

Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

Proactive release – Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua: Final Settlement Matters

Date of issue: 11 April 2023

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. | <p>Report of the Cabinet Māori Crown Relations – Te Arawhiti Committee: Period Ended 18 November 2022 <i>Minute of decision – CAB-22-MIN-0522</i> Cabinet Office 21 November 2022</p> | <p>Some information has been withheld as it is out of scope.</p> |
| 2. | <p>Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua: Final Settlement Matters <i>Minute of decision – MCR-22-MIN-0020</i> Cabinet Māori Crown Relations – Te Arawhiti Committee 15 November 2022</p> | <p>Some information has been withheld in accordance with the following sections of the OIA:</p> <ul style="list-style-type: none"> • section 9(2)(g)(i) to maintain effective conduct of public affairs through the free and frank expression of opinions • section 9(2)(h) to maintain legal professional privilege; and • section 9(2)(j) to enable negotiations to continue |
| 3. | <p>Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua: Final Settlement Matters <i>Summary – MCR-21-MIN-0016</i> Cabinet Māori Crown Relations – Te Arawhiti Committee 15 November 2022</p> | <p>Some information has been withheld in accordance with the following sections of the OIA:</p> <ul style="list-style-type: none"> • section 9(2)(g)(i) to maintain effective conduct of public affairs through the free and frank expression of opinions • section 9(2)(h) to maintain legal professional privilege; and • section 9(2)(j) to enable negotiations to continue |
| 4. | <p>Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua : Final Settlement Matters <i>Cabinet paper submission</i> Office for Māori Crown Relations: Te Arawhiti Committee 10 November 2022</p> | <p>Some information has been withheld in accordance with the following sections of the OIA:</p> <ul style="list-style-type: none"> • section 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials • section 9(2)(g)(i) to maintain effective conduct of public affairs through the free and frank expression of opinions • section 9(2)(h) to maintain legal professional privilege; and • section 9(2)(j) to enable negotiations to continue |



Cabinet

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.

Report of the Cabinet Māori Crown Relations - Te Arawhiti Committee: Period Ended 18 November 2022

On 21 November 2022, Cabinet made the following decisions on the work of the Cabinet Māori Crown Relations - Te Arawhiti Committee for the period ended 18 November 2022:

| | | | |
|-----------------|---|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] | out of scope |
| MCR-22-MIN-0020 | Ngāti Kahungunu ki Waiararapa Tāmaki nui-a-Rua: Final Settlement Matters Portfolio: Treaty of Waitangi Negotiations | CONFIRMED | |
| [REDACTED] | [REDACTED] | [REDACTED] | |
| [REDACTED] | [REDACTED] | [REDACTED] | |

Rachel Hayward
Secretary of the Cabinet

PROACTIVELY RELEASED BY
MINISTER OF TREATY OF WAITANGI NEGOTIATIONS



Cabinet Māori Crown Relations - Te Arawhiti Committee

Minute of Decision

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Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua: Final Settlement Matters

Portfolio Treaty of Waitangi Negotiations

On 15 November 2022, the Cabinet Māori Crown Relations - Te Arawhiti Committee:

- 1 **noted** that Te Rohe o Rongokako Joint Redress Bill (the Joint Redress Bill) provides for joint redress between Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua;
- 2 **noted** that the Joint Redress Bill is awaiting its second reading in the House of Representatives;
- 3 **noted** that the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Bill is due to be reported back to the House of Representatives by the Māori Affairs Committee in November 2022;
- 4 **noted** that there are two outstanding issues that require resolution in order for both iwi to support the passage of their settlement legislation – Crown contribution to Wairarapa natural resources redress and an increase in total settlement value;
- 5 **noted** that in 2011, Cabinet agreed the Crown will consider contributing on a case-by-case basis to costs incurred by local authorities and iwi when establishing and implementing natural resource arrangements [CAB Min (11) 29/9];
- 6 **noted** that parties to the Wairarapa natural resources redress and the Crown undertook a scoping exercise to determine the establishment and implementation costs associated with the arrangements in accordance with the 2011 Cabinet guidelines and 2020 methodology;

