



26 JUL 2018

Jocelyn Mikaere-Hollis
Chair
Te Tāwharau o Ngāti Pūkenga Trust

By email: jocelyn.mikaere@ihug.co.nz

Tēnā koe

Decision regarding the Pare Hauraki Collective Redress Deed

The Crown and Iwi of Hauraki have been negotiating the Pare Hauraki Collective Redress Deed (the Deed) for a long time. The Deed was initialled on 22 December 2016. Overlapping claims, and other challenging issues, over the past 18 months have delayed the signing of the Deed. Thank you for meeting with me, as well as providing me your briefing paper, on 14 June and for your engagement throughout this period.

In your briefing paper you noted your concerns with the signing of the Deed being Ngāti Pūkenga consider:

- the redress offered collectively and individually to Hauraki iwi may create unintended rights over and above that provided by the redress by conferring mana whenua in Tauranga Moana on Iwi of Hauraki; and
- Hauraki iwi should not be consulted on resource management applications throughout Tauranga Moana.

You have asked for the interest of Hauraki iwi in Tauranga Moana to be clarified, ideally through a tikanga process.

I am writing to inform you that I have decided to sign the Deed.

Following the consultation period and after considering the submissions from overlapping iwi including Ngāti Pūkenga, the following changes have been made to the Deed:

- the Fisheries Advisory Committee area will be revised;
- the Mineral Relationship Agreement area will be revised; and
- the Tauranga Moana clauses in the Deed will be amended.

Agreements reached in 2012 – 2014 between iwi will be maintained

The Deed will maintain the redress agreed between Hauraki and Tauranga Moana iwi in 2012 – 2014. As I have said to you previously, the Crown considers these agreements should be honoured by all parties. The Crown will not resile from its commitment to provide this agreed redress.

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Fisheries Advisory Committee area

The southern boundary of the Hauraki Collective Fisheries Advisory Committee area has been moved to align with the southern boundary of the Fisheries RFR Deed over Quota area.

Minerals Relationship Agreement area

The boundaries of the Minerals Relationship Agreement area now match the boundaries of the Conservation Framework area. The Minerals Relationship Agreement will also apply to property outside the mapped area that will transfer collectively or individually to Hauraki iwi through Treaty settlements.

Tauranga Moana clause

Section 20¹ of the initialled deed (relating to Tauranga Moana) has been amended to include a reference to the tikanga process and to be consistent with the drafting contained in the 2015 deed to amend for Ngāti Ranginui and the 2016 deeds to amend for Ngāi Te Rangī and Ngāti Pūkenga.

It is my strong preference that a tikanga based resolution process between Hauraki and Tauranga iwi commence as soon as possible after the signing of the deed, and it is my understanding all parties have agreed the Tauranga Moana Framework will be included in this process.

Matters raised in your 14 June briefing paper

I am advised that, as a member of the Hauraki Collective, Ngāti Pūkenga were made aware of all redress items in the Deed throughout negotiations.

I acknowledge you are concerned Hauraki iwi are being involved by councils in resource applications in Tauranga Moana, and in particular at Matakana. I can confirm it is not as a result of redress in the Deed.

I want to be clear that the provision of redress to Hauraki iwi in Tauranga Moana does not confer mana whenua rights.

Next steps

The Crown and the Hauraki Collective will now proceed to make arrangements for the Deed to be signed in the coming weeks.

Whether the proposed redress is provided to the Hauraki Collective will ultimately be a matter for Parliament. The redress will not be provided until, and unless, Parliament authorises it through settlement legislation.

Please find attached 2 maps illustrating the amended Fisheries Advisory Committee area and the amended Minerals Relationship Agreement area. The amended Tauranga Moana drafting is also attached to this letter. These attachments are

¹ Section 22 of the deed to be signed.

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provided to Te Tāwharau o Ngāti Pūkenga Trust in confidence and are not for public release.

