

## Hon Andrew Little

Minister for Treaty of Waitangi Negotiations

### Proactive release – Ngāti Hāua: Crown offer AND Ngāti Hāua: Te Pou Tikanga and conservation redress for Crown offer

Date of Issue: 5 December 2022

The following documents have 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.	<b>Ngāti Hāua: Crown offer</b> <i>Cabinet paper</i> Office of Māori Crown Relations: Te Arawhiti Committee 23/7/2020	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none"><li>• section 9(2)(j) to enable negotiations to continue</li><li>• section 9(2)(g)(i) to enable conduct of public affairs through the free and frank expression of opinions.</li></ul>
2.	<b>Ngāti Hāua: Crown offer</b> <i>Summary – MCR-20-SUB-0023</i> Cabinet Māori Crown Relations: Te Arawhiti Committee 29/7/2020	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none"><li>• section 9(2)(j) to enable negotiations to continue</li></ul>
3.	<b>Ngāti Hāua: Crown offer</b> <i>Minute of Decision – MCR-20-MIN-0023</i> Cabinet Māori Crown Relations: Te Arawhiti Committee	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none"><li>• section 9(2)(j) to enable negotiations to continue</li></ul>
4.	<b>Report of the Cabinet Māori Crown Relations: Te Arawhiti Committee</b> <i>General Minute – CAB-20-MIN-0368</i>	Some information has been withheld as it is outside the scope of this release.

	Cabinet Māori Crown Relations: Te Arawhiti Committee 29/7/2020	
5.	<b>Ngāti Hāua: Te Pou Tikanga and Conservation Redress for Crown Offer</b> <i>Cabinet Paper</i> Office of Māori Crown Relations: Te Arawhiti Committee 9/3/2022	Some information has been withheld as it is legally privileged and in accordance with the following section of the OIA: <ul style="list-style-type: none"> <li>• section 9(2)(j) to enable negotiations to continue</li> </ul>
6.	<b>Ngāti Hāua: Te Pou Tikanga and Conservation Redress for Crown Offer</b> <i>Summary – MCR-22-SUB-0004</i> Cabinet Māori Crown Relations: Te Arawhiti Committee 9/3/2022	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none"> <li>• section 9(2)(j) to enable negotiations to continue</li> </ul>
7.	<b>Ngāti Hāua: Te Pou Tikanga and Conservation Redress for Crown Offer</b> <i>Minute of Decision – MCR-22-SUB-0004</i> Cabinet Māori Crown Relations: Te Arawhiti Committee 23/3/2022	Some information has been withheld in accordance with the following section of the OIA: <ul style="list-style-type: none"> <li>• section 9(2)(j) to enable negotiations to continue</li> </ul>
8.	<b>Report of the Cabinet Māori Crown Relations: Te Arawhiti Committee</b> <i>General Minute – CAB-22-MIN-0064</i> Cabinet Māori Crown Relations: Te Arawhiti Committee 15/3/2022	Some information has been withheld as it is outside the scope of this release.

In Confidence

Office of the Minister for Treaty of Waitangi Negotiations

Chair, Cabinet Māori Crown Relations: Te Arawhiti Committee

## NGĀTI HĀUA: CROWN OFFER

### Proposal

- 1 This paper seeks Cabinet approval of a redress package to form the core of a Crown offer to Ngāti Hāua for the comprehensive settlement of their historical Treaty of Waitangi claims.
- 2 If agreed with Ngāti Hāua, the offer will be recorded in an agreement in principle between the Crown and Ngāti Hāua, to be signed in March 2021.

### Executive Summary

- 3 Ngāti Hāua are an iwi based in and around Taumarunui in the central North Island. They are one of the four Whanganui large natural groups (along with Ngāti Rangī, Te Korowai o Wainuiārua and Whanganui Land Settlement). Ngāti Hāua will be the last group to receive a Crown offer. If signed, an agreement in principle will represent a significant step towards concluding all negotiations in the Whanganui Region and beginning collective negotiations over both the Tongariro and Whanganui National Parks.
- 4 Ngāti Hāua settlement aspirations centre around their desire to rebuild and revitalise Ngāti Hāua as an iwi with a real and recognised presence across their whole area of interest. Their key focus areas in negotiations relate to establishing a strong economic base, meaningful conservation redress, social transformation for their people, and revitalisation of their culture.

### *Increase to total settlement value*

- 5 I seek Cabinet approval to increase the total settlement value for Ngāti Hāua s9(2)(j)

### *The settlement redress*

- 6 The proposed settlement package includes the following redress:
  - 6.1 Crown apology redress, including provisional headings for the Ngāti Hāua historical account, and a set of provisional Crown acknowledgements;
  - 6.2 commercial redress, including sale and leaseback arrangements over three Ministry of Education schools (land only), a right to purchase eleven Treaty Settlement Landbank properties, rights of first refusal over listed properties, and a commitment to explore other commercial redress including possible sale and leaseback arrangements over Taumarunui District Court, redress over land held for rail purposes, a Waikato District Health Board property, and Ruapehu District Council properties;

- 6.3 cultural redress over public conservation land, including the transfer of 14 sites unencumbered by reserve classification (totalling approximately 35 hectares (ha)), transfer of 32 sites subject to reserve classification (totalling approximately 232.84 ha), a range of standard statutory redress instruments including one overlay classification (area to be agreed), a right to fossick for specified Crown minerals, and commitments to explore redress over land held or administered by Ruapehu District Council where the Crown has a reversionary interest, possible sites for nohoanga (temporary camping) redress and possible sites where Ngāti Hāua may construct pou (markers of cultural significance); and
- 6.4 other cultural redress including cultural revitalisation funding of approximately s9(2)(j) (less the cost of cultural properties), four place name changes, relationship redress with core and non-core Crown agencies, and commitment for a one-off, post-settlement meeting with the Minister of Education, Minister of Social Development and the Minister for Children to discuss the Ngāti Hāua social transformation strategy.
- 7 I also seek Cabinet agreement to include a non-operative statement of Te Pou Tikanga (the Ngāti Hāua values) in the agreement in principle and deed of settlement.

*Next steps*

- 8 s9(2)(j)
- 9 To assist with concluding negotiations and reaching agreement in principle with Ngāti Hāua, I propose that Cabinet authorise me as Minister for Treaty of Waitangi Negotiations, and Ministers as relevant to their portfolio, to finalise or vary redress that does not increase the total value of the settlement, within the general parameters of the Treaty settlement framework. The redress package proposed in this paper may be amended, within delegated authority, following consideration of any agreements made to address the overlapping interests of Ngāti Hāua in other settlements.
- 10 Subject to Cabinet approval, I will instruct the Chief Crown Negotiator to make a Crown offer to Ngāti Hāua following finalisation of the package, as agreed by Cabinet and delegated Ministers (as needed). s9(2)(j)
- 11 s9(2)(j)

## Background

### Ngāti Hāua background

- 12 The Ngāti Hāua area of interest (AOI) covers approximately 830,000 hectares (ha) in the central North Island and is concentrated around Taumarunui and is entirely overlapped by neighbouring groups (a map is attached at **Appendix One**). According to the 2013 census, the population of Ngāti Hāua was 867. s9(2)(j)
- 13 Ngāti Hāua experienced warfare and loss of life at the hands of the Crown in both the 1840s and the 1860s and have endured extensive land loss caused by Crown purchasing and compulsory acquisition of land. Ngāti Hāua also carry a significant sense of grievance relating to the Crown's acts and omissions which have contributed to the socio-economic deprivation of Ngāti Hāua, including a loss of te reo Māori, tikanga and mātauranga (knowledge). These actions included the unfair labelling of Ngāti Hāua as 'rebels' by the Crown which has had negative intergenerational impacts on the transmission of their kōrero tuku iho (oral histories) and pride in their iwi.

### Regional approach to Whanganui settlements

- 14 The Crown settled all claims relating to the Whanganui River in the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. The land claims of iwi involved in that settlement were left to be negotiated separately and the Crown recognised four large natural groups for this purpose. These groups are all at different stages of the settlement process and Ngāti Hāua will be the last to sign an agreement in principle (AIP):

Table 1: Current stage in settlement process of Whanganui large natural groups		
Group	Current status	Next Milestone
Ngāti Rangī	Settled (2019)	
Te Korowai o Wainuiārua	Signed AIP (November 2018)	Initialling deed of settlement s9(2)(j)
Whanganui Land Settlement	Signed AIP (August 2019)	Initialling deed of settlement s9(2)(j)
Ngāti Hāua	Terms of Negotiation (July 2017)	Signing AIP s9(2)(j)

- 15 s9(2)(j)
- Of this, \$81.000 million was used to collectively settle the Whanganui River claims s9(2)(j)
- 16 s9(2)(j)

s9(2)(j)

17 s9(2)(j)

*Ngāti Hāua - negotiations background and strategy*

18 In June 2017, the Crown recognised the mandate of Ngāti Hāua Iwi Trust to represent Ngāti Hāua in settlement negotiations with the Crown. Terms of negotiation were signed in July 2017. An initial offer s9(2)(j) was made to Ngāti Hāua in May 2018.<sup>1</sup> s9(2)(j)

19 At the beginning of 2019, negotiations were refreshed with a new strategy, agreed with Ngāti Hāua, to develop the balance of the package (cultural, commercial, and Crown apology redress) before making a new quantum offer. s9(2)(j) To inform the new strategy, Ngāti Hāua and the Crown embarked on a series of engagements designed to reset the relationship and assist the Crown to better understand the historical grievances and contemporary needs of Ngāti Hāua.

20 Broadly speaking, the Ngāti Hāua settlement aspirations focus on rebuilding and reinvigorating Ngāti Hāua with a real and recognised presence across their whole AOI. They hope to achieve this by generating commercial opportunities, redress over public conservation land, social transformation for their people, and cultural revitalisation. Ngāti Hāua has provided the Crown with a detailed draft of their He Piko O Rauru (Māui) Framework which is designed to help them guide and measure their cultural and socio-economic development in accordance with the Ngāti Hāua values statement (Te Pou Tikanga).

21 s9(2)(j)

22 In the event of any changes being agreed to accommodate Ngāti Hāua aspirations between these decisions being made and the signing of the AIP, I propose that Cabinet authorise me as Minister for Treaty of Waitangi Negotiations and relevant portfolio Ministers to finalise or vary redress that does not increase the total value of the settlement, within the general parameters of the Treaty settlement framework, and in consultation with affected agencies.

**Decisions for Crown offer and agreement in principle**

23 The redress proposed for inclusion in a Crown offer to Ngāti Hāua is discussed below and set out in more detail in **Appendix Two**.

1 s9(2)(j)

*Crown apology redress*

24 The AIP will include a provisional set of Crown acknowledgements and agreed historical account headings. An agreed historical account, set of Crown acknowledgements, and a Crown apology will be developed prior to initialling a deed of settlement (DOS). No Cabinet decisions are required for this redress at this time.

*Increase to total settlement value sought*

25 I seek your approval to increase the regional quantum for the Whanganui Iwi land claims s9(2)(j) [redacted] comprised of:

25.1 s9(2)(j) [redacted]

25.2 s9(2)(j) [redacted]

25.3 s9(2)(j) [redacted]

26 s9(2)(j) [redacted]

27 s9(2)(j) [redacted]

28 s9(2)(j) [redacted]

2 s9(2)(j) [redacted]

29

s9(2)(j)

30

s9(2)(g)(i)

31

s9(2)(j)

32

s9(2)(j)

s9(2)(j)

*Commercial Redress*

33 I seek Cabinet agreement to offer Ngāti Hāua a commercial redress package, set out in detail in Table One of **Appendix Two**. The commercial redress package includes:

[1]

s9(2)(j)



- 33.1 the right to purchase three Ministry of Education schools (land only) within a deferred selection period of two years, under sale and leaseback arrangements;
- 33.2 the right to purchase s9(2)(i) Treaty Settlement Landbank properties, within a deferred selection period of three years; and
- 33.3 rights of first refusal over listed properties, should the Crown seek to dispose of them within a period of time equal to the length of time between the signing of the Treaty of Waitangi and initialling a DOS.
- 34 School site redress is subject to standard Ministry of Education policies providing for sale and leaseback redress. Operational considerations, such as shared school sites or some Board of Trustees house site issues, may mean a specific site can be available but would be subject to specific processes in the DOS (or lease). The policy settings providing for sale and leaseback redress are for the transfer of land only, with ownership of the improvements remaining unaffected by the transfer, and subject to the standard lease terms and conditions being agreed at least one month prior to initialling a DOS.
- 35 All commercial redress offers will be subject to Crown statutory obligations, including section 40 of the Public Works Act 1981, third party interests, overlapping interests being addressed to the satisfaction of the Crown and subject to negotiating mutually acceptable terms prior to initialling a DOS.

#### Commitments to explore other commercial redress

- 36 The necessary investigations are still ongoing for some of the properties that Ngāti Hāua have sought. Accordingly, I seek Cabinet agreement to continue to explore possible redress over further properties, as detailed in Table One of **Appendix Two**. Inclusion of specified redress, or commitments to explore redress over specified sites in the Crown offer will be subject to formal agreement by land holding agencies.
- 37 Ngāti Hāua also have strong connections to the land currently and previously held for rail purposes in their AOI. Ngāti Hāua and KiwiRail are working to agree possible redress that will help to address grievances that Ngāti Hāua have experienced because of land remaining in Crown ownership for rail purposes. I therefore seek Cabinet agreement to record a commitment to explore the following redress with KiwiRail:
- 37.1 the identification and possible vesting of any specific sites to Ngāti Hāua that are not subject to current and future operational requirements, and provided that any statutory clearances are obtained first and any interests in land are protected (i.e. easements for access); and
- 37.2 rights of first refusal over specific land held for rail purposes.

#### *Public Conservation Redress*

##### Transfer of public conservation land and other statutory instruments

- 38 Ngāti Hāua have approximately 355,000 ha of public conservation land within their AOI and they want their settlement to help revitalise their kaitiaki relationship with that land. The redress proposed below reflects Ngāti Hāua's aspiration to establish a 'footprint' for each of their hapū across their AOI and is within the current Crown parameters for Treaty settlements.
- 39 I seek Cabinet agreement to offer the following redress, set out in more detail in Table Two of **Appendix Two**:

- 39.1 the unencumbered transfer of [redacted] public conservation sites [redacted]
- 39.2 the transfer of [redacted] sites subject to reserve status [redacted]
- 39.3 an overlay classification over part of the Tongariro Conservation Area (area to be confirmed);
- 39.4 deeds of recognition and statutory acknowledgements over [redacted] sites [redacted]; and
- 39.5 statutory acknowledgements over a further [redacted] sites.
- 40 The sites proposed for unencumbered transfer would, if agreed, be transferred subject to existing third-party interests but without general public access or reserve classification being preserved. [redacted] s9(2)(j) [redacted]

Crown mineral fossicking rights on specified public conservation land

- 41 I seek Cabinet agreement to offer Ngāti Hāua a right to authorise the removal, by hand, of the six minerals detailed in Table Two of **Appendix Two** from specified areas on public conservation land within the Ngāti Hāua AOI.
- 42 Ngāti Hāua consider these minerals to be significant taonga and an essential part of their history and tikanga. Subject to Cabinet approval, the AIP will set out parameters for mineral fossicking/removal redress which will exclude Schedule 4 Crown Minerals Act land. I note that mineral fossicking/removal rights have been provided for in several Treaty settlements, including the Ngāti Rangi Claims Settlement Act 2019.