9(2)(g)(i)

8 **agreed** to an exception to the Natural Resource cluster for a one-off Crown contribution of \$2.897 million in addition to the previously agreed \$0.500 million toward iwi and council costs over three years, comprising of:

- 8.1 \$1.334 million to cover 80 percent of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua estimated costs;
- 8.2 \$0.993 million to cover 75 percent of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua estimated costs;
- 8.3 \$0.632 million to cover 79 percent of Greater Wellington Regional Council estimated costs;
- 8.4 \$0.137 million to cover 85 percent of South Wairarapa District Council estimated costs;
- 8.5 \$0.122 million to cover 76 percent of Carterton District Council estimated costs; and
- 8.6 \$0.179 million to cover 85 percent of Masterton District Council estimated costs;

█ [REDACTED]

9(2)(j)

[REDACTED]

█ [REDACTED]

█ [REDACTED]

12 **noted** that it is appropriate to make a contribution to Wairarapa natural resources redress costs in the context of the resource management reform because this contribution relates to the establishment and implementation of new Treaty Settlements arrangements and is necessary irrespective of the broader reforms;

█ [REDACTED]

9(2)(j)

14 **approved** an increase to the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua total settlement value by \$2.500 million in order to facilitate the passage of their settlement legislation;

9(2)(j)

[REDACTED]

PROJECT RECEIVED BY MINISTER OF WAITANGI RELATIONS

Sam Moffett
Committee Secretary

Present:

Hon Grant Robertson
Hon Kelvin Davis (Chair)
Hon Andrew Little
Hon Nanaia Mahuta
Hon Willie Jackson
Hon Meka Whaitiri

Officials present from:

Office of the Prime Minister
Officials Committee for MCR

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS



Cabinet Māori Crown Relations - Te Arawhiti Committee

Summary

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Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua: Final Settlement Matters

Portfolio Treaty of Waitangi Negotiations

9(2)(j)

Purpose This paper seeks approval for a total of [REDACTED] to resolve two matters related to finalising the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (Ngāti Kahungunu) and Rangitāne o Wairarapa and Rangitāne o Tamaki- nui-a-Rua (Rangitāne) settlements.

Previous Decisions

9(2)(h)

While the negotiations took place, progress on the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Bill (the Ngāti Kahungunu Bill), and Te Rohe o Rongokako Joint Redress Bill (the Joint Redress Bill), which relates to both Ngāti Kahungunu and Rangitāne, was paused.

Proposal

After local councils in the Wairarapa raised concerns that funding already provided for improving iwi involvement in natural resource management was insufficient, a new methodology for calculating appropriate funding was developed. When applied, this methodology suggested further funding was required. This paper seeks a further and final \$2.897 million towards these costs.

[REDACTED] As part of its settlement, Ngāti Kahungunu has already received a \$5 million payment to enhance the wellbeing of the Wairarapa lakes. A subsequent Waitangi Tribunal decision found that the Crown's process in negotiating this payment was flawed, and Rangitāne's strong interest in the lakes should have been recognised. Further negotiation between the Crown, Rangitāne and Ngāti Kahungunu has led to Rangitāne accepting half of the initial \$5 million payment, with the Crown providing an extra \$2.5 million to ensure Ngāti Kahungunu is not left worse off. [REDACTED]

9(2)(j)

Impact Analysis Not required.

Financial Implications



9(2)(j)

Legislative Implications None.

Timing Matters Both matters in this paper are required to be resolved before the Ngāti Kahungunu and Joint Redress Bills can proceed. The Joint Redress Bill is currently scheduled to be progressed in November 2022.

Communications None indicated.

Consultation Paper prepared by Te Arawhiti, Crown Law, MfE, and the Treasury were consulted.

The Minister indicates that MCR Ministers were consulted.

