

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

Proactive release – Maniapoto Claims Settlement Bill: Approval for introduction

Date of issue: 23 December 2021

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	Maniapoto Claims Settlement Bill: approval for introduction Cabinet paper Office of the Minister for Treaty of Waitangi Negotiations 25 November 2021	Redacted in part to preserve commercial sensitivity under section 9(2)(i) OIA.
2	Maniapoto Claims Settlement Bill: Approval for introduction <i>Minute of Decision LEG-21-MIN-0200</i> Cabinet Legislation Committee Meeting date: 25 November 2021	Released in full
3.	Report of the Cabinet Legislation Committee: Period Ended 26 November 2021 <i>Cabinet minute CAB-21-MIN-0505</i> Cabinet Office Meeting date: 29 November 2021	Redacted in part because out of scope

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Office of the Minister for Treaty of Waitangi Negotiations

Chair, Cabinet Legislation Committee

MANIAPOTO CLAIMS SETTLEMENT BILL: APPROVAL FOR INTRODUCTION

Proposal

1. I seek Cabinet agreement to introduce the Maniapoto Claims Settlement Bill (**Bill**).
2. The Bill gives effect to the Maniapoto Deed of Settlement (**Deed**), signed by the Crown, the Maniapoto Māori Trust Board (the mandated entity), and Te Nehenehenui (the post settlement governance entity) on 11 November 2021. The Bill has a priority 4 (to be referred to a select committee in the year) classification in the 2021 Legislative Programme.

Policy

Maniapoto

3. Maniapoto's area of interest encompasses the King Country including the adjacent marine environment, and part of the exclusive economic zone, as shown on the map attached at **Appendix One**. The principal townships within their area of interest are Taumarunui, Mōkau, Pureora, Te Kuiti, Ōtorohanga, Te Awamutu and Kāwhia. At the time of the 2018 Census, the iwi had an estimated 45,930 members.
4. Maniapoto's historical grievances relate to loss of life in conflicts with the Crown, bearing the costs of the New Zealand Wars, the Crown deliberately undermining Maniapoto independence, failing to uphold promises made in the 1880s relating to Maniapoto land administration and self-determination, and the aggressive manner in which the Crown acquired Maniapoto land.

Negotiations

5. In December 2016, the Crown recognised the mandate of Maniapoto Maori Trust Board (**MMTB**) to represent Maniapoto in negotiations, and signed terms of negotiation. Maniapoto and the Crown signed an agreement in principle in August 2017.
6. On 17 December 2018, Cabinet approved the final settlement package for the comprehensive settlement of the historical Treaty of Waitangi claims of Maniapoto [CAB-18-MIN-0643 refers].
[REDACTED]
[REDACTED] section 9(2)(i)
7. On 17 December 2020, the Crown and Maniapoto initialled the Deed.
8. In July and August 2021, the Maniapoto claimant community voted to ratify the Deed. The participation rate of all eligible and registered voters was 37 per cent (5303 votes), and support for the Deed was 84 per cent (4473 votes) of votes cast. On 24 September, the Minister for Māori Development and I agreed the ratification results demonstrated sufficient Maniapoto community support for the Deed.

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9. In 2021, Maniapoto also ratified and established their post-settlement governance entity (**PSGE**), Te Nehenehenui, following a successful ratification process.
10. On 11 November, the Crown and Maniapoto signed the Deed. Having satisfied the conditions set out by the Minister of Finance and the Minister for Treaty of Waitangi Negotiations, in November, Maniapoto received an on-account payment of \$33.000 million.

Why is the Bill required?

11. Some of the components of the settlement package rely solely on the Deed, but a substantive number rely on legislation to be enacted and implemented. The Crown agreed in the Deed to introduce the Bill to Parliament.
12. The Bill I am seeking Cabinet approval to introduce will give effect to aspects of the Deed. More information about the Bill is attached in the Departmental Disclosure Statement at **Appendix Two**.

Potential contentious issues

13. Continued opposition from some internal groups, including members of the hapū Ngāti Rereahu and Ihingarangi, may be raised during the select committee process. Some members of these groups unsuccessfully attempted to withdraw from the mandate in late 2020 and early 2021 under the name Te Whakaminenga o Rereahu and maintain that they should have a separate settlement. Te Whakaminenga o Rereahu remains opposed to being included in the Maniapoto settlement and may use the select committee process to press their case.
14. Overlapping interest issues may also be raised. Ngāti Tama may contest the part of the Maniapoto area of interest in North Taranaki and the redress for Maniapoto in the overlapped area, comprising statutory acknowledgements, relationship redress, and several rights of first refusal properties. Extensive research has been carried out into Ngāti Tama's customary interests. Some redress has already been removed from the settlement package to address their concerns and I am confident the redress offered to Maniapoto is appropriate.
15. Ngāti Mahuta, a hapū of Waikato-Tainui, may contest the Maniapoto area of interest around Kāwhia Harbour and a coastal statutory acknowledgement for Maniapoto there. Ngāti Mahuta and Waikato-Tainui have been concerned about the potential impact of a coastal statutory acknowledgement on its future redress and any applications made under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA). Ngāti Mahuta has lodged an application under MACA and are one of the hapū of Waikato-Tainui participating in the Waikato-Tainui (remaining claims) settlement negotiations. I have assured Ngāti Mahuta the coastal statutory acknowledgement will not affect applications for customary marine title or protected customary rights under MACA.

