

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

Proactive release – Ngāti Ruapani: Crown offer

Date of issue: 7 October 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.	Report of the Cabinet Māori Crown Relations: Te Arawhiti Committee: Period Ended 29 October 2021 <i>Minute of decision – CAB-21-MIN-0441</i> Cabinet Office 01/11/2021	Some information has been withheld as it is out of scope.
2.	Ngāti Ruapani: Crown offer <i>Cabinet minute – MCR-21-MIN-0016</i> Cabinet Office <i>Meeting date: 26/10/2021</i>	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none">• section 9(2)(j) to enable negotiations to continue
3.	Ngāti Ruapani: Crown offer <i>Cabinet paper</i> Office for Māori Crown Relations: Te Arawhiti Committee 26/10/2021	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none">• section 9(2)(j) to enable negotiations to continue

IN CONFIDENCE

CAB-21-MIN-0441



Cabinet

Minute of Decision

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Report of the Cabinet Māori Crown Relations: Te Arawhiti Committee: Period Ended 29 October 2021

On 1 November 2021, Cabinet made the following decisions on the work of the Cabinet Māori Crown Relations: Te Arawhiti Committee for the period ended 29 October 2021.

Out of Scope

MCR-21-MIN-0016

Ngāti Ruapani: Crown Offer

Portfolio: Treaty of Waitangi Negotiations

CONFIRMED

Michael Webster
Secretary of the Cabinet

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MCR-21-MIN-0016



Cabinet Māori Crown Relations: Te Arawhiti Committee

Minute of Decision

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Ngāti Ruapani: Crown Offer

Portfolio Treaty of Waitangi Negotiations

On 26 October 2021, the Cabinet Māori Crown Relations: Te Arawhiti Committee:

Background

- 1 noted that in October 2019, the Crown recognised the mandate of Ngāti Ruapani mai Waikaremoana Negotiating Group, to represent Ngāti Ruapani in negotiations with the Crown for the settlement of their historical Treaty of Waitangi claims;
- 2 noted that a Crown offer will be made to Ngāti Ruapani in November with the aim of signing an agreement in principle in December 2021;

Previous decisions

- 3 noted that some redress has previously been approved by Cabinet or by Minister of Treaty of Waitangi Negotiations under delegation from Cabinet;

Apology redress

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

Hawke's Bay regional planning committee membership

- 6 noted that natural resource redress for Ngāti Ruapani has been provided for under the Hawke's Bay Regional Planning Committee Act 2015, which gives the Ngāti Ruapani post-settlement governance entity the right to appoint one member to the Committee [CAB MIN (10) 37/7B];

On-account – former Tuai Hostel

- 7 noted that in September 1994, Cabinet agreed to transfer the former Tuai Hostel to Ngāti Ruapani and the on-account value of the property would be offset against a future comprehensive historical Treaty settlement [TOW (94) M 11/3];

8

s.9(2)(j)

Crown share of Patunamu Forest Limited

- 9 **noted** that Cabinet agreed to an arrangement to transfer the Patunamu Crown forest licenced land to a shareholding company, Patunamu Forest Limited [CAB-15-MIN-0179];
- 10 **noted** the Crown purchased a 50 percent share in Patunamu Forest Limited to be held on trust for a future settlement with Ngāti Ruapani;
- 11 **noted** that the Minister for Treaty of Waitangi Negotiations will offer the Crown's 50 percent share to Ngāti Ruapani at a value of \$2.466 million, to be deducted from Ngāti Ruapani's financial redress;

Decisions required from Cabinet for the Crown offer and agreement in principle**Cultural Redress***Redress over Public Conservation Land*

- 12 **noted** Onepoto is a site of significance to both Ngāti Ruapani and Ngāi Tūhoe and was the subject of a specific recommendation by the Waitangi Tribunal in Te Urewera Report;
- 13 **noted** that in 2013, Ministers agreed to exclude Onepoto land from transfer to the Te Urewera legal identity and retain in Crown ownership as Conservation Area to enable future redress discussions between the Crown, Ngāi Tūhoe and Ngāti Ruapani;
- 14 **agreed** to offer a commitment to explore potential cultural redress over the Onepoto Conservation Area (301 hectares);

15



s.9(2)(j)

- 16 **agreed** to offer a commitment to explore non-transfer cultural redress instruments, including overlay classifications, statutory acknowledgements (including rivers), deeds of recognition (including rivers) and the erection of pouwhenua, in the Ngāti Ruapani area of interest;

