

Te Kāhui Whakatau (Treaty Settlements)

12 Month Progress Report 1 July 2018 – 30 June 2019

www.govt.nz/organisations/te-kahui-whakatau-treatysettlements/

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Overview

The Office for Māori Crown Relations – Te Arawhiti was established on1 January 2019. Te Arawhiti brings together several government business units, including Te Kāhui Hīkina (Māori Crown Relations), Te Kāhui Whakamana (Settlement Commitments), Te Kāhui Takutai Moana (Marine and Coastal Area), and Te Kāhui Whakatau (Treaty Settlements) (formerly the Office of Treaty Settlements).

This report brings together information on the key outputs of Te Kāhui Whakatau (Treaty Settlements) for the 12 month period ending 30 June 2019.

Te Kāhui Whakatau (Treaty Settlements) negotiates settlements of historical Treaty of Waitangi claims (claims relating to Crown acts and omissions prior to 21 September 1992) on behalf of the Crown. There are numerous claimant groups from around the country currently involved in negotiations with the Crown, or in pre-negotiation discussions. The map and tables on the following pages provide an overview of these.

Along with several other Government departments, Te Kāhui Whakatau (Treaty Settlements) has an ongoing role in the implementation of the settlements agreed to date. This includes transferring settlement properties, farms and forest land, putting agreed settlement instruments into effect and monitoring the Crown's compliance with obligations under the deeds of settlement.

Properties surplus to Crown requirements are available as potential redress in Treaty Settlements. Land Information New Zealand manages this property portfolio. Properties that are not used for settlement purposes are sold on the open market once the relevant settlements have been agreed. For more information, please refer to the following website: www.linz.govt.nz/treaty-settlements-landbank-protection-mechanism

Te Kāhui Takutai Moana (Marine and Coastal Area) has the responsibility for the implementation and administration of the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) which came into force on 1 April 2011. Te Kāhui Takutai Moana (Marine and Coastal Area) engages with applicant groups under the Act for recognition agreements and supports the Crown Law Office with representation of the Crown in applications to the High Court for recognition orders under the Act.

Applications for recognition of customary interests under the Act closed on 3 April 2017. Te Kāhui Takutai Moana (Marine and Coastal Area) received 385 applications.

As well as providing a statutory framework for determining whether customary rights exist in the common marine and coastal area, the Act also provides for the legal arrangements and the general management of the area. This includes roads, minerals, structures, access, navigation and recreation rights, and reclaimed land.

For current information on applications under the Marine and Coastal Area (Takutai Moana) Act 2011, please refer to the following website:

https://tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/

Progress of Settlements

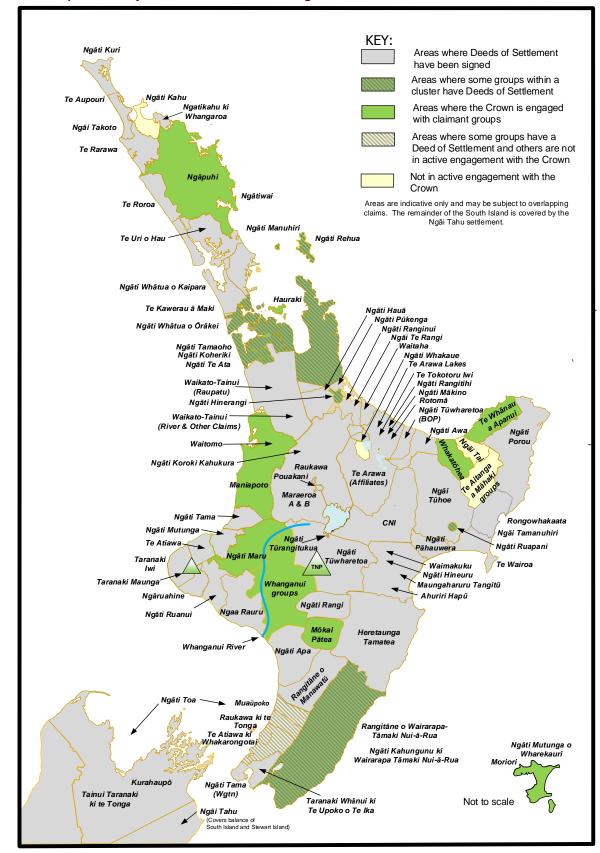
10 significant milestones were reached with claimant groups in the 12 month period ending 30 June 2019.