Recording Ngāti Hāua association with Tongariro and Whanganui National Parks and their aspirations

- 43 I seek Cabinet agreement to include a high-level statement in the Ngāti Hāua AIP outlining their association with the Tongariro and Whanganui National Parks and their aspirations. This statement will have no legal or operational effect and is similar to statements included in other groups' AIPs who have interests in National Parks.

Commitments to explore further redress over public conservation land

- 44 I seek Cabinet agreement to explore the following redress prior to initialling a DOS:
- 44.1 places for nohoanga (temporary camping) on public conservation land;
- 44.2 potential sites on public conservation land for the placement of pou (markers of cultural significance); and
- 44.3 additional redress over Crown owned or derived reserves that are administered by Ruapehu District Council, subject to the agreement of Ruapehu District Council, and the ongoing protection of conservation values, as detailed in Table Two of **Appendix Two**.
- 45 Ngāti Hāua have identified a number of potential sites for nohoanga and pou redress and further investigations are required to assess their suitability before they can be offered.

- 46 The Ruapehu District Council have confirmed their comfort with the proposal to include commitments to explore redress over the specified sites in the Crown offer to Ngāti Hāua.
- 47 All cultural redress offers over land will be subject to Crown statutory obligations, including section 40 of the Public Works Act 1981, third party interests, overlapping interests being addressed to the satisfaction of the Crown and subject to negotiating mutually acceptable terms prior to initialling a DOS.

*Crown contribution to Ngāti Hāua cultural revitalisation fund and for social transformation strategy*

- 48 Ngāti Hāua have sought a one-off payment, outside of their headline quantum figure, to allow them to lead their own cultural revitalisation initiatives. Their intention is to reinvigorate Ngāti Hāua identity and community including through projects aimed at revitalising language, cultural practices, and traditional storytelling. Ngāti Hāua may also want to draw on this funding to assist with the development of their social transformation strategy.
- 49 I seek Cabinet agreement to offer a one-off cultural redress payment to Ngāti Hāua within the total settlement value agreed by Cabinet, and delegated authority to determine the amount of that fund following valuations of the cultural redress properties and within the settlement value approved by Cabinet. [REDACTED] s9(2)(j)

*Place name changes*

- 50 I seek agreement to offer changes to four official geographic place names within the Ngāti Hāua AOI as set out in Table Two of **Appendix Two**. The New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa has approved the proposed changes.
- 51 Cabinet has already agreed to offer one of the place name changes as part of the Te Korowai o Wainuiārua settlement, from 'Lake Hawkes' to 'Lake Pohoare' [MCR-20-MIN-0015 refers]. The inclusion of this name change in the Te Korowai o Wainuiārua settlement, is to be provided as shared redress with Ngāti Hāua.

*Recognition of Te Pou Tikanga*

- 52 A set of values known as Te Pou Tikanga have been the central touchstone for Ngāti Hāua, their claimant community and the Ngāti Hāua-Crown engagement throughout negotiations. The values are set out in Table Two of **Appendix Two**.

53 [REDACTED] s9(2)(j)

54 [REDACTED] s9(2)(j) To date, negotiations with Ngāti Hāua have focused on reflecting Te Pou Tikanga in the AIP, DOS and social transformation relationship redress.

- 55 I seek Cabinet agreement to address this aspiration of Ngāti Hāua in the following ways:
- 55.1 include a non-operative statement of Te Pou Tikanga (i.e. those values will not be justiciable by iwi) in the AIP and DOS; and
- 55.2 include a statement in the AIP and DOS that the Crown acknowledges the importance of Te Pou Tikanga to Ngāti Hāua.

- 56 Agencies involved in the social transformation relationship redress (specified as social transformation agencies in Table Three of **Appendix Two**) have also agreed to an acknowledgement of Te Pou Tikanga to Ngāti Hāua in their respective relationship agreements and to consider, in good faith, how they can give life to the values through the development of relationship agreements.
- 57 If agreed, the inclusion of Te Pou Tikanga in the AIP and DOS will be non-operative and will not be required to be considered by any person exercising powers or functions under an Act. I will report back to Cabinet on the final arrangements relating to Te Pou Tikanga prior to initialling a DOS.

#### *Social Transformation Relationship Redress*

- 58 The Ngāti Hāua AOI has a score of between eight to ten on the 2013 Index of Deprivation, meaning they are based in one of the most deprived areas of New Zealand. As such, Ngāti Hāua have detailed aspirations for the social transformation of their people and are intending to develop a social transformation strategy to help them achieve their goals. They consider the Crown should play a key role in helping them to implement their strategy.

#### Social Transformation Relationship Instruments

- 59 I seek Cabinet agreement to include an offer to develop high-level relationship agreements with Ngāti Hāua which provide for Ngāti Hāua and specified social transformation agencies to find ways to collaborate on issues and initiatives of mutual priority, either bi-laterally or via a multi-agency taskforce approach where appropriate.
- 60 The list of the social transformation agencies who have agreed to negotiate this redress, and an outline of what the relationship agreements will cover, is set out in Table Three of **Appendix Two**. The redress will be noted in the AIP and developed in negotiations to DOS. As noted in paragraph [56] agencies have also agreed to acknowledge the importance of Te Pou Tikanga to Ngāti Hāua in their respective relationship agreements and will consider how they can give life to the values as they develop the relationship instruments.

#### One-off post-settlement ministerial hui to discuss social transformation strategy

- 61 I seek Cabinet agreement to offer a one-off post-settlement ministerial meeting with the Ministers of Education, Social Development, and Children to discuss the Ngāti Hāua social transformation strategy.

62 s9(2)(g)(i)

63 s9(2)(j)

64 s9(2)(j)

*Other Relationship Instruments*

- 65 I seek Cabinet agreement to offer the following four relationship instruments, detailed in Table Three of **Appendix Two**:
- 65.1 a minerals protocol with the Ministry of Business, Innovation and Employment;
  - 65.2 the Whakaaetanga Tiaki Taonga (a standard joint relationship instrument) with agencies from the cultural and heritage sector;
  - 65.3 a partnership framework with the Department of Conservation;
  - 65.4 a letter of recognition from the Director-General of the Ministry for Primary Industries and appointment as an advisory committee to the Minister of Fisheries in relation to Fisheries management; and
  - 65.5 a letter of introduction to the Ruapehu District Council.

Recording KiwiRail relationship commitments

- 66 Ngāti Hāua have sought a strong relationship with KiwiRail, as the entity responsible for a large portion of the land currently and previously held for rail purposes within their AOI. Ngāti Hāua and KiwiRail have committed to explore redress that addresses Ngāti Hāua aspirations to build a strong ongoing relationship with KiwiRail.
- 67 I seek Cabinet agreement to record the commitments set out in Table Three of **Appendix Two**, as agreed between KiwiRail and Ngāti Hāua, in the AIP.

Commitments to explore further relationship redress

- 68 It has become clear that further relationship instruments may be required to help Ngāti Hāua meet their aspirations in relation to cultural revitalisation; primarily in relation to revitalisation of their language, culture, marae, and relationship with the natural environment.
- 69 I seek Cabinet agreement to include commitments to explore the following relationship redress:
- 69.1 A relationship instrument with the Ministry for the Environment; and
  - 69.2 provision in the Ministry of Social Development relationship agreement to explore possible partnerships to support youth leadership and creative expression.
- 70 Discussions regarding relationship redress between Ngāti Hāua and other Crown and non-Crown entities and agencies are still ongoing. If agreement can be reached, I may use delegated authority to include commitments to explore further relationship instruments in the AIP.
- 71 The content of all relationship instruments will be developed by all parties involved prior to initialling a DOS and any commitments to explore redress may not result in any redress being offered. I note that relationship redress may also incorporate references to Te Pou Tikanga, the Ngāti Hāua values, if an agency agrees.
- 72 I will seek Cabinet agreement to any additional relationship instruments for inclusion in the DOS prior to initialling a DOS with Ngāti Hāua.

### Overlapping interests

- 73 The Crown offer to Ngāti Hāua will be subject to overlapping interest issues being addressed to the satisfaction of the Crown. This requirement is understood by Ngāti Hāua and will be specified in the AIP.
- 74 The Ngāti Hāua AOI is completely overlapped by the areas of interest of 10 groups, of whom:
- 74.1 five are settled: Ngāti Tama (2001), Ngāti Mutunga (Taranaki) (2003), Raukawa (2014), Ngāti Tūwharetoa (2018), and Ngāti Rangī (2019);
- 74.2 four are in settlement negotiations: Maniapoto (AIP in August 2017), Te Korowai o Wainuiārua (AIP in November 2018), Whanganui Land Settlement (AIP in August 2019), Ngāti Maru (Taranaki) (initialled DOS expected in August 2020); and
- 74.3 Mōkai Pātea who are yet to be mandated.
- 75 The Ngāti Hāua AOI also overlaps with the arrangements agreed through Te Awa Tupua (Whanganui River Claims Settlement) (2017).

76

s9(2)(j)

77

s9(2)(j)

- 78 I will report back to Cabinet with an update on overlapping interests in relation to the Ngāti Hāua settlement package when I seek Cabinet agreement to initial a DOS with Ngāti Hāua.

### Mandate

- 79 Ngāti Hāua have provided regular mandate maintenance reports to Te Arawhiti outlining their engagement with their claimant community. They have been keeping their claimant community informed of the negotiations process through hui-ā-iwi, broader community events, wānanga, social media, and in quarterly newsletters.
- 80 Officials are working with Ngāti Hāua to develop a provisional claimant definition for the AIP and are not aware of any significant issues with the Ngāti Hāua mandate to date. Officials will continue to monitor mandate maintenance reports in the future to ensure they are informed of any issues that might arise.

### Next Steps

81

s9(2)(j)

s9(2)(j)

82 To assist with concluding negotiations and reaching agreement in principle with Ngāti Hāua, I propose that Cabinet authorise me as Minister for Treaty of Waitangi Negotiations, together with Ministers as relevant to their portfolio, to finalise or vary redress that does not increase the total value of the settlement, within the general parameters of the Treaty settlement framework. The redress package proposed in this paper may be amended, within delegated authority, following consideration of any agreements made to address the overlapping interests of Ngāti Hāua in other settlements.

83 Subject to Cabinet approval, I will instruct the Chief Crown Negotiator to make a Crown offer to Ngāti Hāua following finalisation of the package, as agreed by Cabinet and delegated Ministers (as needed).

s9(2)(j)

84

s9(2)(j)

### Consultation

85 In preparing this paper Te Arawhiti has consulted with, and incorporated the views of: The Treasury, Department of Conservation, Land Information New Zealand, Ministry of Business, Innovation and Employment, Ministry for the Environment, Ministry of Education, New Zealand Police, Ministry for Primary Industries, Ministry of Housing and Urban Development, Kāinga Ora – Homes and Communities, Ministry for Culture and Heritage Te Manatū Taonga, Te Tari Taiwhenua - Department of Internal Affairs (including the National Library and Archives New Zealand), Heritage New Zealand Pouhere Taonga, the Museum of New Zealand - Te Papa Tongarewa, Oranga Tamariki – Ministry for Children, Ministry of Social Development, Ministry of Justice, Department of Corrections, and the Ministry of Health. The Department of the Prime Minister and Cabinet has been informed.

86 Te Arawhiti has also consulted with the Ruapehu District Council, Waikato District Health Board, and KiwiRail Holdings Limited on the specific redress proposals relevant to their responsibilities. Ruapehu District Council and KiwiRail have confirmed their comfort with the proposals outlined in this paper and the Waikato District Health Board are in the process of seeking necessary approvals.

s9(2)(j)

s9(2)(j)

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS



93

s9(2)(j)

### Human Rights

94 The proposals outlined in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

### Legislative Implications

95 No legislative implications arise directly as a result of this paper.

### Regulatory Impact Analysis

96 A regulatory impact statement is not required because the proposal does not amend or affect existing regulatory arrangements.

### Publicity

97 Te Arawhiti will develop a communications strategy, alongside relevant agencies, to ensure affected and interested parties are informed of the content of the AIP at the time it is signed.

98 Te Arawhiti will make the AIP available to the media and public on its website.

### Proactive Release

99 I intend to proactively release this paper, making any necessary redactions, within 30 business days of an AIP being signed with Ngāti Hāua. Deferring proactive release is appropriate in the circumstances as all of the content of this paper will remain negotiations sensitive until the AIP has been signed.

### Recommendations

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

#### *Background*

- 1 **note** that Ngāti Hāua are the last of the four Whanganui River large natural groups to receive an offer for the settlement their historical Treaty of Waitangi land claims, and are currently negotiating towards an agreement in principle with the Crown;
- 2 **note** that, if Cabinet agree, further necessary refinements to the package will be made within the scope of the delegations before a Crown offer will be presented to Ngāti Hāua and, if accepted, an agreement in principle will be finalised and signed;

#### *Crown Apology Redress*

- 3 **note** the agreement in principle will incorporate provisional Crown acknowledgements and agreed historical account headings;
- 4 **note** an agreed historical account, Crown acknowledgements, and a Crown apology will be developed prior to initialling a deed of settlement;

*Total Settlement Value*

- 5 **note** Cabinet has previously approved a regional quantum for the settlement of all Whanganui Iwi land claims [REDACTED] s9(2)(j)
- 6 **note** that of the previously approved total settlement value:
- 6.1 [REDACTED] s9(2)(j)
- 6.2 [REDACTED] s9(2)(j)
- 6.3 [REDACTED] s9(2)(j)
- 7 [REDACTED] s9(2)(j)
- 8 [REDACTED] s9(2)(j)
- 9 **agree** to increase the regional quantum for the Whanganui Iwi land claims [REDACTED] s9(2)(j) for use in a Crown offer to Ngāti Hāua;
- 10 [REDACTED] s9(2)(j)

*Commercial Redress*

- 11 **agree** to offer Ngāti Hāua the right to purchase [REDACTED] s9(2)(j) Ministry of Education properties (land only) within a deferred selection period of two years, as specified in Table One of **Appendix Two**, under sale and leaseback arrangements;
- 12 **agree** to offer Ngāti Hāua the right to purchase [REDACTED] s9(2)(j) Treaty Settlement Landbank properties, as detailed in Table One of **Appendix Two**, within a deferred selection period of three years;
- 13 **agree** to offer Ngāti Hāua a right of first refusal over listed properties, as detailed in Table One of **Appendix Two**, should the Crown seek to dispose of them within a period of time equal to the length of time between the signing of the Treaty of Waitangi and initialling the deed of settlement;
- 14 **note** necessary investigations are still ongoing for some properties sought by Ngāti Hāua;
- 15 **agree** to offer commitments to explore commercial redress over specified properties, as detailed in Table One of **Appendix Two**;
- 16 **agree** to record a commitment to explore the following redress with KiwiRail:
- 16.1 the identification and possible vesting of any specific sites to Ngāti Hāua that are not subject to current and future operational requirements, and provided that any statutory clearances are obtained first; and

16.2 the provision of rights of first refusal over specific land held for rail purposes.