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

- 1 note that Te Rohe o Rongokako Joint Redress Bill (the Joint Redress Bill) provides for joint redress between Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Rangitāne o Wairarapa and Rangitāne o Tāmaki nui-ā-Rua;
- 2 note that the Joint Redress Bill is awaiting its second reading in the House of Representatives;
- 3 note that the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Bill is due to be reported back to the House of Representatives by the Māori Affairs Committee in November 2022;
- 4 note that there are two outstanding issues that require resolution in order for both iwi to support the passage of their settlement legislation – Crown contribution to Wairarapa natural resources redress and an increase in total settlement value;
- 5 note that in 2011, Cabinet agreed the Crown will consider contributing on a case-by-case basis to costs incurred by local authorities and iwi when establishing and implementing natural resource arrangements [CAB Min (11) 29/9];
- 6 note that parties to the Wairarapa natural resources redress and the Crown undertook a scoping exercise to determine the establishment and implementation costs associated with the arrangements in accordance with the 2011 Cabinet guidelines and 2020 methodology;

9(2)(g)(i)

7

[Redacted]

8

agree to an exception to the Natural Resource cluster for a one-off Crown contribution of \$2.897 million in addition to the previously agreed \$0.500 million toward iwi and council costs over three years, comprising of:

- 8.1 \$1.334 million to cover 80 percent of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua estimated costs;
- 8.2 \$0.993 million to cover 75 percent of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua estimated costs;
- 8.3 \$0.632 million to cover 79 percent of Greater Wellington Regional Council estimated costs;
- 8.4 \$0.137 million to cover 85 percent of South Wairarapa District Council estimated costs;
- 8.5 \$0.122 million to cover 76 percent of Carterton District Council estimated costs; and
- 8.6 \$0.179 million to cover 85 percent of Masterton District Council estimated costs;

■

[Redacted]

9(2)(j)

[Redacted]

■

[Redacted];

■

[Redacted]

■

[Redacted]

■

[Redacted]

■

[Redacted]

9(2)(j)

[Redacted]

PROACTIVELY RELEASED BY THE OFFICE OF THE ATTORNEY GENERAL
WAITANGI COASTAL PROTECTION

Sam Moffett
Committee Secretary

Hard-copy distribution:
Cabinet Māori Crown Relations - Te Arawhiti Committee

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS

IN CONFIDENCE – SUBJECT TO LEGAL PRIVILEGE

In Confidence – Subject to Legal Privilege

Office of the Minister for Treaty of Waitangi Negotiations

Cabinet Māori Crown Relations: Te Arawhiti Committee

NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA: FINAL SETTLEMENT MATTERS**Proposal**

- 1 This paper seeks Cabinet approval to:
 - 1.1 an additional Crown contribution of \$2.897 million towards costs incurred by Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (Ngāti Kahungunu), Rangitāne o Wairarapa and Rangitāne o Tamaki nui-a-Rua (Rangitāne) and local councils in establishing and implementing natural resources redress in the Wairarapa; and
 - 1.2 an increase in Ngāti Kahungunu total settlement value of \$2.500 million.

Relation to government priorities

- 2 This proposal relates to the Government's commitments to honour the Treaty of Waitangi, strengthen the Māori Crown relationship and work in true partnership with Māori, and continue to work to settle historic Treaty of Waitangi claims.

Executive Summary

- 3 Te Rohe o Rongokako Joint Redress Bill (the Joint Redress Bill) provides for a suite of joint redress to Ngāti Kahungunu and Rangitāne, including a natural resources arrangement over the two Wairarapa Lakes and the Ruamahanga River catchment. The Joint Redress Bill is currently before the House of Representatives and is scheduled for second reading on 22 November.
- 4 The Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Bill (the Ngāti Kahungunu Bill) settles the individual historical claims of Ngāti Kahungunu.
- 5 The passage of both Bills has been delayed for over three years due to remedies litigation in regard to Maraetai power station at Pouākani and Ngāumu Crown Forest Licenced land in the Wairarapa [CAB-19-MIN-0448 and MCR-20-MIN-0002 refer].
- 6 There are two outstanding matters to resolve prior to the passage of the two Bills through the House of Representatives – Crown contribution to Wairarapa natural resources redress and redress for Ngāti Kahungunu.

