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29 March 2022

J17

Legislative Statement: Ngāti Maru (Taranaki) Claims Settlement Bill

Overview

The Ngāti Maru (Taranaki) Claims Settlement Bill (the Bill) gives effect to elements of Te Hīringa Taketake, the Ngāti Maru (Taranaki) Deed of Settlement (the Deed), which relies on legislation to be enacted and implemented.

The Ngāti Maru settlement package will finally and comprehensively settle all historical Treaty of Waitangi claims of Ngāti Maru. It includes Crown apology redress, cultural redress, and commercial and financial redress of \$30 million. The following is a brief overview of the Bill's provisions.

Apology redress

The Bill contains a summary of the historical account which is set out in the Deed and details the relationship between the Crown and Ngāti Maru. It also contains the Crown's acknowledgement of, and apology for, its breaches of Te Tiriti/the Treaty of Waitangi with regard to Ngāti Maru.

Cultural redress

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

Vesting of properties

The Bill vests 16 sites, specified in Schedule 2, in Ngāti Maru as cultural redress properties. Of these, seven sites will be vested in fee simple, and nine sites as reserves.

Protocols:

The Bill requires the responsible Ministers to issue the following protocols:

- Primary Industries Protocol – in relation to fisheries; and
- Appendix B of the Whakaaetanga Tiaki Taonga – in relation to any Taonga Tūturu (protected objects) found within the Ngāti Maru area of interest or of Ngāti Maru origin, national monuments, history publications, the provision of cultural and spiritual practices, and Board appointments of interest to Ngāti Maru.

These protocols set out how the responsible agencies will interact with and consult Te Kāhui Maru Trust: Te Iwi o Maruwharanui (the Ngāti Maru Post-Settlement Governance Entity) when carrying out statutory duties and functions.

Statutory acknowledgements:

Statutory acknowledgements recognise statements of association by Ngāti Maru of their cultural, historical, spiritual and traditional association with areas specified in Part 1 and Part 2, 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 Te Kāhui Maru Trust: Te Iwi o Maruwharanui; and
- enable Ngāti Maru to cite the statutory acknowledgement as evidence of an association with Ngāti Maru 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 Part 2, Schedule 1 of the Bill.

The Bill also requires the Commissioner of Crown Lands to issue a deed of recognition for the statutory areas listed in Part 2, Schedule 1 of the Bill, and administered by the Commissioner.

Deeds of recognition obligate the Crown to consult with Ngāti Maru on specified matters and have regard to their views on special associations Ngāti Maru have with certain areas.

Natural resource redress

Joint Management Agreement

The Bill sets out the provisions for a joint management agreement (JMA) between Ngāti Maru and the Taranaki Regional Council (TRC). A JMA provides for parties to jointly perform or exercise any of the local authority's functions, powers, or duties relating to a natural or physical resource.

The Waitara River Committee was established by the New Plymouth District Council (Waitara Lands) Act 2018 to dispense certain endowment land funds to improve the health of the Waitara River. The proposed JMA seeks to improve the effectiveness of the existing Waitara River Committee by supplementing its functions to include a role for iwi in environmental monitoring of the river. It also utilises the Waitara River Committee structure to provide a single point for enhanced consultation with all iwi with interests in the river in relation to relevant resource consent applications.

The Waitara River Committee is a joint committee comprising equal numbers of representatives nominated by Taranaki Regional Council and by iwi with interests in the river. The proposed monitoring function for the Committee, to be provided for through the JMA and Ngāti Maru's settlement legislation, will be complementary to the Committee's current (and sole) function to make decisions about allocating funding.

Maru Taiao Plan

The Deed provides for a natural resources plan, Maru Taiao, which outlines the values and principles of Ngāti Maru and the resource management issues of significance to Ngāti Maru in relation to the Maru Taiao area.

Local authorities must take the Maru Taiao plan into account when they are preparing or reviewing a policy statement or plan under the Resource Management Act 1991.

The Bill provides a Crown acknowledgement of the association of Ngāti Maru with the Maru Taiao area and provide for the lodging of a Maru Taiao plan with the relevant local authority to identify, in relation to the Maru Taiao area, the values and principles of Ngāti Maru and the resource management issues of significance to Ngāti Maru.

Commercial redress

The Bill sets out the conditions for:

- the transfer of Te Wera Crown forestry licensed land; and
- the transfer of 35 deferred selection properties, which Ngāti Maru (Taranaki) can purchase within two to five years of settlement (depending on agreed period for each specific site); and
- an exclusive right of first refusal over specific Crown-owned properties within the Ngāti Maru rohe, for 179 years from settlement; and
- a shared right of first refusal over specified properties within the Ngāti Maru rohe.