



Hon Kelvin Davis

MP for Te Tai Tokerau

Minister for Māori Crown Relations: Te Arawhiti
Minister for Children
Minister of Corrections
Associate Minister of Education (Māori Education)

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Whetu Moataane
Chairperson
Te Tōtarahoe o Paerangi Trust

29 August 2023

By email: Chair@ngatirangi.com

Tēnā koe

Letter of Agreement to Amend Clause 11.26.1 of the Deed of Settlement and Section 132 of Ngāti Rangī Claims Settlement Act 2019

This letter is between the trustees of Te Tōtarahoe o Paerangi Trust (Trustees) on behalf of Ngāti Rangī, and myself, as the Minister for Māori Crown Relations – Te Arawhiti, on behalf of the Crown.

It records an agreement to extend timeframes for the New Zealand Defence Force (NZDF) to negotiate and reach a binding agreement for the transfer of defence area land with trustees from “4 years from the settlement date” to “7 years from the settlement date”.

Timeframes are contained in clause 11.26.1 of the Deed of Settlement dated 10 March 2018 (the Deed) and section 132(1) of Ngāti Rangī Claims Settlement Act 2019 (the Act).

Background to the amendments

As part of the commercial redress package in the Deed, clauses 11.24 to 11.28 of the Deed provide for Ngāti Rangī to purchase defence area land for a period of up to four years from the settlement date. Any defence area land transferred under such an agreement may only be used for the purpose of a commercial housing venture. The Act authorises NZDF to transfer defence area land if a binding agreement is reached within 4 years from the settlement date.

Ngāti Rangī's settlement date was 26 September 2019 and the four-year timeframe specified in the Deed and the Act lapses on 27 September 2023. The Crown and Ngāti Rangī recognise that a binding agreement will not now be able to be reached before 27 September 2023.

As well as needing to extend the timeframe for any agreed purchase of defence area land in the Deed, an amendment to the timeframe in the Act is required to maintain NZDF's statutory authority to transfer defence area land to Ngāti Rangī. If both of the amendments are not made, Ngāti Rangī and NZDF will not be able to realise the redress as intended.

Proposed amendment to Act

The amendment to the Act is a change to one word replacing "4" with "7", as in bold below:

132 Transfer of defence area land to trustees

- (1) *If a binding agreement for the transfer of any defence area land is reached by the New Zealand Defence Force and the trustees within a period of **4** years from the settlement date, the New Zealand Defence Force may transfer the land specified in the agreement to the trustees for the purpose described in subsection (2).*
- (2) *The New Zealand Defence Force may transfer to the trustees any defence area land specified in the agreement on condition that the land is used only for the purpose of a commercial housing venture, on the terms set out in clauses 11.26.2 to 11.26.4 of the deed of settlement.*

Implementation for Act amendment

This is a minor technical amendment and does not affect the substance of the settlement. The intention is to enact it through the next Statutes Amendment Bill, currently intended for introduction in early 2024. Officials will keep you updated.

Amendment Effected for Deed

The Deed is amended as in bold below:

"11.26.1 the governance entity may purchase defence area land on a deferred selection basis for a period of up to **seven** years from the settlement date; and"

The Deed remains unchanged except to the extent provided above. The amendment to the Deed takes effect when this letter is countersigned.

This letter is signed by me on behalf of the Crown and is consistent with the spirit of partnership that underpins the Ngāti Rangī settlement. I would be pleased if you would confirm the agreement of both parties to amend the Deed and the Act as outlined above, by countersigning this letter.



Hon Kelvin Davis
Minister for Māori Crown Relations – Te Arawhiti

Dated: 29/8 / 2023

I confirm the agreement of Te Tōtarahoe o Paerangi Trust to the amendments to the timeframes from “4-years” to “7-years” in both clause 11.26.1 of the Deed of Settlement dated 10 March 2018 and section 132 (1) of the Ngāti Rangī Claims Settlement Act 2019 as outlined in the letter above.



Whetu Moataane
Chairperson
Te Tōtarahoe o Paerangi Trust

Dated: 24 / 08 / 2023