

Hon Paul Goldsmith
Minister for Treaty of Waitangi Negotiations

Proactive release – Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill: Approval for Introduction

Date of issue: 14 October 2024

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

No.	Document	Comments
1	Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill: Approval for Introduction <i>Cabinet paper</i> Office for Māori Crown Relations – Te Arawhiti 31 August 2023	Released in full
2	Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill: Approval for Introduction <i>Cabinet summary CAB-23-SUB-0424</i> Cabinet office 4 September 2023	Released in full
3	Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill: Approval for Introduction <i>Cabinet minute CAB-23-MIN-0424</i> Cabinet office 7 September 2023	Released in full

In Confidence

Office of the Minister for Treaty of Waitangi Negotiations

Office of the Minister of Conservation

Chair, Cabinet

TE PIRE WHAKATUPUA MŌ TE KĀHUI TUPUA/TARANAKI MAUNGA COLLECTIVE REDRESS BILL: APPROVAL FOR INTRODUCTION

Proposal

1. I, along with the Minister of Conservation, seek Cabinet agreement to introduce Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill (the Bill).
2. The Bill gives effect to Te Ruruku Pūtakerongo/the Taranaki Maunga Collective Redress Deed, (the collective redress deed), which was signed on 1 September 2023 by the Crown and Ngā Iwi o Taranaki (the collective group representing the eight iwi of Taranaki in negotiations). The Bill has a priority 4 (to be referred to a select committee in the year) classification in the 2023 Legislative Programme.

Policy

Taranaki Maunga

3. For generations, Taranaki Maunga (Mount Egmont or Mount Taranaki) and its surrounding ranges have been the central pillar for the iwi, hapū, and whānau of Taranaki. The mountain has long been an honoured ancestor, a source of physical, cultural, and spiritual sustenance, and a final resting place. Ngā Iwi o Taranaki historical claims relate to the 1865 Crown confiscation of 1.2 million acres of Taranaki land, including Taranaki Maunga. Following the confiscation, the Crown promised but failed to return some of the land to Māori, instead proclaiming the mountains a forest reserve and later a national park. The Crown established management regimes over Egmont National Park which made no direct provision for Māori involvement, and which banned practices that the tangata whenua of Taranaki had carried out for centuries.
4. As part of individual negotiations with the eight iwi of Taranaki, it was agreed that negotiations over Taranaki Maunga/ Egmont National Park be deferred until all eight iwi of Taranaki had a Crown recognised mandate to participate. The eight iwi of Taranaki are: Ngāa Rauru Kīitahi; Ngāruahine; Ngāti Maru; Ngāti Mutunga; Ngāti Ruanui; Ngāti Tama; Taranaki Iwi; and Te Āti Awa. Comprehensive historical Te Tiriti o Waitangi (Treaty of Waitangi) settlements have been completed with each of the eight iwi of Taranaki. In 2017, the eight iwi of Taranaki came together as Ngā Iwi o Taranaki to negotiate collective cultural redress over their Tūpuna Maunga (ancestral mountains) and Egmont National Park (to be known as Te Papa-Kura-o-Taranaki). The eight iwi of Taranaki have a combined population of 58,596 (2018 New Zealand Census). A map showing the boundary of the national park is attached at **Appendix One**.

Negotiations

5. In March 2017, Ngā Iwi o Taranaki and the Crown signed Terms of Negotiation.
6. On 20 December 2017, Ngā Iwi o Taranaki and the Crown signed Te Anga Pūtakerongo – a Record of Understanding.

7. On 31 March 2023, Ngā Iwi o Taranaki and the Crown initialled a collective redress deed known as Te Ruruku Pūtakerongo.
8. From 7 July to 16 August 2023, the members of Ngā Iwi o Taranaki voted to ratify the collective redress deed. The participation rate of all eligible and registered voters was 24 per cent (6,945 votes), and support for the collective redress deed was 98 per cent (6,782 votes) of votes cast. On 27 August, the Minister for Māori Development and Minister for Treaty of Waitangi Negotiations agreed the ratification results demonstrated sufficient support for the collective redress deed.
9. On 1 September 2023, the Crown and Ngā Iwi o Taranaki signed the collective redress deed.