Official geographic place names

s.9(2)(j)

- 17 **noted** Ngāti Ruapani seek to change and recognise [redacted] official geographic places names that reflect their history and identity;
- 18 **agreed** to offer [redacted] official geographic place names, as detailed in Appendix Two, Table 1 to the submission under MCR-21-SUB-0016, subject to final recommendation by the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa;
- 19 **agreed** to invite Ngāti Ruapani to submit further place names changes within their area of interest to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa;

Relationship redress

- 20 **agreed** to offer Ngāti Ruapani relationship redress with the following Crown agencies:
- 20.1 Department of Conservation;
- 20.2 New Zealand Police; and
- 20.3 Ministry of Business, Innovation and Employment;

- 21 **noted** the final form of the relationship redress is subject to further discussions with the relevant agencies; s.9(2)(j)

Commercial redress

- 26 **agreed** to offer Ngāti Ruapani commercial redress over 11 properties with a combination of deferred selection and right of first refusal; as specified in Appendix Two, Table 3;
- 27 **noted** the right of first refusal offer is for a period of time equal to the length of time between the signing of the Treaty of Waitangi and initialling a deed of settlement;
- 28 **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, and the negotiation of mutually acceptable terms prior to the initialling of a deed of settlement;

Overlapping interests

- 29 **noted** that Ngāti Ruapani is leading engagement with overlapping groups regarding their settlement redress aspirations;
- 30 **noted** the Crown offer to Ngāti Ruapani is subject to overlapping interests being addressed to the satisfaction of the Crown prior to initialling a deed of settlement;

Mandate

- 31 **noted** the Ngāti Ruapani mandate was conferred by the claimant community and the Ngāti Ruapani mai Waikaremoana Negotiating Group continues to maintain that mandate;
- 32 **noted** an application for urgency, challenging Crown recognition of the mandate, is currently be considered by the Waitangi Tribunal and the Crown is awaiting a decision;

Financial recommendations

35 **noted** that the cost to the Crown of the settlement proposal for Ngāti Ruapani is estimated at:

s.9(2)(j)

Financial implications of the proposed settlement	\$m
[Redacted content]	

NS

36

[Redacted content]

s.9(2)(j)

37 **noted** that the total cost of the proposed Ngāti Ruapani settlement less the on- account settlement will be charged against the Vote Treaty Negotiations Multi- Year Appropriation: Historical Treaty of Waitangi Settlements 2021-2025 when a deed of settlement is initialled;

Next steps

38 **noted** 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 Ruapani;

Delegation

39 **authorised** the Minister for Treaty of Waitangi Negotiations, together with Ministers as relevant to their portfolio, to make changes to the redress to finalise or vary the redress offer consistent with the intent of Cabinet’s decisions.

Gerrard Carter
Committee Secretary

Attendees: (see over)

Present:

Hon Grant Robertson
Hon Kelvin Davis (Chair)
Hon David Parker
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Peeni Henare
Hon Willie Jackson
Hon Kiri Allan
Hon Meka Whaitiri

Officials present from:

Office of the Prime Minister
Officials Committee for MCR

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In Confidence

Office of the Minister for Treaty of Waitangi Negotiations

Chair, Cabinet Māori Crown Relations: Te Arawhiti Committee

NGĀTI RUAPANI: CROWN OFFER

Proposal

- 1 This paper seeks Cabinet approval for a redress package forming the basis of a Crown offer to Ngāti Ruapani for the comprehensive settlement of their historical Treaty of Waitangi claims. If accepted, this offer will be recorded in an agreement in principle between the Crown and Ngāti Ruapani, scheduled to be signed in December 2021.

Relation to government priorities

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

Executive Summary

- 3 Ngāti Ruapani are a group of approximately 3,500 people and their area of interest is centred around Lake Waikaremoana (see **Appendix One**). Ngāti Ruapani have close whakapapa links and significant overlapping interests with Ngāi Tūhoe and Ngāti Kahungunu ki Wairoa.
- 4 After multiple attempts to mandate an entity, Ngāti Ruapani conferred a mandate on the Ngāti Ruapani mai Waikaremoana Negotiating Group (Negotiating Group) and the Crown recognised the mandate in October 2019. Terms of Negotiation were signed with Crown in March 2020.
- 5 Ngāti Ruapani presented their settlement aspirations in June 2021. Their aspirations are principle-based and broadly relate to a reassertion of Waikaremoana identity, reconnecting to Waikaremoana whenua, and a return to Waikaremoana systems of knowledge and self-sufficiency. The challenge for the Crown has been to provide a suite of redress 'tools' that would support and sustain these aspirations.