| Group | Milestone | Date |
|-------------------------|-------------------------------|------------|
| Ngāti Tamaoho | Legislation enacted | 5/07/2018 |
| Marutūāhu Collective | Deed of settlement initialled | 28/07/2018 |
| Te Wairoa | Legislation enacted | 6/09/2018 |
| Te Patukirikiri | Deed of settlement signed | 7/10/2018 |
| Te Korowai o Wainuiārua | Agreement in principle signed | 23/11/2018 |
| Ngāti Tūwharetoa | Legislation enacted | 13/12/2018 |
| Ngāti Hinerangi | Deed of settlement initialled | 14/12/2018 |
| Ngāti Rangitihi | Agreement in principle signed | 22/12/2018 |
| Ngāti Hinerangi | Deed of settlement signed | 4/05/2019 |
| Te Whānau a Apanui | Agreement in principle signed | 28/06/2019 |

Progress Map

The map below provides an overview of the areas where Treaty settlements have been completed and areas currently subject to negotiations or preparing for negotiations.

FIGURE 1: Completed Treaty Settlements and Current Negotiation



Claimant Group Status Summary by Stages in the Negotiation Process

The following table indicates the progress and status of claimant groups in negotiations. It includes settlements that have been implemented. The table is broken down into regional groupings.

| GROUP | Mandate recognised by Crown | Terms of Negotiation | Agreement in Principle signed | Deed of Settlement signed | Enacted through legislation | Negotiation status |
|--|-----------------------------------|-------------------------|-------------------------------------|---------------------------------|-----------------------------------|---|
| Te Taitokerau | | | | | | |
| Te Uri o Hau | | | | | | Legislation for this settlement was passed on 17 October 2002 |
| Te Roroa | | | | | | Legislation for this settlement was passed on 25 September 2008 |
| Te Rarawa | | | | | | Legislation for this settlement was passed on 9 September 2015 |
| Te Aupōuri | | | | | | Legislation for this settlement was passed on 9 September 2015 |
| NgāiTakoto | | | | | | Legislation for this settlement was passed on 9 September 2015 |
| Ngāti Kuri | | | | | | Legislation for this settlement was passed on 9 September 2015 |
| Ngāti Kahu | | | | | | A collective Agreement in Principle for Te Hiku iwi was signed on 16 January 2010 |
| Ngāpuhi | | | | | | Terms of Negotiation were signed on 22 May 2015 |
| Ngatikahu ki Whangaroa | | | | | | Legislation for this settlement was passed on 16 August 2017 |
| Ngātiwai | | | | | | A Deed of Mandate was recognised by the Crown on 21 October 2015 |
| Tāmaki Makaurau | | | | | | |
| Ngāti Whātua Ōrākei | | | | | | Legislation for this settlement was passed on 19 November 2012 |
| Ngāti Whātua o Kaipara | | | | | | Legislation for this settlement was passed on 6 June 2013 |
| Te Kawerau ā Maki | | | | | | Legislation for this settlement was passed on 9 September 2015 |
| Ngāti Manuhiri | | | | | | Legislation for this settlement was passed on 19 November 2012 |
| Ngāti Rehua-Ngātiwai ki Aotea | | | | | | A Deed of Settlement was initialled on 19 December 2016 |
| Tāmaki Collective | | | | | | Legislation for this settlement was passed on 24 July 2014 |
| Ngāti Tamaoho | | | | | | Legislation for this settlement was passed on 5 July 2018 |
| Ngāti Koheriki | | | | | | Terms of Negotiation were signed on 6 June 2013 |
| Ngāti Te Ata | | | | | | Terms of Negotiation were signed on 29 June 2011 |
| Te Ākitai Waiohua | | | | | | An Agreement in Principle was signed on 16 December 2016 |
| Ngāti Whātua remaining and Kaipara Harbour | | | | | | An Agreement in Principle was signed on 18 August 2017 |