17 **note** that any commercial redress offers are subject to final confirmation of availability, Crown statutory obligations, including section 40 of the Public Works Act 1981, protection of third-party interests, overlapping interests being addressed to the satisfaction of the Crown, and the negotiation of mutually acceptable terms prior to the initialling of a deed of settlement;

### *Cultural Redress*

#### Redress over public conservation land

18 **agree** to offer the following redress over public conservation land to Ngāti Hāua as detailed in Table Two of **Appendix Two**:

18.1 transfer s9(2)(j) of public conservation land across s9(2)(j) sites unencumbered;

18.2 transfer of s9(2)(j) public conservation land across s9(2)(j) sites subject to a reserve classification;

18.3 an overlay classification over Tongariro Conservation Area (area to be confirmed);

18.4 s9(2)(j) deeds of recognition with statutory acknowledgements s9(2)(j)

18.5 statutory acknowledgements over a further s9(2)(j) sites;

19 **agree** to offer Ngāti Hāua a right to authorise cultural gathering of six cultural minerals, detailed in Table Two of **Appendix Two**, on public conservation land within the Ngāti Hāua AOI;

20 **note** that cultural redress over the Tongariro and Whanganui National Parks will be negotiated separately with iwi who have interests in each park;

21 **agree** that a high-level statement be included in the Ngāti Hāua agreement in principle that records their aspirations for, and association with, the Tongariro and Whanganui National Parks;

22 **agree** to offer commitments to explore the following redress prior to initialling a deed of settlement with Ngāti Hāua:

22.1 sites for nohoanga (temporary camping) on public conservation land;

22.2 potential sites on public conservation land for placement of pou (cultural markers); and

22.3 redress over Crown owned and derived reserves administered by Ruapehu District Council, subject to the agreement of Ruapehu District Council and ongoing protection of conservation values as detailed in Table Two of **Appendix Two**;

23 **note** that any cultural redress offers over land are subject to final confirmation of availability, Crown statutory obligations, including section 40 of the Public Works Act 1981, protection of third-party interests, overlapping interests being addressed to the satisfaction of the Crown, and the negotiation of mutually acceptable terms prior to the initialling of a deed of settlement;

#### Crown contribution to Ngāti Hāua cultural revitalisation funds and social transformation strategy

24 **agree**, to offer Ngāti Hāua a one-off cultural redress payment within the total settlement value agreed by Cabinet, and subject to confirmation of the cost of cultural redress properties;

- 25 **authorise** the Minister for Treaty of Waitangi Negotiations to determine the final amount to be provide as a cultural redress payment, within the financial parameters agreed by Cabinet;

Place name changes

- 26 **note** the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa has approved changes to four official geographic place names, as detailed in Table Two of **Appendix Two**;
- 27 **agree** to offer the four official geographic place name changes detailed in Table Two of **Appendix Two**;

Recognition of Te Pou Tikanga

- 28 **note** Ngāti Hāua have made it clear that a meaningful reflection of Te Pou Tikanga, the Ngāti Hāua values, in their deed of settlement will be necessary to reach settlement with the Crown;
- 29 **note** that, if Cabinet agrees, the statements will be non-operative, will not be required to be considered by any person exercising powers or functions under an act;
- 30 **agree** to include a non-operative statement of Te Pou Tikanga, the Ngāti Hāua values, (i.e. those values will not be justiciable by iwi) in the agreement in principle and deed of settlement;
- 31 **agree** to include a statement in the agreement in principle and deed of settlement that the Crown acknowledges the importance of Te Pou Tikanga to Ngāti Hāua;
- 32 **note** agencies involved in the social transformation redress, as specified in Table Three of **Appendix Two**, have agreed to include an acknowledgement of the importance of Te Pou Tikanga to Ngāti Hāua in their respective relationship instruments and to consider, in good faith, how they can give life to the values through the development of those relationship instruments;

Social transformation redress

- 33 **agree** to include a commitment from the social transformation agencies, as specified in Table Three of **Appendix Two**, to negotiate high-level relationship agreements, which provide for Ngāti Hāua and the agencies to find ways to collaborate on issues and initiatives of mutual priority, either bilaterally or via a multi-agency taskforce approach where appropriate;
- 34 **note** any agreements reached with the social transformation agencies will not commit or restrain any legal rights or obligations or functions, duties and powers of ministers, chief executives, boards of Crown entities and officials, nor will it be contrary to public finance policy;
- 35 **note** the Minister of Education, the Minister of Social Development and the Minister for Children have agreed to a one-off post-settlement meeting with Ngāti Hāua, subject to Cabinet approval;

- 36 **s9(2)(j)**

- 37 **agree** to offer Ngāti Hāua a one-off post-settlement ministerial meeting with the Minister of Education, the Minister of Social Development and the Minister for Children;

Other relationship redress

- 38 **agree** to negotiate a Crown Minerals protocol with the Ministry of Business, Innovation and Employment, the Whakaaetanga Tiaki Taonga with agencies from the cultural and heritage sector, a partnership framework with the Department of Conservation, a letter of recognition from the Director-General of the Ministry for Primary Industries in relation to fisheries and appointment as an advisory committee to the Minister of Fisheries in relation to sites of significance within the Ngāti Hāua AOI, and a letter of introduction to the Ruapehu District Council;
- 39 **agree** to explore the following relationship redress in the Crown offer to Ngāti Hāua:
- 39.1 a relationship instrument with the Ministry for Environment; and
- 39.2 provision in the Ministry of Social Development relationship agreement to explore possible partnerships to support youth leadership and creative expression further relationship redress with other Crown agencies and entities;
- 40 **note** that, where agencies agree, delegated authority may be used to include relationship instruments with other Crown and non-Crown agencies in the agreement in principle;
- 41 **agree** to record the following commitments, as agreed between KiwiRail and Ngāti Hāua, that KiwiRail will:
- 41.1.1 work with Ngāti Hāua on the installation of signage and information boards at key locations in recognition of their historical connection to the railway;
- 41.1.2 support the individual renaming of specific historical sites or stations;
- 41.1.3 discuss and resolve how to include Ngāti Hāua historical information on tourism trains; and
- 41.1.4 be open to consider mutually beneficial commercial opportunities proposed by Ngāti Hāua;
- 42 **note** that Ngāti Hāua and KiwiRail will further develop this redress in the deed of settlement phase.

#### *Overlapping interests*

- 43 **note** the Crown offer to Ngāti Hāua is subject to overlapping interests being addressed to the satisfaction of the Crown prior to initialling a deed of settlement;
- 44 **note** the redress package proposed in this paper may be amended, within delegated authority, following consideration of any agreements made to address the overlapping interests of Ngāti Hāua in other settlements;

s9(2)(j)

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS

*Next Steps*

50

s9(2)(j)

- 51 [REDACTED] s9(2)(j)
- 52 **authorise** the Minister for Treaty of Waitangi Negotiations to instruct the Chief Crown Negotiator to present Ngāti Hāua with a Crown offer as agreed by Cabinet and delegated Ministers (as needed);
- 53 [REDACTED] s9(2)(j)
- 54 **note**, if Ngāti Hāua do not accept the Crown offer, the Minister for Treaty of Waitangi Negotiations will consider available options including whether to vary redress within delegated authority, return to Cabinet for further approvals, or pause negotiations.
- 55 [REDACTED] s9(2)(j)

*Delegation to act*

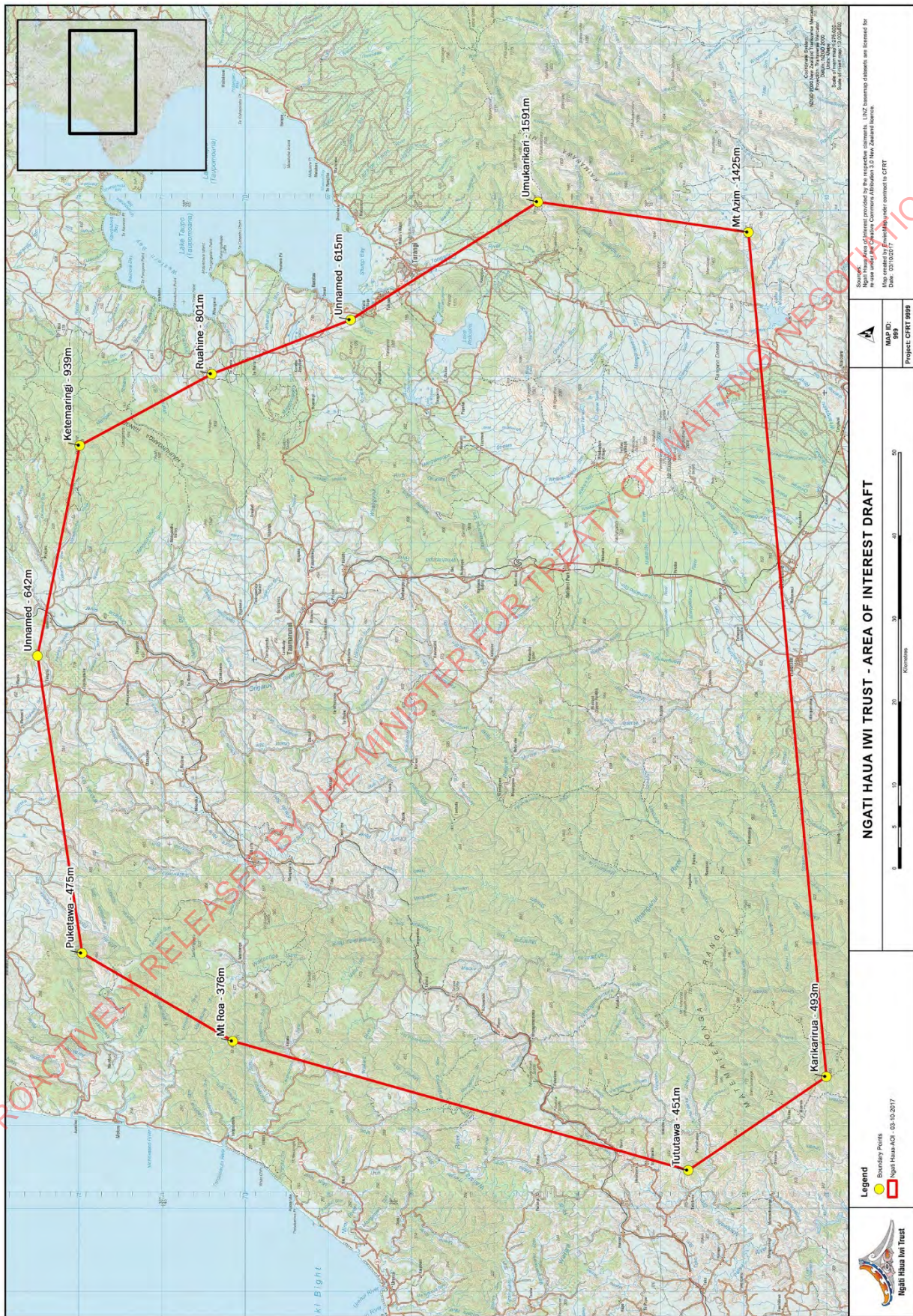
- 56 **authorise** the Minister for Treaty of Waitangi Negotiations, together with Ministers as relevant to their portfolio, to make changes to finalise or vary the redress that does not increase the total value of the settlement, within the general parameters of the Treaty settlement framework.

Authorised for lodgement

Hon Andrew Little  
Minister for Treaty of Waitangi Negotiations

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS

# APPENDIX ONE: NGĀTI HĀUA AREA OF INTEREST MAP





## APPENDIX TWO: PROPOSED REDRESS

Table One: Commercial redress

Where relevant, a redress property will not include any land vested pursuant to section 41 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

<b>Sale and leaseback properties</b>		
Name and address	Conditions	Landholding agency
Taumarunui High School (land only)	Sale and leaseback, two-year deferred selection property	Ministry of Education
Taumarunui Primary School (land only)	Sale and leaseback, two-year deferred selection property	Ministry of Education
Te Kura o Ngā Iwi e Toru ki Taumarunui (land only)	Sale and leaseback, two-year deferred selection property	Ministry of Education
<b>Deferred selection properties (DSPs)</b>		
Name and address	Conditions	Landholding agency
16 Ward Street, Taumarunui, LB PF 858	Three-year deferred selection period	LINZ Treaty Settlements Landbank
Cnr. Hakiaha and Katarina Streets LB PF 859	Three-year deferred selection period	LINZ Treaty Settlements Landbank
17 Bell Road, Taumarunui, LB PF 1902	Three-year deferred selection period	LINZ Treaty Settlements Landbank
Bell Road east of Winstone Street, Taumarunui, LB PF 1438	Three-year deferred selection period	LINZ Treaty Settlements Landbank
<b>s9(2)(j)</b>		
L/B PF915 Ruruku Rd/SH 4, WN 1945, Piriaka	Three-year deferred selection period	LINZ Treaty Settlements Landbank
L/B PF850 Ruruku Road/Railway, Piriaka	Three-year deferred selection period	LINZ Treaty Settlements Landbank
L/B PF849 44-68 Taitua Street, Piriaka	Three-year deferred selection period	LINZ Treaty Settlements Landbank
L/B PF847 Ruruku Rd/SH 4/Railway, Piriaka	Three-year deferred selection period	LINZ Treaty Settlements Landbank
<b>s9(2)(j)</b>		
<b>Listed right of first refusal properties</b>		
Name and address	Conditions	Landholding agency
Taumarunui District Court	Right of first refusal	Ministry of Justice
11053 - Matapuna Ballast Reserve, 430 Taupo Road, Matapuna	Right of first refusal	Land Information New Zealand
Owhango School	Right of first refusal	Ministry of Education
Tokirima School	Right of first refusal	Ministry of Education
Manunui School	Right of first refusal	Ministry of Education
Turaki School	Right of first refusal	Ministry of Education
Tarrangower School	Right of first refusal	Ministry of Education
<b>s9(2)(j)</b>		
26 House Avenue	Right of first refusal	New Zealand Police
11 Pei Te Hurinui Drive	Right of first refusal	New Zealand Police
10 Corlett Street, Taumarunui	Right of first refusal	New Zealand Police