- 6 The settlement redress package I propose to offer Ngāti Ruapani contains standard Treaty settlement redress consistent with previous settlements including:

- a. apology redress, including an historical account, Crown acknowledgements and apology;
- b. cultural redress, including redress over public conservation land and official geographic place names (**Appendix Two, Table 1**);

s.9(2)(j)

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- c. relationship redress with three Crown agencies (**Appendix Two, Table 2**); and
- d. financial and commercial redress, including the opportunity to purchase the Crown's 50 percent share in Patunamu Forest Limited and a combination of deferred selection and a right of first refusal over 11 properties (**Appendix Two, Table 3**).

7

[REDACTED]

s.9(2)(j)

8

[REDACTED]

s.9(2)(j)

9

[REDACTED]

s.9(2)(j)

10

I expect that Ngāti Ruapani will accept a financial redress offer [REDACTED] and that, combined with the rest of the package, the Crown offer will be able to meet their settlement aspirations. s.9(2)(j)

11

The Ngāti Ruapani area of interest is completely overlapped. All redress will be subject to overlapping interests being addressed to my satisfaction prior to initialling a deed of settlement.

12

I seek authority for myself, together with Ministers as relevant to their portfolio, to make changes to the redress to finalise or vary the redress offer consistent with the intent of Cabinet's decisions.

13

I seek authority to sign an agreement in principle if Ngāti Ruapani agree to the Crown offer.

Background

History

14

Ngāti Ruapani are a group of approximately 3,500 people and their area of interest spans an area of 150,000 hectares. Ngāti Ruapani are associated with three marae: Te Kuha, Te Waimako and Pūtere.

15

Ngāti Ruapani have close whakapapa links and overlapping interests with Ngāi Tūhoe and Ngāti Kahungunu ki Wairoa. Customary interests at and around Lake Waikaremoana have been strongly contested from pre-European times to the present day.

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- 16 Ngāti Ruapani historical Treaty claims relate to the effects of the New Zealand Land Wars; raupatu through the East Coast Land Titles Investigation Act 1866; the effects of the Native Land Court; Crown purchasing activities which led to the impoverishment of Ngāti Ruapani in the later nineteenth century; the Urewera Commission; the Urewera Consolidation Scheme; issues surrounding Lake Waikaremoana (including the investigation of title, the lease of the lake and effects of hydroelectric generation); and Crown policies relating to the Urewera National Park.

Background to mandate and negotiations

- 17 Ngāti Ruapani were initially part of the Ngāti Tūhoe mandate and settlement negotiations. In 2008 Ngāti Ruapani resolved to withdraw from the Ngāi Tūhoe settlement negotiations. In 2009 the Crown recognised Ngāti Ruapani as a large natural group for Treaty settlement purposes.
- 18 Ngāti Ruapani claimants and entities unsuccessfully sought to secure a Crown-recognised mandate. Due to ongoing internal divisions, the Crown remained unwilling to support another mandate until there was a base of unity.
- 19 In 2017, following a show of unity and willingness to work together, the Crown began working with the Negotiating Group to seek a mandate to represent Ngāti Ruapani in negotiations with the Crown.
- 20 In October 2019 the Crown formally recognised the mandate of the Negotiating Group to negotiate the comprehensive settlement of the historical Treaty of Waitangi claims of Ngāti Ruapani. Terms of negotiation were signed on 19 March 2021.

Aspirations of Ngāti Ruapani

- 21 In June 2021 Ngāti Ruapani presented the Crown with a film that captured the settlement aspirations of the claimant community, especially rangatahi. The Negotiating Group spoke to the themes that they had heard during five aspirations hui.
- 22 Ngāti Ruapani aspirations are principle-based, and broadly relate to:
- a. a reassertion of Waikaremoana identity;
 - b. reconnecting to Waikaremoana whenua; and
 - c. a return to Waikaremoana systems of knowledge and self-sufficiency.

Cabinet delegations and previous decisions

- 23 Some redress I intend to offer Ngāti Ruapani is within my existing delegations as the Minister of Treaty of Waitangi Negotiations or has been previously agreed by Cabinet:
- a. Crown apology redress - the agreement in principle will include provisional Crown acknowledgements and historical account headings.

