

Submission on the Te Taihū Settlement Bill 2013

To the Māori Affairs Select Committee

Tena koutou e nga rangatira

Executive Summary

We support the intent of the Te Taihū Settlement Bill, specifically the clauses which relate to the provision of redress for Treaty of Waitangi grievances for Ngāti Kūia, because;

- Ngāti Kūia has suffered from the Crown breaches of the Treaty of Waitangi. This Bill will enable redress for these grievances*
 - Te Whakatau - A Ngāti Kūia taonga personalised to our identity and aspirations as a people
 - We have suffered over 170 years of grievances, these are to be settled in three main parts by this Bill
- Our robust settlement process and experience*
 - Mandate and Support - 18 years of consultations, hui, workshops, communications, publications, events and activities with support and mandate from our people, Ngāti Kūia
 - Changes or Delay in settlement is a delay of justice
- The benefits of settlement will provide a positive impact for generations of Ngāti Kūia; and the communities we live in*
 - Our settlement will benefit all members of Ngāti Kūia, wherever they live.
 - Our communities will also benefit, as members will be enabled to contribute and participate in their communities resulting from this settlement.
 - Generations of our people will benefit directly from the Financial and Commercial redress, as will the local and national economy through our investments and businesses, which will also return benefits to our people through services and grants.
 - Recognition and acknowledgement; use and access; relationships and involvement in decision making; economic and cultural revitalisation - These aspirations underpin what we wish from settlement, and they will involve the communities we live in. As we thrive, so will our communities.
- We are ready to receive our settlement*
 - Our representative organisations were designed, mandated and supported by Ngāti Kūia for the betterment of all our people

Ngāti Kūia te Iwi – Ngāti Kūia the People.

*Ko Matua Hautere te tangata
Ko Kaikaiawaro te taniwha
Ko Te Hoiere te waka
Ko Ngāti Kūia te Iwi*

Matua Hautere is the ancestor
Kakaiawaro is the guardian
Te Hoiere is the canoe
Ngāti Kūia are the people

Ngāti Kūia is the oldest Iwi in Te Taihū (Northern South Island). Through intermarriages and history with other Iwi, we maintain a heritage that predates the other current Iwi. We are the only Iwi to originate and be founded in Te Taihū., all the other Iwi migrated from the North Island. Ngāti Kūia, Rangitane and Ngāti Apa share a common Kurahaupo ancestry and history. We were the three Iwi in possession of Te Taihū before the coming of the other five Te Taihū Iwi in the 1820s.

We have lived and survived as a people through our connection to the whenua (land), moana (ocean), and other taonga (treasures) like pakohe (argillite), which is a unique resource used and traded by our people. We explored and named places, used the resources, developed our own individual culture – reo (language), kaitiaki (guardians) tikanga (customs) and kawa (practices).

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1. Ngāti Kūia has suffered from the Crown's breaches of the Treaty of Waitangi. This Bill will enable redress for these grievances

Te Whakatau - A Ngāti Kūia taonga personalised to our identity and aspirations as a people

We, Ngāti Kūia, and the Crown have made an agreement to settle via Te Runanga o Ngāti Kūia Trust (the Post Settlement Governance Entity), the Ngāti Kūia Deed of Settlement and Te Taihū Settlement Bill. We have chosen to name our settlement "Te Whakatau" to acknowledge this as a taonga. We expect this to be honoured.

We have suffered over 170 years of grievances, these are to be settled in three main parts by this Bill

Our tipuna down through to today's generations have carried the burden of the grievances caused by crown action and inaction, for over 170 years. It is now time to remember this and to settle it. Te Whakatau means "to make settle". It comprises of three main Pou as forms of redress.

Te Pou Aronui represents the knowledge and understanding for the reasons for the grievances and making peace with this. This is addressed through the Historical Account, Breach Acknowledgements and Crown Apology. This is enabled in Part 1; Clause 11 and 12 of Te Taihū Settlement Bill.

Nga Pou o Te Hoiere represents the recognition and acknowledgement of our Iconic cultural associations in Te Taihū. Te Hoiere is the name of the waka which was guided by Kaikāiawaro to Te Taihū, bringing our tipuna Matua Hautere, and is synonymous with Ngāti Kūia. This represents the Cultural Redress being offered by the crown in Tuku whenua (Cultural Redress Property Vestings), Ngāti Kūia Te Iwi Pakohe Kaitiaki, Ngāti Kūia Titi Kaitiaki, Whenua Rahui (Overlays), Pou Rahui (Statutory Acknowledgements), Pou Whakaaro (Deeds of Recognition), Hineparawhenua (Statutory Coast Acknowledgement), Hineparawhenua is the atua of coastlines, Te Kohinga Rakahore (Mineral Fossicking) Rakahore is the atua for rocks and stones, Nga Pou Taunaha (Place names), Protocols, River and Freshwater Statutory Advisory Committee and Relationships with Local Authorities. These are enabled in Part 2 and Schedules 1, 2 and 3 of this Bill

Nga Pou o Pakohe represents the Commercial and Financial Redress. Pakohe is synonymous with Ngāti Kūia and was an economic resource used by our people and considered a taonga. The redress provided will provide an intergenerational resource to sustain our Iwi. These are enabled in Part 3 and Schedule 4

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2. Our robust settlement process and experience

Mandate and Support - 18 years of consultations, hui, workshops, communications, publications, events, activities with support and mandate from our people, Ngāti Kūia

We are able to demonstrate and evidence a robust process with unwavering support from our people, transparency and accountability from our representative organisations, all in the pursuit of justice.

1995 WAI 561 lodged by the Trustee of Te Runanga o Ngāti Kūia Charitable Trust

2000 Te Taihū Waitangi Tribunal Hearings begin

2003 Ngāti Kūia Waitangi Tribunal Hearing

2004 Waitangi Tribunal Hearings Finish

2005 Ngāti Kūia, Ngāti Apa and Rangitane form Kurahaupo ki te Waipounamu Trust (Kurahaupo) as a Large Natural Grouping for Negotiations and receive a mandate from the people, recognised by the Crown

2005 Ngāti Kūia first Iwi in Te Taihū to receive Fisheries Settlement

2006 Ngāti Kūia as part of Kurahaupo first Te Taihū group to enter into negotiations with the Office of Treaty Settlements

2007 Preliminary Waitangi Tribunal Report

2008 Te Taihū Waitangi Tribunal Report released

2009 Ngāti Kūia as part of Iwi collective, first to receive Aquaculture Settlement

2009 Ngāti Kūia as part of Kurahaupo first to sign Agreement in Principle with the Crown

First Iwi in Te Taihū to ratify their Post Settlement Governance Entity – Te Runanga o Ngāti Kūia Trust

2010 Ngāti Kūia first Iwi to ratify and sign “Te Whakatau – the Ngāti Kūia Deed of Settlement”

A delay in settlement is a delay in justice

Between 2010 and 2013 the Crown completed negotiations with other Te Taihū Iwi. This included delays by litigation from Wakatu Incorporation, a privately owned incorporation based in Nelson. They purported to represent the mandated Iwi groups and to try to run away with what is Iwi entitlement over issues related to what are known as the Nelson 10ths lands. These issues were being addressed by the mandated Iwi groups and should not have been allowed to delay settlement.

Ngāti Kūia should have been included in the lands and benefits from the Nelson Tenth. This is recognised by the Waitangi Tribunal and the Crown through this settlement.	Wakatu does not recognise Ngāti Kūia as being entitled and seeks exclusivity. A continuation of the original Treaty Breach.
We have continually consulted and maintained a mandate from our people.	Wakatu has no standing to represent Ngāti Kūia as they do not have a mandate from Ngāti Kūia.

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The delays affected Ngati Kuia in receiving its Treaty Settlements by;

- Lost opportunity in the use of the Settlement, and
- Costs associated with maintaining the Post Settlement Governance Entity during the delays

We, along with Ngati Apa and Rangitane were offered the opportunity to buy parts of Woodbourne Airbase subject to the satisfactory accommodation of the operational interests of the New Zealand Defence Force. This was in lieu of redress over licensed Crown forest lands – our ancestral lands and a guaranteed income. We have been in discussions for three years over Woodbourne and would like to see this come to fruition. Delays to this part of our settlement package would undermine the durability of our Settlement.

We have, and continue to suffer from delays in promised settlements. Our tipuna complained about our poverty as a result of the lack of land reserved for us, and were described in 1882 as “the poorest tribe under the heavens”. The Crown responded by setting aside land for Forestry, Scenic Reserves and other Public Purposes for over 25 years while deciding what to do. Some Land was granted to some of us in 1909 via the South Island Landless Natives Act (SILNA). Some of us were given land away from our ancestral homes, at Port Adventure, Stewart Island. This was described by the Waitangi Tribunal as a Cruel Hoax. The Ngai Tahu Settlement in 1998 was supposed to settle this issue – even though we did not mandate it. 15 years later we still haven’t received anything. Let us not wait for another cruel hoax and our settlement be delayed.

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3. The benefits of settlement will provide a positive impact for generations and the communities we live in.

Our settlement will benefit all members of Ngāti Kūia, wherever they live.

Our communities will also benefit, as members will be enabled to contribute and participate in their communities resulting from this settlement.

Generations of our people will benefit directly from the Financial and Commercial redress, as will the local and national economy through the investment and businesses that will return profits to our people through services and grants.

Recognition and acknowledgement; use and access; relationships and involvement in decision making; economic and cultural revitalisation - These aspirations underpin what we wish from settlement, and they will involve the communities we live in. As we thrive, so will our communities.