Wairarapa natural resources redress

- 7 The Joint Redress Bill which includes a suite of joint redress to Ngāti Kahungunu and Rangitāne, is currently before the House of Representatives. The joint redress includes a natural resources arrangement over the two Wairarapa Lakes and the Ruamahanga River catchment. A summary of this redress is attached as **Appendix 1**.
- 8 In 2011, Cabinet agreed guidelines for determining what contribution the Crown will make to local government and iwi costs arising from new arrangements that would improve the involvement of iwi in natural resource management [CAB Min (11) 29/9 refers].
- 9 In 2015, Cabinet agreed to provide \$0.500 million as a Crown contribution towards the establishment and implementation of one element of the Wairarapa natural resources redress [CAB-15-MIN-0271 refers].
- 10 In 2020, following concerns raised by councils that funding was inconsistent across settlements, the Minister of Finance, the Minister for the Environment and I agreed a methodology for applying the 2011 guidelines more systematically.
- 11 Following engagement with councils and iwi, the Minister of Finance, the Minister for the Environment and I agreed to reconsider the Crown's contribution to the Wairarapa natural resources redress, both extending the scope to more elements of the Wairarapa natural resources redress and using the 2020 methodology, and consider that a contribution of \$3.397 million is more appropriate.
- 12 As Cabinet has previously agreed to provide \$0.500 million, I seek Cabinet agreement to provide an additional one-off contribution of \$2.897 million towards costs incurred by Ngāti Kahungunu, Rangitāne and local councils when establishing and implementing natural resources redress in the Wairarapa, to be sought as a one-off exception for the Natural Resource Cluster and sought from the between-Budget contingency established at Budget 2022.

Reaching agreement with Ngāti Kahungunu to ensure passage of settlement legislation

- 13 Ngāti Kahungunu, Rangitāne and the Crown have reached an agreement that a \$5.000 million cultural revitalisation payment, originally set to go to Ngāti Kahungunu alone, will be held jointly – this is the only avenue that Rangitāne were willing to accept.
- 14 Ngāti Kahungunu have advised they will only agree to share their \$5.000 million cultural revitalisation payment if the Crown can compensate for the loss.
- 15 I consider that \$2.500 million would be an appropriate contribution to Ngāti Kahungunu. This contribution will facilitate Rangitāne and Ngāti Kahungunu to support the passage of their legislation this calendar year.

- 16 I seek Cabinet agreement to provide an additional \$2.500 million cultural revitalisation payment to Ngāti Kahungunu.

Background

- 17 Ngāti Kahungunu and Rangitāne are neighbouring iwi with strong interests in the Wairarapa lakes (Lake Wairarapa and Lake Ōnoke) and the Ruamahanga River (flowing from the Tararua Range down through Masterton to Lake Wairarapa). Ngāti Kahungunu and Rangitāne almost entirely overlap so negotiations over overlapping interests between both iwi have been rigorous and taken years to resolve.
- 18 Rangitāne claims were settled through the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Bill in 2017 and are also party to a suite of joint redress with Ngāti Kahungunu through the Joint Redress Bill. The joint redress establishes the Wairarapa natural resources redress which relates to the Wairarapa lakes and the Ruamahanga River catchment and vests the Crown-owned part of the bed of the Wairarapa lakes in Ngāti Kahungunu and Rangitāne. The joint redress is provided for in the Ngāti Kahungunu Deed of Settlement and was agreed in 2017.