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The full historical account, Crown acknowledgments, and Crown apology will be developed prior to the deed of settlement;

- b. Hawke's Bay Regional Planning Committee - The Hawke's Bay Regional Planning Committee (the Committee) is a statutory body made up of the Hawke's Bay Regional Council and tangata whenua members and was established under the Hawke's Bay Regional Planning Committee Act 2015. Provision has been made in the Act for the Ngāti Ruapani post-settlement governance entity to appoint one member to the Committee [CAB MIN (10) 37/7B refers];
- c. Patunamu Forest Limited - In 2015 during the overlapping interests process between Iwi and Hapū of Te Rohe o Te Wairoa and Ngāti Ruapani representative groups over the Patunamu Crown forest licenced land, it was agreed to transfer the forest into a shareholding company, Patunamu Forest Limited. Under this arrangement, the Crown and the Te Wairoa post-settlement governance entity each purchased 50 percent of the shares in the company. The Crown's share is held on trust for this Ngāti Ruapani settlement [CAB-15-MIN-0179 refers]. I intend to offer the Crown's 50 percent share to Ngāti Ruapani at a value of \$2.466 million. If accepted, the amount will be deducted from Ngāti Ruapani's financial redress; and
- d. On-account value of the former Tuai Hostel - In 1994 Cabinet agreed to the resumption of the Electricity Corporation of New Zealand hostel site at Tuai, pursuant to section 27D of the State-Owned Enterprises Act 1986 [CAB (94) M 43/1 D(iii) refers]. The purchase price was agreed with Ngāti Ruapani claimants at the time and the on-account value of the property would be offset against a future comprehensive Treaty settlement [TOW (94) 36 refers]. The property was transferred in 1996 and is administered by a whenua tōpū trust. [REDACTED]

s.9(2)(j)

Decisions required from Cabinet for the Crown offer and agreement in principle

- 21 I seek Cabinet agreement to cultural and commercial redress for Ngāti Ruapani. The proposed package is outlined in **Appendix Two**.

Cultural Redress

REDRESS OVER PUBLIC CONSERVATION LAND

- 22 Ngāti Ruapani have shared their aspirations to become better connected to their Waikaremoana whenua, to utilise it for the harvesting of cultural materials and use it as a place for education of their people.

23 [REDACTED]

s.9(2)(j)

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24 Onepoto is a site of significance to both Ngāti Ruapani and Ngāi Tūhoe. In 2010 the Waitangi Tribunal, in its *Te Urewera Report*, found the Crown to be in breach of the Treaty principles of active protection and good government in its acquisition and retention of the land at Onepoto. The Tribunal recommended the Crown begin a process for the return of the lands at Onepoto to the 'original owners', being Ngāti Ruapani and Ngāi Tūhoe.

25 In 2013 during overlapping interests discussions between Ngāi Tūhoe and Ngāti Ruapani representatives as part of the Ngāi Tūhoe settlement negotiations, it was agreed that Onepoto would be excluded from transfer to the Te Urewera legal identity and retained in Crown ownership as a Conservation Area. It was recorded in the Ngāi Tūhoe Deed of Settlement that the Crown, Ngāi Tūhoe and Ngāti Ruapani would engage in future redress discussions over Onepoto through the Treaty settlement negotiations with Ngāti Ruapani.

26 Therefore, I seek Cabinet agreement to offer a commitment to explore cultural redress over Onepoto Conservation Area (approximately 301 hectares). This commitment would reflect that conversations between the Crown, Ngāti Ruapani and Ngāi Tūhoe about redress over Onepoto are still to occur.

27

[REDACTED]

s.9(2)(j)

28 Therefore, I seek Cabinet approval to offer a commitment to explore non-transfer cultural redress instruments, including statutory acknowledgements (including rivers); deeds of Recognition (including rivers); and the erection of pouwhenua, in the Ngāti Ruapani area of interest.

29 Cultural redress proposals developed from the explores will be considered by Cabinet prior to initialling a deed of settlement.

OFFICIAL GEOGRAPHIC PLACE NAMES

30

[REDACTED]

s.9(2)(j)

31 I seek Cabinet agreement to offer [REDACTED] official geographic place names, subject to final recommendations by the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa, which will consider the proposed names at their meeting in April 2022. The proposed names are listed in **Appendix Two, Table 1**.

s.9(2)(j)

32 I seek agreement to invite Ngāti Ruapani to submit further proposed geographic name changes within their area of interest to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa. Any name changes recommended by

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New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa will be subject to Cabinet approval before the deed of settlement is initialled.