180 Golf Road, Taumarunui	Right of first refusal	New Zealand Police
14 Hall Crescent, Taumarunui	Right of first refusal	New Zealand Police
22 Falkner Park, Taumarunui	Right of first refusal	New Zealand Police
49 Campbell Street, Taumarunui	Right of first refusal	New Zealand Police
57 East Street, Taumarunui	Right of first refusal	New Zealand Police
58 Makere Street, Taumarunui	Right of first refusal	New Zealand Police
47 Miriama Street, Taumarunui	Right of first refusal	New Zealand Post
49 Miriama Street, Taumarunui	Right of first refusal	New Zealand Post
properties	Right of first refusal	Kāinga Ora – Homes and Communities
374 Taupō Road, Taumarunui	Right of first refusal	Oranga Tamariki
<b>Commercial redress to be explored</b>		
<b>Name and address</b>	<b>Conditions</b>	<b>Landholding agency</b>
Taumarunui District Court	Possible deferred selection and sale and leaseback arrangements (land only) – under investigation	Ministry of Justice
s9(2)(j)		
11078 – Crown Land Ongarue Back Road, Ongarue - Pt Rangitoto Tuhua 52A1 Block	TBC	Land Information New Zealand
11074 - Crown Land Office Taringamotu, Survey Office 21266	TBC	Land Information New Zealand
11683 – Raekohua Road, Tangarakau)	TBC	Land Information New Zealand
11060 Okahukura Railway Yards – Part Rangitoto Tuhua 55A and Part Rangitoto Tuhua 52F3	Possible deferred selection and right of first refusal – under investigation	Land Information New Zealand
Taumarunui Hospital	TBC –commitment to explore redress over this site is subject to formal agreement by the Waikato District Health Board.	Waikato District Health Board
Unspecified land for rail purposes	Right of first refusal	KiwiRail

**Table Two: Cultural Redress**

Where relevant, a redress property will not include any land vested pursuant to section 41 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

<b>Cultural redress sites to be transferred unencumbered</b>		
Name of site	Conditions	Landholding agency
Mangaiti Landing Local Purpose Reserve (0.10 ha)	Unencumbered	Department of Conservation
Depot Road Conservation Area (0.11 ha)	Unencumbered	Department of Conservation
Makokoti Conservation Area (0.10 ha)	Unencumbered	Department of Conservation
Kaiwhakauka Conservation Area (4.23 ha)	Unencumbered	Department of Conservation
Maraekowhai Conservation Area (0.04 ha)	Unencumbered	Department of Conservation
Tawata Conservation Area (0.03 ha)	Unencumbered	Department of Conservation
Kirikau (No 3) Scenic Reserve and Marginal Strip – Kirikau Scenic Reserve (15.09 ha)	Transfer subject to new marginal strip and easement to protect public access to riverbank from road and river	Department of Conservation
Marsack Conservation Area and Marginal Strip – Whanganui River (8.84 ha)	Transfer subject to new marginal strip and easement to protect public access to riverbank from road and river	Department of Conservation
Waitea Conservation Area (2.63 ha)	Unencumbered	Department of Conservation
Raurimu Library Local Purpose Reserve (0.07 ha)	Unencumbered <i>Vacant site not used for purpose of library</i>	Department of Conservation
Ohura River Landing Local Purpose Reserve (1.75 ha)	Unencumbered	Department of Conservation
Falls Conservation Area (0.75 ha)	Unencumbered	Department of Conservation
Saddler Conservation Area (0.94 ha)	Unencumbered	Department of Conservation
Tahora Saddle Conservation Area (0.32 ha)	Unencumbered	Department of Conservation
<b>Cultural redress sites to be transferred subject to reserve status</b>		
Name of site	Conditions	Landholding agency
Part of Whakapapa Island Scenic Reserve (20 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Moturoa Conservation Area (12.35 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
<b>s9(2)(j)</b>		
Koiro Conservation Area (2.33 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation

Part of Opatu Conservation Area (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Koiro Farms Conservation Area (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Waihuka Scenic Reserve (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Rangī Scenic Reserve (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Motutara Scenic Reserve (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Tapui Scenic Reserve (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Whanganui River (no. 100) Scenic Reserve (2.78 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Sunshine Scenic Reserve (6.09 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Reserve C Conservation Area (3.46 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation

## s9(2)(j)

Oruru Scenic Reserve (15.42 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Neilsons Conservation Area (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Ngataumata Scenic Reserve – (3.09 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Ngamoturiki Scenic Reserve (12.59 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Kouturoa Conservation Area (0.70 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Mangaoturu Scenic Reserve (3.03 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Waipahihi Scenic Reserve (5.06 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Pukeatua Scenic Reserve and part of Pukeatua Conservation Area (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body <i>To transfer as a single scenic reserve</i>	Department of Conservation
Kururau Scenic Reserve (4.5 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation

Aorangi Scenic Reserve (2.02 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Paparoa Conservation Area (1.61 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Waitewhena Scenic Reserve (11.47 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Tatu Scenic Reserve (4.69 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Moki Conservation Area (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Part of Tangarakau Scenic Reserve (10 ha)	Subject to scenic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Erua Recreation Reserve (4.05 ha)	Subject to historic reserve status, with Ngāti Hāua as the administering body	Department of Conservation
Erua Local Purpose Reserve (4.35 ha)	Subject to recreation reserve status, with Ngāti Hāua as the administering body <i>To transfer as a single site as recreation reserve</i>	Department of Conservation
<b>Overlay classification</b>		
Name of site		Landholding agency
Part Tongariro Conservation area – area TBC		Department of Conservation
<b>Statutory Acknowledgement and Deeds of Recognition</b>		
Name of site		Landholding Agency
Motutara Scenic Reserve (excluding any transfer area) – 525 ha s9(2)(j)		Department of Conservation
Te Maire Scientific Reserve – 11 ha		Department of Conservation
Part of Mohakatino Conservation Area (subject to agreement over which part) s9(2)(j)		Department of Conservation
<b>Statutory Acknowledgements</b>		
Name of site		Landholding Agency
Hikumutu Scenic Reserve – 12 ha		Department of Conservation
Kakahi Conservation Area – 30 ha		Department of Conservation
Neilsons Conservation Area (excluding any transfer area) – 664 ha		Department of Conservation
Ohinepane Recreation Reserve – 1 ha		Department of Conservation
Ohinetonga Scenic Reserve (excluding any transfer area) – 134 ha		Department of Conservation
Opatu Conservation Area (excluding any transfer area) – 232 ha		Department of Conservation
Pukeatua Conservation Area (excluding any transfer area) – 273 ha		Department of Conservation
Raurimu Spiral Scenic Reserve – 74 ha		Department of Conservation
Retaruke Scenic Reserve – 584 ha		Department of Conservation
Tapui Scenic Reserve – 28 ha		Department of Conservation
The Ratas Scenic Reserve – 8 ha		Department of Conservation
Whakapapa Gorge Scenic Reserve – 81 ha		Department of Conservation
Whakapapa Island Scenic Reserve (excluding any transfer area) – 42 ha		Department of Conservation
Kaituna No. 2 Scenic Reserve – 3 ha		Department of Conservation
Kirikau No. 4 Scenic Reserve - <1 ha		Department of Conservation
Kirikau No. 5 Scenic Reserve - <1 ha		Department of Conservation
Hunua Conservation Area – 583 ha		Department of Conservation
Kokakonui Scenic Reserve – 8 ha		Department of Conservation

Otunui Conservation Area – 129 ha	Department of Conservation	
Parapara Scenic Reserve – 2 ha	Department of Conservation	
Lairdvale Scenic Reserve – 5 ha	Department of Conservation	
Toi Conservation Area – 144 ha	Department of Conservation	
Waireka Conservation Area – 13 ha	Department of Conservation	
Papapotu Scenic Reserve – 11 ha	Department of Conservation	
Reserve E Conservation Area – 23 ha	Department of Conservation	
Tunnel Hill Scenic Reserve – 30 ha	Department of Conservation	
Rangi Scenic Reserve (excluding any transfer area) – 323 ha	Department of Conservation	
Paorae Scenic Reserve – 6 ha	Department of Conservation	
Te Rauateti Scenic Reserve – 5 ha	Department of Conservation	
<b>Other cultural redress mechanisms over public conservation land</b>		
Type of redress	Relevant agencies	
Minerals fossicking rights over: <ul style="list-style-type: none"> <li>• kōkōwai (red ochre – natural clay earth pigment)</li> <li>• pākohe (metamorphosed indurated mudstone, otherwise known as argillite);</li> <li>• mata/tuhua (black obsidian – volcanic glass);</li> <li>• onewa (basalt/greywacke – dark grey stone);</li> <li>• paru (black mud); and</li> <li>• mangaweka/pukepoto (blue clay).</li> </ul>	Department of Conservation and Ministry for Business, Innovation and Employment	
Non-operative statement of aspirations for and association with Whanganui and Tongariro National Parks	Department of Conservation	
<b>Cultural redress over public conservation land to be explored</b>		
Name of site or mechanism	Conditions	Landholding agency
Nohoanga sites	Specific areas to be explored in public conservation land excluding national parks	Department of Conservation
Placement of pou	Specific areas to be explored in public conservation land excluding national parks	Department of Conservation
Taumarunui & Rangaroa Domain Tuhua Domain / Golf Course – 45 ha approx.	Explore redress over the site subject to the agreement of the Ruapehu District Council and protection of conservation values	Department of Conservation managed by the Ruapehu District Council
Manunui Domain – 26 ha approx.	Explore redress over the site subject to the agreement of the Ruapehu District Council and protection of conservation values	Department of Conservation managed by the Ruapehu District Council
Owhango Domain Recreation Reserve – 7 ha approx.	Explore redress over the site subject to the agreement of the Ruapehu District Council and protection of conservation values	Department of Conservation managed by the Ruapehu District Council
Taringamotu Community Hall Recreation Reserve - 0.29 ha approx.	Explore redress over the site subject to the agreement of the Ruapehu District Council and protection of conservation values	Department of Conservation managed by the Ruapehu District Council
<b>Official place name changes</b>		
<b>Current official place name</b>		<b>Proposed official place name</b>
Nihoniho		Te Niho o te Kiore
Waitaanga		Waitaangata
Waitaanga Stream		Waitaangata Stream
Lake Hawkes		Lake Pohoare
<b>Cultural redress fund</b>		
A cultural revitalisation payment	s9(2)(j)	less the cost of cultural redress properties

Expression of Te Pou Tikanga	
Form of Redress	Te Pou Tikanga (the Ngāti Hāua values)
<ul style="list-style-type: none"> <li>• A non-operative statement of Te Pou Tikanga (i.e. those values will not be justiciable) in the agreement in principle and deed of settlement;</li> <li>• A statement in the agreement in principle and deed of settlement that the Crown acknowledges the importance of Te Pou Tikanga to Ngāti Hāua; and</li> <li>• An offer for Social Transformation agencies to consider, in good faith, how they can give life to Te Pou Tikanga through the development of relationship agreements and other redress instruments.</li> </ul>	<p><b>Ngāti Hāuatanga</b>  “Kia toitū te mana whakauu na Ngāti Hāua.”  <i>Ensure the survival of the Ngāti Hāua iwi identity.</i></p> <p><b>Riri Kore:</b> Ensure the continuity of Ngāti Hāua tikanga  “Na ngā tupuna i hauroatia te maru o te tangata.”  <i>The length of a person’s shadow is cast by their ancestry.</i></p> <p><b>Rongo Niu:</b> s9(2)(j)  “Ta te rino i tukituki ai, ma te rino ano e hanga.”  <i>What iron has destroyed, iron will again rebuild.</i></p> <p><b>Rangitengaue:</b> Ngāti Hāua self-determination, Ngāti Hāua solutions for Ngāti Hāua people  “Ma te piharau ano te piharau hei whakatika.”  <i>It is for the piharau to correct the piharau.</i></p> <p><b>Kokako:</b> uphold our inherent right of kaitiakitanga  “Ko te Awa te tuatahi, ko te Awa te tuarua.”  <i>The River first, the River second.</i></p> <p><b>Tapaka – Te Ara Whanaunga:</b> maintain our integrity of our relationship with others  “He huinga Wai, he huinga Iwi.”  <i>The joining of waters, the union of people.</i></p> <p><b>Tamahina:</b> make decisions based on ancestral precedent (tikanga) and values (kaupapa)  “A mua, i muri, ou kōrero.”  <i>The answers for tomorrow, lie in the lessons of the past.</i></p>

Table Three: Cultural redress – relationship redress

Social Transformation Relationship Redress	
Agencies	Form of Redress
<p>The Social Transformation agencies:</p> <ul style="list-style-type: none"> <li>• Oranga Tamariki – Ministry for Children;</li> <li>• the Ministry of Social Development;</li> <li>• Kāinga Ora – Homes and Communities;</li> <li>• the Ministry of Housing and Urban Development;</li> <li>• the New Zealand Police;</li> <li>• the Department of Corrections;</li> <li>• the Ministry of Justice;</li> <li>• the Ministry of Health;</li> <li>• the Ministry of Business Innovation and Employment; and</li> <li>• the Ministry of Education.</li> </ul>	<p>Agreement to negotiate high-level individual relationship agreements, including a provision to collaborate on issues and initiatives of mutual priority, either bi-laterally or via a multi-agency taskforce approach where appropriate.</p> <p>The relationship agreements will:</p> <ul style="list-style-type: none"> <li>• acknowledge Te Pou Tikanga (Ngāti Hāua values), with Crown agencies to consider in good faith how they can give life to Te Pou Tikanga;</li> <li>• provide for agency consideration of potential ways to provide for decision making opportunities to Ngāti Hāua;</li> <li>• require agencies and Ngāti Hāua to actively consider opportunities to collaborate on issues of mutual priority;</li> <li>• allow the opportunity for Ngāti Hāua to provide agencies with a 'social transformation strategy' which they could work on with the Crown, if desired (and in consideration of agency capacity);</li> <li>• commit Crown agencies to consider possible options to provide support for developing and implementing the strategy, including provision of data, resource capability i.e. secondments;</li> <li>• provide for possible 'as needed' hui with senior officials of relevant agencies</li> </ul>
<p>The following ministers:</p> <ul style="list-style-type: none"> <li>• The Minister of Education;</li> <li>• The Minister of Social Development; and</li> <li>• The Minister for Children.</li> </ul>	<p>One-off post-settlement ministerial meeting to discuss the Ngāti Hāua social transformation strategy</p>
Other Relationship Redress	
Agencies	Form of Relationship Instrument
<p>Ministry of Business, Innovation and Employment in relation to Crown Minerals</p>	<p>A Crown Minerals Protocol with the Ministry of Business, Innovation and Employment.</p> <p>Protocols are issued by a minister and set out how the relevant department will exercise its functions, powers and duties in relation to specified matters in the area of interest, how they will interact with the iwi, and provide for their input into decision making.</p> <p>This is a non-exclusive redress instrument which can be provided to more than one iwi in the same area.</p>



Ministry for Primary Industries	<p>A letter of recognition from the Director-General of the Ministry for Primary Industries in relation to fisheries, and appointment as an advisory committee to the Minister of Fisheries in relation to Fisheries management.</p> <p>These instruments enable iwi who are not otherwise listed as recognised iwi organisations under Schedule 4 of the Māori Fisheries Act 2004 to have input into fisheries management.</p>
Department of Conservation	<p>A partnership framework consisting of:</p> <ul style="list-style-type: none"> <li>• a partnership agreement to set out the working relationship between the Department of Conservation and Ngāti Hāua;</li> <li>• a sites of significance framework under section 53 of the Conservation Act 1987 to be developed post-settlement that will provide an opportunity for Ngāti Hāua to engage in the management of sites of significance to them on public conservation land across their area of interest, excluding the Whanganui and Tongariro National Parks; and</li> <li>• a cultural materials plan, to be developed post-settlement allowing Ngāti Hāua to authorise permitted gathering of materials for cultural use on specified public conservation land.</li> </ul>
<p>The following agencies from the culture and heritage sector (also known as Te Arataonga):</p> <ul style="list-style-type: none"> <li>• Ministry for Culture and Heritage Manatū Taonga</li> <li>• Department of Internal Affairs Te Tari Taiwhenua, as the agency responsible for: <ul style="list-style-type: none"> <li>• The National Library Te Puna Mātauranga o Aotearoa; and</li> <li>• Archives New Zealand Te Rua Mahara o Te Kāwanatanga</li> </ul> </li> <li>• Museum of New Zealand Te Papa Tongarewa</li> <li>• Heritage New Zealand Pouhere Taonga</li> </ul>	<p>The Whakaaetanga Tiaki Taonga.</p> <p>This is the standard relationship instrument offered by these agencies. It allows for the parties to work together to develop a positive, collaborative and enduring relationship that puts the taonga aspirations of Ngāti Hāua at its centre.</p>
Ngā Taonga Sound & Vision	A letter of introduction
Ruapehu District Council	A letter of introduction
KiwiRail	<p>Record the following commitments agreed between KiwiRail and Ngāti Hāua.</p> <p>KiwiRail will:</p> <ul style="list-style-type: none"> <li>• work with Ngāti Hāua on the installation of signage and information boards at key locations</li> </ul>

	<p>as recognition of their historical connection to the railway;</p> <ul style="list-style-type: none"> <li>• support the individual renaming of specific historical sites or stations;</li> <li>• discuss and resolve how to include Ngāti Hāua historical information on tourism trains; and</li> <li>• openly consider mutually beneficial commercial opportunities proposed by Ngāti Hāua.</li> </ul>
<b>Relationship redress to be explored</b>	
<b>Agency</b>	<b>Form of Agreement</b>
Ministry of Social Development	Explore inclusion of partnership arrangements to advance youth leadership and creative expression in relationship instrument
Ministry for the Environment	Explore relationship instrument
Other Crown and non-Crown bodies, as agreed prior to signing agreement in principle	TBC

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS

s9(2)(j)

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS

s9(2)(j)

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS



# Cabinet Māori Crown Relations: Te Arawhiti Committee

## 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.*

### Ngāti Hāua: Crown offer

Portfolio                      Treaty of Waitangi Negotiations

This paper seeks agreement to present a Crown offer to Ngāti Hāua, the last of four Whanganui River large natural groups to receive a historical settlement offer.

**Appendix One** at page 22 of the paper outlines Ngāti Hāua's area of interest. The proposed redress offer is detailed in **Appendix Two** (page 23).

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

#### Background

- 1 note that Ngāti Hāua are the last of the four Whanganui River large natural groups to receive an offer for the settlement their historical Treaty of Waitangi land claims, and are currently negotiating towards an agreement in principle with the Crown;
- 2 note that, if Cabinet agree, further necessary refinements to the package will be made within the scope of the delegations before a Crown offer will be presented to Ngāti Hāua and, if accepted, an agreement in principle will be finalised and signed;

#### Crown Apology Redress

- 3 note that the agreement in principle will incorporate provisional Crown acknowledgements and agreed historical account headings;
- 4 note that an agreed historical account, Crown acknowledgements, and a Crown apology will be developed prior to initialling a deed of settlement;

#### Total Settlement Value

- 5 note that Cabinet has previously approved a regional quantum for the settlement of all Whanganui Iwi land claims and, [REDACTED] s9(2)(j)

6

s9(2)(j)

7

s9(2)(j)

8 note that an increase to the amount available for use in a Crown offer is required to have a reasonable prospect of reaching an agreement in principle with Ngāti Hāua;

9 agree to increase the regional quantum for the Whanganui Iwi land claims by s9(2)(j) for use in a Crown offer to Ngāti Hāua;

10

s9(2)(j)

### Commercial Redress

11 agree to offer Ngāti Hāua the right to purchase s9(2)(i) Ministry of Education properties (land only) within a deferred selection period of two years, as specified in Table One of Appendix Two attached under MCR-20-SUB-0023 (Appendix Two);

12 agree to offer Ngāti Hāua the right to purchase s9(2)(i) Treaty Settlement Landbank properties, as detailed in Table One of Appendix Two, within a deferred selection period of three years;

13 agree to offer Ngāti Hāua a right of first refusal over listed properties, as detailed in Table One of Appendix Two, should the Crown seek to dispose of them within a period of time equal to the length of time between the signing of the Treaty of Waitangi and initialling the deed of settlement;

14 note that necessary investigations are still ongoing for some properties sought by Ngāti Hāua;

15 agree to offer commitments to explore commercial redress over specified properties, as detailed in Table One of Appendix Two;

16 agree to record a commitment to explore the following redress with KiwiRail:

16.1 the identification and possible vesting of any specific sites to Ngāti Hāua that are not subject to current and future operational requirements, and provided that any statutory clearances are obtained first;

16.2 the provision of rights of first refusal over specific land held for rail purposes.

- 17 note that any commercial redress offers are subject to final confirmation of availability, Crown statutory obligations, including section 40 of the Public Works Act 1981, protection of third-party interests, overlapping interests being addressed to the satisfaction of the Crown, and the negotiation of mutually acceptable terms prior to the initialling of a deed of settlement;

## Cultural Redress

### Redress over public conservation land

- 18 agree to offer the following redress over public conservation land to Ngāti Hāua as detailed in Table Two of Appendix Two:
- 18.1 transfer of s9(2)(j) public conservation land across s9(2)(j) sites unencumbered;
- 18.2 transfer of s9(2)(j) public conservation land across s9(2)(j) sites subject to a reserve classification;
- 18.3 an overlay classification over Tongariro Conservation Area (area to be confirmed);
- 18.4 s9(2)(j) deeds of recognition with statutory acknowledgements s9(2)(j)
- 18.5 statutory acknowledgements over s9(2)(j) sites;
- 19 agree to offer Ngāti Hāua a right to authorise cultural gathering of six cultural minerals, detailed in Table Two of Appendix Two, on public conservation land within the Ngāti Hāua area of interest (AOI);
- 20 note that cultural redress over the Tongariro and Whanganui National Parks will be negotiated separately with iwi who have interests in each park;
- 21 agree that a high-level statement be included in the Ngāti Hāua agreement in principle that records their aspirations for, and association with, the Tongariro and Whanganui National Parks;
- 22 agree to offer commitments to explore the following redress prior to initialling a deed of settlement with Ngāti Hāua:
- 22.1 sites for nohoanga (temporary camping) on public conservation land;
- 22.2 potential sites on public conservation land for placement of pou (cultural markers);
- 22.3 redress over Crown owned and derived reserves administered by Ruapehu District Council, subject to the agreement of Ruapehu District Council and ongoing protection of conservation values as detailed in Table Two of Appendix Two;
- 23 note that any cultural redress offers over land are subject to final confirmation of availability, Crown statutory obligations, including section 40 of the Public Works Act 1981, protection of third-party interests, overlapping interests being addressed to the satisfaction of the Crown, and the negotiation of mutually acceptable terms prior to the initialling of a deed of settlement;

### Crown contribution to Ngāti Hāua cultural revitalisation funds and social transformation strategy

- 24 agree to offer Ngāti Hāua a one-off cultural redress payment within the total settlement value agreed by Cabinet, and subject to confirmation of the cost of cultural redress properties;

- 25 authorise the Minister for Treaty of Waitangi Negotiations to determine the final amount to be provide as a cultural redress payment, within the financial parameters agreed by Cabinet;

**Place name changes**

- 26 note that the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa has approved changes to four official geographic place names, as detailed in Table Two of Appendix Two;
- 27 agree to offer the four official geographic place name changes detailed in Table Two of Appendix Two;

**Recognition of Te Pou Tikanga**

- 28 [REDACTED] s9(2)(j)
- 29 note that, if Cabinet agrees, the statements will be non-operative, and will not be required to be considered by any person exercising powers or functions under an act;
- 30 agree to include a non-operative statement of Te Pou Tikanga, the Ngāti Hāua values, (i.e. those values will not be justiciable by iwi) in the agreement in principle and deed of settlement;
- 31 agree to include a statement in the agreement in principle and deed of settlement that the Crown acknowledges the importance of Te Pou Tikanga to Ngāti Hāua;
- 32 note that agencies involved in the social transformation redress, as specified in Table Three of Appendix Two, have agreed to include an acknowledgement of the importance of Te Pou Tikanga to Ngāti Hāua in their respective relationship instruments and to consider, in good faith, how they can give life to the values through the development of those relationship instruments;

**Social transformation redress**

- 33 agree to include a commitment from the social transformation agencies, as specified in Table Three of Appendix Two, to negotiate high-level relationship agreements, which provide for Ngāti Hāua and the agencies to find ways to collaborate on issues and initiatives of mutual priority, either bilaterally or via a multi-agency taskforce approach where appropriate;
- 34 note that any agreements reached with the social transformation agencies will not commit or restrain any legal rights or obligations or functions, duties and powers of ministers, chief executives, boards of Crown entities and officials, nor will it be contrary to public finance policy;
- 35 note that the Minister of Education, the Minister for Social Development and the Minister for Children have agreed to a one-off post-settlement meeting with Ngāti Hāua, subject to Cabinet approval;

- 36 [REDACTED] s9(2)(j)



- 37 agree to offer Ngāti Hāua a one-off post-settlement ministerial meeting with the Minister of Education, the Minister for Social Development and the Minister for Children;

#### Other relationship redress

- 38 agree to negotiate a Crown Minerals protocol with the Ministry of Business, Innovation and Employment, the Whakaaetanga Tiaki Taonga with agencies from the cultural and heritage sector, a partnership framework with the Department of Conservation, a letter of recognition from the Director-General of the Ministry for Primary Industries in relation to fisheries and appointment as an advisory committee to the Minister of Fisheries in relation to sites of significance within the Ngāti Hāua AOI, and a letter of introduction to the Ruapehu District Council;
- 39 agree to explore the following relationship redress in the Crown offer to Ngāti Hāua:
- 39.1 a relationship instrument with the Ministry for Environment; and
- 39.2 provision in the Ministry of Social Development relationship agreement to explore possible partnerships to support youth leadership and creative expression further relationship redress with other Crown agencies and entities;
- 40 note that, where agencies agree, delegated authority may be used to include relationship instruments with other Crown and non-Crown agencies in the agreement in principle;
- 41 agree to record the following commitments, as agreed between KiwiRail and Ngāti Hāua, that KiwiRail will:
- 41.1.1 work with Ngāti Hāua on the installation of signage and information boards at key locations in recognition of their historical connection to the railway;
- 41.1.2 support the individual renaming of specific historical sites or stations;
- 41.1.3 discuss and resolve how to include Ngāti Hāua historical information on tourism trains; and
- 41.1.4 be open to consider mutually beneficial commercial opportunities proposed by Ngāti Hāua;
- 42 note that Ngāti Hāua and KiwiRail will further develop this redress in the deed of settlement phase;

#### Overlapping interests

- 43 note that the Crown offer to Ngāti Hāua is subject to overlapping interests being addressed to the satisfaction of the Crown prior to initialling a deed of settlement;
- 44 note that the proposed redress package in this paper may be amended, within delegated authority, following consideration of any agreements made to address the overlapping interests of Ngāti Hāua in other settlements;



51

s9(2)(j)

- 52 authorise the Minister for Treaty of Waitangi Negotiations to instruct the Chief Crown Negotiator to present Ngāti Hāua with a Crown offer as agreed by Cabinet and delegated Ministers (as needed);
- 53 authorise the Minister for Treaty of Waitangi Negotiations to sign an agreement in principle with Ngāti Hāua in March 2021, should they accept the offer;
- 54 note that, if Ngāti Hāua do not accept the Crown offer, the Minister for Treaty of Waitangi Negotiations will consider available options including whether to vary redress within delegated authority, return to Cabinet for further approvals, or pause negotiations;
- 55 note that the Minister for Treaty of Waitangi Negotiations intends to report back to MCR in early 2022 with a final settlement package for approval, prior to initialling a deed of settlement with Ngāti Hāua;

**Delegation to act**

- 56 authorise the Minister for Treaty of Waitangi Negotiations, together with relevant portfolio Ministers, to make changes to finalise or vary the redress that does not increase the total value of the settlement, within the general parameters of the Treaty settlement framework.

