Deed of Settlement of Surplus Auckland Railways Lands

Date signed:	6 July 1993
Parties:	Her Majesty the Queen, in right of New Zealand acting by the Minister of Justice and the Ngāti Whatua o Orakei Māori Trust Board and Te Runanga o Ngāti Whatua
Settlement Amount:	$4,000,000 **On Account**
Other Assets Transferred:	
Short Description of Settlement:	The Runanga, the Orakei Trust Board and some of their beneficiaries have made claims against the Crown in respect of land in the Auckland region including surplus railway lands. On 10 October 1991 it was agreed through the CCJWP agreement that surplus railway lands be considered in relation to Treaty of Waitangi Settlements. By letter of agreement, the Trust Board agreed to the clearance for disposal by the Crown of certain surplus railway land in Auckland.
Crown Obligations:	The Crown agrees that a payment of $4 million be made to the Runanga and the Orakei Trust Board
Comments:	
MYA Amount:	

160
179

DEED OF SETTLEMENT OF SURPLUS AUCKLAND RAILWAY LANDS

PJA:12065

159

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DEED OF SETTLEMENT

THIS DEED made as of 6th July 1993

BETWEEN

HER MAJESTY THE QUEEN in right of New Zealand acting by the Minister of Justice ("the Crown")

AND

THE NGATI WHATUA O ORAKEI MAORI TRUST BOARD ("the Orakei Trust Board")

AND

TE RUNANGA O NGATI WHATUA ("the Runanga")

BACKGROUND

A. The Crown directly or indirectly owns and owned certain railways land in the Auckland Region which are surplus to its requirements and which it wishes to alienate.

B. The Runanga, the Orakei Trust Board, and some of their beneficiaries have brought claims in the Waitangi Tribunal against the Crown in respect of land in the Auckland Region including surplus railway lands.

C. On 10 October 1991 the Crown and the National Maori Congress (on behalf of both Ngati Whatua, and other iwi) entered into an agreement ("the CCJWP agreement") whereby a procedure was set in place to ensure the fair consideration of Treaty of Waitangi claims to surplus railways properties throughout the country and to facilitate agreement on the disposal of those properties, whether to iwi, Maori or third parties, in a way which would benefit both Crown and Maori treaty claimants.

D. By letter of agreement of 25 March 1992 made pursuant to the CCJWP agreement the Orakei Trust Board on behalf of Ngati Whatua agreed to the clearance for disposal by the Crown of certain surplus railways land in Auckland referred to in the annexures to the letter of agreement ("the surplus Auckland railway lands").

E. Following the agreement of 25 March 1992 and further to the CCJWP agreement, the Crown, the Runanga and the Orakei Trust Board on behalf of Ngati Whatua have reached a partial settlement of Ngati Whatua claims against the Crown and have as a result agreed to release the surplus Auckland railway lands for sale.

F. The Waitangi Tribunal in its report on Auckland railway lands (WAI 264) dated 21 May 1992 determined that the settlement agreement reached between the parties would not be contrary to the principles of the Treaty of Waitangi.

ACCORDINGLY in the spirit of co-operation and good faith **AND** in consideration of the respective obligations and agreements contained in this Settlement Deed **THE CROWN, THE RUNANGA, AND THE ORAKEI TRUST BOARD** agree as follows:

I COMPENSATION

1. The Crown shall pay to the Runanga and the Orakei Trust Board the sum of $4 million, such sum to be paid into the Te Runanga O Ngati Whatua Account as defined by s 9 of the Te Runanga O Ngati Whatua Act 1988.

2. The Runanga and the Orakei Trust Board agree that the sum of $4 million shall be held and applied on terms agreed upon by the Runanga and the Orakei Trust Board but consistent with their statutory and other legal obligations and for the benefit of all members of Ngati Whatua.

3. The Runanga and the Orakei Trust Board declare that they are authorised to accept the money on behalf of Ngati Whatua.

4. The Runanga and the Orakei Trust Board agree that the sum of $4 million is an "on account" settlement of all claims by Ngati Whatua and its members against the Crown, arising either at law, or under the Treaty of Waitangi, or its principles.

II CLEARANCE OF SURPLUS RAILWAY LANDS

5. The Runanga and the Orakei Trust Board together on behalf of the members of Ngati Whatua agree that the surplus Auckland railway lands, (as defined in paragraph D of this deed) may be disposed of by the Crown as it sees fit and they hereby waive all claims for the specific return of those particular lands, whether arising at law or under the Treaty of Waitangi, or its principles.

6. The Runanga and the Orakei Trust Board agree that the 5% commission paid to the National Maori Congress and deducted from the interim payment of $2.5m paid to the Trust Account of Buddle Findlay solicitors of Wellington, in January 1993, shall constitute partial payment of the $4m payable to the Runanga and the Orakei Trust Board.

7. The Crown agrees not to dispose of and to set aside those three freehold properties and four freehold properties which are marked "set aside" in the appendices to the letter of agreement of 25 March 1992, pending further research and discussion

between the Crown and the Orakei Trust Board on the cultural and spiritual significance of those properties.

SIGNED for and on behalf of **HER MAJESTY THE QUEEN** in right of New Zealand by **DOUGLAS ARTHUR MONTROSE GRAHAM** Minister of Justice in the presence of:

Public Servant
Wellington

SIGNED for and on behalf of **THE NGATI WHATUA O ORAKEI MAORI TRUST BOARD** in the presence of:

THE NGATI WHATUA O ORAKEI MAORI TRUST BOARD
The Common Seal of

SIGNED for and on behalf of **TE RUNANGA O NGATI WHATUA** in the presence of:

TRUSTEE