RELATIONSHIP REDRESS

- 33 In support of the Ngāti Ruapani aspiration to restore their relationship with the Crown and their practice of Waikaremoanatanga, I seek Cabinet approval to relationship redress with the Department of Conservation, New Zealand Police and the Ministry of Business, Innovation and Employment.
- 34 The final form of the relationship redress is subject to further discussions with the relevant agencies.

Financial redress and commercial redress

- [REDACTED] s.9(2)(j)
- 35 [REDACTED] s.9(2)(j)
- 36 [REDACTED] s.9(2)(j)
- 37 [REDACTED] s.9(2)(j)
- 38 [REDACTED] s.9(2)(j)
- 39 [REDACTED] s.9(2)(j)

Commercial Redress

- 40 There are a limited number of commercial properties available in the Ngāti Ruapani area of interest. Attention in negotiations has been focused on sites centred around the Tuai village area and a targeted package has been

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selected to align with Ngāti Ruapani's aspirations. I note that several properties are surplus hydro development land currently administered by the Treasury.

- 41 I seek Cabinet agreement to offer Ngāti Ruapani commercial redress over 11 properties with a combination of deferred selection and a right of first refusal as detailed in **Appendix Two, Table 3**.
- 42 The right of first refusal offer is for a period of time equal to the length of time between the signing of the Treaty of Waitangi and initialling a deed of settlement.
- 43 Any commercial redress offers are subject to final confirmation of availability, Crown statutory obligations, including section 40 of the Public Works Act 1981, and the negotiation of mutually acceptable terms prior to the initialling of a deed of settlement.

Overlapping interests

- 44 The Crown offer to Ngāti Ruapani will be subject to overlapping interests being addressed to the Crown's satisfaction. This requirement is understood by Ngāti Ruapani and will be specified in the agreement in principle.
- 45 The Ngāti Ruapani area of interest is completely overlapped by the areas of interest of six groups. Of these:
- a. four are settled: Rongowhakaata (2012), Ngāti Pahauwera (2012), Ngāi Tūhoe (2014) and Iwi and Hapū of Te Rohe o Te Wairoa (2018); and
 - b. two are yet to settle and are currently involved in resumption proceedings in the Waitangi Tribunal: Te Whānau-a-Kai and Te Āitanga-a-Mahaki.
- 46 The Negotiating Group is actively engaging with all overlapped groups regarding their settlement redress aspirations for settlement. The Crown and the Negotiating Group will continue to engage with all overlapping groups on proposed redress being offered by the Crown and will seek their support prior to signing an agreement in principle.

47



s.9(2)(j)

- 48 I will report back to Cabinet with an update on overlapping interests in relation to the Ngāti Ruapani settlement package when I seek Cabinet agreement to initial a deed of settlement with Ngāti Ruapani.

Mandate

- 49 When the former Minister for Māori Development and I recognised the mandate of the Negotiating Group, we were aware there were members of the claimant

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community who opposed the mandated entity. While it is difficult for any mandated group to achieve one hundred percent support, it is crucial they continue to maintain the mandate conferred by the claimant community.

50 The Negotiating Group has maintained an open-door policy to those in opposition and continues to engage and inform its claimant community as negotiations have progressed. It has provided mandate maintenance reports and updates to Te Arawhiti outlining their engagement, including their recent aspirations hui.

51 In May 2021 members of Ngāti Ruapani filed in the Waitangi Tribunal seeking an urgent hearing into the Crown's recognition of the mandate of the Negotiating Group (Wai 3048). This challenge was expected and has been prompted by the recent engagement on settlement aspirations and progress towards the agreement in principle milestone. The Waitangi Tribunal is currently considering submissions and we are awaiting a decision on whether an urgent hearing will be granted.

s.9(2)(j)

[REDACTED]

52

[REDACTED]

s.9(2)(j)

53

[REDACTED]

s.9(2)(j)

Finalisation of the settlement package

54 Subject to Cabinet's approval of the redress sought in this paper, I intend to make a comprehensive Crown offer to Ngāti Ruapani in November with the aim of signing an agreement in principle in December 2021.

55 I seek delegated authority, together with other Ministers as relevant to their portfolio, to make changes to the redress to finalise or vary the redress offer consistent with the intent of Cabinet's decisions and standard Treaty redress frameworks.

56 Following the signing of the agreement in principle I will report back to Cabinet with a final settlement package for approval, prior to initialling a deed of settlement with Ngāti Ruapani.

Consultation

57 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 of

Education, New Zealand Police, Kāinga Ora – Homes and Communities, the New Zealand Police, and Te Puni Kōkiri.

