawhenua ki Te Tau Ihu Trust as the Mandated Iwi Organisation and Iwi Aquaculture Organisation for Ngāti Tama ki Te Tau Ihu under those Acts.



What Next?

After the voting period has concluded the independent returning officer will advise Ngāti Tama ki Te Tau Ihu of the outcome of the votes. If the results show there is sufficient support within Ngāti Tama ki Te Tau Ihu (i.e. if the majority of ngā uri o Ngāti Tama ki Te Tau Ihu aged 18 years or older who vote, vote in favour of the proposed settlement), the Deed of Settlement will be signed.

The ceremony is scheduled to take place on 20 April 2013 at Onetahua Marae after the results are confirmed. We will put a notice on the **www.ngati-tama.iwi.nz** website confirming the ceremony details. On the day of the signing ceremony, all iwi members will be able to add their signature to the Deed of Settlement as a witness to the formal signing.

Settlement legislation to enact the Ngāti Tama ki Te Tau Ihu settlement has been drafted alongside the Deed of Settlement as part of an 'omnibus bill' which will enact all of the Te Tau Ihu settlements at the same time. This 'omnibus bill' is subject to all of the iwi with historical Treaty of Waitangi claims in Te Tau Ihu signing their respective deeds of settlement.

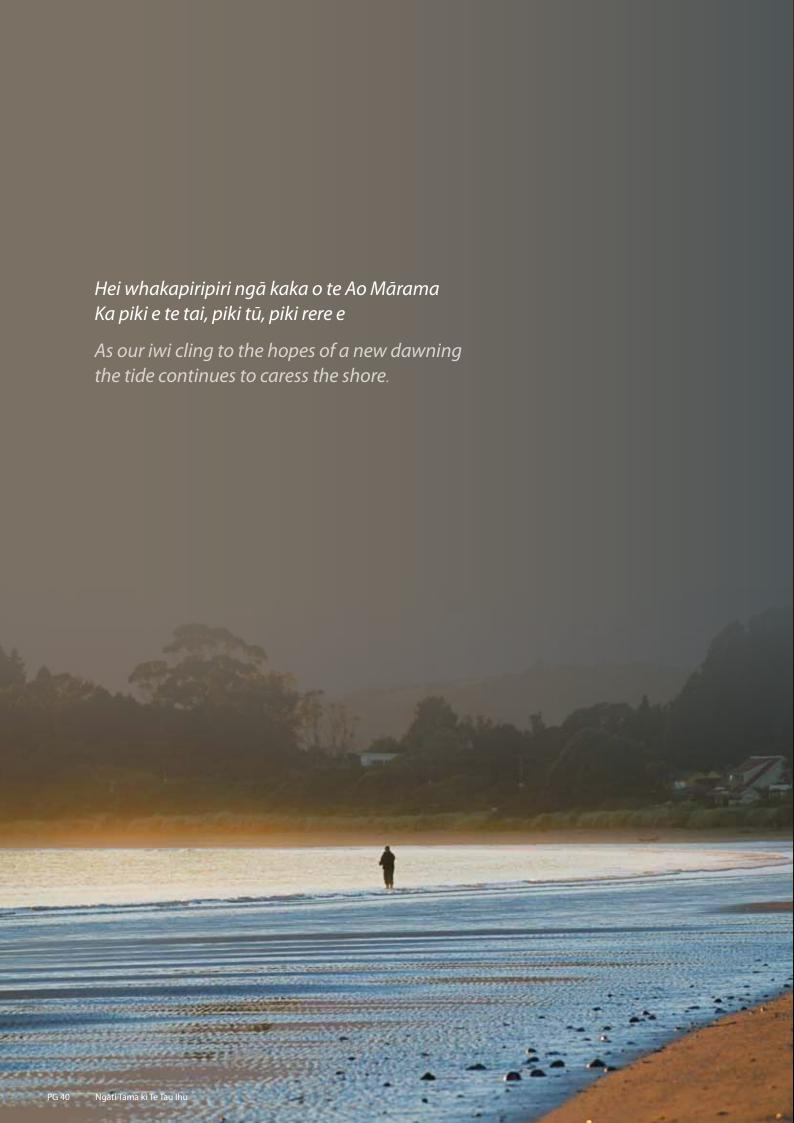
After the Ngāti Tama ki Te Tau Ihu Deed of Settlement has been signed with the Crown, the Ngāti Tama ki Te Waipounamu Trust will need to be established and then the settlement legislation will be introduced into the House of Representatives. After the settlement legislation is enacted the redress will transfer or otherwise come into effect on the 'settlement date' (being 70 working days after the settlement legislation receives the Royal Assent).

It can take 9–18 months approximately for settlement legislation to be passed (i.e. become law). When the bill has been passed by Parliament, the Deed is then binding.

Subject to the results of the ratification votes on the post-settlement governance entity and the proposed transfer of MIO and IAO status:

- the existing assets of the Ngāti Tama Manawhenua ki Te Tau Ihu Trust will transfer to the Ngāti Tama ki Te Waipounamu Trust on the commencement of the Act (ie, the day after it receives the Royal Assent);
- the MIO and IAO status of the Ngāti Tama Manawhenua ki Te Tau Ihu
 Trust will transfer to the Ngāti Tama ki Te Waipounamu Trust on or about
 the same date (to be co-ordinated with Te Ohu Kai Moana Trustee
 Limited); and
- the settlement assets will transfer to Ngāti Tama ki Te Waipounamu Trust on the settlement date.





