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Legislative Statement: Ahuriri Hapū Claims Settlement Bill – Second Reading

Overview

This Bill gives effect to elements of Ahuriri Hapū Deed of Settlement (the Deed), which relies on legislation to be enacted and implemented.

The Ahuriri Hapū settlement package will finally and comprehensively settle all historical Treaty of Waitangi claims of Ahuriri Hapū. It includes Crown apology redress, cultural redress, and financial and commercial redress of \$19.5 million.

The following is a brief overview of the Bill's provisions.

Apology redress

This Bill contains a summary of the historical account of the relationship between the Crown and Ahuriri Hapū. It also contains the Crown's acknowledgements of, and apology for, its breaches of Te Tiriti/the Treaty of Waitangi regarding Ahuriri Hapū.

Cultural redress

Cultural redress is intended to recognise the cultural, historical and traditional associations of Ahuriri Hapū within their area of interest. The Bill provides for the implementation of a number of cultural redress instruments:

Vesting of properties

The Bill vests three sites, specified in Schedule 3, in Ahuriri Hapū as cultural redress properties. Of these, two sites will be vested in fee simple, and one site in fee simple to be administered as a reserve.

Relationship Protocols

The Bill requires the issuance, by the responsible Minister, of the following protocols:

- Crown minerals protocol
- Taonga tuturu protocol

These protocols set out how the responsible agencies will interact with and consult Mana Ahuriri Trust (the Ahuriri Hapū post-settlement governance entity) when carrying out statutory duties and functions.

Statutory acknowledgements:

Statutory acknowledgements acknowledge statements of association by Ahuriri Hapū of their particular cultural, historical, spiritual and traditional association with areas specified in Part 1, Schedule 1 of the Bill.

Under the Bill, statutory acknowledgements will require:

- relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement;
- relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees; and
- enable the trustees and any member of Ahuriri Hapū to cite the statutory acknowledgement as evidence of the association of Ahuriri Hapū with a statutory area.

Deeds of recognition

The Bill requires the Minister of Conservation and the Director-General to issue deeds of recognition for the areas listed in Schedule 1, Part 2.

Deeds of recognition oblige the Crown to consult with Ahuriri Hapū on specified matters, and have regard to their views on their special associations with certain areas.

Overlay classifications

The Bill provides for overlay classification over the areas specified in Schedule 2. Overlay classifications recognise a statement of the claimant group's associations, describes their values and principles, and identifies actions to avoid harm to these.

Official geographic place names

The Bill provides for six geographic place names changes as set out in clauses 61 to 64.

Establishment of Te Komiti Muriwai o Te Whanga

Part 3 of the Bill provides for the establishment of Te Komiti Muriwai o Te Whanga. The purpose of Te Komiti is to promote the protection and enhancement of the environmental, economic, social, spiritual, historical, and cultural values of Te Muriwai o Te Whanga. To achieve this, Te Komiti will provide guidance and co-ordination in the management of Te Muriwai o Te Whanga to the relevant local authorities and Crown agencies.

Commercial redress

Financial and commercial redress is intended to recognise the losses suffered by Ahuriri Hapū arising from the breaches by the Crown of its obligations to Ahuriri Hapū under the Treaty of Waitangi and its principles. It will provide Ahuriri Hapū with resources to assist with the development of their economic and social well-being.

The Bill sets out the conditions for the transfer of:

- 17 deferred selection properties generally, which Mana Ahuriri Trust can purchase within two years of settlement; and
- 10 right of first refusal properties, which Mana Ahuriri Trust while have the first right to purchase within a period of 174 years on and from the settlement date.