Taranaki Maunga collective redress

10. The Taranaki Maunga collective redress package includes:
 - 10.1. an agreed historical account, Crown acknowledgements and apology;
 - 10.2. the establishment of a new legal framework (He Kawa Tupua) centred on the recognition of the legal person Te Kāhui Tupua;
 - 10.3. a new and solely te reo Māori name for the national park, Te Papa-Kura-o-Taranaki;
 - 10.4. the vesting of the land comprising Te Papa Kura-o-Taranaki (the national park) and certain minerals in the legal person;
 - 10.5. cultural redress including a collective statement of relationship and connection, official geographic name changes, cultural materials redress, relationship redress, access to facilities within Te Papa-Kura-o-Taranaki; and
 - 10.6. a one-off resourcing contribution to Te Tōpuni Ngārahu (the collective governance entity for Ngā Iwi o Taranaki) of \$35.000 million to support its establishment, iwi reconnection, and the health and well-being of Te Kāhui Tupua.
11. In addition to providing for the recognition of the legal person Te Kāhui Tupua, the new legal framework He Kawa Tupua provides for:
 - 11.1. the status of Te Kāhui Tupua and Ngā Pou Whakatupua (Maunga values) to form the foundation for the ongoing governance, management and administration of the national park;
 - 11.2. the establishment of a governance entity, Te Tōpuni Kōkōrangī, to act as the human face of the legal person, consisting of eight members (four appointed by Ngā Iwi o Taranaki and four by the Minister of Conservation) to carry out conservation governance and some joint concession decision-making functions in relation to the national park;
 - 11.3. the development of a new national park management plan (to be known as He Kawa Ora mō Te Papa-Kura-o-Taranaki (the management plan)) to be jointly approved by Te Tōpuni Ngārahu and the Minister of Conservation; and
 - 11.4. a range of other matters provided for in the collective redress deed.

12. The Bill also proposes:
 - 12.1. an income tax exemption for Te Tōpuni Kōkōrangī, Te Kāhui Tupua, and the asset management company; and
 - 12.2. the dissolution of the Taranaki Māori Trust Board, and the Taranaki Māori Educational Trust.
13. The Taranaki Maunga arrangements signal the completion of all historical Treaty of Waitangi negotiations in the Taranaki Region.
14. Except as provided in the collective redress deed, the redress will not affect any ongoing rights which Ngā Iwi o Taranaki may have under common law (including existing aboriginal title), legislation or the Treaty of Waitangi.

Why is the Bill required?

15. Elements of the collective redress deed rely on legislation to be enacted and implemented. The Crown agreed in the collective redress deed to introduce the Bill to Parliament.
16. Major redress that requires legislation includes the establishment of Te Kāhui Tupua as a legal person, the creation of certain functions of Te Tōpuni Ngārahu, and the establishment and functions of Te Tōpuni Kōkōrangī. Other items include official geographic name changes, vesting of land and minerals, the statutory recognition of Ngā Pou Whakatupua (Maunga values), the repeal of the Mount Egmont Vesting Act 1978 and the modified process for developing the management plan.

Resource management reform

17. Redress which interacts with the Resource Management Act 1991 may be affected by reform of the resource management system. The Crown and Ngā Iwi o Taranaki will discuss how the redress may be affected and, if required, will reflect the new system to ensure that the intent of the redress is upheld. However, the Taranaki Maunga arrangements most significantly interacts with the conservation system (rather than the Resource Management Act 1991) and therefore any change arising out of the reform of the resource management system is likely to be minor.

Potential contentious issues

18. Contention may exist around Te Papa-Kura-o-Taranaki and its status as a national park. The question of ownership, access and private interests in the national park may be raised.
19. Te Papa-Kura-o-Taranaki will still be classified as a national park, and the land will continue to be managed by the Department of Conservation under the National Parks Act 1980, with some modification as provided by redress.
20. The ownership of the Crown-owned parts of the national park will be vested in the legal personality, Te Kāhui Tupua. The Crown retains ownership of Crown owned assets and improvements within the national park. Any private property rights, aboriginal title or customary rights that may exist in the national park will be preserved.
21. The public's rights are not affected through this redress. Public access to Te Papa-Kura-o-Taranaki will be maintained for inspiration, enjoyment, and recreation.
22. No private land is involved in this redress.

Impact analysis

23. Te Arawhiti – The Office for Māori Crown Relations and the Department of Conservation are not required to prepare a Regulatory Impact Statement as the regulatory proposals in this paper are exempt from the regulatory impact analysis requirements on the grounds that they implement deeds of settlement for Treaty of Waitangi claims.

