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Legislative Statement: Moriori Claims Settlement Bill

Overview

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

The Moriori settlement package will finally and comprehensively settle all historical Treaty of Waitangi claims of Moriori. It includes Crown apology redress, cultural redress, and commercial and financial redress of \$18 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 Moriori. It also contains the Crown's acknowledgements of, and apology for, its breaches of Te Tiriti/the Treaty of Waitangi with regard to Moriori.

Cultural redress

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

Vesting of properties

The Bill vests eight sites, specified in Schedule 3, in Moriori as cultural redress properties. Of these, four sites will be vested in fee simple, and four sites as reserves.

Protocols:

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

- Crown Minerals Protocol
- Primary Industries Protocol
- Hokoatanga Tiaki Miheke

These protocols set out how the responsible agencies will interact with and consult Moriori Imi Settlement Trust (the Moriori Post-Settlement Governance Entity) when carrying out statutory duties and functions.

Statutory acknowledgements:

Statutory acknowledgements acknowledge statements of association by Moriori 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:

- specified authorities to have regard to the statutory acknowledgement;
- relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the Schedule 1 areas, and provide summaries of relevant resource consent applications to the trustees of Moriori Imi Settlement Trust; and
- enable Moriori to cite the statutory acknowledgement as evidence of an association with Moriori with a Schedule 1 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 Moriori 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 four geographic place names changes. These changes are set out in clause 57(1).

Customary fishing regulations

The Bill requires the Minister of Fisheries to recommend the making of regulations under section 186 of the Fisheries Act 1996. This regulation will create new customary fisheries management regime on the Chatham Islands.

Commercial redress

The Bill sets out the conditions for the transfer of two deferred selection properties generally, which Moriori can purchase within two years of settlement.