LIST OF TŪPUNA

Amiria Te Kou
Aperahama Te Matemate
Aperahama Te Weta
Arihia (Kauhoe)
Eruera Te Rauhihi
Eruini Tou
Haehaeora
Haimona Pita Taitea

Hakaraia Hamahona Hamiora Haeana Hapimana Ngapiko Hararei Karehana Harawira Maketu Harawira Te Waewae

Harawira Te Waewa Haumiti Hemi Te Horo Henare Ngakuti Henare Te Paea Henare Te Ranga Henere Wiremu Heni Ngarewai Heni Paramena Hera Pohue Herehere Herewini Ngapiko

Herewini Ngapiko Herewini Te Kohuwero Herewini Te Roha

Heta Takirau Hihi

Hira Watino
Hirini Te Kaho
Hoani Pirika
Hoani Taitapu
Hoani Te Wakatu
Hohaia Rangirunga
Hohaia Tamihana
Hohepa Moko
Hone Kaiaia

Hone Mokoera Hone Ngapiko Hone Retimana Hone Riwha Honiana Tumaro

Hori

Hori Te Karamu Horina Hurumaui Ihakara Tairehe Iharaira

Inia Ohau Inia Te Hunahuna

Kahiwa Kararu Kataraina Moari Kawa Inia Ohau Kawana Kerei Poharu

Kerei

Kereopa Te Tapuhi Kiriona

Maaka Ngaru Makareta Te Wakatu Manihera Te Aomarama Manihera Te Whitu

Mata Munu Matana Te Maranga Matiria Parekura

Matiria Parekura Matiu Te Kanewa Matua Meihana Teoti

Meira Meira Mere Mataitua Mere Riwha Miria Aomarama Miria Ngakapi Miriama Konehu

Ngahopi Ngawhakawa Ngawhatitoka Oriwia Hukeke Pakawau

Pakawau
Paramena Ngangarar
Paramena Ngawaran
Paramena Haereiti
Paraone Te Arapiu
Paratene Kaipara
Paratene Te Pena
Parau Haereiti

Patahi Paturau Pehama Pene Pene Retimana Pene Te Ao Te Rangi

Pene Te Ao Te Rangi Penehaumine Mitikakau Pirihira Tutari Pirika Tanginui Pirimona Poharo Pohipohi Pou

Pou Puku Ringahuri Purutapu Raharuhi Raharuhi Renata Ramari Herewini Rameka Te Ketu Rameka Te Paea Rangimihia Rautaami Rawinia Pore

Rawiri wnatawna Rawiri Kiaka Rawiri Tamaiti Rawiri Te Rauhihi Rawiri Watino Repo Repoiti

Reporoa Retimana Ngaparu Retimana Te Rei

Retimana Te Rei Retimana Te Whare Mamaku

Rewa (Pewa)
Ringahuri
Ripeka Koia
Ripene Paremata
Ripene Tupahau
Riria Te Wakatu
Riria Wikiato
Rita Riwai
Riwai Haereiti
Riwai Tauri

Riwai Tauri Roharutu Te Wakatu

Romatiki Ruka Tairehe Ruka Tangata Ke Simeon Te Wehi Taare Taia Tahana Rerengaio Taia Tairehe Taiata Takarei Pairata Takarei Te Whareaitu Takarei Tuturau

Takarei Tuturau
Tamariki
Tamati Pirimona Marino
Tamati Te Kohu
Tamihana Eruini
Tamihana Ngape
Tamihana Pari
Tamihana Pore
Tango
Tapapa
Tare Te Kaui

Tare Te Kaui Tare Waiti Te Ka Taringa Te Iringa Te Kahui Te Kapeng

Te Manihera Pikiwati Te Meihana Te Aho Te Moko Manumano Te Moko Kikikiki Te Pou Whero Te Puoho Ki Te Rangi Te Ranginohokau

Te Rangitakaroro Te Rangitukua Putangitangi

Te Rei Nganiho Te Rei Haehaeora Te Rei Te Wharau Te Tahana Kauhata

Te Uakihi Te Umu Pounamu Te Watene Hoko Te Wharerangi Te Huruhuru Te Kakari Tei

Tei
Teira Tamarau
Teone Ngaparu
Teone Retimana
Teone Riwha
Tepene Rakaherea
Tikawe

Tikawe Tipene Paremata

Toea Toiri Toto Tupara Ururenoa

Wahapiro Paremata Waihi

Waka Kauri Waka Rawiri Wakaupa Warena Watene Te Manea Whakaewa

Whakaewa Whakaotirunga Wharemate Te Moa Whareponga Whatawharangi Wi Katene Te Puoho

Wi Piti

Wi Rape Takarang

Wikiriwha Wiremu Paratene Te Wakamatau

/irihana Kaiwhakawa

lmage opposite: Mohua

The Trustees of Ngāti Tama Manawhenua ki Te Tau Ihu Trust acknowledge Robert McKewen for the use of his images and Leanne Manson for the koha of her time. Without their assistance this booklet would not have been possible.

The Trustees would also like to acknowledge and express their thanks on behalf of the iwi, to John and Hilary Mitchell for the invaluable contribution that they have made to Ngāti Tama ki Te Tau Ihu over many decades.