Rachel Clarke  
Committee Secretary

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**Hard-copy distribution:**

Cabinet Māori Crown Relations: Te Arawhiti Committee  
Minister for Housing  
Minister of Education  
Minister for Social Development  
Minister of Internal Affairs



# Cabinet Māori Crown Relations - Te Arawhiti Committee

## Minute of Decision

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### Ngāti Hāua: Crown offer

Portfolio                      Treaty of Waitangi Negotiations

On 28 July 2020, the Cabinet Māori Crown Relations - Te Arawhiti Committee (MCR):

#### Background

- 1        **noted** that Ngāti Hāua are the last of the four Whanganui River large natural groups to receive an offer for the settlement their historical Treaty of Waitangi land claims, and are currently negotiating towards an agreement in principle with the Crown;
- 2        **noted** that, if Cabinet agree, further necessary refinements to the package will be made within the scope of the delegations before a Crown offer will be presented to Ngāti Hāua and, if accepted, an agreement in principle will be finalised and signed;

#### Crown Apology Redress

- 3        **noted** that the agreement in principle will incorporate provisional Crown acknowledgements and agreed historical account headings;
- 4        **noted** that an agreed historical account, Crown acknowledgements, and a Crown apology will be developed prior to initialling a deed of settlement;

#### Total Settlement Value

- 5        **noted** that Cabinet has previously approved a regional quantum for the settlement of all Whanganui Iwi land claims s9(2)(j)

- 6        **noted** that of the previously approved total settlement value:

6.1

s9(2)(j)

s9(2)(j)

7

s9(2)(j)

8

**noted** that an increase to the amount available for use in a Crown offer is required to have a reasonable prospect of reaching an agreement in principle with Ngāti Hāua;

9

**agreed** to increase the regional quantum for the Whanganui Iwi land claims s9(2)(j) for use in a Crown offer to Ngāti Hāua;

10

s9(2)(j)

### Commercial Redress

11

**agreed** to offer Ngāti Hāua the right to purchase s9(2)(j) Ministry of Education properties (land only) within a deferred selection period of two years, as specified in Table One of Appendix Two attached under MCR-20-SUB-0023 (Appendix Two);

12

**agreed** to offer Ngāti Hāua the right to purchase s9(2)(j) Treaty Settlement Landbank properties, as detailed in Table One of Appendix Two, within a deferred selection period of three years;

13

**agreed** to offer Ngāti Hāua a right of first refusal over listed properties, as detailed in Table One of Appendix Two, should the Crown seek to dispose of them within a period of time equal to the length of time between the signing of the Treaty of Waitangi and initialling the deed of settlement;

14

**noted** that necessary investigations are still ongoing for some properties sought by Ngāti Hāua;

15

**agreed** to offer commitments to explore commercial redress over specified properties, as detailed in Table One of Appendix Two;

16

**agreed** to record a commitment to explore the following redress with KiwiRail:

16.1 the identification and possible vesting of any specific sites to Ngāti Hāua that are not subject to current and future operational requirements, and provided that any statutory clearances are obtained first;

16.2 the provision of rights of first refusal over specific land held for rail purposes;

17

**noted** that any commercial redress offers are subject to final confirmation of availability, Crown statutory obligations, including section 40 of the Public Works Act 1981, protection of third-party interests, overlapping interests being addressed to the satisfaction of the Crown, and the negotiation of mutually acceptable terms prior to the initialling of a deed of settlement;

## Cultural Redress

### Redress over public conservation land

- 18 **agreed** to offer the following redress over public conservation land to Ngāti Hāua as detailed in Table Two of Appendix Two:
- 18.1 transfer of s9(2)(j) public conservation land across s9(2)(j) sites unencumbered;
  - 18.2 transfer of s9(2)(j) public conservation land across s9(2)(j) sites subject to a reserve classification;
  - 18.3 an overlay classification over Tongariro Conservation Area (area to be confirmed);
  - 18.4 s9(2)(j) deeds of recognition with statutory acknowledgements s9(2)(j);
  - 18.5 statutory acknowledgements over s9(2)(j) sites;
- 19 **agreed** to offer Ngāti Hāua a right to authorise cultural gathering of six cultural minerals, detailed in Table Two of Appendix Two, on public conservation land within the Ngāti Hāua area of interest (AOI);
- 20 **noted** that cultural redress over the Tongariro and Whanganui National Parks will be negotiated separately with iwi who have interests in each park;
- 21 **agreed** that a high-level statement be included in the Ngāti Hāua agreement in principle that records their aspirations for, and association with, the Tongariro and Whanganui National Parks;
- 22 **agreed** to offer commitments to explore the following redress prior to initialling a deed of settlement with Ngāti Hāua:
- 22.1 sites for nohoanga (temporary camping) on public conservation land;
  - 22.2 potential sites on public conservation land for placement of pou (cultural markers);
  - 22.3 redress over Crown owned and derived reserves administered by Ruapehu District Council, subject to the agreement of Ruapehu District Council and ongoing protection of conservation values as detailed in Table Two of Appendix Two;
- 23 **noted** that any cultural redress offers over land are subject to final confirmation of availability, Crown statutory obligations, including section 40 of the Public Works Act 1981, protection of third-party interests, overlapping interests being addressed to the satisfaction of the Crown, and the negotiation of mutually acceptable terms prior to the initialling of a deed of settlement;

### Crown contribution to Ngāti Hāua cultural revitalisation funds and social transformation strategy

- 24 **agreed** to offer Ngāti Hāua a one-off cultural redress payment within the total settlement value agreed by Cabinet, and subject to confirmation of the cost of cultural redress properties;
- 25 **authorised** the Minister for Treaty of Waitangi Negotiations to determine the final amount to be provide as a cultural redress payment, within the financial parameters agreed by Cabinet;

**Place name changes**

- 26 **noted** that the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa has approved changes to four official geographic place names, as detailed in Table Two of Appendix Two;
- 27 **agreed** to offer the four official geographic place name changes detailed in Table Two of Appendix Two;

**Recognition of Te Pou Tikanga**

- 28 **s9(2)(j)**
- 29 **noted** that the statements agreed in paragraphs 30 and 31 below will be non-operative, and will not be required to be considered by any person exercising powers or functions under an act;
- 30 **agreed** to include a non-operative statement of Te Pou Tikanga, the Ngāti Hāua values, (i.e. those values will not be justiciable by iwi) in the agreement in principle and deed of settlement;
- 31 **agreed** to include a statement in the agreement in principle and deed of settlement that the Crown acknowledges the importance of Te Pou Tikanga to Ngāti Hāua;
- 32 **noted** that agencies involved in the social transformation redress, as specified in Table Three of Appendix Two, have agreed to include an acknowledgement of the importance of Te Pou Tikanga to Ngāti Hāua in their respective relationship instruments and to consider, in good faith, how they can give life to the values through the development of those relationship instruments;

**Social transformation redress**

- 33 **agreed** to include a commitment from the social transformation agencies, as specified in Table Three of Appendix Two, to negotiate high-level relationship agreements, which provide for Ngāti Hāua and the agencies to find ways to collaborate on issues and initiatives of mutual priority, either bilaterally or via a multi-agency taskforce approach where appropriate;
- 34 **noted** that any agreements reached with the social transformation agencies will not commit or restrain any legal rights or obligations or functions, duties and powers of ministers, chief executives, boards of Crown entities and officials, nor will it be contrary to public finance policy;
- 35 **noted** that the Minister of Education, the Minister for Social Development and the Minister for Children have agreed to a one-off post-settlement meeting with Ngāti Hāua;

36 **s9(2)(j)**

- 37 **agreed** to offer Ngāti Hāua a one-off post-settlement ministerial meeting with the Minister of Education, the Minister for Social Development and the Minister for Children;

**Other relationship redress**

- 38 **agreed** to negotiate a Crown Minerals protocol with the Ministry of Business, Innovation and Employment, the Whakaaetanga Tiaki Taonga with agencies from the cultural and heritage sector, a partnership framework with the Department of Conservation, a letter of recognition from the Director-General of the Ministry for Primary Industries in relation to fisheries and appointment as an advisory committee to the Minister of Fisheries in relation to sites of significance within the Ngāti Hāua AOI, and a letter of introduction to the Ruapehu District Council;
- 39 **agreed** to explore the following relationship redress in the Crown offer to Ngāti Hāua:
- 39.1 a relationship instrument with the Ministry for Environment; and
- 39.2 provision in the Ministry of Social Development relationship agreement to explore possible partnerships to support youth leadership and creative expression further relationship redress with other Crown agencies and entities;
- 40 **noted** that, where agencies agree, delegated authority may be used to include relationship instruments with other Crown and non-Crown agencies in the agreement in principle;
- 41 **agreed** to record the following commitments, as agreed between KiwiRail and Ngāti Hāua, that KiwiRail will:
- 41.1.1 work with Ngāti Hāua on the installation of signage and information boards at key locations in recognition of their historical connection to the railway;
- 41.1.2 support the individual renaming of specific historical sites or stations;
- 41.1.3 discuss and resolve how to include Ngāti Hāua historical information on tourism trains; and
- 41.1.4 be open to consider mutually beneficial commercial opportunities proposed by Ngāti Hāua;
- 42 **noted** that Ngāti Hāua and KiwiRail will further develop this redress in the deed of settlement phase;

**Overlapping interests**

- 43 **noted** that the Crown offer to Ngāti Hāua is subject to overlapping interests being addressed to the satisfaction of the Crown prior to initialling a deed of settlement;
- 44 **noted** that the proposed redress package in this paper may be amended, within delegated authority, following consideration of any agreements made to address the overlapping interests of Ngāti Hāua in other settlements;



Financial Recommendations

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s9(2)(j)

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PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS

Next Steps

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s9(2)(j)

51.

**s9(2)(j)**

- 52 **authorised** the Minister for Treaty of Waitangi Negotiations to instruct the Chief Crown Negotiator to present Ngāti Hāua with a Crown offer as agreed by Cabinet and delegated Ministers (as needed);
- 53 **authorised** the Minister for Treaty of Waitangi Negotiations to sign an agreement in principle with Ngāti Hāua in March 2021, should they accept the offer;
- 54 **noted** that, if Ngāti Hāua do not accept the Crown offer, the Minister for Treaty of Waitangi Negotiations will consider available options including whether to vary redress within delegated authority, return to Cabinet for further approvals, or pause negotiations;
- 55 **noted** that the Minister for Treaty of Waitangi Negotiations intends to report back to MCR in early 2022 with a final settlement package for approval, prior to initialling a deed of settlement with Ngāti Hāua;

### Delegation to Act

- 56 **authorised** the Minister for Treaty of Waitangi Negotiations, together with relevant portfolio Ministers, to make changes to finalise or vary the redress that does not increase the total value of the settlement, within the general parameters of the Treaty settlement framework.

Rachel Clarke  
Committee Secretary

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#### Present:

Hon Kelvin Davis (Chair)  
Hon Andrew Little  
Hon Nanaia Mahuta  
Hon Stuart Nash  
Hon Peeni Henare  
Hon Eugenie Sage

#### Officials present from:

Office of the Prime Minister  
Officials Committee for MCR



# Cabinet

## Minute of Decision

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### **Report of the Cabinet Māori Crown Relations: Te Arawhiti Committee: Period Ended 31 July 2020**

On 3 August 2020, Cabinet made the following decisions on the work of the Cabinet Māori Crown Relations - Te Arawhiti Committee for the period ended 31 July 2020:

# Out of Scope

MCR-20-MIN-0023

**Ngāti Hāua: Crown Offer**  
Portfolio: Treaty of Waitangi Negotiations

CONFIRMED

# Out of Scope

# Out of Scope

Michael Webster  
Secretary of the Cabinet

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS

In Confidence

Office of the Minister for Treaty of Waitangi Negotiations

Chair, Cabinet Māori Crown Relations: Te Arawhiti Committee

## NGĀTI HĀUA: TE POU TIKANGA AND CONSERVATION REDRESS FOR CROWN OFFER

### Proposal

- 1 This paper seeks Cabinet approval of redress to enable a Crown offer for the comprehensive settlement of Ngāti Hāua historical Treaty of Waitangi claims.

### Relation to Government priorities

- 2 This proposal aligns with the Government's priority: Making New Zealand Proud: Build closer partnerships with Māori: working to settle all historical Treaty settlements.

### Executive Summary

- 3 Ngāti Hāua are an iwi based in the upper Whanganui Ruapehu district in the central North Island. Ngāti Hāua and the Crown are working to sign an agreement in principle in the second quarter of 2022.

- 4 In August 2020, Cabinet approved a proposed settlement package as the 'core' of a Crown offer to Ngāti Hāua, noting that further targeted negotiations would be necessary before a formal Crown offer could be made [CAB-20-MIN-0368 refers]. Cabinet agreed to delegate authority to the Minister for Treaty of Waitangi Negotiations and other relevant Ministers to finalise or vary redress which did not increase the total value of the settlement and was within the general parameters of the Treaty settlement framework.

- 5  s9(2)(j)

- 6  s9(2)(j)

- 7 I seek Cabinet approval on three final matters for inclusion in a Crown offer to Ngāti Hāua:

- 7.1 to extend the already approved Te Pou Tikanga redress to now include a non-operative statement of Te Pou Tikanga, and an acknowledgement of the importance of the values to Ngāti Hāua, in settlement legislation;
- 7.2 the nomination of a Ngāti Hāua member to the Tongariro-Taupō Conservation Board, on an interim basis, pending the conclusion of either the Tongariro National Park negotiations (if that settlement changes the Board's membership) or those of all Whanganui iwi claimant groups, whichever is earlier; and

- 7.3 to include an area of interest statement in the deed of settlement and deemed to be part of relevant conservation management strategies, describing the ancestral, spiritual, cultural and historical associations of Ngāti Hāua across their area of interest.

#### Next steps

- 8 Subject to Cabinet approval of the redress outlined in this paper, I will make any necessary decisions in line with my delegation from Cabinet about redress and the Chief Crown Negotiator will present Ngāti Hāua with a Crown offer as agreed by Cabinet and delegated Ministers.

#### Strategy following a Crown offer

- 9 [REDACTED] s9(2)(j)
- 10 [REDACTED] s9(2)(j)

#### Background

##### Ngāti Hāua

- 11 Ngāti Hāua are an iwi based in the upper Whanganui Ruapehu district in the central North Island (refer **Appendix One**). Ngāti Hāua and the Crown signed Terms of Negotiation in 2017. They are one of the four Whanganui large natural groups (along with Ngāti Rangī, Te Korowai o Wainuiārua and Whanganui Land Settlement) and will be the last to receive a Crown offer. If signed, an agreement in principle will represent a significant step towards concluding all negotiations in the Whanganui region and beginning collective negotiations over both the Tongariro and Whanganui National Parks.
- 12 In August 2020 Cabinet approved a proposed settlement package as the 'core' of a Crown offer to Ngāti Hāua. Cabinet also noted that further targeted negotiations would be necessary before a formal Crown offer could be made [CAB-20-MIN-0368 refers]. Cabinet agreed to delegate authority to the Minister for Treaty of Waitangi Negotiations and other relevant Ministers to finalise or vary redress which did not increase the total value of the settlement and was within the general parameters of the Treaty settlement framework.