Financial Implications

58

[Redacted]

s.9(2)(j)

59

The table below details how Ngāti Ruapani will benefit from the comprehensive settlement of their historical Treaty of Waitangi claims and the estimated cost to the Crown of the settlement.

s.9(2)(j)

Table 1: Financial implications of the Ngāti Ruapani settlement

Financial implications of the proposed settlement		\$m
[Redacted]	[Redacted]	[Redacted]

60

[Redacted]

s.9(2)(j)

61

The total cost of the proposed Ngāti Ruapani settlement less the on-account settlement will be charged against the *Vote Treaty Negotiations Multi-Year Appropriation: Historical Treaty of Waitangi Settlements 2021-2025* when a deed of settlement is initialled.

Human Rights

62

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

63

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

Regulatory Impact Analysis

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

Publicity

- 65 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.

- 66 Te Arawhiti will make the agreement in principle available to the media and public on its website.

Proactive Release

- 67 I intend to proactively release this paper, making any necessary redactions, within 30 business days of Cabinet approval. If an agreement in principle with Ngāti Ruapani has not been signed within 30 business days of Cabinet's decision, I intend to defer proactive release of this paper until after the agreement in principle has been signed, as all of the content will remain negotiations sensitive until that time.

Recommendations

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

Background

- 1 **note** in October 2019 the Crown recognised the mandate of Ngāti Ruapani mai Waikaremoana Negotiating Group, to represent Ngāti Ruapani in negotiations with the Crown for the settlement of their historical Treaty of Waitangi claims;
- 2 **note** that, if Cabinet agree to the recommendations in this paper, a Crown offer will be made to Ngāti Ruapani in November with the aim of signing an agreement in principle in December 2021;

Cabinet Delegations and Previous Decisions

- 3 **note** that some redress has previously been approved by Cabinet or by the Minister of Treaty of Waitangi Negotiations under delegation from Cabinet;

APOLOGY REDRESS

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

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HAWKE'S BAY REGIONAL PLANNING COMMITTEE MEMBERSHIP

- 6 **note** that natural resource redress for Ngāti Ruapani has been provided for under the Hawke's Bay Regional Planning Committee Act 2015, which gives the Ngāti Ruapani post-settlement governance entity the right to appoint one member to the Committee [CAB MIN (10) 37/7B refers];

ON-ACCOUNT – FORMER TUAI HOSTEL

- 7 **note** that in 1994 Cabinet agreed to transfer the former Tuai Hostel to Ngāti Ruapani and the on-account value of the property would be offset against a future comprehensive historical Treaty settlement [TOW (94) 36 refers];

8

s.9(2)(j)

CROWN SHARE OF PATUNAMU FOREST LIMITED

- 9 **note** that Cabinet agreed to an arrangement to transfer the Patunamu Crown forest licenced land to a shareholding company, Patunamu Forest Limited [CAB-15-MIN-0179 refers];
- 10 **note** the Crown purchased a 50 percent share in Patunamu Forest Limited to be held on trust for a future settlement with Ngāti Ruapani;
- 11 **note** that the Minister for Treaty of Waitangi Negotiations will offer the Crown's 50 percent share to Ngāti Ruapani at a value of \$2.466 million, to be deducted from Ngāti Ruapani's financial redress;

Decisions required from Cabinet for the Crown offer and agreement in principle

Cultural Redress

REDRESS OVER PUBLIC CONSERVATION LAND

- 12 **note** Onepoto is a site of significance to both Ngāti Ruapani and Ngāi Tūhoe and was the subject of a specific recommendation by the Waitangi Tribunal in *Te Urewera Report*;
- 13 **note** in 2013 Ministers agreed to exclude Onepoto land from transfer to the Te Urewera legal identify and retain in Crown ownership as Conservation Area to enable future redress discussions between the Crown, Ngāi Tūhoe and Ngāti Ruapani;
- 14 **agree** to offer a commitment to explore potential cultural redress over the Onepoto Conservation Area (301 hectares);

15

s.9(2)(j)

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16 **agree** to offer a commitment to explore non-transfer cultural redress instruments, including overlay classifications, statutory acknowledgements (including rivers), deeds of recognition (including rivers) and the erection of pouwhenua, in the Ngāti Ruapani area of interest;

OFFICIAL GEOGRAPHIC PLACE NAMES

17 **note** Ngāti Ruapani seek to change and recognise [REDACTED] official geographic places names that reflect their history and identity;

s.9(2)(j)

18 **agree** to offer [REDACTED] official geographic place names, as detailed in **Appendix Two, Table 1**, subject to final recommendation by the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa;

s.9(2)(j)

19 **agree** to invite Ngāti Ruapani to submit further place names changes within their area of interest to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa;

RELATIONSHIP REDRESS

20 **agree** to offer Ngāti Ruapani relationship redress with the following Crown agencies:

- a. Department of Conservation;
- b. New Zealand Police; and
- c. Ministry of Business, Innovation and Employment.

