

# 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: <a href="https://www.linz.govt.nz/treaty-settlements-landbank-protection-mechanism">www.linz.govt.nz/treaty-settlements-landbank-protection-mechanism</a>

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**

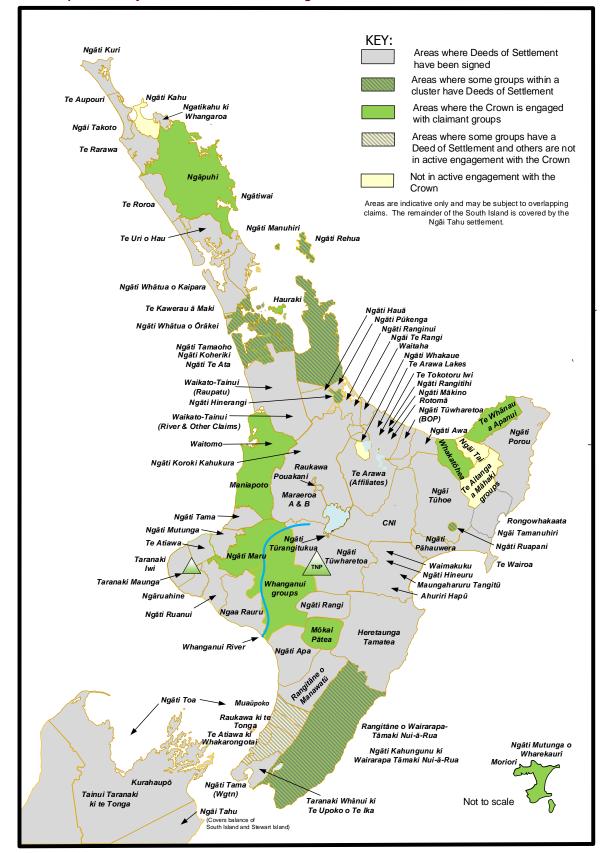
10 significant milestones were reached with claimant groups in the 12 month period ending 30 June 2019.

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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	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	<ul> <li>This appropriation includes:</li> <li>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;</li> <li>costs relating to Crown representation in the Waitangi Tribunal and in the Courts on matters concerning Treaty claims;</li> <li>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.</li> <li>Actual expenditure in this appropriation to 30 June 2019 was \$32.679 million against a budget of \$36.055 million.</li> </ul>

## **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).