

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

Proactive release – Taranaki Maunga: Increasing the Crown Contribution to Resourcing

Date of issue: 26 May 2023

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

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1	Taranaki Maunga Negotiation: Increasing the Crown Contribution to Resourcing <i>Cabinet paper</i> Office of the Minister for Treaty of Waitangi Negotiations <i>6 August 2020</i>	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none">• section 9(2)(h) – maintain legal professional privilege; and• section 9(2)(j) – negotiations sensitive.
2	Taranaki Maunga Negotiation: Increasing the Crown Contribution to Resourcing <i>Cabinet minute CAB-20-MIN-0384</i> Cabinet Office <i>Meeting date: 10 August 2020</i>	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none">• section 9(2)(h) – maintain legal professional privilege; and• section 9(2)(j) – negotiations sensitive.

In Confidence

Office of the Minister for Treaty of Waitangi Negotiations

Chair, Cabinet Business Committee

TARANAKI MAUNGA NEGOTIATION: INCREASING THE CROWN CONTRIBUTION TO RESOURCING

Proposal

- 1 This paper seeks agreement to reallocate [REDACTED] to increase the Crown contribution to resourcing the Taranaki Maunga negotiated arrangements. The proposal in this paper is to be funded from a tagged contingency previously established for funding relativity mechanism implications on Taranaki Maunga Cultural Redress, which is no longer required for that purpose. s9(2)(j)

Background

- 2 Ngā Iwi o Taranaki, the 8 iwi of Taranaki, began collective negotiations over Taranaki Maunga (Egmont National Park) in March 2017.
- 3 The Taranaki Maunga negotiation is the first of three remaining North Island national park negotiations, with Tongariro and Whanganui National Parks (expected to commence in 2021).

Previous Cabinet decisions and Crown offer

- 4 Cabinet agreed to a cultural redress package in March 2020, including the establishment of a legal personality, vesting the national park land in the legal personality, a joint Crown/iwi governance entity to be the face and voice of the legal personality and decision-making and consultative roles in governance of the national park for the joint governance entity and the iwi [CAB-20-MIN-0120 refers].
- 5 The redress package does not include financial and commercial redress over Egmont National Park, as these were provided to individual Taranaki iwi through their comprehensive settlements, but does include a proposal for a Crown contribution to resourcing the negotiated arrangements. Cabinet agreed a Crown contribution of up to [REDACTED] [CAB-20-MIN-0120 refers]. s9(2)(j)
- 6 [REDACTED] was set aside in Budget 2020 for the Crown contribution and [REDACTED] [CAB-20-MIN-0155.35 refers]. s9(2)(j)
- 7 Ngā Iwi o Taranaki received the Crown offer of cultural redress on 16 April 2020 from the Minister for Treaty of Waitangi Negotiations and the Minister of Conservation. They received the offer of a Crown contribution to resourcing the negotiated arrangements on 20 April 2020 from the Chief Crown Negotiator. The initial resourcing offer was [REDACTED] in total. s9(2)(j)

Ngā Iwi o Taranaki response to the Crown offer and subsequent discussions

8 In discussions with the Minister for Treaty of Waitangi Negotiations, the Ngā Iwi o Taranaki lead negotiator rejected the initial Crown resourcing offer of **s9(2)(j)** [REDACTED] and [REDACTED], the upper limit approved by Cabinet for a Crown contribution to the negotiated arrangements.

9 Ngā Iwi o Taranaki provided a letter in response to the offers on 29 June 2020. Ngā Iwi o Taranaki confirmed that there were no substantive issues remaining in relation to the redress package, except for the Crown resourcing offer which had fallen well short of their expectations, particularly the **s9(2)(j)** [REDACTED] allocated to support the iwi collective Post Agreement Governance Entity. They view this component of the offer as “an insult” considering that “it fails to provide intergenerational stability” and “limits our ability to ensure these arrangements are, as intended, world class.”