Cost-of-Living Implications

24. Not applicable.

Use of External Resources

25. Due to the highly specialised nature of the work that Te Arawhiti – The Office for Māori Crown Relations undertakes in terms of Treaty Settlements, the recognition of customary rights and interests in the takutai moana, direct engagement with iwi Māori and specific te ao Māori kaupapa, there is a need to use external experts. Standard examples of this include the use of Chief Crown Negotiators, experts in tikanga and te ao Māori and external legal counsel to prepare settlement documents. External resources are contracted as and where required and in line with relevant guidance including from the Public Service Commission.
26. For the Taranaki Maunga negotiations, Te Arawhiti – The Office for Māori Crown Relations contracted Buddle Findlay lawyers to provide advice throughout the negotiation process and to provide deed drafting services. Both services were vital to conclude negotiations.

Compliance

27. The Bill complies with the:
- 27.1. principles of the Treaty of Waitangi;
 - 27.2. rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 27.3. principles and guidelines set out in the Privacy Act 2020;
 - 27.4. Legislation Guidelines (2021 edition): Guidelines on Process and Content of Legislation; and
 - 27.5. relevant international standards and obligations.

Consultation

28. Te Arawhiti – The Office for Māori Crown Relations and the Department of Conservation have consulted with, and incorporated the views of, the following agencies: Land Information New Zealand; Ministry for the Environment; Ministry for Culture and Heritage; Ministry of Business, Innovation, and Employment; Ngā Pou Taunaha o Aotearoa New Zealand Geographic Board; Te Puni Kōkiri; Department of Internal Affairs; Inland Revenue Department; and The Treasury.
29. The Parliamentary Counsel Office prepared the Bill and was consulted on this paper.
30. Ngā Iwi o Taranaki has received a copy of the Bill and supports its introduction.

Binding on the Crown

31. The Bill will be binding on the Crown.

Allocation of decision-making powers

32. The Bill proposes changes to decision-making powers, including those relating to Te Tōpuni Kōkōrangī, namely:
- 32.1. the Minister of Conservation and Te Tōpuni Kōkōrangī are to jointly consider applications for concessions and authorisations for an interest in land relating to Te Papa-Kura-o-Taranaki, and decisions related to those applications that would otherwise be made by the Minister under Part 3B of the Conservation Act 1987 or under the National Parks Act 1980;
 - 32.2. Te Tōpuni Kōkōrangī are to develop and recommend for approval the management plan – currently undertaken by a Conservation Board; and
 - 32.3. Te Tōpuni Kōkōrangī are to advise the New Zealand Conservation Authority and the Director-General, as appropriate, on matters relating to Te Papa-Kura-o-Taranaki – currently undertaken by a Conservation Board.
33. Te Tōpuni Ngārahu and the Minister of Conservation will jointly decide whether to approve the management plan – currently undertaken by the New Zealand Conservation Authority.
34. Te Tōpuni Kōkōrangī and Te Tōpuni Ngārahu must consent to any future additions or exclusions of land from Te Papa-Kura-o-Taranaki.
35. The New Zealand Conservation Authority must consult Te Tōpuni Kōkōrangī, the Director-General, and the Taranaki/Whanganui Conservation Board before it may make any amendment to the draft National Park Place in the Conservation Management Strategy under section 17F(n) or (p) of the Conservation Act 1987.

Associated regulations

36. Not applicable.

Amendments to Acts

37. The Bill proposes amendments to the following Acts of Parliament:
- 37.1. Conservation Act 1987;
 - 37.2. Income Tax Act 2007;
 - 37.3. National Parks Act 1980;
 - 37.4. Public Audit Act 2001;
 - 37.5. Public Finance Act 1989;
 - 37.6. Taranaki Harbour Board Empowering Act 1924;
 - 37.7. Taranaki Harbours Board Empowering Act 1955; and
 - 37.8. Wellington Bishopric Endowment Trust (Church of England) Act 1929.
38. The Bill also includes consequential amendments to the following secondary legislation:
- 38.1. Egmont National Park Bylaws 1981;

- 38.2. Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2018;
- 38.3. Maori Trust Board Regulations 1985; and
- 38.4. National Parks (Infringement Offences) Regulations 2019.