Remedies litigation

- 19 In 2017 and 2018, resumption applications were made by three parties, including the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust (the Settlement Trust) over Ngāumu Crown Forest Licenced land and Maraetai power station at Pouākani. In light of the remedies litigation, signing the Ngāti Kahungunu Deed of Settlement was deferred – this resulted in the joint redress with Rangitāne also being deferred, despite them having no involvement in the remedies litigation.
- 20 Between 2019 and 2021, the Crown and the Settlement Trust negotiated an enhanced settlement package in return for the Settlement Trust’s withdrawal of their two resumption applications. Consequently, the Ngāti Kahungunu Deed of Settlement was signed in October 2021, allowing the Joint Redress Bill and the Ngāti Kahungunu Bill to be introduced into the House of Representatives earlier this year.
- 21 In late 2021, Rangitāne advised the Crown they were concerned by the enhanced settlement package. Rangitāne’s main concern was the inclusion of a cultural revitalisation payment of \$5.000 million to enhance the wellbeing of the Wairarapa lakes in the Ngāti Kahungunu Deed of Settlement.
- 22 On 18 November 2021, the Waitangi Tribunal found the Crown’s process in negotiating the \$5.000 million with Ngāti Kahungunu was flawed and the Crown acted in bad faith toward Rangitāne – this is because of the strong interest that Rangitāne have in the Wairarapa lakes. The Waitangi Tribunal recommended that the Crown help Ngāti Kahungunu and Rangitāne to work together to ensure matters were resolved.

Wairarapa natural resources redress

- 23 In 2015, Cabinet approved a \$0.500 million to go to the Greater Wellington Regional Council on settlement date to be held on behalf of the Wairarapa Moana Statutory Board [CAB-15-MIN-0271 refers] as a one-off contribution toward one element of the Wairarapa natural resources redress. At the time, Ngāti Kahungunu, Rangitāne and local bodies expressed concern that the \$0.500 million contribution would not be enough.
- 24 In February 2020, the Minister of Finance, the Minister for the Environment, the Minister for Local Government and I approved the use of a methodology to apply the Cabinet agreed guidelines for determining natural resource cost contributions more systematically for Crown contributions to councils.

Seeking approval to a revised Crown contribution to Wairarapa natural resources redress

- 25 Early in 2022, parties involved in the Wairarapa natural resources redress asked the Crown to reconsider the \$0.500 million contribution, especially given the passage of time since it was agreed and the understanding that more recent settlements have benefitted from the new methodology for calculating contributions.
- 26 It is appropriate to reconsider the Crown contribution because the settlement has not been finalised, and the Minister of Finance, the Minister for the Environment and I have since agreed the 2020 methodology, which more systematically applies the 2011 Cabinet agreed factors.

[REDACTED]

9(2)(j)

[REDACTED]

I recommend the Crown contribute an additional \$2.897 million toward the establishment and implementation costs

- 28 In line with the objectives set out in the 2011 Cabinet guidelines, a Crown contribution of an additional \$2.897 million will incentivise the effective establishment and implementation of the arrangements, enable broad community participation in natural resource management, promote good environmental outcomes, and build strong working relationships between councils and iwi.

[REDACTED]

9(2)(f)(iv)

9(2)(f)(iv)

- 32 The Minister of Finance, the Minister for the Environment and I support an enhanced contribution to Wairarapa natural resources redress of \$3.397 million (\$0.500 million previously agreed funding and \$2.897 million new funding), consisting of:
- 32.1 \$1.334 million to cover 80% of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua estimated costs;
 - 32.2 \$0.993 million to cover 75% of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua estimated costs;
 - 32.3 \$0.632 million to cover 79% of Greater Wellington Regional Council estimated costs;
 - 32.4 \$0.137 million to cover 85% of South Wairarapa District Council estimated costs;
 - 32.5 \$0.122 million to cover 76% of Carterton District Council estimated costs; and
 - 32.6 \$0.179 million to cover 85% of Masterton District Council estimated costs;

It is appropriate to make a contribution in the context of resource management reform

- 33 I consider it appropriate to make a contribution in the context of resource management reform because this contribution relates to the establishment and implementation of new Treaty settlement arrangements and is necessary irrespective of the broader reforms.
- 34 Some aspects of the Wairarapa Moana Wairarapa natural resources redress intersect with the Resource Management Act 1991 (RMA) and will be affected by the reforms.