| Hauraki | | |
|---------------------------------------|------|---|
| Hauraki Collective | | A Deed of Settlement was initialled on 22 December 2016 |
| Marutūāhu Collective | | A Record of Agreement was signed on 17 May 2013 |
| Ngāi Tai ki Tāmaki | | Legislation for this settlement was passed on 28 June 2018 |
| Ngāti Rahiri Tumutumu | | A Deed of Settlement was initialled on 13 July 2017 |
| Hako | | An Agreement in Principle was signed on 22 July 2011 |
| Ngāti Hei | | A Deed of Settlement was signed on 17 August 2017 |
| Ngāti Paoa | | A Deed of Settlement was initialled on 18 August 2017 |
| Ngāti Porou ki Harataunga ki Mataora | | An Agreement in Principle was signed on 22 July 2011 |
| Ngāti Tara Tokanui | | A Deed of Settlement was initialled on 1 June 2017 |
| Ngaati Whanaunga | | A Deed of Settlement was initialled on 25 August 2017 |
| Te Patukirikiri | | A Deed of Settlement was signed on 7 October 2018 |
| Ngāti Tamaterā | | A Deed of Settlement was initialled on 8 September 2017 |
| Ngāti Maru (Hauraki) | | A Deed of Settlement was initialled on 8 September 2017 |
| Waikato | | |
| Waikato-Tainui (Raupatu Claim) | | Legislation for this settlement was passed on 3 November 1995 |
| Waikato-Tainui (River interests) | | Legislation for this settlement was passed on 6 May 2010 |
| Raukawa (River interests) | | Legislation for this settlement was passed on 21 October 2010 |
| Te Arawa Affiliates (River interests) | | Legislation for this settlement was passed on 21 October 2010 |
| Ngāti Tūwharetoa (River interests) | | Legislation for this settlement was passed on 21 October 2010 |
| Ngāti Maniapoto (River interests) | | Legislation for this settlement was passed on 28 March 2012 |
| Maniapoto | | An Agreement in Principle was signed on 15 August 2017 |
| Raukawa (Comprehensive) | | Legislation for this settlement was passed on 12 March 2014 |
| Ngāti Koroki Kahukura | | Legislation for this settlement was passed on 10 December 2014 |
| Ngāti Hauā | | Legislation for this settlement was passed on 10 December 2014 |
| Maraeroa A and B Blocks (Rereahu) | | Legislation for this settlement was passed on 31 July 2012 |
| Ngāti Hinerangi | | A Deed of Settlement was signed on 4 March 2019 |
| Te Moana a Toi | | |
| Ngāti Tūwharetoa (Bay of Plenty) | | Legislation for this settlement was passed on 23 May 2005 |
| Ngāti Awa | | Legislation for this settlement was passed on 24 March 2005 |
| Ngāti Ranginui | | Legislation for this settlement was introduced on 30 October 2015 |
| Ngāti Pūkenga | | Legislation for this settlement was passed on 10 August 2017 |
| Ngāi Te Rangi | | Legislation for this settlement was introduced on 2 May 2016 |
| Tauranga Moana Iwi Collective | | Legislation for this settlement was introduced on 30 October 2015 |
| Ngāitai (ki Tōrere) | | A Deed of Mandate was recognised by the Crown on 4 June 2014 |
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| Ahuriri HapūImage: Constraint of the set | Maungaharuru Tangitū Hapū | | Legislation for this settlement was passed on 9 April 2014 |
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| Rangitāne o Wairarapa-Tāmaki Nui ā Rua Image: Comparison of the settlement was passed on 10 August 2017 Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Image: Comparison of the settlement was initialled on 22 March 2018 | Ngāti Kahungunu ki Heretaunga Tamatea | | Legislation for this settlement was passed on 21 June 2018 |
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| | Rangitāne o Wairarapa-Tāmaki Nui ā Rua | | Legislation for this settlement was passed on 10 August 2017 |
| Hawkes Bay Regional Planning Committee Bill Legislation was passed on 12 August 2015 | Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua | | A Deed of Settlement was initialled on 22 March 2018 |
| | Hawkes Bay Regional Planning Committee Bill | | Legislation was passed on 12 August 2015 |