Other instruments

39. Not applicable.

Key definitions

40. **Asset management company** means the company that may be established by Te Tōpuni Kōkōrangī under the Companies Act 1993, with the name Te Kāhui Tupua Limited;
41. **He Kawa Ora mō Te Papa-Kura-o-Taranaki** and **management plan** means a management plan prepared and approved for Te Papa-Kura-o-Taranaki, which will have the same status and effect as a national park management plan under the National Parks Act 1980.
42. **He Kawa Tupua** means the framework comprising:
- 42.1. Te Mana o Ngā Maunga – recognising, promoting, and protecting the health and wellbeing of Te Kāhui Tupua and its status; and
- 42.2. Te Mana o Te Kāhui – recognising and providing for the mana and relationship of Ngā Iwi o Taranaki with Te Kāhui Tupua.
43. **Ngā Pou Whakatupua** means a set of intrinsic values which represent the essence of Te Kāhui Tupua that are intended to reflect the cultural, spiritual, ancestral, and historical relationships between Ngā Iwi o Taranaki and Te Kāhui Tupua.
44. **Te Iho Tāngaengae** means the statement by Ngā Iwi o Taranaki of their particular cultural, spiritual, historical, and traditional association with their Tūpuna Maunga and Te Kāhui Tupua.
45. **Te Kāhui Tupua** means the legal person.
46. **Te Kāhui Tupua status** means the status of Te Kāhui Tupua in that Te Kāhui Tupua is a living and indivisible whole comprising Taranaki and the other Tūpuna Maunga, including Pouākai (Pouakai) and Kaitake (Kaitake Peak), from their peaks down to and including all of the surrounding lands, and incorporating all of their physical and metaphysical elements.
47. **Te Papa-Kura-o-Taranaki** means the national park of that name that is located in the Taranaki Region.
48. **Te Ruruku Pūtakerongo** means the main body of the collective redress deed and the schedules.
49. **Te Tōpuni Kōkōrangī** means the statutory body that will be established to be the human face and voice of Te Kāhui Tupua, and to carry out functions in relation to Te Papa-Kura-o-Taranaki in accordance with the collective redress deed, Te Ture Whakatupua mō Te Kāhui Tupua and the National Parks Act 1980.
50. **Te Tōpuni Ngārahu** means:
- a. the trust known by that name and established to be the collective governance entity for Ngā Iwi o Taranaki for the purposes of He Kawa Tupua; and

- b. any successor trust or entity established to exercise the powers, perform the functions and fulfil the obligations of that trust under this deed or Te Ture Whakatupua mō Te Kāhui Tupua.

51. **Te Ture Whakatupua mō Te Kāhui Tupua** means, if the bill named Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill proposed by the Crown for introduction to the House of Representatives is passed, the resulting Act.

52. **Te Whenua Taketake** means the national park land that is to be vested in Te Kāhui Tupua and will have the official geographic name Te Papa-Kura-o-Taranaki (see Appendix One).

53. **Tūpuna Maunga** means those ancestral mountains that form part of Te Kāhui Tupua and are located within the Taranaki Region.

Commencement of legislation

54. The Act will come into force on the day after the date on which it receives Royal Assent. Many of the actions or matters occurring under the Bill will occur or take effect on effective date which is the date that is 40 working days after the date on which the Act comes into force.

Parliamentary stages

55. The collective redress deed contains a provision stating it is conditional upon legislation coming into force and the Crown will propose the collective redress legislation for introduction.

56. I along with the Minister of Conservation recommend the Bill be:

56.1. introduced on the first available date after Cabinet has approved Te Pire Whakatupua mō Te Kāhui Tupua/the Taranaki Maunga Collective Redress Bill for introduction;

56.2. referred to the Māori Affairs Select Committee for consideration; and

56.3. be passed by the end of 2024.

Proactive Release

57. I, as the Minister for Treaty of Waitangi Negotiations, intend to proactively release this paper, making any necessary redactions, within 30 business days of final Cabinet decisions, or following the introduction of the Bill.