Impact analysis

16. The Office for Māori Crown Relations – Te Arawhiti is not required to prepare a Regulatory Impact Statement as the Bill does not alter the regulatory regime.

Compliance

17. The Bill complies with the:
 - 17.1. principles of the Treaty of Waitangi;

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- 17.2. rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
- 17.3. principles and guidelines set out in the Privacy Act 1993;
- 17.4. Legislation and Design and Advisory Committee Guidelines: Guidelines on Process and Content of Legislation; and
- 17.5. relevant international standards and obligations.

Consultation

18. The Office for Māori Crown Relations – Te Arawhiti has consulted with and incorporated the views of the following agencies: The Treasury; Department of Conservation; Ministry for the Environment; Environmental Protection Authority; Department of Internal Affairs; Kāinga Ora – Homes and Communities; Ministry for Culture and Heritage; Ministry for Primary Industries; Toitū Te Whenua Land Information New Zealand; Ministry of Education; Ministry of Justice; New Zealand Transport Agency; New Zealand Police and Te Puni Kōkiri.
19. The Parliamentary Counsel Office prepared the Bill and was consulted on this paper.
20. Maniapoto has received a copy of the Bill and supports its introduction.

Binding on the Crown

21. The Bill will be binding on the Crown.

Allocation of decision-making powers

22. Not applicable.

Associated regulations

23. Not applicable.

Other instruments

24. Not applicable.

Commencement of legislation

25. The Bill will come into force on the day after the date of Royal Assent. Many of the actions or matters occurring under the Bill will occur or take effect on settlement date which is the date that is 40 working days after the date on which the Act comes into force.

Parliamentary stages

26. The Deed contains a provision stating it is conditional upon legislation coming into force and the Crown will propose the settlement legislation for introduction.
27. I propose the Bill be:
 - 27.1. introduced on the first available date after approval by Cabinet;
 - 27.2. referred to the Māori Affairs Select Committee for consideration; and
 - 27.3. enacted by the end of 2022.

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Proactive Release

28. I intend to proactively release this paper, making any necessary redactions, within 30 business days of final Cabinet decisions.

Recommendations

29. I recommend that the Cabinet Legislation Committee:

- 1 **note** the Maniapoto Claims Settlement Bill has a priority 4 (to be referred to a select committee in the year) classification in the 2021 Legislative Programme;
- 2 **note** the Maniapoto Claims Settlement Bill gives effect to aspects of the Maniapoto Deed of Settlement signed on 11 November 2021;
- 3 **note** the Maniapoto Maori Trust Board supports the introduction of the Maniapoto Claims Settlement Bill into the House;
- 4 **approve** the Maniapoto Claims Settlement Bill for introduction;
- 5 **agree** the Maniapoto Claims Settlement Bill be introduced on the first available date after Cabinet has approved the Maniapoto Claims Settlement Bill for introduction;
- 6 **agree** the government propose the Maniapoto Claims Settlement Bill be:
 - 6.1. referred to the Māori Affairs Select Committee for consideration; and
 - 6.2. enacted, if possible, by the end of 2022.

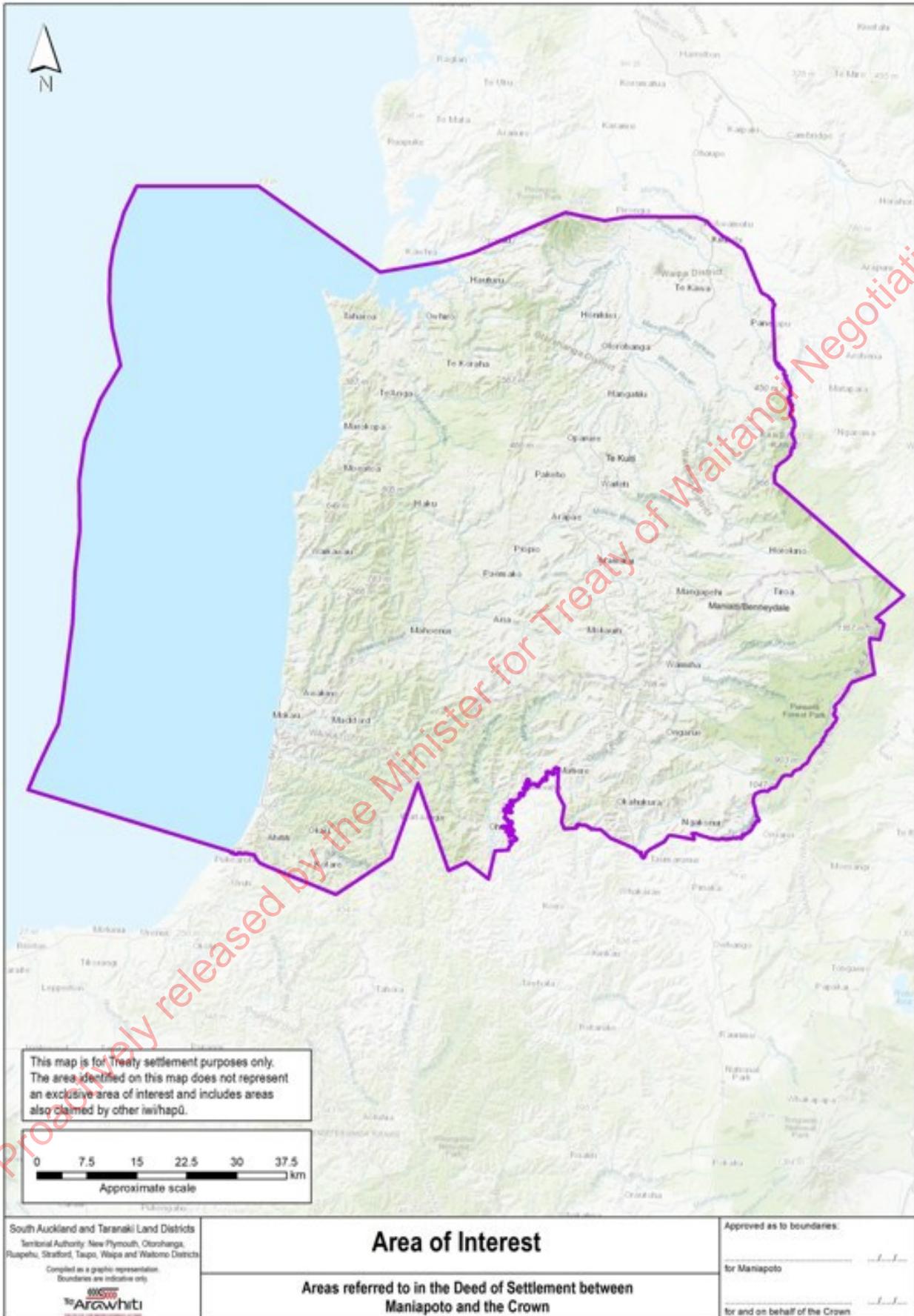
Authorised for lodgement

Hon Andrew Little

Minister for Treaty of Waitangi Negotiations

Appendix One: Maniapoto area of interest map

Proactively released by the Minister for Treaty of Waitangi Negotiations





Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Maniapoto Claims Settlement Bill: Approval for introduction

Portfolio Treaty of Waitangi Negotiations

On 25 November 2021, the Cabinet Legislation Committee:

- 1 **noted** the Maniapoto Claims Settlement Bill has a priority 4 (to be referred to a select committee in the year) classification in the 2021 Legislative Programme;
- 2 **noted** the Maniapoto Claims Settlement Bill gives effect to aspects of the Maniapoto Deed of Settlement signed on 11 November 2021;
- 3 **noted** the Maniapoto Maori Trust Board supports the introduction of the Maniapoto Claims Settlement Bill into the House;
- 4 **approved** the Maniapoto Claims Settlement Bill for introduction [PCO 21171/7.0];
- 5 **agreed** the Maniapoto Claims Settlement Bill be introduced on the first available date after Cabinet has approved the Maniapoto Claims Settlement Bill for introduction;
- 6 agree the government propose the Maniapoto Claims Settlement Bill be:
 - 6.1 referred to the Māori Affairs Select Committee for consideration; and
 - 6.2 enacted, if possible, by the end of 2022.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon David Parker
Hon Poto Williams
Hon Kris Faafoi
Hon Jan Tinetti
Hon Kiri Allan
Hon Dr David Clark
Keiran McAnulty, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 26 November 2021

On 29 November 2021, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 26 November 2021:

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	Out of scope
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

LEG-21-MIN-0200

Maniapoto Claims Settlement Bill: Approval for Introduction

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Portfolio: Treaty of Waitangi Negotiations
LEG-21-SUB-0200

[REDACTED]

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[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

Michael Webster
Secretary of the Cabinet

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