| Te Tai Hauāuru | |
|--------------------------------------|--|
| Ngāti Ruanui | Legislation for this settlement was passed on 5 May 2003 |
| Ngāti Tama | Legislation for this settlement was passed on 25 November 2003 |
| Ngaa Rauru Kiitahi | Legislation for this settlement was passed on 27 June 2005 |
| Ngāti Mutunga | Legislation for this settlement was passed on 21 November 2006 |
| Ngāti Apa (North Island) | Legislation for this settlement was passed on 9 December 2010 |
| Te Iwi o Whanganui (River Claim) | Legislation for this settlement was enacted on 15 March 2017 |
| Rangitāne o Manawatū | Legislation for this settlement was passed on 7 December 2016 |
| Te Ātiawa (Taranaki) | Legislation for this settlement was passed on 30 November 2016 |
| Ngāruahine | Legislation for this settlement was passed on 30 November 2016 |
| Taranaki lwi | Legislation for this settlement was passed on 30 November 2016 |
| Ngāti Rangi | Legislation for this settlement was introduced on 21 June 2018 |
| Ngāti Maru | An Agreement in Principle was signed on 20 December 2017 |
| Te Korowai o Wainuiārua | An Agreement in Principle was signed on 23 November 2018 |
| Taranaki Maunga | A Record of Understanding was signed on 20 December 2017 |
| Whanganui iwi – Ngāti Hāua | Terms of Negotiation were signed on 24 July 2017 |
| Whanganui Lands – Southern Groups | Terms of Negotiation were signed on 24 July 2017 |
| Te Whanganui ā Tara / Te Waipounamu | |
| Ngāi Tahu | Legislation for this settlement was passed on 1 October 1998 |
| Taranaki Whānui ki Te Upoko o Te Ika | Legislation for this settlement was passed on 30 July 2009 |
| Миайроко | Terms of Negotiation were signed on 14 December 2013 |
| Ngāti Kuia | Legislation for this settlement was passed on 17 April 2014 |
| Ngāti Apa ki te Rā Tō | Legislation for this settlement was passed on 17 April 2014 |
| Rangitāne o Wairau | Legislation for this settlement was passed on 17 April 2014 |
| Ngāti Toa Rangātira | Legislation for this settlement was passed on 17 April 2014 |
| Ngāti Kōata | Legislation for this settlement was passed on 17 April 2014 |
| Te Ātiawa o Te Waka-ā-Maui | Legislation for this settlement was passed on 17 April 2014 |
| Ngāti Rārua | Legislation for this settlement was passed on 17 April 2014 |
| Ngāti Tama ki Te Tau Ihu | Legislation for this settlement was passed on 17 April 2014 |
| Ngāti Tama (Wellington) | Terms of Negotiation were signed on 28 March 2014 |
| Moriori | An Agreement in Principle was signed on 16 August 2017 |
| Ngāti Mutunga o Wharekauri | Terms of Negotiation were signed on 16 March 2015 |

Claimant Funding

In 1997 the government amended its policy so that claimant funding was paid separately from negotiated settlement redress. For settlements prior to this, claimant funding was deducted from the negotiated settlement redress. The amount of money paid as claimant funding differs for each group depending on the stage they have reached in the negotiation process, the size of the claimant group, and the complexity of the issues negotiated.

From 1 January 1996 to 30 June 2019 \$95.374 million was paid in various types of claimant funding. In the 12 months ending 30 June 2019 \$6.273 million was paid as claimant funding.

Note: These figures do not include some payments made to Te Ariki, Te Whanganui a Orotū, Tūhourangi, Waimakuku, Waiwhetu and Ngāti Rangatahi (totalling \$100,103). Additional payments, including ex gratia/one-off payments, have been made from specific appropriations.

Spending by Appropriation

For the 12 months ending 30 June 2019, Te Kāhui Whakatau (Treaty Settlements) spent \$32.679 million against a departmental budget of \$36.055 million. The following table details what this appropriation is spent on.

| APPROPRIATION | COMMENTS |
|---|--|
| Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act \$36.055 million | This appropriation includes: provision of advice to support decision making by Ministers on government policy matters relating to Treaty Negotiations and the Marine and Coastal Area (Takutai Moana) Act 2011; costs relating to Crown representation in the Waitangi Tribunal and in the Courts on matters concerning Treaty claims; costs relating to the negotiation and implementation of historical Treaty claims and the administration and implementation of the Marine and Coastal Area (Takutai Moana) Act 2011. Actual expenditure in this appropriation to 30 June 2019 was \$32.679 million against a budget of \$36.055 million. |

Property Portfolio Information

Te Kāhui Whakatau (Treaty Settlements) operates a mechanism to protect surplus Crown, District Health Board and Crown Research Institute land for potential use in settling historical Treaty of Waitangi claims. When the land is declared surplus, Maori are invited to express an interest in the Crown purchasing the surplus land. If the Crown agrees that the property meets the protection mechanism criteria, it will be purchased and held in a regional landbank until a Treaty settlement is signed.

Properties held in the Treaty Settlements Landbank are managed and maintained by Land Information New Zealand. Details of the protection mechanism process and a list of properties held in Regional Landbanks is contained on the following website:

www.linz.govt.nz/treaty-settlements-landbank-protection-mechanism

In the 12 month period ending 30 June 2019, 24 properties were purchased for potential use in historical Treaty settlements, five properties were disposed and one property was part disposed of, leaving the total value of the property portfolio (by acquisition value) at \$225.371 million (excluding GST) or \$234.081 million (including GST). The current market value of the property portfolio as reported in the Crown financial statements at 30 June 2019 is \$479.341 million excluding GST (net book value).