Recommendations

The Minister for Treaty of Waitangi Negotiations and the Minister of Conservation recommend that the Committee:

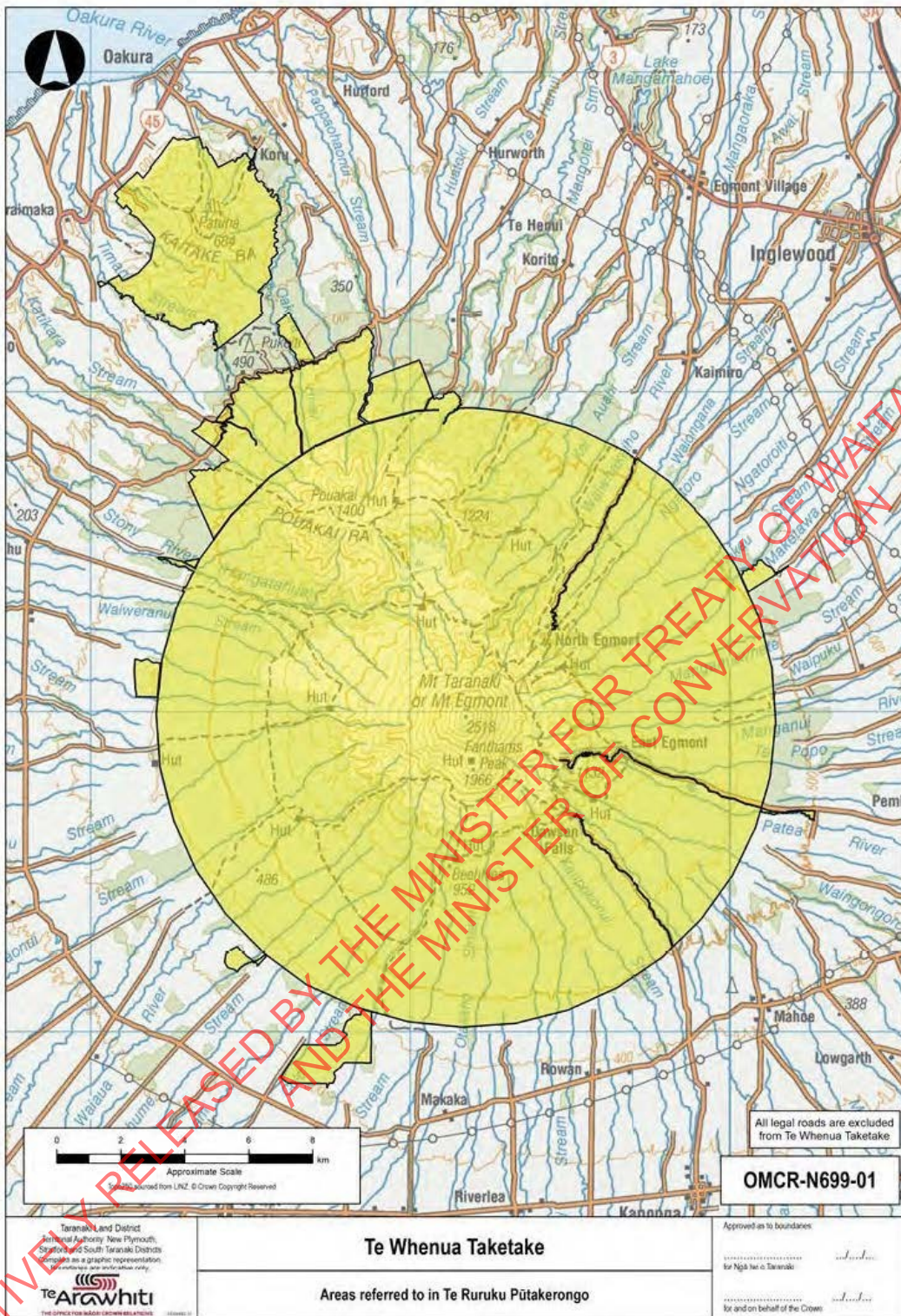
1. **note** Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill has a priority 4 (to be referred to a select committee in the year) classification in the 2023 Legislative Programme;
2. **note** that Te Ruruku Pūtakerongo/the Taranaki Maunga collective redress deed has been ratified by members of Ngā Iwi o Taranaki;
3. **note** Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill gives effect to aspects of Te Ruruku Pūtakerongo/the Taranaki Maunga Collective Redress Deed, signed on 1 September 2023;
4. **note** Ngā Iwi o Taranaki supports the introduction of Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill into the House;
5. **agree** Te Pire Whakatupua mō Te Kāhui Tupua/the Taranaki Maunga Collective Redress Bill be introduced on the first available date after Cabinet has approved Te Pire Whakatupua mō Te Kāhui Tupua/the Taranaki Maunga Collective Redress Bill for introduction; and
6. **agree** the government propose Te Pire Whakatupua mō Te Kāhui Tupua/the Taranaki Maunga Collective Redress Bill be:
 - 6.1. referred to the Māori Affairs Committee of the 54th Parliament, or another relevant committee nominated by the Minister, for consideration; and
 - 6.2. enacted, if possible, by the end of 2024.