10 Ngā Iwi o Taranaki responded that a total offer of [REDACTED] would be accepted. **s9(2)(j)**

Oral item at Cabinet

11 On Monday 20 July 2020, I brought an oral item to Cabinet seeking guidance on a response to Ngā Iwi o Taranaki’s counter-offer to the Crown offer of resourcing the Taranaki Maunga negotiated arrangements.

12 Informed by the discussion at Cabinet, I now propose to increase the Crown resourcing contribution by [REDACTED] to a total of [REDACTED]. **s9(2)(j)**

[REDACTED] **s9(2)(h)**

13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

14 [REDACTED]
[REDACTED]
[REDACTED]

15 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

s9(2)(h)

Increasing the Crown contribution to resourcing

17 I seek Cabinet agreement to increase the Crown contribution to the negotiated arrangements by [REDACTED]. [REDACTED] s9(2)(j)

[REDACTED]
[REDACTED]
[REDACTED]. This would take the total Crown contribution to resourcing the negotiated arrangements offered to [REDACTED].

s9(2)(j)

18 I also seek Cabinet delegated authority to make any final decisions about the allocation of the Crown contribution between the three categories proposed by Ngā Iwi o Taranaki (supporting the iwi's Post Agreement Governance Entity to deliver its statutory functions, iwi reconnection to Taranaki Maunga, and the health and wellbeing of the legal personality), in consultation with the Minister of Finance and the Minister of Conservation, prior to initialling the Collective Redress Deed.

19 Additional resourcing would be used to secure ongoing successful implementation of the arrangements. Ngā Iwi o Taranaki consider that if individual iwi were required to fund the arrangements, it would amplify the disparity between earlier and later settled iwi in terms of the relative size of their financial redress from the Crown and current financial resources. Additional resourcing also has the potential to improve conservation and cultural outcomes in the national park and the region more widely. The Crown contribution is a one-off payment. No ongoing contribution to Ngā Iwi o Taranaki is intended.

20 The revised offer would be presented as a best and final offer of resourcing. The Ngā Iwi o Taranaki Lead negotiator has indicated that [REDACTED] is s9(2)(j) likely to be rejected as the negotiators would be unwilling to take that figure to the claimant community for ratification. However, I consider it is important to make a best and final Crown offer to Ngā Iwi o Taranaki so that they can make a formal decision about whether to proceed in negotiations at this time. If they decline the offer, negotiations would be paused.

21 The final Crown contribution to resourcing the negotiated arrangements will have precedent implications for negotiating arrangements over the remaining North Island national parks (Tongariro and Whanganui) as well as future collective arrangements over harbours and other natural resources.

Financial Implications

s9(2)(j)

22 [REDACTED]
[REDACTED]
[REDACTED]

23 [REDACTED]
[REDACTED]
[REDACTED]

s9(2)(j)

[REDACTED]

24

[REDACTED]

25

[REDACTED]

26

[REDACTED]

27

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

s9(2)(j)

28

Subject to Cabinet's agreement to this proposal, a total of [REDACTED] will be charged against the Vote Treaty Negotiations Non-Departmental Other Expense appropriation: Specific Redress Arrangements when the deed is initialled.

s9(2)(j)

29

[REDACTED]

30 In addition, Cabinet noted the following financial implications of the Taranaki Maunga arrangements:

30.1 estimated implementation operating costs incurred by the Department of Conservation over the first five years in the range of [REDACTED], with ongoing costs above business as usual estimated to be in the range of [REDACTED] per annum; and

s9(2)(j)

30.2 the Crown will forgo a revenue stream of [REDACTED] per annum from 2021/22 relating to free use by Ngā Iwi o Taranaki of Department of Conservation administered bookable accommodation in the national park [CAB-20-MIN-0120 refers].

s9(2)(j)

Legislative Implications

31 There are no legislative implications arising from this proposal

Consultation

32 The Treasury and the Department of Conservation have been consulted on this paper.

33 The Department of the Prime Minister and Cabinet was informed.

Proactive Release

34 We intend to defer the proactive release of this paper until after the Collective Redress Deed has been initialled, as all the content will remain negotiations sensitive until that time. Due to the potential timing of the initialling, the proactive release will not occur within 30 business days of Cabinet approval.