- 13 [REDACTED] s9(2)(j)

- 14 [REDACTED] s9(2)(j)

#### Decisions for Crown offer

- 15 Relevant portfolio Ministers and I have considered proposals to vary the redress package within our delegated authority as a result of redress proposals arising from these negotiations. These variations include additions and adjustments relating to site-specific redress, place

name changes, and agreement that I will consider whether to support statutory pardons through settlement for two Ngāti Hāua tūpuna.

- 16 We also agreed to seek Cabinet approval for the following redress, which is necessary to enable a Crown offer and outside the general parameters of the Treaty settlement framework:
- 16.1 to extend the Te Pou Tikanga redress, already approved by Cabinet, to now include a non-operative statement of Te Pou Tikanga, and an acknowledgement of the importance to Ngāti Hāua, in settlement legislation;
  - 16.2 to offer Ngāti Hāua, on an interim basis, the nomination of a member to the Tongariro-Taupō Conservation Board, pending the conclusion of either the Tongariro National Park negotiations (if that settlement changes the Board's membership) or those of all Whanganui iwi claimant groups, whichever is earlier; and
  - 16.3 to include an area of interest statement in the deed of settlement and deemed to be part of relevant conservation management strategies, describing the ancestral, spiritual, cultural and historical associations of Ngāti Hāua across their area of interest.

*Including Te Pou Tikanga (the Ngāti Hāua values) in settlement legislation*

- 17 A set of values known as Te Pou Tikanga has been the central touchstone for Ngāti Hāua, their claimant community and the Ngāti Hāua-Crown engagement throughout negotiations. The values are set out in **Appendix Two**.
- 18 In August 2020, Cabinet agreed to include a non-operative statement of Te Pou Tikanga and an acknowledgment of the importance of Te Pou Tikanga to Ngāti Hāua in the agreement in principle and the deed of settlement. I now seek Cabinet agreement to expand this previous agreement to include:
- 18.1 a non-operative statement of Te Pou Tikanga in settlement legislation (i.e., those values will not be justiciable by iwi and will not be required to be considered by any person exercising powers or functions under an Act); and
  - 18.2 a statement in settlement legislation that the Crown acknowledges the importance of Te Pou Tikanga to Ngāti Hāua.

- 19 s9(2)(j)

Also, the Crown has provisionally acknowledged that the labelling of Ngāti Hāua as 'hauhau' or rebels during the New Zealand Wars has stigmatised Ngāti Hāua and has an intergenerational impact on the transmission of their oral traditions, pride and identity. In these circumstances I consider it is appropriate to provide this visible and symbolic acknowledgement of Ngāti Hāua identity in the settlement legislation.

- 20 The proposal is consistent with the redress provided to Whanganui Land Settlement and will be similarly worded to minimise risks to the Crown [CAB-19-MIN-0448 refers]. s9(2)(j)

*Further conservation redress – interim Conservation Board seat and area of interest statement*

- 21 In August 2020, Cabinet approved a conservation redress package which includes the transfer of s9(2)(j) hectares of conservation land [CAB-20-MIN-0368 refers]. Ngāti Hāua

considered that redress package was insufficient to meet their aspirations for visibility in their rohe and partnership with the Department of Conservation (DOC) and have sought the highly exclusive redress of co-authoring a 'place' in the Taranaki-Whanganui and Tongariro-Taupō conservation management strategies (CMS), which cover their rohe. They also seek to maintain parity with redress offered to neighbouring iwi.

22 [REDACTED] s9(2)(j) [REDACTED] I seek your agreement to the following alternative proposals:

22.1 on an interim basis, the nomination of a member to the Tongariro-Taupō Conservation Board, pending the conclusion of either the Tongariro National Park negotiations (if that settlement changes the Board's membership) or those of all Whanganui iwi claimant groups with interests in the Board's area, whichever is earlier; and

22.2 an area of interest statement in relevant conservation management strategies.

23 [REDACTED] s9(2)(j) [REDACTED]

24 Within the delegation provided by Cabinet, the Minister of Conservation and I will also consider whether any further redress is necessary to respond to the Ngāti Hāua aspiration for joint administration and joint decision-making with DOC.

*Interim nomination to the Tongariro-Taupō Conservation Board*

25 [REDACTED] s9(2)(j) [REDACTED]

26 [REDACTED] s9(2)(g)(i) [REDACTED]

27 [REDACTED] s9(2)(j) [REDACTED]

28 [REDACTED] s9(2)(j) [REDACTED] I recommend that the Crown also offer Ngāti Hāua an individual member nomination on the same terms. The nomination would be interim and end either on the settlement of the last Whanganui iwi with interests in the Board's area, or on settlement of the

<sup>1</sup> These members are currently nominated by Ngā Tangata Tiaki o Whanganui (representing Whanganui iwi, of which Ngāti Hāua is part) and the Taranaki Māori Trust Board (currently representing the interests of the eight iwi of Taranaki). Cabinet has agreed that the nomination function for the Taranaki Māori Trust Board will pass to the post-agreement governance entity representing the eight iwi of Taranaki under the Egmont National Park/Taranaki Maunga arrangements [DEV-20-MIN-0054 refers].



collective Tongariro National Park negotiations if that settlement changes the Board's membership (which is likely), whichever is earlier.

- 29 The Ngāti Hāua individual nomination would need to be accommodated by replacing a community nomination when a current member retires, or their term expires. s9(2)(j)

- 30 However, the proposed Ngāti Hāua nomination would be on an interim basis only, as is the case for Ngāti Rangī s9(2)(j) and the forthcoming Tongariro National Park negotiations will likely result in different arrangements. In addition, it is possible this redress will not take effect for Ngāti Hāua, given the terms of its interim basis. (That is, if Tongariro National Park negotiations conclude first or if Ngāti Hāua are the last Whanganui iwi to settle.)

- 31 Officials will work through implementation of this redress, and seek any necessary approvals, prior to initialling a deed of settlement. s9(2)(j)

#### *Area of interest statement in conservation management strategies*

- 32 An 'area of interest statement' is a new instrument, first approved by Cabinet s9(2)(j) in December 2021. It is similar to a statement of association, describing Ngāti Hāua and their ancestral, spiritual, cultural and historical associations across their entire rohe.
- 33 It would be included in the deed of settlement and be deemed to be included in any relevant conservation management strategy until the relevant strategy came up for review (when it would be inserted as an appendix). It does not have specific legal weighting, or statutory recognition (like a Statutory Acknowledgement); it is non-exclusive and could be applied to areas with significant overlapping interests.

#### **Overlapping interests**

- 34 The Crown offer to Ngāti Hāua will be subject to overlapping interest issues being addressed to the satisfaction of the Crown.
- 35 The Ngāti Hāua area of interest is completely overlapped by the areas of interest of other groups. The Crown and Ngāti Hāua will continue to engage with all overlapping groups on the proposed redress being offered by the Crown and will seek their support prior to signing an agreement in principle.
- 36 I will report back to Cabinet with an update on overlapping interests when I seek Cabinet agreement to initial a deed of settlement with Ngāti Hāua.

#### **Mandate**

- 37 Ngāti Hāua have provided regular mandate maintenance reports to The Office for Māori Crown Relations – Te Arawhiti (Te Arawhiti) outlining their engagement with their claimant community. Officials are not aware of any significant issues and will continue to monitor the mandate.

- 38 In July officials concluded there was sufficient support to include three Ngāti Rangatahi hapū and their claims in the Ngāti Hāua settlement. s9(2)(j)

### Next Steps

- 39 I, and relevant portfolio Ministers, have considered whether to finalise or vary redress that does not increase the total value of the settlement, within the general parameters of the Treaty settlement framework.
- 40 Should Cabinet approve the redress outlined in this paper, the Chief Crown Negotiator will present Ngāti Hāua with a Crown offer as agreed by Cabinet and delegated Ministers.

- 41 s9(2)(j)

### Strategy following a Crown offer

- 42 s9(2)(j)

- 43 s9(2)(j)

- 44 I will report back to the Māori Crown Relations: Te Arawhiti Cabinet Committee with a final settlement package for approval, prior to initialling a deed of settlement with Ngāti Hāua.

### Consultation

- 45 In preparing this paper Te Arawhiti has consulted with and incorporated the views of the Parliamentary Counsel Office and DOC. The Department of the Prime Minister and Cabinet has been informed.

### Financial Implications

- 46 The proposals in this paper give rise to implementation costs for DOC. As Cabinet has previously noted, DOC will report to the Minister of Finance and Minister of Conservation once the costs for these and the wider conservation redress package are estimated following initialling of the deed of settlement [MCR-20-MIN-0015 refers].

### Human Rights

- 47 The proposals outlined in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

### Legislative Implications

- 48 No legislative implications arise directly as a result of this paper.

## Regulatory Impact Analysis

- 49 A regulatory impact statement is not required because the proposal does not amend or affect existing regulatory arrangements.

## Publicity

- 50 Te Arawhiti will develop a communications strategy, alongside relevant agencies, to ensure affected and interested parties are informed of the content of the agreement in principle at the time it is signed.
- 51 The agreement in principle will be available to the media and public on the Te Arawhiti website.

## Proactive Release

- 52 I intend to proactively release this paper, making any necessary redactions, within 30 business days of an agreement in principle being signed with Ngāti Hāua. Deferring proactive release is appropriate in the circumstances as all of the content of this paper will remain negotiations sensitive until the agreement in principle has been signed.

## Recommendations

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

### *Background*

- 1 **note** that Ngāti Hāua are the last of the four Whanganui large natural groups to receive a Crown offer for the settlement of their historical Treaty of Waitangi land claims, and are currently negotiating towards an agreement in principle with the Crown;
- 2 **note** that negotiations were paused in March 2021 due to the gap between the parties on quantum and resumed in 2021 when Ngāti Hāua confirmed they are willing to consider an offer in the quantum range proposed by the Minister for Treaty of Waitangi Negotiations;
- 3 **s9(2)(j)**
- 4 **note** that Ministers have agreed to vary and finalise redress within the scope of their delegated authority, such as site-specific additions and adjustments;
- 5 **note** that Ministers have also agreed to seek Cabinet approval, through this paper, for three redress items which are necessary to enable a Crown offer and are outside the general parameters of the Treaty settlement framework;

### *Including Te Pou Tikanga (Ngāti Hāua values) in settlement legislation*

- 6 **note** Cabinet agreed in August 2020 to include a non-operative statement of Te Pou Tikanga (the Ngāti Hāua values), and a statement acknowledging the importance of Te Pou Tikanga to Ngāti Hāua in the agreement in principle and deed of settlement;
- 7 **note** Ngāti Hāua have since sought recognition of Te Pou Tikanga in their settlement legislation;
- 8 **note** the proposal is consistent with the redress provided to Whanganui Land Settlement and will be similarly worded to protect the non-operative status of Te Pou Tikanga;

9 **agree** to include the following in the settlement legislation:

9.1 a non-operative statement of Te Pou Tikanga; and

9.2 an acknowledgement of the importance of Te Pou Tikanga to Ngāti Hāua;

*Interim nomination to Tongariro-Taupō Conservation Board and area of interest statement in conservation management strategies*

10 **note** that in August 2020, Cabinet approved a conservation redress package which includes the transfer of approximately <sup>ss(2)(f)</sup> hectares of conservation land [CAB-20-MIN-0368 refers];

11 **note** Ngāti Hāua considered that redress package did not meet their aspirations for visibility in their rohe, partnership with the Department of Conservation and parity with redress offered to neighbouring iwi;

12 **agree** to offer Ngāti Hāua, on an interim basis, the nomination of a member to the Tongariro-Taupō Conservation Board, pending the conclusion of either the Tongariro National Park negotiations or those of all Whanganui iwi claimant groups with interests in the Conservation Board's area, whichever is earlier;

13 **agree** to offer an 'area of interest' statement (similar to a statement of association):

13.1 to be included in the Ngāti Hāua deed of settlement;

13.2 deemed to be part of any relevant conservation management strategy, until it comes up for review, when it would be inserted as an appendix to the relevant strategy;

*Overlapping interests*

14 **note** the Crown offer to Ngāti Hāua is subject to overlapping interests being addressed to the satisfaction of the Crown prior to initialling a deed of settlement;

*Financial Recommendations*

15 **note** the Department of Conservation will report to the Minister of Finance and Minister of Conservation once the costs for the proposals in this paper and the wider conservation redress package are estimated following initialling of the deed of settlement [MCR-20-MIN-0015 refers];

*Next Steps*

16 **note** the Chief Crown Negotiator will present Ngāti Hāua with a Crown offer, signed by the Minister for Treaty of Waitangi Negotiations, as agreed by Cabinet and delegated Ministers;

17 **note** the Minister for Treaty of Waitangi Negotiations intends to sign an agreement in principle with Ngāti Hāua, should they accept the Crown offer;

18 **note**, if Ngāti Hāua do not accept the Crown offer, the Minister for Treaty of Waitangi Negotiations will consider available options including pausing negotiations or whether to vary redress within delegated authority; and

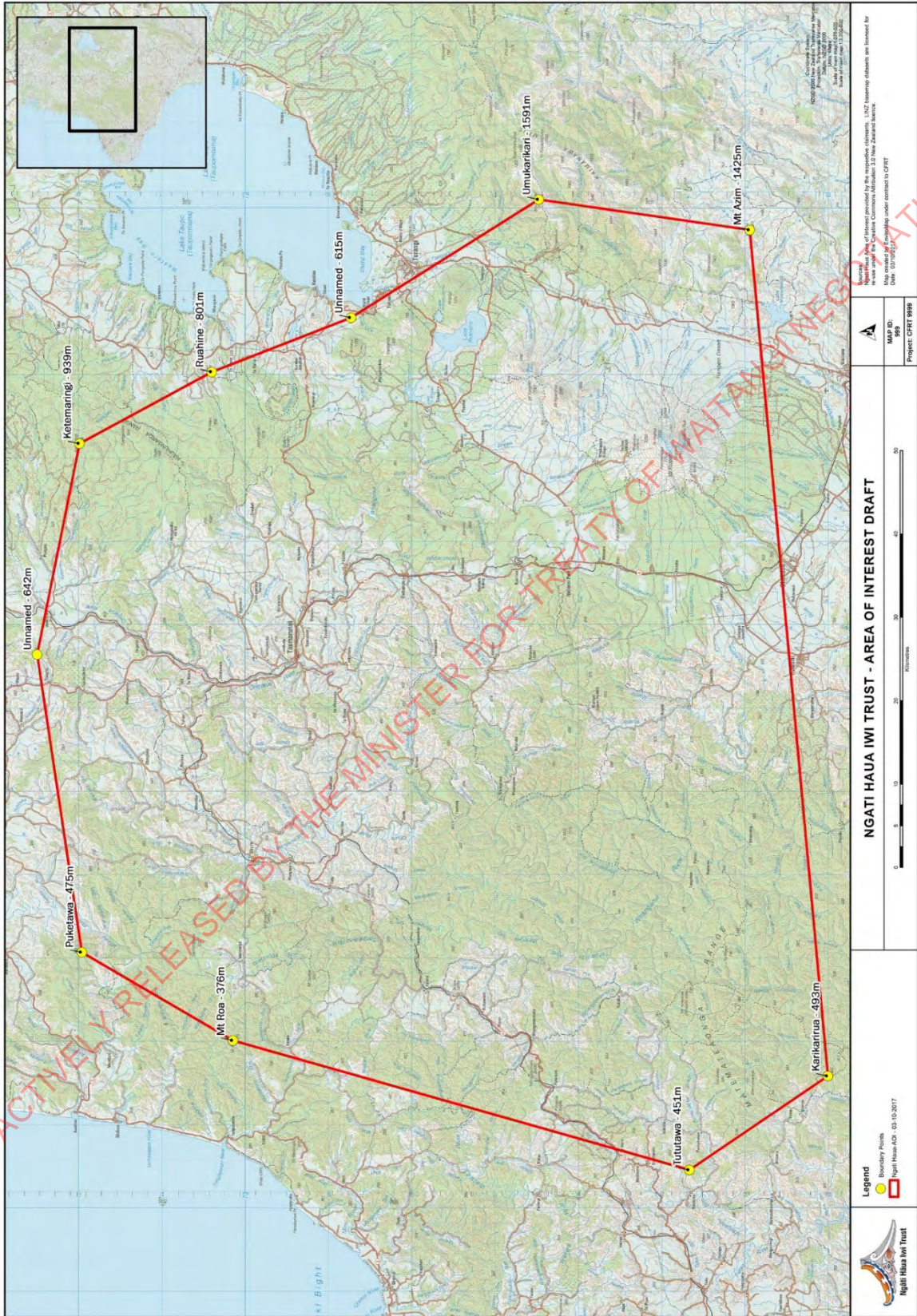
- 19 **note** the Minister for Treaty of Waitangi Negotiations intends to report back to the Cabinet Committee Māori Crown Relations: Te Arawhiti with a final settlement package for approval, prior to initialling a deed of settlement with Ngāti Hāua.

