

Hon Paul Goldsmith

Minister for Arts, Culture and Heritage
Minister of Justice
Minister for Media and Communications
Minister for State Owned Enterprises
Minister for Treaty of Waitangi Negotiations



J.17

WHAKATŌHEA CLAIMS SETTLEMENT BILL: THIRD READING

LEGISLATIVE STATEMENT

Presented to the House in accordance with Standing Order 272

Overview

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

The Whakatōhea settlement package will finally and comprehensively settle all historical Treaty of Waitangi claims of Whakatōhea. It includes Crown apology redress, cultural redress, and commercial and financial redress of \$100 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 Whakatōhea. It also contains the Crown's acknowledgements of, and apology for, its breaches of Te Tiriti/the Treaty of Waitangi with regard to Te Whakatōhea.

Cultural redress

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

Vesting of properties

The Bill vests thirty-three sites in Whakatōhea as cultural redress properties, specified in Schedule 2. Of these, nine sites will be vested in fee simple, twenty-four sites as reserves.

The Bill also establishes a Joint Management Board allowing Whakatōhea and the Ōpōtiki District Council to control and manage four coastal reserves – Tirohanga Dunes site 2, Te Ngaio property,

Hukuwai Recreation Reserve and an unnamed Local Purpose (Esplanade) Reserve. Two of these reserves will continue to be owned by Ōpōtiki District Council and two will be vested in Whakatōhea under the settlement.

Protocols

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

- Crown Minerals protocol;
- Primary industries protocol; and
- Those issued under Appendix B of Whakaaetanga Tiaki Taonga (as set out in part 5 of the Whakatōhea Deed of Settlement - Document Schedule).

These protocols set out how the responsible agencies will interact with and consult Te Tāwharau o Te Whakatōhea (the Whakatōhea Post-Settlement Governance Entity) when carrying out statutory duties and functions.

Statutory acknowledgements

The statutory acknowledgements acknowledge statements of association by Whakatōhea of their particular cultural, historical, spiritual and traditional association with areas specified in Schedule 1 of the Bill.

Under the Bill, the statutory acknowledgements:

- require specified authorities to have regard to the statutory acknowledgements;
- require relevant consent authorities to record the statutory acknowledgements on statutory plans that relate to the Schedule 1 areas, and provide summaries of relevant resource consent applications to the trustees of Te Tāwharau o Te Whakatōhea; and
- enable Whakatōhea to cite the statutory acknowledgements as evidence of an association of Whakatōhea with a Schedule 1 statutory area.

Deeds of recognition

The Bill requires the Commissioner of Crown Lands, the Minister of Conservation and the Director-General of Conservation to issue deeds of recognition for the areas listed in Schedule 1. Deeds of recognition oblige the Crown to consult with Whakatōhea on specified matters and have regard to their views on their special associations with certain areas.

Commercial redress

The Bill sets out the conditions for the transfer of eighteen Crown properties and ten deferred selection properties. The Bill sets out the conditions for the offer of a right of first refusal to the trustees of Te Tāwharau o Te Whakatōhea for the disposal of specified Crown land in an exclusive area, and a further thirty-five properties outside the exclusive area, and sets out the requirement for giving notice to right of first refusal land in Schedule 3.

Aquaculture redress

The Bill will reserve 5,000 hectares of space in the coastal marine area, in which only Whakatōhea may apply for permits for aquaculture activities. Whakatōhea will receive a right of first refusal over fisheries quota under the Fisheries Act 1996.

Governance reorganisation and taxation matters

The Bill provides for the dissolution of the Whakatōhea Māori Trust Board and the vesting of their assets and liabilities, without charitable status, in Te Tāwharau o Te Whakatōhea and sets out the taxation requirements in respect of transfer of assets and liabilities.