Next steps

35 If Cabinet approves the proposed reallocation of funding, I will make the revised best and final offer of [REDACTED] to Ngā Iwi o Taranaki. If they accept the offer the Crown and Ngā Iwi o Taranaki will progress towards initialling a Collective Redress Deed. Ngā Iwi o Taranaki and the Crown had been working towards initialling in September 2020 but, due to the resourcing discussion, a reasonable expectation for initialling is now November 2020.

s9(2)(j)

36 Cabinet also authorised portfolio ministers to:

36.1 explore tax exemptions for the legal personality and the iwi Post Agreement Governance Entity; and

36.2 confirm the final accounting decisions relating to the vesting of national park land [CAB-20-MIN-0120 refers].

37 These decisions will be made before initialling a Collective Redress Deed.

s9(2)(j)

38 [REDACTED]

s9(2)(j)

[REDACTED]

Recommendations

The Minister for Treaty of Waitangi Negotiations recommends that the Committee:

- 1 **note** that in March 2020, Cabinet agreed to a redress package for Taranaki Maunga [CAB-20-MIN-0120 refers];
- 2 **note** that the redress package included a Crown contribution to resourcing the negotiated arrangements of up to [REDACTED]; s9(2)(j)
- 3 **note** that funding to meet the cost of the Crown contribution described in recommendation 2 above was provided in Budget 2020 [CAB-20-MIN-0155.35 refers];

s9(2)(j)

- 4 [REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

- 5 **note** that Ngā Iwi o Taranaki have accepted the cultural redress package, except for the Crown contribution to resourcing the negotiated arrangements;
- 6 **note** that Ngā Iwi o Taranaki wrote to me advising that they would accept an offer of [REDACTED]; s9(2)(j)
- 7 **note** that the Minister for Treaty of Waitangi Negotiations, based on the guidance of Cabinet, has decided to seek a [REDACTED] increase in the Crown contribution to resourcing the negotiated arrangements; s9(2)(j)
- 8 **agree** to increase the Crown contribution to resourcing the Taranaki Maunga negotiated arrangements by [REDACTED] to [REDACTED]; s9(2)(j)
- 9 **note** that [REDACTED]; s9(2)(h)

10 **note** that [REDACTED] s9(2)(h);
[REDACTED];

11 **agree** that [REDACTED] s9(2)(h);

12 **agree** to [REDACTED] s9(2)(j);

13 **approve** the following changes to appropriations to provide for the decision in recommendation 8 above, with a corresponding impact on the operating balance and net core Crown debt:

[REDACTED]

s9(2)(j)

14 **agree** that the proposed changes to appropriations for 2020/21 above be included in the 2020/21 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply;

15 **agree** that the expenses incurred under recommendation 13 above be charged against the Taranaki Maunga Collective Cultural Redress Funding tagged operating contingency described at recommendation 4 above;

16 **note** the total cost of the Taranaki Maunga negotiations is estimated at:

[REDACTED]	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

s9(2)(j)

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

s9(2)(j)

- 17 **note** that if Cabinet approves the proposed re-allocation the Minister for Treaty of Waitangi Negotiations will make the revised best and final offer of [REDACTED] to Ngā Iwi o Taranaki; and
- 18 **authorise** the Minister for Treaty of Waitangi Negotiations to make any final decisions about the allocation of the Crown contribution between the three categories proposed by Ngā Iwi o Taranaki (supporting the iwi's Post Agreement Governance Entity to deliver its statutory functions, iwi reconnection to Taranaki Maunga, and the health and wellbeing of the legal personality), in consultation with the Minister of Finance and the Minister of Conservation, prior to initialling the Collective Redress Deed.