Risks and precedent

9(2)(j)

[REDACTED]

[REDACTED]

[REDACTED]

9(2)(g)(i)
9(2)(j)

[REDACTED]

9(2)(j)

[REDACTED]

38 The proposed contribution has been assessed against others agreed to date and I consider it to be equitable and appropriate. The contribution is reflective of the scale and complexity of the arrangements, as intended by the 2011 Cabinet guidelines and 2020 methodology. Therefore, a benchmark would only be set for arrangements of equivalent scale and complexity.

[REDACTED]

9(2)(j)

[REDACTED]

9(2)(h)

[REDACTED]

[REDACTED]

[REDACTED]

9(2)(h)

[REDACTED]

[REDACTED]

Seeking approval for an increase in total settlement value

44 Since the Tribunal's decision in November 2021, the Crown has sought to work with Ngāti Kahungunu and Rangitāne to reach an agreement in regard to the treatment of the \$5.000 million cultural revitalisation payment set to be paid to Ngāti Kahungunu on settlement date.

45 Rangitāne will not accede to the Joint Redress Bill unless the \$5.000 million is shared between the two iwi in recognition of their joint interest in the Wairarapa lakes. Without Rangitāne agreement to the Joint Redress Bill, the Ngāti Kahungunu Bill cannot proceed through the House of Representatives.

46 Ngāti Kahungunu do not feel comfortable with sharing the \$5.000 million without appropriate compensation. Ngāti Kahungunu negotiated for the \$5.000 million (along with \$22.000 million financial redress) in return for the withdrawal of their resumption applications, and as such, they are not comfortable sharing the \$5.000 million unless the Crown is able to compensate for their perceived loss.

47 I am cognisant of the effect further delay to the Joint Redress Bill and the Ngāti Kahungunu Bill will have on the two iwi, as well as on Crown resources, and consider the most appropriate way forward is to provide a financial contribution to Ngāti Kahungunu.

48 In recognition that the \$5.000 million will now be shared between the two iwi, I recommend an additional \$2.500 million payment would be an contribution to Ngāti Kahungunu. I therefore seek Cabinet agreement to this.

Financial Implications

[REDACTED]

9(2)(j)

[REDACTED]

9(2)(j)

[REDACTED]

■

[REDACTED]

■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

■

[REDACTED]

PROACTIVE RELEASE UNDER THE PRIVACY ACT / INFORMATION ACT OR THE ACCESS TO INFORMATION ACT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Legislative Implications

56 The proposals in this paper do not have any legislative implications.

Impact Analysis

57 No Regulatory Impact Statement is required because the proposal is consistent with existing policy.

Human Rights

58 The proposals outlined in this paper are not inconsistent with the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Consultation

59 The Ministry for the Environment and the Treasury were consulted in the development of this paper.

Proactive Release

60 I intend to release this paper proactively, making any necessary redactions, within 30 business days after the Deed to Amend giving affect to the proposals in this paper has been signed.

PROACTIVELY RELEASED BY THE MINISTER FOR TREASURY

Recommendations

I recommend that the Committee:

- 1 **note** Te Rohe o Rongokako Joint Redress Bill provides for joint redress between Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua;
- 2 **note** Te Rohe o Rongokako Joint Redress Bill is awaiting its second reading in the House of Representatives;
- 3 **note** the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Bill is due to be reported back to the House of Representatives by the Māori Affairs Committee in November 2022;
- 4 **note** there are two outstanding issues that require resolution in order for both iwi to support the passage of their settlement legislation – Crown contribution to Wairarapa natural resources redress and an increase in total settlement value;

Wairarapa natural resources redress

- 5 **note** in 2011 Cabinet agreed the Crown will consider contributing on a case-by-case basis to costs incurred by local authorities and iwi when establishing and implementing natural resource arrangements [CAB Min (11) 29/9];
- 6 **note** parties to the Wairarapa natural resources redress and the Crown undertook a scoping exercise to determine the establishment and implementation costs associated with the arrangements in accordance with the 2011 Cabinet guidelines and 2020 methodology;

■

[REDACTED]

9(2)(g)(i)