Should you wish to discuss this letter, please contact Tessa Buchanan on 04 494 9924 or at Tessa.Buchanan@justice.govt.nz.

Nāku noa, nā



Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

Revised Tauranga Moana drafting

TAURANGA MOANA

- 22.1 The Crown recognises the Iwi of Hauraki have interests in Tauranga Moana, particularly in Te Puna - Katikati.
- 22.2 The Iwi of Hauraki world view is the Iwi of Hauraki have interests within Tauranga Moana, which are of great spiritual, cultural, customary, ancestral and historical significance.
- 22.3 The Iwi of Hauraki and the Crown acknowledge and agree this deed does not:
- 22.3.1 provide for cultural redress in relation to Tauranga Moana as that is to be confirmed in separate negotiations; nor
- 22.3.2 prevent the development of cultural redress in relation to Tauranga Moana.
- 22.4 The Iwi of Hauraki consider the Hauraki Treaty settlements will not be complete until they receive cultural redress in relation to Tauranga Moana.
- 22.5 The Crown acknowledges the Hauraki Collective and the Tauranga Moana Iwi Collective have agreed to discuss through a tikanga-based process how Tauranga Moana is to be protected and enhanced.
- 22.6 The Crown acknowledges and agrees unless the Hauraki Collective and Tauranga Moana Iwi Collective reach an alternative agreement through a tikanga-based process, the Tauranga Moana Framework will be provided for in separate legislation to be introduced to the House of Representatives as soon as the following matters have been resolved to the satisfaction of TMIC, the Crown and the Hauraki Collective, and in accordance with the principles of Te Tiriti o Waitangi / the Treaty of Waitangi:
- 22.6.1 whether a process is required, and, if so the nature of that process, for resolving the disagreements referred to in Part 1, paragraph 10.3 of the Appendix to Part 3 of the TMIC Legislative Matters Schedule;
- 22.6.2 how such legislation will provide for the participation of two or more iwi with recognised interests in Tauranga Moana through one seat on the Tauranga Moana Governance Group (as provided in Part 1, paragraph 1.1.5 of the Appendix to Part 3 of the TMIC legislative matters schedule); and
- 22.6.3 the scope of the area marked as 'A' on the Tauranga Moana Framework plan in the TMIC attachments.

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22.7 When the Tauranga Moana Framework is enacted through standalone legislation the Crown:

22.7.1 affirms the right of the Iwi of Hauraki, on the basis of its recognised interests in Tauranga Moana, to participate through the seat described in clause 3.11.4(e) of the Legislative Matters Schedule of the Tauranga Moana Iwi Collective Deed will be preserved; and

22.7.2 notes the Waitangi Tribunal's statement that "there is prejudice to Hauraki iwi as a result of the inclusion of clause 10.3" of the Legislative Matters Schedule of the Tauranga Moana Iwi.

Defined terms to be included in paragraph 4.1 of the general matters schedule to the deed:

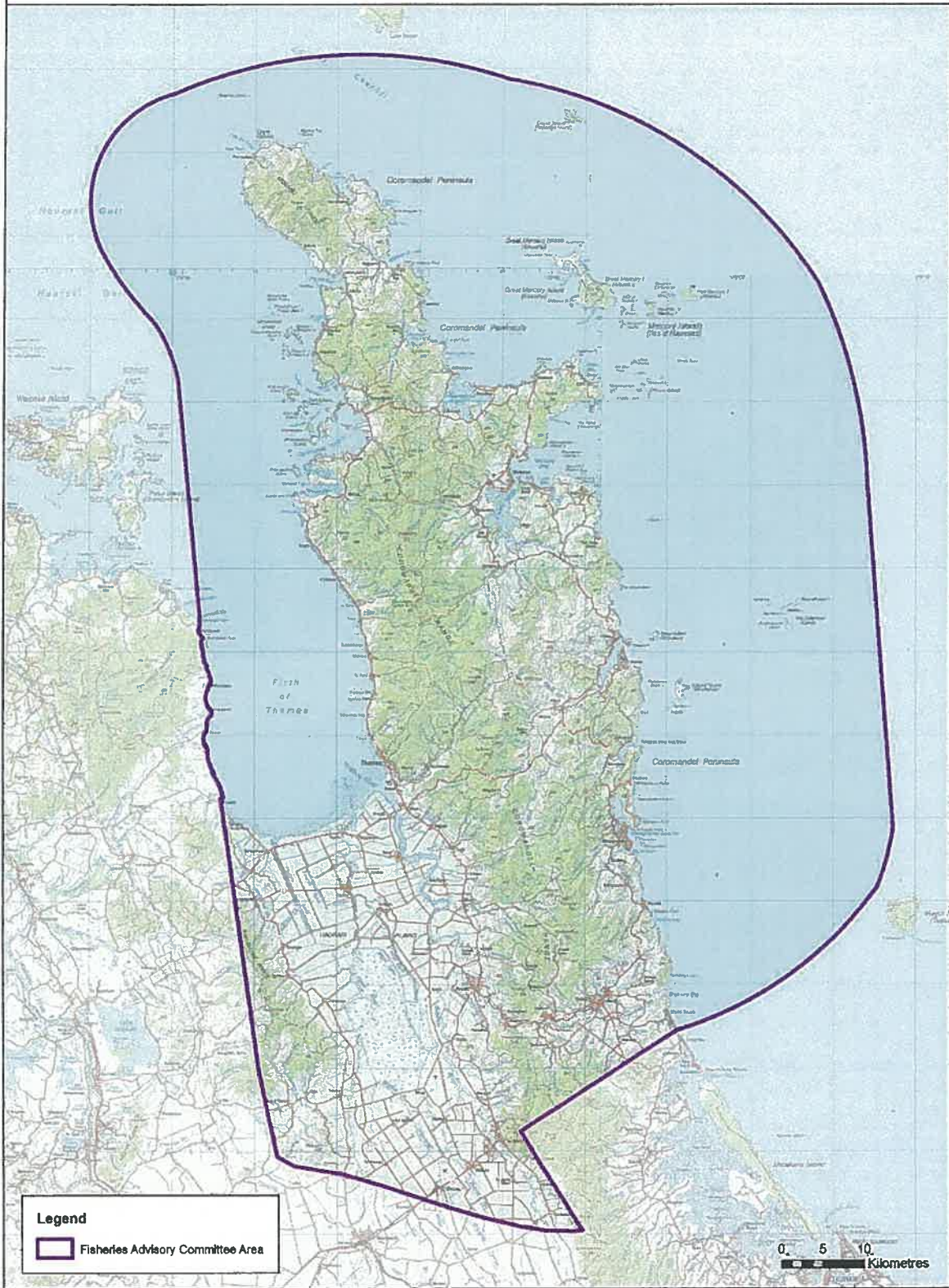
Tauranga Moana has the meaning given to it in clause 2.29 of the Tauranga Moana Iwi Collective Deed; and

Tauranga Moana Iwi Collective means the Tauranga Moana Iwi who comprise Ngā Hapū o Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pūkenga; and

Tauranga Moana Framework means the framework described in the legislative matters schedule to the Tauranga Moana Iwi Collective Deed; and

Tauranga Moana Iwi Collective Deed means the deed signed by the Crown, the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust, the trustees of the Ngāi Te Rangi Settlement Trust, the trustees of the Te Tāwharau o Ngāti Pūkenga Trust and the Tauranga Moana Iwi Collective Limited Partnership dated 21 January 2015; and

Fisheries Advisory Committee Area



ESRI, Inc. 2002. ArcGIS Desktop: Mapping with GIS. Redlands, CA: ESRI, Inc.

Minerals Relationship Agreement Area