Authorised for lodgement

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS



Cabinet

Minute of Decision

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.

Taranaki Maunga: Increasing the Crown Contribution to Resourcing

Portfolio Treaty of Waitangi Negotiations

On 10 August 2020, Cabinet:

1 noted that in March 2020, Cabinet agreed to a redress package for Taranaki Maunga, which included a Crown contribution to resourcing the negotiated arrangements of up to [REDACTED] [DEV-20-MIN-0054]; s9(2)(j)

2 noted that in Budget 2020, Cabinet agreed to [REDACTED] for the Crown contribution and [REDACTED] [CAB-20-MIN-0155.35]; s9(2)(j)

3 noted that in Budget 2020, Cabinet also agreed to establish the following tagged operating contingency, with the draw-down subject to advice from Crown Law [REDACTED] [CAB-20-MIN-0155.35]; s9(2)(j)

	\$m – increase/(decrease)			
	2020/21	2021/22	2022/23	2023/24 & Outyears
Taranaki Maunga Collective Cultural Redress Funding – Tagged Operating Contingency	[REDACTED]	-	-	-

4 noted that Ngā Iwi o Taranaki have accepted the redress package referred to in paragraph 1 above, except for the Crown contribution to resourcing the negotiated arrangements;

5 noted that Ngā Iwi o Taranaki wrote to the Minister for Treaty of Waitangi Negotiations (the Minister) advising that they would accept an offer of [REDACTED]; s9(2)(j)

6 noted that in July 2020, via an oral item, the Minister sought Cabinet's guidance on responding to Ngā Iwi's counter-offer in paragraph 5 above;

7 noted that the Minister has decided that a [REDACTED] offer is appropriate and seeks a [REDACTED] increase in the Crown contribution to resourcing the negotiated arrangements; s9(2)(j)

8 agreed to increase the Crown contribution to resourcing the Taranaki Maunga negotiated arrangements by [REDACTED] to [REDACTED]; s9(2)(j)

9 [REDACTED] s9(2)(h)

10 [REDACTED]

11 agreed that, based on the advice in paragraphs 9 and 10 above, the *Taranaki Maunga Collective Cultural Redress Funding – Tagged Operating Contingency* noted in paragraph 3 above is no longer required;

12 agreed to reallocate the [REDACTED] set aside in the *Taranaki Maunga Collective Cultural Redress Funding – Tagged Operating Contingency* to meet the costs of the increase agreed in paragraph 8 above;

13 approved the following changes to appropriations to provide for the decision in paragraph 8 above, with a corresponding impact on the operating balance and net core Crown debt:

Vote Treaty Negotiations Minister for Treaty of Waitangi Negotiations	\$m – increase/(decrease)			
	2020/21	2021/22	2022/23	2023/24 & Outyears
Non-Departmental Other Expense: Specific Redress Arrangements	[REDACTED]	-	-	-

s9(2)(j)

14 agreed that the changes to appropriations for 2020/21 above be included in the 2020/21 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;

15 agreed that the expenses incurred under paragraph 13 above be charged against the *Taranaki Maunga Collective Cultural Redress Funding – Tagged Operating Contingency*;

16 noted that the total cost of the Taranaki Maunga negotiations is estimated at:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

s9(2)(j)

- 17 **noted** that the Minister intends to make a revised best and final offer of [REDACTED] to Ngā Iwi o Taranaki; **s9(2)(j)**
- 18 **authorised** the Minister, in consultation with the Minister of Finance and Minister of Conservation, to make any final decisions on the allocation of the Crown contribution between the three categories proposed by Ngā Iwi o Taranaki (supporting the iwi's Post Agreement Governance Entity to deliver its statutory functions, iwi reconnection to Taranaki Maunga, and the health and wellbeing of the legal personality), prior to initialling the Collective Redress Deed.

Michael Webster
Secretary of the Cabinet

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS