

(Te Arawhiti, 2023:
5)



Te Kāhui Whakatau
(Treaty Settlements)

Year to Date Progress Report

1 July – 30 September 2023

www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements

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Overview

The Office for Māori Crown Relations – Te Arawhiti was established as a departmental agency on 1 January 2019. Te Arawhiti was created to consolidate a range of distinct but related government functions that support Māori Crown partnerships and help the Crown build on the sense of renewal in Māori Crown relations established through the Treaty settlement process.

Te Arawhiti comprises of:

- Te Kāhui Whakatau (Treaty Settlements);
- Te Kāhui Takutai Moana (Marine and Coastal Area);
- Te Kāhui Whakamana (Settlement Commitments);
- Te Kāhui Hikina (Māori Crown Relations); and
- Te Hāpai Ō Policy and Operations.

This report brings together information on the key outputs of Te Kāhui Whakatau (Treaty Settlements) for the three-month period ending 30 September 2023.

Te Kāhui Whakatau (Treaty Settlements) negotiates settlements of historical Treaty of Waitangi claims (claims relating to Crown acts and omissions prior to 21 September 1992) on behalf of the Crown. There are numerous claimant groups from around the country currently involved in negotiations with the Crown, or in pre-negotiation discussions. The map and tables on the following pages provide an overview of these.

Along with several other government departments, Te Kāhui Whakatau (Treaty Settlements) has an ongoing role in the implementation of the settlements agreed to date. This includes transferring settlement properties, farms and forest land, putting agreed settlement instruments into effect and monitoring the Crown's compliance with obligations under the deeds of settlement.

Properties surplus to Crown requirements are available as potential redress in Treaty Settlements. Land Information New Zealand manages this property portfolio. Properties that are not used for settlement purposes are sold on the open market once the relevant settlements have been agreed. For more information, please refer to the following website: www.linz.govt.nz/treaty-settlements-landbank-protection-mechanism

Te Kāhui Takutai Moana has responsibility to implement and administer the Marine and Coastal Area (Takutai Moana) Act 2011 (te Takutai Moana Act). Te Kāhui Takutai Moana lead engagement with applicants on the recognition of customary rights, work with the Crown Law Office for applications considered by the High Court, and provide advice to the Minister of Treaty of Waitangi Negotiations.

Applications for recognition of customary interests under te Takutai Moana Act closed on 3 April 2017. Close to 500 applications were received, and of these approximately:

- 203 were for determination by the High Court;
- 382 were for determination by the responsible Minister, of these 175 also applied for a High Court determination.

As well as providing a statutory framework for determining whether customary rights exist in the common marine and coastal area, te Takutai Moana Act also provides for the legal arrangements and the general management of the area. This includes arrangements relating to the management of roads, minerals, structures, access, navigation and recreation rights, and reclaimed land.

Te Kāhui Takutai Moana also administer applications for customary marine title under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. Part of this Act provides a framework to apply for recognition of customary rights within ngā rohe moana o ngā hapū o Ngāti Porou.

For more information please refer to the following website:

<https://tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area>

Progress of Settlements

7 significant milestones were reached with claimant groups in the three-month period ending 30 September 2023.

Group	Milestone	Date
Te Korowai o Wainuiārua	Deed of Settlement signed	29/07/2023
Te Korowai o Wainuiārua	Legislation introduced	29/08/2023
Ngāi Tai (Tōrere)	Mandate recognised	30/08/2023
Ngāi Tai (Tōrere)	Terms of Negotiation signed	31/08/2023
Taranaki Maunga	Deed of Settlement signed	1/09/2023
Taranaki Maunga	Legislation introduced	6/09/2023
Te Whānau ā Apanui	Deed of Settlement initialled	26/09/2023

Claimant Group Status Summary by Stages in the Negotiation Process

The following table indicates the progress and status of claimant groups in negotiations. It includes settlements that have been implemented. The table is broken down into regional groupings.

GROUP	Mandate recognised by Crown	Terms of Negotiation signed	Agreement in Principle signed	Deed of Settlement signed	Enacted through legislation	Negotiation status
Te Taitokerau						
Te Uri o Hau						Legislation for this settlement was passed on 17 October 2002
Te Roroa						Legislation for this settlement was passed on 25 September 2008
Te Rarawa						Legislation for this settlement was passed on 9 September 2015
Te Aupōuri						Legislation for this settlement was passed on 9 September 2015
Ngāi Takoto						Legislation for this settlement was passed on 9 September 2015
Ngāti Kuri						Legislation for this settlement was passed on 9 September 2015
Ngāti Kahu						A collective Agreement in Principle for Te Hiku iwi was signed on 16 January 2010
Ngāpuhi						Working towards recognition of regional hapū groupings
Ngatikahu ki Whangaroa						Legislation for this settlement was passed on 16 August 2017
Ngātiwai						A Deed of Mandate was recognised by the Crown on 21 October 2015
Tāmaki Makaurau						
Ngāti Whātua Ōrākei						Legislation for this settlement was passed on 19 November 2012
Ngāti Whātua o Kaipara						Legislation for this settlement was passed on 6 June 2013
Te Kawerau ā Maki						Legislation for this settlement was passed on 9 September 2015
Ngāti Manuhiri						Legislation for this settlement was passed on 19 November 2012
Ngāti Rehua-Ngātiwai ki Aotea						A Deed of Settlement was initialled on 19 December 2016
Tāmaki Collective	n/a	n/a				Legislation for this settlement was passed on 24 July 2014
Ngāti Tamaoho						Legislation for this settlement was passed on 5 July 2018
Ngāti Koheriki						Terms of Negotiation were signed on 6 June 2013
Ngāti Te Ata						Terms of Negotiation were signed on 29 June 2011
Te Ākitai Waiohua						A Deed of Settlement was signed on 12 November 2021
Ngāti Whātua remaining and Kaipara Harbour						An Agreement in Principle was signed on 18 August 2017

GROUP	Mandate recognised by Crown	Terms of Negotiation signed	Agreement in Principle signed	Deed of Settlement signed	Enacted through legislation	Negotiation status
Hauraki						
Hauraki Collective						Legislation for this settlement was introduced on 16 December 2022
Marutūāhu Collective	n/a	n/a				A Record of Agreement was signed on 17 May 2013
Ngāi Tai ki Tāmaki						Legislation for this settlement was passed on 28 June 2018
Ngāti Rahiri Tumutumu						A Deed of Settlement was initialled on 13 July 2017
Hako						An Agreement in Principle was signed on 22 July 2011
Ngāti Hei						Legislation for this settlement was introduced on 16 December 2022
Ngāti Paoa						Legislation for this settlement was introduced on 16 December 2022
Ngāti Porou ki Harataunga ki Mataora						An Agreement in Principle was signed on 22 July 2011
Ngāti Tara Tokanui						Legislation for this settlement was introduced on 25 October 2022
Ngaati Whanaunga						A Deed of Settlement was initialled on 25 August 2017
Te Patukirikiri						A Deed of Settlement was signed on 7 October 2018
Ngāti Tamaterā						A Deed of Settlement was initialled on 8 September 2017
Ngāti Maru (Hauraki)						A Deed of Settlement was initialled on 8 September 2017
Waikato						
Waikato-Tainui (Raupatu claim)						Legislation for this settlement was passed on 3 November 1995
Waikato-Tainui (River interests)						Legislation for this settlement was passed on 6 May 2010
Waikato-Tainui (remaining claims)						Terms of Negotiation were signed on 14 December 2020
Raukawa (River interests)	n/a	n/a	n/a			Legislation for this settlement was passed on 21 October 2010
Te Arawa Affiliates (River interests)	n/a	n/a	n/a			Legislation for this settlement was passed on 21 October 2010
Ngāti Tūwharetoa (River interests)	n/a	n/a	n/a			Legislation for this settlement was passed on 21 October 2010
Ngāti Maniapoto (River interests)	n/a	n/a	n/a			Legislation for this settlement was passed on 28 March 2012
Maniapoto						Legislation for this settlement was passed on 22 September 2022
Raukawa (comprehensive)						Legislation for this settlement was passed on 12 March 2014
Ngāti Koroki Kahukura						Legislation for this settlement was passed on 10 December 2014
Ngāti Hauā						Legislation for this settlement was passed on 10 December 2014
Maraeroa A and B Blocks (Rereahu)						Legislation for this settlement was passed on 31 July 2012
Ngāti Hinerangi						Legislation for this settlement was passed on 6 April 2021
Te Moana a Toi						
Ngāti Tūwharetoa (Bay of Plenty)						Legislation for this settlement was passed on 23 May 2005
Ngāti Awa						Legislation for this settlement was passed on 24 March 2005
Ngāti Ranginui			n/a			Legislation for this settlement was introduced on 30 October 2015

GROUP	Mandate recognised by Crown	Terms of Negotiation signed	Agreement in Principle signed	Deed of Settlement signed	Enacted through legislation	Negotiation status
Ngāti Pūkenga			n/a			Legislation for this settlement was passed on 10 August 2017
Ngāi Te Rangi						Legislation for this settlement was introduced on 2 May 2016
Tauranga Moana Iwi Collective	n/a	n/a	n/a			Legislation for this settlement was introduced on 30 October 2015
Ngāi Tai (Tōreire)						Terms of Negotiation were signed on 31 August 2023
Whakatōhea						Legislation for this settlement was introduced on 13 June 2023
Te Whānau a Apanui						A Deed of Settlement was initialled on 26 September 2023
Central North Island						
Central North Island Collective						Legislation for this settlement was passed on 25 September 2008
Ngāti Manawa						Legislation for this settlement was passed on 28 March 2012
Ngāti Whare						Legislation for this settlement was passed on 28 March 2012
Ngāi Tūhoe						Legislation for this settlement was passed on 24 July 2014
Ngāti Tūwharetoa						Legislation for this settlement was passed on 13 December 2018
Ngāti Ruapani						An Agreement in Principle was signed on 27 August 2022
Te Arawa						
Te Arawa Lakes						Legislation for this settlement was passed on 25 September 2006
Te Arawa Affiliates						Legislation for this settlement was passed on 25 September 2008
Ngāti Mākino						Legislation for this settlement was passed on 31 July 2012
Waitaha						Legislation for this settlement was passed on 6 June 2013
Pouakani			n/a			Legislation for this settlement was passed on 12 December 2000
Ngāti Tūrangitukua			n/a			Legislation for this settlement was passed on 14 October 1999
Ngāti Rangiteaorere (Te Tokotoru)						Legislation for this settlement was passed on 9 April 2014
Tapuika (Te Tokotoru)						Legislation for this settlement was passed on 9 April 2014
Ngāti Rangiwewehi (Te Tokotoru)						Legislation for this settlement was passed on 9 April 2014
Ngāti Whakaue						Terms of Negotiation were signed on 3 April 2014
Ngāti Rangitihī						Legislation for this settlement was passed on 15 March 2022
Te Tairāwhiti						
Tūranganui-a-Kiwa						An Agreement in Principle was signed on 29 August 2008
Rongowhakaata						Legislation for this settlement was passed on 31 July 2012
Ngāi Tamanuhiri						Legislation for this settlement was passed on 31 July 2012
Ngāti Porou		n/a				Legislation for this settlement was passed on 29 March 2012

GROUP	Mandate recognised by Crown	Terms of Negotiation signed	Agreement in Principle signed	Deed of Settlement signed	Enacted through legislation	Negotiation status
Takitimu						
Ngāti Pāhauwera						Legislation for this settlement was passed on 29 March 2012
Maungaharuru Tangitū Hapū						Legislation for this settlement was passed on 9 April 2014
Ngāti Hineuru						Legislation for this settlement was passed on 29 June 2016
Ahuriri Hapū						Legislation for this settlement was passed on 7 December 2021
Ngāti Kahungunu ki Heretaunga Tamatea						Legislation for this settlement was passed on 21 June 2018
Iwi and hapū of Te Rohe o Te Wairoa						Legislation for this settlement was passed on 6 September 2018
Rangitāne o Wairarapa-Tāmaki Nui ā Rua						Legislation for this settlement was passed on 10 August 2017
Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua						Legislation for this settlement was passed on 13 December 2022
Te Rohe o Rongokako Joint Redress Bill	n/a	n/a	n/a	n/a		Legislation for this settlement was passed on 6 December 2022
Hawkes Bay Regional Planning Committee Act	n/a	n/a	n/a	n/a		Legislation was passed on 12 August 2015
Te Tai Hauāuru						
Ngāti Ruanui						Legislation for this settlement was passed on 5 May 2003
Ngāti Tama						Legislation for this settlement was passed on 25 November 2003
Ngaa Rauru Kiitahi						Legislation for this settlement was passed on 27 June 2005
Ngāti Mutunga						Legislation for this settlement was passed on 21 November 2006
Ngāti Apa (North Island)						Legislation for this settlement was passed on 9 December 2010
Te Iwi o Whanganui (River Claim)						Legislation for this settlement was passed on 15 March 2017
Rangitāne o Manawatū						Legislation for this settlement was passed on 7 December 2016
Te Ātiawa (Taranaki)						Legislation for this settlement was passed on 30 November 2016
Ngāruahine						Legislation for this settlement was passed on 30 November 2016
Taranaki Iwi						Legislation for this settlement was passed on 30 November 2016
Ngāti Rangī						Legislation for this settlement was passed on 25 July 2019
Mōkai Pātea						Terms of Negotiation were signed on 20 September 2021
Ngāti Maru (Taranaki)						Legislation for this settlement was passed on 29 March 2022
Te Korowai o Wainuiārua						Legislation for this settlement was introduced on 29 August 2023
Taranaki Maunga						Legislation for this settlement was introduced on 6 September 2023
Whanganui iwi – Ngāti Hāua						An Agreement in Principle was signed on 22 October 2022

GROUP	Mandate recognised by Crown	Terms of Negotiation signed	Agreement in Principle signed	Deed of Settlement signed	Enacted through legislation	Negotiation status
Whanganui Lands Settlement						<i>An Agreement in Principle was signed on 30 August 2019</i>
Te Ture Haeata ki Parihaka / Parihaka Reconciliation Act	n/a	n/a	n/a	n/a		<i>Legislation was passed on 24 October 2019</i>
<i>Te Whanganui ā Tara / Te Waipounamu</i>						
Ngāi Tahu						<i>Legislation for this settlement was passed on 1 October 1998</i>
Taranaki Whānui ki Te Upoko o Te Ika						<i>Legislation for this settlement was passed on 30 July 2009</i>
Muaūpoko						<i>Terms of Negotiation were signed on 14 December 2013</i>
Ngāti Kuia						<i>Legislation for this settlement was passed on 17 April 2014</i>
Ngāti Apa ki te Rā Tō						<i>Legislation for this settlement was passed on 17 April 2014</i>
Rangitāne o Wairau						<i>Legislation for this settlement was passed on 17 April 2014</i>
Ngāti Toa Rangātira						<i>Legislation for this settlement was passed on 17 April 2014</i>
Ngāti Kōata						<i>Legislation for this settlement was passed on 17 April 2014</i>
Te Ātiawa o Te Waka-ā-Maui						<i>Legislation for this settlement was passed on 17 April 2014</i>
Ngāti Rārua						<i>Legislation for this settlement was passed on 17 April 2014</i>
Ngāti Tama ki Te Tau Ihu						<i>Legislation for this settlement was passed on 17 April 2014</i>
Ngāti Tama (Wellington)						<i>Terms of Negotiation were signed on 28 March 2014</i>
Moriori						<i>Legislation for this settlement was passed on 23 November 2021</i>
Ngāti Mutunga o Wharekauri						<i>An Agreement in Principle was signed on 25 November 2022</i>

Claimant Funding

In 1997 the government amended its policy so that claimant funding was paid separately from negotiated settlement redress. For settlements prior to this, claimant funding was deducted from the negotiated settlement redress. The amount of money paid as claimant funding differs for each group depending on the stage they have reached in the negotiation process, the size of the claimant group, and the complexity of the issues negotiated.

From 1 January 1996 to 30 September 2023 \$120.466 million was paid in various types of claimant funding. In the three months ending 30 September 2023 \$1.721 million was paid as claimant funding.

Note: These figures do not include some payments made to Te Ariki, Te Whanganui a Orotū, Tūhourangi, Waimakuku, Waiwhetu and Ngāti Rangatahi (totalling \$100,103). Additional payments, including ex gratia/one-off payments, have been made from specific appropriations.

Spending by Appropriation

For the three months ending 30 September 2023, Te Kāhui Whakatau (Treaty Settlements) and Te Kāhui Takutai Moana spent \$9.703 million against a departmental budget of \$39.878 million. The following table details what this appropriation is spent on.

APPROPRIATION	COMMENTS
Vote Te Arawhiti - Treaty Negotiations and Marine and Coastal \$39.878 million	<p>This appropriation includes:</p> <ul style="list-style-type: none"> • provision of advice to support decision making by Ministers on government policy matters relating to Treaty negotiations and the Marine and Coastal Area (Takutai Moana) Act 2011; • costs relating to Crown representation in the Waitangi Tribunal and in the Courts on matters concerning Treaty claims, and associated research into historical Treaty grievances to support representation; • costs relating to the negotiation and implementation of historical Treaty claims, and the administration and implementation of the Marine and Coastal Area (Takutai Moana) Act 2011. <p>Actual expenditure in this appropriation to 30 September 2023 was \$9.703 million against a budget of \$39.878 million.</p>

Property Portfolio Information

Te Kāhui Whakatau (Treaty Settlements) operates a mechanism to protect surplus Crown, District Health Board and Crown Research Institute land for potential use in settling historical Treaty of Waitangi claims. When the land is declared surplus, Māori are invited to express an interest in the Crown purchasing the surplus land. If the Crown agrees that the property meets the protection mechanism criteria, it will be purchased and held in a regional landbank until a Treaty settlement is signed.

Properties held in the Treaty Settlements Landbank are managed and maintained by Land Information New Zealand (LINZ). Details of the protection mechanism process and a list of properties held in Regional Landbanks is contained on the following website:

www.linz.govt.nz/treaty-settlements-landbank-protection-mechanism

In the three-month period ending 30 September 2023, one property was purchased for potential use in historical Treaty settlements, ten properties were disposed of, leaving the total value of the property portfolio at \$614.47 million excluding GST (net book value). This left 894 landbank properties on the LINZ Crown balance sheet as at 30 September 2023.