Ngāti Kūia Benefits of Settlement included:

Recognition and acknowledgement: As a distinct people with our own history; a treaty partner with acknowledged grievances that are being redressed; association to our areas of interest and sites of significance, including the importance of our place names. The transfer of Waimea and Canvastown Schools to Ngāti Kūia will maintain our relationships to the ancestral Pa of Ngāti Kūia and provide a relationship with the schools and communities which we are members of.

Relationships that guarantee involvement in consultation and input into decision making through the Overlays, Deeds of Recognition, Relationship Protocols, Statutory Board, Statutory Acknowledgements and as ratepayer and local business .

We, as part of the Marlborough, Nelson and Tasman communities will be able to play a greater role with Councils via the Statutory Board and Acknowledgements. This Bill provides for these Regulatory Authorities and Ngāti Kūia to have the relationship in the legislative and regulatory framework. It does not provide us with any extra entitlement. It also strengthens our involvement within the communities we live in.

We will be part of the Rivers and Waterways Statutory Board, share properties such as Matangiawhio and other joint business opportunities, such as Woodbourne, with other Te Taihū Iwi.

Use and access to cultural materials; places significant to us; our unique identity; all provide for our cultural revitalisation and to maintain our unique culture and identity.

The Titi and Pakohe Kaitiaki Instruments: Titi (Mutton Birds) and Pakohe (Argillite) are an iconic part of Ngāti Kūia culture, history and traditions. This settlement will provide for Ngāti Kūia tikanga, kawa and sustainable use and access to these taonga, within the current legislative and regulatory framework. This does not provide us with any extra entitlement. This enables our people to continue our associations with our taonga while strengthening our own relationships and our relationships with stakeholders, such as the Department of Conservation.

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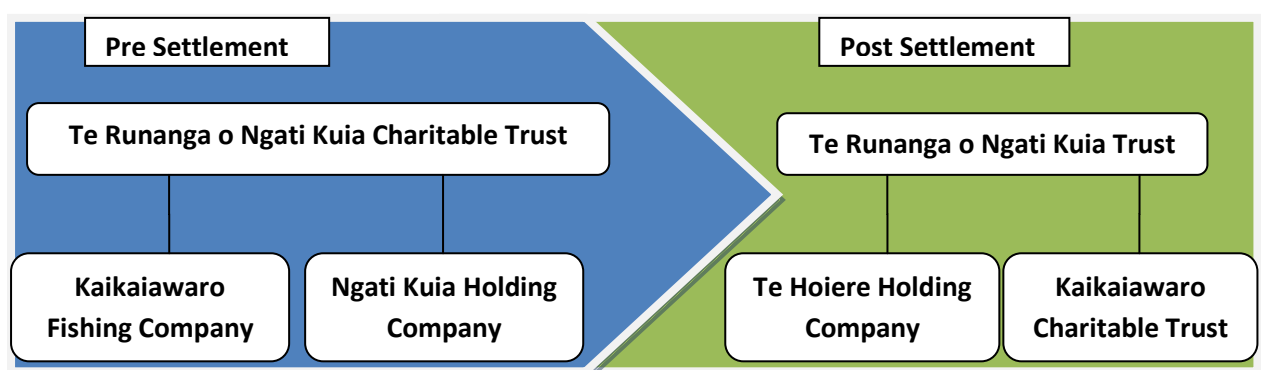
4. “We are ready to receive our settlement”

Our representative organisations were designed, mandated and supported by Ngati Kuia for the betterment of all our people

It has been our people’s self determination to organise our representative organisations, and to democratically vote for people to act as the governance of these organisations.

We have a registered membership of over 3000, but know there are more. We continually strive to increase our registrations through communication (eg Maranga Mai Panui, Website, Facebook etc), events and activities such as the Ngati Kuia Day – a day to celebrate Ngati Kuia and the communities we live in.

Te Runanga o Ngati Kuia Charitable Trust was established in 1994 as a successor to Te Runanga o Ngati Kuia Incorporated Society and the Ngati Kuia Trust. The **Kaikaiawaro Fishing company** was established in 1991 and the **Ngati Kuia Holding Company Ltd** in 1995 to manage and receive our assets such as Fisheries and Aquaculture Settlement. These organisations will be wound down, and assets and responsibility will be transferred from them to the new Post Settlement Governance Entity (PSGE) group structure of **Te Runanga o Ngati Kuia Trust**, **Kaikaiawaro Charitable Trust** and **Te Hoiere Holding Company Ltd**.



Te Runanga o Ngati Kuia Trust is the Post Settlement Governance Entity (PSGE) to receive the Ngati Kuia settlement. Numerous consultation and workshops were held in the development of the Trust Deed, which was ratified, after being widely publicised and holding consultation Hui, with an overwhelmingly supportive vote to adopt. The PSGE group structure was developed with advice from many professionals, including the consultation described above.

5. Recommendation

To support the Te Taihu Settlement Bill, specifically the parts and clause which relate to the settlement of Treaty of Waitangi grievances for Ngati Kuia.