- 8 **agree** to an exception to the Natural Resource cluster for a one-off Crown contribution of \$2.897 million in addition to the previously agreed \$0.500 million toward iwi and council costs over three years, comprising of:
 - 8.1 \$1.334 million to cover 80% of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua estimated costs;
 - 8.2 \$0.993 million to cover 75% of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua estimated costs;
 - 8.3 \$0.632 million to cover 79% of Greater Wellington Regional Council estimated costs;
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8.5 \$0.122 million to cover 76% of Carterton District Council estimated costs; and

8.6 \$0.179 million to cover 85% of Masterton District Council estimated costs;

█ [REDACTED]

9(2)(j)

[REDACTED]

█ [REDACTED]

█ [REDACTED]

12 **note** it is appropriate to make a contribution to Wairarapa natural resources redress costs in the context of the resource management reform because this contribution relates to the establishment and implementation of new Treaty Settlements arrangements and is necessary irrespective of the broader reforms;

█ [REDACTED]

9(2)(j)

Increase in total settlement value

14 **approve** an increase to the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua total settlement value by \$2.500 million in order to facilitate the passage of their settlement legislation;

9(2)(j)

■ [REDACTED]

[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

PROACTIVELY REVIEWED

TREATY

[REDACTED]

[REDACTED]

[REDACTED]

Authorised for lodgement

Hon Andrew Little

Minister for Treaty of Waitangi Negotiations

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI

APPENDIX 1: COMPONENTS OF WAIRARAPA NATURAL RESOURCES REDRESS (THE WAIRARAPA MOANA FRAMEWORK)

Component 1: the Wairarapa Moana Statutory Board (the Board)

- The Board will consist of:
 - 4 members appointed by Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua (Ngāti Kahungunu);
 - 1 member appointed by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua (Rangitāne);
 - 2 members appointed by the Minister of Conservation;
 - 2 members appointed by Greater Wellington Regional Council; and
 - 1 member appointed by South Wairarapa District Council.
- The Board will act as guardian of Wairarapa Moana and the Ruamahanga River catchment for the benefit of present and future generations by:
 - administering the Wairarapa Moana reserves;
 - managing the Wairarapa Moana marginal strips;
 - providing leadership on the sustainable management of Wairarapa Moana and the Ruamahanga River catchment; and
 - promoting the restoration, protection, and enhancement of the social, economic, cultural, environmental, and spiritual health and well-being of Wairarapa Moana and the Ruamahanga River catchment as they relate to natural resources.

Component 2: the Wairarapa Moana document

- The Wairarapa Moana document consists of:
 - a document outlining the overarching vision, and a statement of desired outcomes for Wairarapa Moana to be prepared by the Board;
 - a reserves management plan for the Wairarapa Moana reserves to be prepared by Ngāti Kahungunu and the Director-General of Conservation; and
 - a natural resources document for the Ruamahanga catchment that –
 - identifies the Board’s issues, values, vision, objectives and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment, to the extent that they apply to the health and well-being of Wairarapa Moana or the Ruamahanga River catchment;
 - is prepared by the Committee for Natural Resources (the Committee), a sub-committee of the Board; and

- is to be approved by the Board.
- The Committee will consist of the following members:
 - 2 members appointed by Ngāti Kahungunu;
 - 2 members appointed by Rangitāne;
 - 1 member appointed by Greater Wellington Regional Council;
 - 1 member appointed by SWDC;
 - 1 member appointed by Masterton District Council; and
 - 1 member appointed by Carterton District Council.

Component Three: the vesting, administration and management of Wairarapa Moana reserves

- The Wairarapa Moana Framework provides for the Board to administer and manage the Wairarapa Moana reserves to be vested in iwi.
- The Wairarapa Moana Framework also provides that Ngāti Kahungunu and the Department of Conservation are to develop a reserves management plan together for Wairarapa Moana.
- This component is outside of the scope of natural resources redress and costs associated with it have not been considered in the proposal for \$2.897 million.

PROACTIVELY RELEASED BY THE MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS