

## **Ngāti Tama ki Te Tau Ihu**

**Deed of Settlement signing, Onetahua Marae, Pohara, Golden Bay**

**Saturday 20 April 2013**

Tokomaru waka

Ngāti Tama ki te Tau Ihu o te waka a Maui

No koutou tēnei ra

He ra tino nui mo koutou, he ra tino nui mo Aotearoa

Kua kapi katoa nga whakatau tiriti o te Waipounamu.

Me mihi atu ki a koutou Ngāti Tama, me mihi atu hoki ki nga iwi katoa o te Waipounamu.

Rau rangatira mā

Tēnei taku mihi atu ki a koutou

Tēnā koutou, tēnā koutou, tēnā tatou katoa.

Tokomaru canoe

Ngati Tama of the prow of the canoe of Maui

This is your day.

It is a day of much significance for you and indeed for New Zealand

The treaty settlements for the South Island are now completed

(Let me) pay tribute to you Ngati Tama and to all the tribes of the South Island.

Distinguished people

This is my greeting to you

Greetings to you, greetings to you, greetings to us all

Many of us wondered at times whether today would ever come. But it has, and in no small measure due to the tenacity of certain individuals.

We sign today because of two people:

One: Fred Te Miha

Two: Jo Westrupp.

I will say more about them and other people later, but first I will say something about the claim and its history.

It has been over 15 years since the Ngāti Tama ki Te Tau Ihu land and resources claim was registered in the Waitangi Tribunal, and over five years since negotiations formally began between Ngāti Tama ki Te Tau Ihu and the Crown.

Despite many set-backs Ngāti Tama have negotiated and ratified – with one hundred per cent approval – a settlement for their historical Treaty claims.

### **History and Breaches**

Through this settlement with Ngāti Tama ki Te Tau Ihu, the Crown acknowledges its actions and omissions which breached the Treaty of Waitangi.

Ngāti Tama came to Te Tau Ihu in the 1820s and established themselves as tangata whenua in Te Tau Ihu. Ngāti Tama established pā at numerous locations including Te Tai Tapu, Wainui, Takaka and Parapara in Golden Bay, and at Motueka and Wakapuaka in Tasman Bay.

Between 1840 and 1860 the Crown either acquired, or assisted in the alienation of, almost all of Ngāti Tama's land in Te Tau Ihu.

In conducting or facilitating these purchases the Crown did not always adequately protect the interests of Ngāti Tama.

In the 1853 Te Waipounamu deed the Crown failed to respect the rangatiratanga of Ngāti Tama when entering into the purchase. In its negotiations with Ngāti Tama in 1855 the Crown applied heavy pressure

upon resident Ngāti Tama to agree to a sale of their remaining land interests in the South Island.

In the process of acquiring land in Te Tau Ihu the Crown set aside reserves for Ngāti Tama and other Māori. However many reserves were less than adequate in size and quality for Ngāti Tama successfully to engage in the emerging Te Tau Ihu economy.

At Motueka Ngāti Tama had no control over those Tenths reserves they occupied and used. Over time the benefit Ngāti Tama received from the Nelson and Motueka Tenths reserves steadily diminished as a regime of perpetual leases and the process of succession reduced the value of rental returns.

The operation of the native land laws on the remaining lands of Ngāti Tama, including the Nelson Tenths reserves, contributed over time to the erosion of Ngāti Tama's traditional social and cultural structures and further land loss.

By 1860 Wakapuaka over towards Cable Bay was the last remaining substantial area of Ngāti Tama land in Te Tau Ihu. It was though the efforts of their rangatira Wi Katene Te Puoho that Ngāti Tama managed to retain this land from the Crown's land purchases in Te Tau Ihu.

However, by the end of the nineteenth century this land too had been alienated from the wider Ngāti Tama community. I am aware that the manner in which this land was lost in the 1880s is one of the most keenly felt grievances held by Ngāti Tama today.

Today Ngāti Tama are virtually landless. The Crown acknowledges today that Crown actions and omissions that led to this circumstance were breaches of the Treaty of Waitangi and its principles.

The loss of land has had detrimental effects for Ngāti Tama:

- It has damaged the mana, social structure and well-being of Ngāti Tama.
- It has detrimentally impacted on Ngāti Tama's access to traditional sites and the use of land and sea resources.

- It has hindered Ngāti Tama's economic, social and cultural development in Te Tau Ihu.
- Sadly, it has contributed to some Ngāti Tama ultimately leaving Te Tau Ihu and losing their connection with Ngāti Tama and their turangawaewae.

Through this settlement the Crown wants to acknowledge its acts and omissions which have breached the principles of the Treaty of Waitangi and redress those failings.

### **Deed as an alliance**

Given the history, you could be left wondering about the worth or wisdom of entering into the agreement we sign today.

I would like to think that through this Deed of Settlement, the Crown and Ngāti Tama ki Te Tau Ihu will form an alliance. Ngāti Tama ki Te Tau Ihu have a tradition of forming alliances.

Ngāti Tama may be a small iwi but it is through alliances that they have endured in the face of adversity.

It was through an alliance of Taranaki and Tainui iwi, that Ngāti Tama migrated here to the South Island, to the prow of Te Waka a Maui.

The alliance we sign today sets out how the Crown and Ngāti Tama will engage into the future.

A key component of the redress package is the relationship redress; redress that sets out how and when government departments will engage and involve Ngāti Tama in their decision-making about places and matters of importance to Ngāti Tama.

I am well aware that even before we sign this Deed of Settlement, Ngāti Tama and the Department of Conservation in particular, are already working together.

### **Other cultural redress**

The importance of this Bay to Ngāti Tama is captured by the Ngāti Tama ki Te Tau Ihu logo depicting the curving sweep created by Farewell Spit.

The redress package also recognises the importance of this region to Ngāti Tama ki Te Tau Ihu, in particular Te Wai-koro-pupu Springs, Farewell Spit, and the top section of the Heaphy Track.

Ngāti Tama has had close connections to the upper section of the West Coast referred to as “Te Tai Tapu” since their arrival in Te Tau Ihu in the 1800s. Te Tai Tapu will vest in Ngāti Tama and then be gifted back to the people of New Zealand.

Statutory acknowledgements in the redress package register the special association Ngāti Tama has with specific areas, including Kaka Point and the Motueka River.

The redress package recognises the shared whakapapa and intertwined historical associations between Ngāti Tama ki Te Tau Ihu and Ngāi Tahu.

Further, through the settlement the eight iwi of Te Tau Ihu are able to establish a River and Freshwater Advisory Committee, to provide input into local authority planning and decision making in relation to rivers and fresh water under the Resource Management Act.

### **Commercial and financial redress**

The settlement also includes a commercial package which recognises the economic loss suffered by Ngāti Tama, arising from breaches by the Crown of its Treaty of Waitangi obligations.

The commercial and financial package is designed to contribute to the economic development of Ngāti Tama and consists of:

- financial redress totalling \$12.06 million which will be used to purchase forestry land in Motueka and Golden Bay and other Crown properties; and
- a right of first refusal over specific properties including the Nelson Marlborough Institute of Technology, should these properties become surplus to Crown requirements.

It is such details – being the financial figures – that the media tend to focus on when covering Treaty settlements. I know that at the

negotiations table the primary concern of iwi negotiators is often particular mountains, rivers or bays.

For Ngāti Tama, their negotiators are proud of the terms of the Protocol they have negotiated with the Department of Conservation in terms of responding to whale standings on Farewell Spit.

### **Commentary on negotiations**

I have mentioned two individuals who have played a key role to getting us here today.

I have heard Ngāti Tama negotiations referred to as “The Fred Show”.

Fred Te Miha has been the major driving force to getting Ngāti Tama to this Deed of Settlement as both Principal Negotiator and Chair of Ngāti Tama Manawhenua Ki Te Tau Ihu Trust.

Crown negotiators have enjoyed negotiations with Fred. They knew when they came to the table with Fred that there were no hidden agendas and that they could rely on Fred to be upfront with them, no holds barred.

If Fred had an agenda, it was Ngāti Tama’s connection to the natural environment.