21 **note** the final form of the relationship redress is subject to further discussions with the relevant agencies;

s.9(2)(j)

22 [REDACTED]

s.9(2)(j)

23 [REDACTED]

s.9(2)(j)

24 [REDACTED]

s.9(2)(j)

25 [REDACTED]

s.9(2)(j)

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Financial Recommendations

35 **note** the the cost to the Crown of the settlement proposal for Ngāti Ruapani is estimated at: s.9(2)(j)

Financial implications of the proposed settlement		\$m
[REDACTED]	[REDACTED]	[REDACTED]

36 [REDACTED]
s.9(2)(j)

37 **note** that the total cost of the proposed Ngāti Ruapani settlement less the on-account settlement will be charged against the *Vote Treaty Negotiations Multi-Year Appropriation: Historical Treaty of Waitangi Settlements 2021-2025* when a deed of settlement is initialled;

Next Steps

38 **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 Ruapani; and

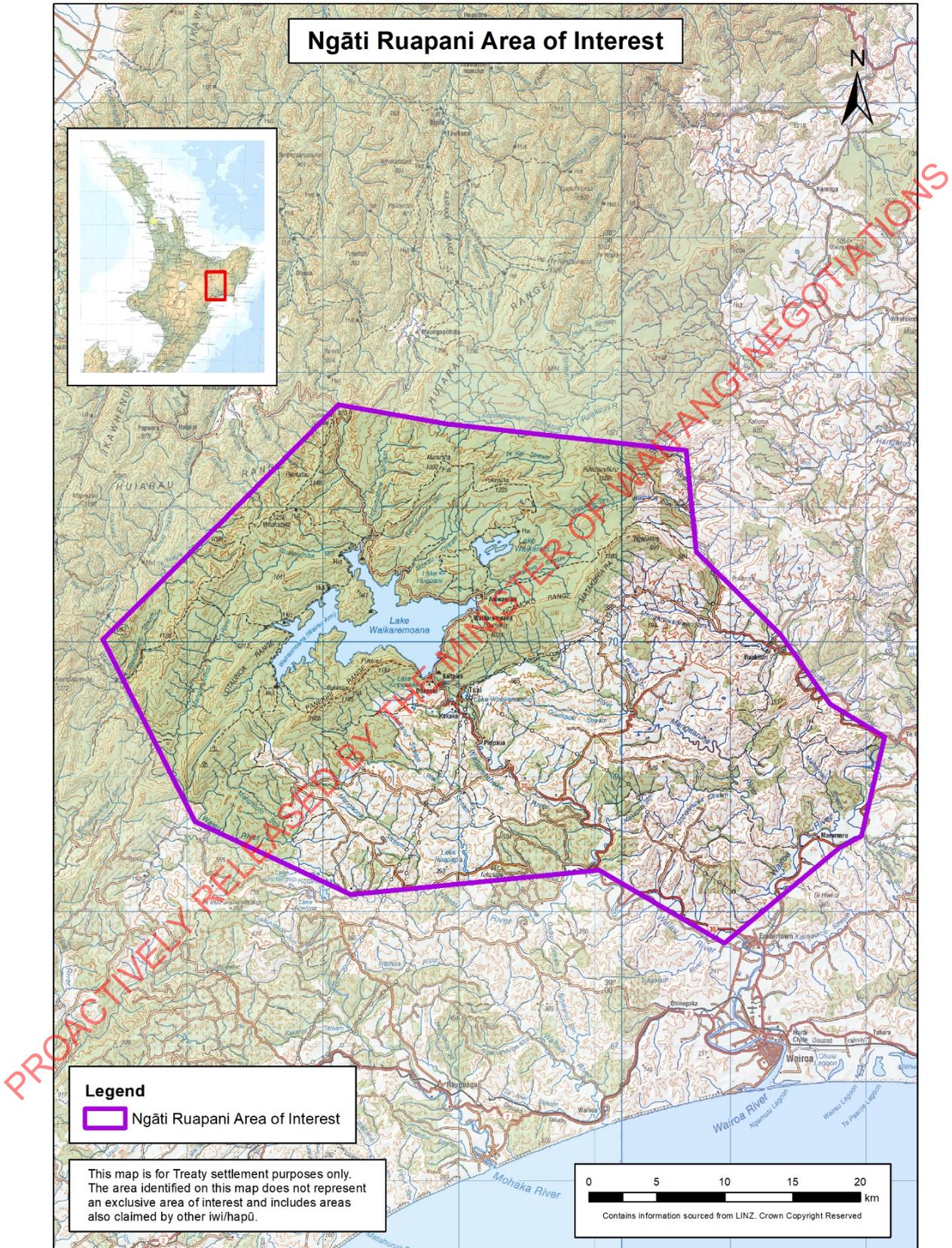
Delegation to act

39 **authorise** the Minister for Treaty of Waitangi Negotiations, together with Ministers as relevant to their portfolio, to make changes to the redress to finalise or vary the redress offer consistent with the intent of Cabinet’s decisions.

Authorised for lodgement

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

APPENDIX ONE: NGĀTI RUAPANI AREA OF INTEREST



APPENDIX TWO: PROPOSED REDRESS

Table 1: Cultural redress

Commitment to explore potential cultural redress	
Name of site	Landholding Agency
Onepotto Conservation Area (301 ha)	DOC

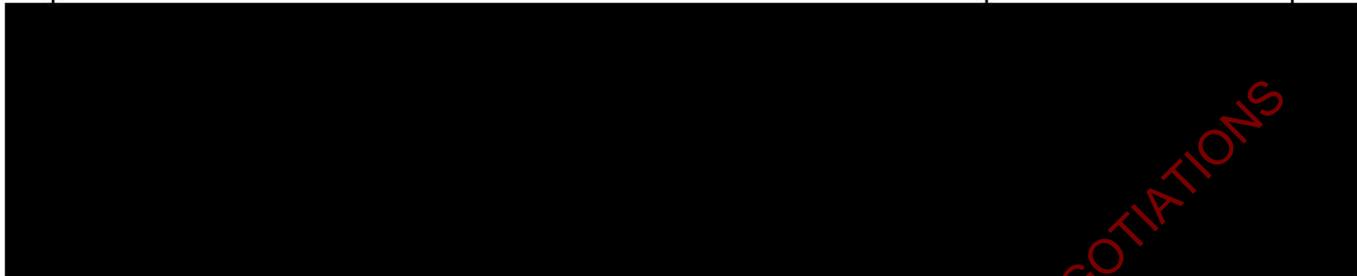


Table 2: Cultural redress: relationships

