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J17

Legislative Statement: Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Claims Settlement Bill – second reading

Overview

The Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Claims Settlement Bill (the Bill) gives effect to the elements of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua (Ngāti Kahungunu) Deed of Settlement (the Deed) that rely on legislation in order to be enacted and implemented.

The Ngāti Kahungunu settlement package will finally and comprehensively settle all remaining Ngāti Kahungunu historical Treaty of Waitangi claims. The settlement package includes Crown apology redress, cultural redress, and financial and commercial redress of \$115 million (plus interest).

A brief overview of the Bill's provisions is detailed below.

Apology redress

This Bill contains a summary of the historical account of the relationship between the Crown and Ngāti Kahungunu. It also contains the Crown's acknowledgements of, and apology for, its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles regarding Ngāti Kahungunu.

Cultural redress

Cultural redress is intended to recognise the cultural, historical and traditional associations of Ngāti Kahungunu within their area of interest. The Bill provides for the implementation of a number of cultural redress instruments:

Protocols

The Bill requires the issuance, by the responsible Minister, of the following protocols:

- Crown Minerals Protocol; and
- Taonga Tūturu Protocol.

These protocols set out how the responsible agencies will interact with and consult the Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Settlement Trust (the Ngāti Kahungunu Settlement Trust) when carrying out statutory duties and functions.

Vesting of properties

The Bill vests 27 sites, specified in Schedule 3, in the Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Settlement Trust as cultural redress properties. Of these, four will be vested in fee simple, 22 vest in fee simple to be administered as reserves, and one vests in fee simple subject to a conservation covenant.

The Bill also provides for the vesting of Castlepoint Scenic Reserve in the trustees of the Ngāti Kahungunu Settlement Trust and the gifting back of the reserve to the Crown.

Statutory acknowledgement

The statutory acknowledgements acknowledges Ngāti Kahungunu statements of their cultural, historical, spiritual and traditional association with areas specified in Schedule 2, Part 1 of the Bill.

Under the Bill, the statutory acknowledgement will require:

- specified authorities to have regard to the statutory acknowledgement;
- relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the Schedule 3 areas, and provide summaries of relevant resource consent applications to the trustees of the Ngāti Kahungunu Settlement Trust; and
- enable Ngāti Kahungunu to cite the statutory acknowledgement as evidence of their association with the statutory areas listed in Schedule 2, Part 1 and 2.

Deeds of recognition

The Bill requires the Minister of Conservation and the Director-General of Conservation to issue deeds of recognition for the areas listed in Schedule 2, Part 2.

Deeds of recognition compel the Crown to consult with the trustees of the Ngāti Kahungunu Settlement Trust on specified matters and have regard to Ngāti Kahungunu views on their special associations with certain areas.

Official geographic place names

The Bill provides for 30 geographic place names changes listed in clause 5.19 of the Deed. These changes are set out at clause 41 to 44 of the Bill.

Manawatu River catchment advisory board

The Bill provides that the trustees of the Ngāti Kahungunu Settlement Trust may appoint a member to the Manawatu River catchment advisory board (advisory board). The advisory board was established by the Rangitāne o Manawatu Claims Settlement Act 2016 to provide advice to the Manawatu–Wanganui Regional Council in relation to freshwater management issues concerning the Manawatu River catchment.

Te Upoko Taiao

The Bill provides for the existing Te Upoko Taiao Natural Resources Plan Committee to be a permanent committee of the Wellington Regional Council, with restrictions on the discharge and on amendment of Te Upoko Taiao terms of reference.

Commercial redress

The Bill sets out the conditions for:

- Ngāti Kahungunu to purchase commercial properties and deferred selection properties for up to two years after settlement date (clauses 93 to 100);
- the transfer of Ngāumu Crown Forest Licensed land; and
- a right of first refusal (RFR) over RFR land within the Ngāti Kahungunu area of interest, for 178 years from settlement date.