Of course, as any of the iwi negotiators here today know, negotiations with the Crown are not easy. They are frustrating and exhausting. They require determination and strength of will.

I spoke earlier of Ngāti Tama and the propensity for forming alliances. Fred Te Miha co-opted Jo Westrupp to his one-man-band. It could be said that this is one of the great Trans-Tasman alliances of this decade.

Jo Westrupp has been working for Māori in Te Tau Ihu for many years including for Tainui Taranaki ki te Tonga Limited when it entered negotiations. Even though she is an Auzzie, Jo has certainly dedicated herself to her adopted homeland, Te Tau Ihu, and Ngāti Tama.

Over the many years, Ngāti Tama negotiations have been supported and aided by:

- The Board of Ngāti Tama Manawhenua ki Te Tau Ihu Trust;
- Robert McKewen as a negotiator,
- kaumatua John Ward-Holmes,
- John and Hillary Mitchell with historical advice; and
- Kahui Legal.

### **Last of the eight Deeds to be signed**

It cannot go without saying that, as well as being a big day for Ngāti Tama ki Te Tau Ihu, today marks a major milestone for settlements in top of the South.

The Ngāti Tama settlement is one of the eight settlements which will enter the House as part of an omnibus Bill; the Te Tau Ihu Claims Settlement Bill.

This signing opens the way for the introduction of this Bill into the House of Representatives and the settlement of all historic Treaty of Waitangi claims in the South Island; a major achievement for everyone involved.

I would like to thank Ross Phillipson, who was the Chief Crown Negotiator for Te Tau Ihu negotiations, and is here today.

I came into the role of Minister of Treaty of Waitangi Negotiations in 2008. I did so when Tainui Taranaki iwi had lost a key proponent and advocate. I acknowledge Chris Atutahi, who was the very able project manager for Tainui Taranaki ki te Tonga when they commenced negotiations. I did not have the privilege of working with Chris Atutahi but many people have spoken to me of his capacity and dedication to these difficult negotiations.

I acknowledge all of those tupuna who are not present here today to witness and partake in today's celebrations. I recognise all those tupuna who suffered grievances at the hands of the Crown and thank those who have worked towards the recognition and rectification of injustices

against Maori in this region. Today is the outcome of years of hard work, courage, sacrifice and commitment on the part of many individuals past and present.

### **Next steps**

Signing ceremonies in top of the South have now covered the breadth of the Te Tau Ihu region, from Spring Creek and Blenheim, to Waikawa, to Te Hora / Canvastown, to Nelson, and now Mohua / Golden Bay.

Our next milestone together will be the First Reading of the Te Tau Ihu omnibus Bill in the House. I am working towards this occurring in June.

The omnibus Bill is comprised of four sub-parts which will become four separate Acts of Parliament. The Ngāti Tama settlement will be enacted through an Act called the “*Ngāti Kōata, Ngāti Rarua, Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-ā-Maui Claims Settlement Act*”.

Today is also the start of a big weekend for Ngāti Tama with the 20<sup>th</sup> Annual General Meeting of the Ngāti Tama Manawhenua Ki Te Tau Ihu Trust tomorrow and the opening of a new entranceway at Te Wai-koropupū Springs on Monday.

Before we sign and before you commence your celebrations, I want to take pause and end with the Crown’s apology to Ngāti Tama ki Te Tau Ihu. The Crown acknowledges that this settlement can never fully compensate for the loss and prejudice Ngāti Tama have suffered. I hope that will accept this apology from me today on behalf of the Crown.



## APOLOGY

The Crown makes the following apology to Ngāti Tama ki Te Tau Ihu and to their ancestors and descendants

The Crown profoundly regrets and unreservedly apologises for breaching its obligations to Ngāti Tama ki Te Tau Ihu under the Treaty of Waitangi.

The Crown profoundly regrets and apologises for its cumulative acts and omissions which left Ngāti Tama virtually landless in Te Tau Ihu. The Crown deeply regrets and sincerely apologises that it did not adequately protect the interests of Ngāti Tama and appropriately respect Ngāti Tama rangatiratanga when purchasing their land.

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.

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.

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.

*Tēnā koutou, Tēnā koutou, Tēnā ra koutou katoa*