Authorised for lodgement

Hon Andrew Little  
Minister for Treaty of Waitangi Negotiations

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APPENDIX ONE: NGĀTI HĀUA AREA OF INTEREST MAP



**APPENDIX TWO: TE POU TIKANGA (THE NGĀTI HĀUA VALUES)**

**Te Pou Tikanga**

**Ngāti Hāuatanga**

Kia toitū te mana whakauu nā Ngāti Hāua – our nationhood  
*to ensure the survival of the Ngāti Hāua Iwi identity*

**Riri Kore**

Nā ngā tūpuna i hauroatia te maru o te tangata  
*to ensure the continuity of Ngāti Hāua tikanga*

**Rongo Niu**

Tā te rino i tukituki ai, mā te rino anō e hanga  
*the Crown has a responsibility to enhance and uphold Te Tiriti o Waitangi relationship with Ngāti Hāua Iwi*

**Rangitengaue**

Mā te piharau anō te piharau hei whakatika  
*Ngāti Hāua self-determination, Ngāti Hāua solutions for Ngāti Hāua people*

**Kokako**

Ko te Awa te tuatahi, ko te Awa te tuarua  
*uphold our inherent right of kaitiakitanga*

**Tapaka**

He huinga wai, he huinga iwi  
*Te Ara Whanaunga: maintain the integrity of our relationship with others*

**Tamahina**

Ā mua, i muri, ōu kōrero  
*make decisions based on ancestral precedent (tikanga) and values (kaupapa)*

PROACTIVELY RELEASED BY THE MINISTER OF TREATY OF WAITANGI NEGOTIATIONS



# Cabinet Māori Crown Relations - Te Arawhiti Committee

## Summary

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### Ngāti Hāua: Te Pou Tikanga and conservation redress for Crown offer

<b>Portfolio</b>	Treaty of Waitangi Negotiations
<b>Purpose</b>	This paper seeks agreement to three further redress items to enable a Crown offer to be made to Ngāti Hāua.
<b>Previous Decisions</b>	<p>In July 2020, MCR agreed on a redress package in relation to Ngāti Hāua, which included a conservation package of approximately 268 hectares of conservation land, and a non-operative statement of Te Pou Tikanga (the Ngāti Hāua values), and a statement acknowledging the importance of Te Pou Tikanga to Ngāti Hāua in the agreement in principle and deed of settlement [MCR-20-MIN-0023];</p> <p>In February 2022, after a pause in negotiations, MCR agreed an increase of <b>s9(2)(j)</b> for Ngāti Hāua, to a total settlement value of <b>s9(2)(j)</b> [MCR-22-MIN-0001].</p>
<b>Proposal</b>	<p>Ngāti Hāua are the last of the four Whanganui large natural groups to receive a Crown offer for the settlement of their historical Treaty of Waitangi land claims.</p> <p style="text-align: center;"><b>s9(2)(j)</b></p> <p>Since then, relevant portfolio Ministers have agreed to redress within scope of their delegated authority, but three further redress items require Cabinet approval:</p> <ul style="list-style-type: none"> <li>• inclusion of a non-operative statement of Te Pou Tikanga (<b>Appendix 2</b>) and acknowledgement of its importance in Ngāti Hāua's settlement legislation (consistent with redress provided to Whanganui Land Settlement);</li> <li>• an offer of a member nomination on the Tongariro-Taupō Conservation Board, pending the conclusion of either the Tongariro National Park negotiations or those of all Whanganui iwi claimant groups with interests in the Conservation Board's area, whichever is earlier (similar to that agreed in Ngāti Tūwharetoa and Ngāti Rangī settlements);</li> <li>• offer an 'area of interest' statement to be included in the deed of settlement <b>s9(2)(i)</b></li> </ul>



Impact Analysis	Not required.
Financial Implications	The Department of Conservation will have implementation costs arising from these proposals and will report to the Minister of Finance and Minister of Conservation on these costs following the initialling of the deed of settlement.
Legislative Implications	None from this paper.
Timing Matters	<b>s9(2)(j)</b>
Communications	The agreement in principle will be published on Te Arawhiti's website.
Consultation	Paper prepared by Te Arawhiti, PCO and DoC were consulted. DPMC (Prime Minister) was informed.  The Minister indicates that MCR Ministers were consulted.

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

**Background**

- 1 note that Ngāti Hāua are the last of the four Whanganui large natural groups to receive a Crown offer for the settlement of their historical Treaty of Waitangi land claims, and are currently negotiating towards an agreement in principle with the Crown;
- 2 note that negotiations were paused in March 2021 due to the gap between the parties on quantum and resumed in 2021 when Ngāti Hāua confirmed they are willing to consider an offer in the quantum range proposed by the Minister for Treaty of Waitangi Negotiations;
- 3 **s9(2)(j)**
- 4 note that relevant portfolio Ministers have agreed to vary and finalise redress within the scope of their delegated authority, such as site-specific additions and adjustments;
- 5 note that Cabinet approval is sought below for three further redress items which are necessary to enable a Crown offer and are outside the general parameters of the Treaty settlement framework;

**Including Te Pou Tikanga (Ngāti Hāua values) in settlement legislation**

- 6 note that in July 2020, MCR agreed to include a non-operative statement of Te Pou Tikanga (the Ngāti Hāua values), and a statement acknowledging the importance of Te Pou Tikanga to Ngāti Hāua in the agreement in principle and deed of settlement [MCR-20-MIN-0023];
- 7 note that Ngāti Hāua have since sought recognition of Te Pou Tikanga in their settlement legislation;

- 8 note that the above proposal is consistent with the redress provided to Whanganui Land Settlement and will be similarly worded to protect the non-operative status of Te Pou Tikanga;
- 9 agree to include the following in the settlement legislation:
- 9.1 a non-operative statement of Te Pou Tikanga; and
- 9.2 an acknowledgement of the importance of Te Pou Tikanga to Ngāti Hāua;

#### **Interim nomination to Tongariro-Taupō Conservation Board and area of interest statement in conservation management strategies**

- 10 note that in July 2020, MCR approved a conservation redress package which includes the transfer of approximately **s9(2)(j)** of conservation land [MCR-20-MIN-0023];
- 11 note that Ngāti Hāua considered that the above redress package did not meet their aspirations for visibility in their rohe, partnership with the Department of Conservation, and parity with redress offered to neighbouring iwi;
- 12 agree to offer Ngāti Hāua, on an interim basis, the nomination of a member to the Tongariro-Taupō Conservation Board, pending the conclusion of either the Tongariro National Park negotiations or those of all Whanganui iwi claimant groups with interests in the Conservation Board's area, whichever is earlier;
- 13 agree to offer an 'area of interest' statement (similar to a statement of association):
- 13.1 to be included in the Ngāti Hāua deed of settlement;
- 13.2 deemed to be part of any relevant conservation management strategy, until it comes up for review, when it would be inserted as an appendix to the relevant strategy;

#### **Overlapping interests**

- 14 note that the Crown offer to Ngāti Hāua is subject to overlapping interests being addressed to the satisfaction of the Crown prior to initialling a deed of settlement;

#### **Financial Recommendations**

- 15 note that the Department of Conservation will report to the Minister of Finance and Minister of Conservation once the costs for the above package and the wider conservation redress package [MCR-22-MIN-0015] are estimated following initialling of the deed of settlement;

#### **Next Steps**

- 16 **s9(2)(j)**
- 17
- 18

- 19 note that the Minister for Treaty of Waitangi Negotiations intends to report back to MCR with a final settlement package for approval, prior to initialling a deed of settlement with Ngāti Hāua.

Rachel Clarke  
Committee Secretary

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**Hard-copy distribution:**  
Cabinet Māori Crown Relations - Te Arawhiti Committee

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS



# Cabinet Māori Crown Relations: Te Arawhiti Committee

## Minute of Decision

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### Ngāti Hāua: Te Pou Tikanga and conservation redress for Crown offer

Portfolio Treaty of Waitangi Negotiations

On 8 March 2022, the Cabinet Māori Crown Relations: Te Arawhiti Committee (MCR):

#### Background

1 **noted** that Ngāti Hāua are the last of the four Whanganui large natural groups to receive a Crown offer for the settlement of their historical Treaty of Waitangi land claims, and are currently negotiating towards an agreement in principle with the Crown;

2 **s9(2)(j)**

3 **s9(2)(j)**

4 **noted** that relevant portfolio Ministers have agreed to vary and finalise redress within the scope of their delegated authority, such as site-specific additions and adjustments;

5 **noted** that Cabinet approval is sought below for three further redress items which are necessary to enable a Crown offer and are outside the general parameters of the Treaty settlement framework;

#### Including Te Pou Tikanga (Ngāti Hāua values) in settlement legislation

6 **noted** that in July 2020, MCR agreed to include a non-operative statement of Te Pou Tikanga (the Ngāti Hāua values), and a statement acknowledging the importance of Te Pou Tikanga to Ngāti Hāua in the agreement in principle and deed of settlement [MCR-20-MIN-0023];

7 **noted** that Ngāti Hāua have since sought recognition of Te Pou Tikanga in their settlement legislation;

8 **noted** that the above proposal is consistent with the redress provided to Whanganui Land Settlement and will be similarly worded to protect the non-operative status of Te Pou Tikanga;

9 **agreed** to include the following in the settlement legislation:

9.1 a non-operative statement of Te Pou Tikanga; and

9.2 an acknowledgement of the importance of Te Pou Tikanga to Ngāti Hāua;

**Interim nomination to Tongariro-Taupō Conservation Board and area of interest statement in conservation management strategies**

- 10 **noted** that in July 2020, MCR approved a conservation redress package which includes the transfer of approximately **s9(2)(j)** of conservation land [MCR-20-MIN-0023];
- 11 **noted** that Ngāti Hāua considered that the above redress package did not meet their aspirations for visibility in their rohe, partnership with the Department of Conservation, and parity with redress offered to neighbouring iwi;
- 12 **agreed** to offer Ngāti Hāua, on an interim basis, the nomination of a member to the Tongariro-Taupō Conservation Board, pending the conclusion of either the Tongariro National Park negotiations or those of all Whanganui iwi claimant groups with interests in the Conservation Board's area, whichever is earlier;
- 13 **agreed** to offer an 'area of interest' statement (similar to a statement of association):
  - 13.1 to be included in the Ngāti Hāua deed of settlement;
  - 13.2 deemed to be part of any relevant conservation management strategy, until it comes up for review, when it would be inserted as an appendix to the relevant strategy;

**Overlapping interests**

- 14 **noted** that the Crown offer to Ngāti Hāua is subject to overlapping interests being addressed to the satisfaction of the Crown prior to initialling a deed of settlement;

**Financial Recommendations**

- 15 **noted** that the Department of Conservation will report to the Minister of Finance and Minister of Conservation once the costs for the above package and the wider conservation redress package [MCR-22-MIN-0015] are estimated following initialling of the deed of settlement;

**Next Steps**

- 16 **noted** that the Chief Crown Negotiator will present Ngāti Hāua with a Crown offer, signed by the Minister for Treaty of Waitangi Negotiations, as agreed by Cabinet and delegated Ministers;
- 17 **noted** that the Minister for Treaty of Waitangi Negotiations intends to sign an agreement in principle with Ngāti Hāua, should they accept the Crown offer;
- 18 **noted** that, if Ngāti Hāua do not accept the Crown offer, the Minister for Treaty of Waitangi Negotiations will consider available options including pausing negotiations or whether to vary redress within delegated authority;
- 19 **noted** that the Minister for Treaty of Waitangi Negotiations intends to report back to MCR with a final settlement package for approval, prior to initialling a deed of settlement with Ngāti Hāua.

Gerrard Carter  
Committee Secretary

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Present: (see over)

IN CONFIDENCE

MCR-22-MIN-0004

**Present:**

Hon Kelvin Davis (Chair)  
Hon Andrew Little (Deputy Chair)  
Hon David Parker  
Hon Nanaia Mahuta  
Hon Stuart Nash  
Hon Willie Jackson  
Hon Kiri Allan

**Officials present from:**

Office of the Prime Minister  
Officials Committee for CMR

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS



# Cabinet

## Minute of Decision

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### Report of the Cabinet Māori Crown Relations: Te Arawhiti Committee: Period Ended 11 March 2022

On 14 March 2022, Cabinet made the following decisions on the work of the Cabinet Māori Crown Relations: Te Arawhiti Committee for the period ended 11 March 2022:

Out of Scope

MCR-22-MIN-0004 **Ngāti Hāua: Te Pou Tikanga and conservation redress for Crown offer** CONFIRMED  
Portfolio: Treaty of Waitangi Negotiations

Out of Scope

Michael Webster  
Secretary of the Cabinet