



KAHUI

Tui tui tuia ki te ora. Hui hui huia ki te marama
Gather together for our collective wellbeing

Kirihimete 2011
Pānui

Ngā mihi nui ō te wā Kirihimete me te tau hou ki a koutou katoa.

Heading into the festive season we take this opportunity to congratulate iwi groups, Ngāi Tai ki Tāmaki and the Rangitāne Settlement Negotiations Trust, who have both recently achieved significant milestones in their respective Treaty settlement negotiations. We also introduce new legislation—the updated Māori Land Court Rules and the Heritage NZ Pouhere Taonga Bill.

Our offices will be closed from 23 December 2011 to 16 January 2012.

We wish you all a safe and happy New Year—kia tau te aio me ngā mihi mō te tau hou.



Ngāi Tai ki Tāmaki Agreement in Principle

Long time clients, Ngāi Tai ki Tāmaki recently signed an Agreement in Principle (“AIP”) with the Crown in relation to their historical Treaty claims in Tāmaki Makaurau.

The signing of the AIP coincided with their signing of a Record of Agreement between the Crown and the Tāmaki Makaurau Collective relating to collective redress to maunga, motu, harbours and rights of first refusals within the wider Tāmaki Makaurau region.

The AIP is unique in the sense that it only relates to the interests of Ngāi Tai ki Tāmaki within Tāmaki Makaurau. Ngāi Tai ki Tāmaki also have Treaty claims to the wider Hauraki region. These claims are being negotiated with the Crown, as part of the Hauraki Collective, whose constituent iwi have each signed an AIP equivalent, setting out the general parameters of redress sought in the Hauraki region.

The AIP sets out all historical, cultural, financial and commercial redress to settle the historical Treaty of Waitangi claims of Ngāi Tai ki Tāmaki in Tāmaki Makaurau. Key features of the redress outlined in the AIP include:

- A combination of cultural and commercial redress over Te Naupata/Musick Point;
- The potential transfer of Motukaraka Island;
- The transfer of Department of Conservation land;
- The transfer of sites on Motutapu Island;
- The ability to purchase:
 - A Probation centre;
 - A police station;
 - A Navy Museum; and,
 - Defence Force Housing.

Ngāi Tai ki Tāmaki will also have the ability, together with other iwi in Tāmaki Makaurau, to acquire surplus Crown land for 170 years from settlement date. The Crown and Ngāi Tai ki Tāmaki will now continue negotiations towards a comprehensive Deed of Settlement, which will include redress in relation to their Hauraki interests. McCaw Lewis congratulates the iwi and acknowledges the hard work and commitment of the Negotiation Team.

A full version of the AIP can be located on the Office of Treaty Settlements website—www.ots.govt.nz.

Whanganui

The Tribunal is currently in report writing phase. The likely release date of the truncated Whanganui Report is the second quarter of 2013.

The Tribunal will update the parties quarterly from December 2011 as to how the report is progressing.

Taihape: Rangitikei ki Rangipo

The Taihape Inquiry is in the research stage. CFRT is now holding research hui to understand the people, the relationships and the land.

A further Judicial Conference is likely to be held in the first half of 2012.

Porirua ki Manawatu

A number of hui have now been held between Te Hono ki Raukawa cluster and the Tumatanui cluster to reach a consensus as to a research programme for the Raukawa claimants and a united process as to how Raukawa will present their claims before the Tribunal.

A further Judicial Conference is scheduled for early 2012.

Te Rohe Potae

A Judicial Conference was held recently on 2 December 2011 to discuss, amongst other matters, the casebook review. Amended Statements of Claims for this Inquiry have now been filed following the 9 December 2011 deadline.

Te Paparahi o te Raki

The Te Paparahi o Te Raki (Northland) Inquiry is currently in an interlocutory phase for Stage Two planning and preparation.

Claimants have recently filed Amended Statements of Claim and are now preparing a draft joint statement of issues to be filed by 21 December 2011.

Rangitāne Deed of Mandate

The Deed of Mandate for the Rangitāne Settlement Negotiations Trust (“the Trust”) was formally recognised by the Minister for Treaty of Waitangi Negotiations on 11 October 2011.

The Trust holds the mandate to enter into settlement negotiations with the Crown on behalf of Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-ā-Rua (“Rangitāne”). Copies of the Deed of Mandate for the Trust were formally presented to the Rangitāne Rūnanga at the Trust’s AGM on 13 November 2011 at Pahiataua Marae.



Rangitāne have claims within the lower North Island which were heard before the Waitangi Tribunal in the Wairarapa ki Tararua District Inquiry. The journey for the Trust is just beginning and we wish the Trust the best for upcoming negotiations with the Crown.

New Heritage NZ Pouhere Taonga Bill

The Heritage New Zealand Pouhere Taonga Bill (“the Bill”) was introduced to Parliament in October 2011. The Bill is set to replace the Historic Places Act 1993 (“the Act”), which established the New Zealand Historic Places Trust (“the Trust”).

The purpose of the Bill is to modernise the current law to improve the regulatory framework for archaeological heritage. It also seeks to better balance heritage values with private ownership interests.

The main changes to the Act, provided in the Bill include:

- Changing the name of the Trust to Heritage New Zealand Pouhere Taonga (Heritage NZ). The new name is designed to make it clear that the organisation is a Crown entity and not a trust;
- Reforming Heritage NZ’s governance and

structure to relieve tensions which may compromise its ability to perform its statutory functions; and,

- Simplifying and streamlining the archaeological consenting process to better align it with RMA processes. This will in turn improve efficiency and reduce costs.

Under the Bill, the Māori Heritage Council will remain in place with an expanded role. That role would include being consulted on all applications to modify archaeological sites that are of interest to Māori.

Provisions are included in the Bill to ensure that Heritage NZ and the Māori Heritage Council can reject vexatious applications to register historical and cultural heritage sites.

It is expected that the Bill will be considered by a Select Committee in 2012 with the opportunity for public input at that stage.

New Māori Land Court Rules

The Māori Land Court Rules 2011 (“the Rules”) came into force on 1 December 2011.

The Rules replace the Māori Land Court Rules 1994, making some significant changes. The objectives of the Rules are to facilitate access to the Court and secure the just, speedy, and inexpensive dispatch of the business of the Court.

Whilst the substance of the Rules is largely the same, the Rules are now more prescriptive in terms of the requirements for filing and hearing applications before the Court. For example:

- Details of whakapapa or land plans must be filed in certain cases where relevant;

- Some applications are to be filed, processed and heard at venues outside of where the land is located;

- Requirements for the applicant to provide notice before filing and/or hearing applications have increased; and,

- A clear process for special aid applications is now set out under Part 16.

The Rules also include a number of new tailored forms for applications under the Rules.

For proceedings already before the Court on 1 December, the previous Māori Land Court Rules will still apply. For further details of the Rules and the changes, visit our website.