s.9(2)(j)

Relationship redress	
Agency	Form of agreement
Department of Conservation	Relationship agreement
New Zealand Police	The form of the agreement is subject to confirmation by the agencies
Ministry of Business, Innovation and Employment	

Table 3: Commercial redress

Commercial redress property		
Name and address	Redress	Landholding agency
Former Tuai School, Piripaua & Renga Roads, Tuai (PF1598) – 0.5265 ha	2 year deferred selection period; Right of first refusal	LINZ (Treaty Settlements Landbank)
15132 Kokako Road, Tuai (PID: 4125843) – 46.39 ha	2 year deferred selection period; Right of first refusal	LINZ
Section 5 SO 8881 (PID: 4127642) – 3.38 ha	3 year deferred selection period; Right of first refusal	Treasury
Section 6 SO 8881 (PID: 4117214) – 14.76 ha	3 year deferred selection period; Right of first refusal	Treasury
Section 7 SO 8881 (PID: 4137808) – 2.94 ha	3 year deferred selection period; Right of first refusal	Treasury
Section 8 SO 8881 (PID: 4137758) – 3.87 ha	3 year deferred selection period; Right of first refusal	Treasury
Section 9 SO 8881 (PID: 4127535) – 68.19 ha	3 year deferred selection period; Right of first refusal	Treasury
Section 10 SO 8881 (PID: 4136580) – 18.81 ha	3 year deferred selection period; Right of first refusal	Treasury
Te Kura o Waikaremoana, 4764 State Highway, Wairoa (land only) (PID: 4137407) - 1.6187 ha	Right of first refusal	MOE
Tuai Police Station and House, 63 Hill Street, Tuai (PID 4117410) – 0.0983 ha	Right of first refusal	NZ Police
62c Hill Street Tuai, (PID: 4146290) - 0.1402 ha	Right of first refusal	Crown land