Authorised for lodgement

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

Hon Willow-Jean Prime
Minister of Conservation

Appendix One: Boundary of Te Whenua Taketake (the national park land)





Cabinet

Summary

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill: Approval for Introduction

Portfolios	Treaty of Waitangi Negotiations / Conservation
Purpose	This paper seeks approval to introduce Te Pire Whakatupua Mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill (Te Pire).
Previous Decisions	On 1 September 2023, the Crown and Ngā Iwi o Taranaki signed a negotiated and ratified collective redress deed.
Proposal	<p>The Taranaki Maunga collective redress package includes:</p> <ul style="list-style-type: none"> • an agreed historical account, Crown acknowledgement, and apology; • the recognition of Taranaki Maunga as a legal person, Te Kāhui Tupua; • renaming the national park to Te Papa-Kura-o-Taranaki, and vesting the land and some minerals in Te Kāhui Tupua; • cultural redress; • a one off \$35 million contribution to Ngā Iwi o Taranaki's governance entity. <p>Te Pire gives effect to the redress package, and associated matters.</p>
Impact Analysis	Not required.
Financial Implications	None from this paper.
Compliance	A Departmental Disclosure Statement is attached .

Timing Matters	Introduced: as soon as possible;
	Referred: to the Māori Affairs Committee of the 54 th Parliament;
	Enacted: by the end of 2024.
Communications	None indicated.
Consultation	Paper prepared by Te Arawhiti and DOC. MCH, MBIE (Energy and Resources), PCO, MfE, the Treasury, DIA, LINZ, TPK, and IRD were consulted.
	The Minister indicates that LEG ministers were consulted.

The Minister for Treaty of Waitangi Negotiations and Minister of Conservation recommend that Cabinet:

- 1 note that Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill (Te Pire) has a priority 4 (to be introduced before the 2023 General Election) status in the 2023 Legislation Programme;
- 2 note that Te Ruruku Pūtakerongo/the Taranaki Maunga collective redress deed has been ratified by members of Ngā Iwi o Taranaki;
- 3 note that Te Pire gives effect to aspects of Te Ruruku Pūtakerongo/the Taranaki Maunga Collective Redress Deed, signed on 1 September 2023;
- 4 note that Ngā Iwi o Taranaki supports the introduction of Te Pire into the House;
- 5 approve Te Pire Whakatupua mō Te Kāhui Tupua/the Taranaki Maunga Collective Redress Bill [PCO 20383/4.2] for introduction on the first available date after this decision;
- 6 agree that the government propose Te Pire be:
 - 6.1 referred to the Māori Affairs Committee of the 54th Parliament, or another relevant committee nominated by the Minister, for consideration; and
 - 6.2 enacted, if possible, by the end of 2024.

Sam Moffett
for Secretary of the Cabinet

Hard-copy distribution:
The Cabinet



Cabinet

Minute of Decision

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Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill: Approval for Introduction

Portfolios Treaty of Waitangi Negotiations / Conservation

On 4 September 2023, Cabinet:

- 1 **noted** that Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill (Te Pire) has a priority 4 (to be introduced before the 2023 General Election) status in the 2023 Legislation Programme;
- 2 **noted** that Te Ruruku Pūtakerongo/the Taranaki Maunga collective redress deed has been ratified by members of Ngā Iwi o Taranaki;
- 3 **noted** that Te Pire gives effect to aspects of Te Ruruku Pūtakerongo/the Taranaki Maunga Collective Redress Deed, signed on 1 September 2023;
- 4 **noted** that Ngā Iwi o Taranaki supports the introduction of Te Pire into the House;
- 5 **approved** Te Pire Whakatupua mō Te Kāhui Tupua/the Taranaki Maunga Collective Redress Bill [PCO 20383/4.2] for introduction on the first available date after this decision;
- 6 **agreed** that the government propose that Te Pire be:
 - 6.1 referred to the Māori Affairs Committee of the 54th Parliament, or another relevant committee nominated by the Minister, for consideration; and
 - 6.2 enacted, if possible, by the end of 2024.

Rachel Hayward
Secretary of the Cabinet