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(OTS, 2012)



Treaty Settlements

Office of Treaty Settlements

Te Tari Whakatau Take e pā ana ki te Tiriti o Waitangi

**Quarterly Report
1 July 2012 – 30 September 2012**

www.ots.govt.nz

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Overview

This report brings together information on the key outputs of the Office of Treaty Settlements (OTS) for the quarter ending 30 September 2012.

OTS negotiates settlements of historical Treaty of Waitangi claims (claims relating to Crown acts and omissions prior to 21 September 1992) on behalf of the Crown. There are numerous claimant groups from around the country currently involved in negotiations with the Crown, or in pre-negotiation discussions. The map and tables on the following pages provide an overview of these.

12 significant milestones were reached with claimant groups in the quarter ending 30 September 2012:

Group	Milestone	Date
Ngāti Mākino	Legislation passed	31 July 2012
Maraeroa A and B Blocks (Rereahu)	Legislation passed	31 July 2012
Rongowhakaata	Legislation passed	31 July 2012
Ngāi Tāmanuhiri	Legislation passed	31 July 2012
Ngāti Whātua o Kaipara	Legislation introduced	9 August 2012
Ngāti Porou ki Hauraki	Terms of Engagement signed (Marine and Coastal Area)	25 August 2012
Rangitāne o Wairarapa	Terms of Negotiation signed	29 August 2012
Whanganui River Claim	Framework agreement signed	30 August 2012
Ngāti Toa Rangātira	Deed of Settlement initialled	30 August 2012
Tāmaki Collective	Deed of Settlement signed	8 September 2012
Ngāi Tūhoe	High level agreement signed	11 September 2012
Waitaha	Legislation introduced	20 September 2012

OTS, along with several other Government departments, has an ongoing role in the implementation of the settlements agreed to date. This includes transferring settlement properties, farms and forest land, putting agreed settlement instruments into effect and monitoring the Crown's compliance with obligations under the Deeds of Settlement.

OTS also manages surplus Crown properties that are available for settlement redress. Properties that are not used for settlement purposes are sold on the open market once the relevant settlements have been agreed.

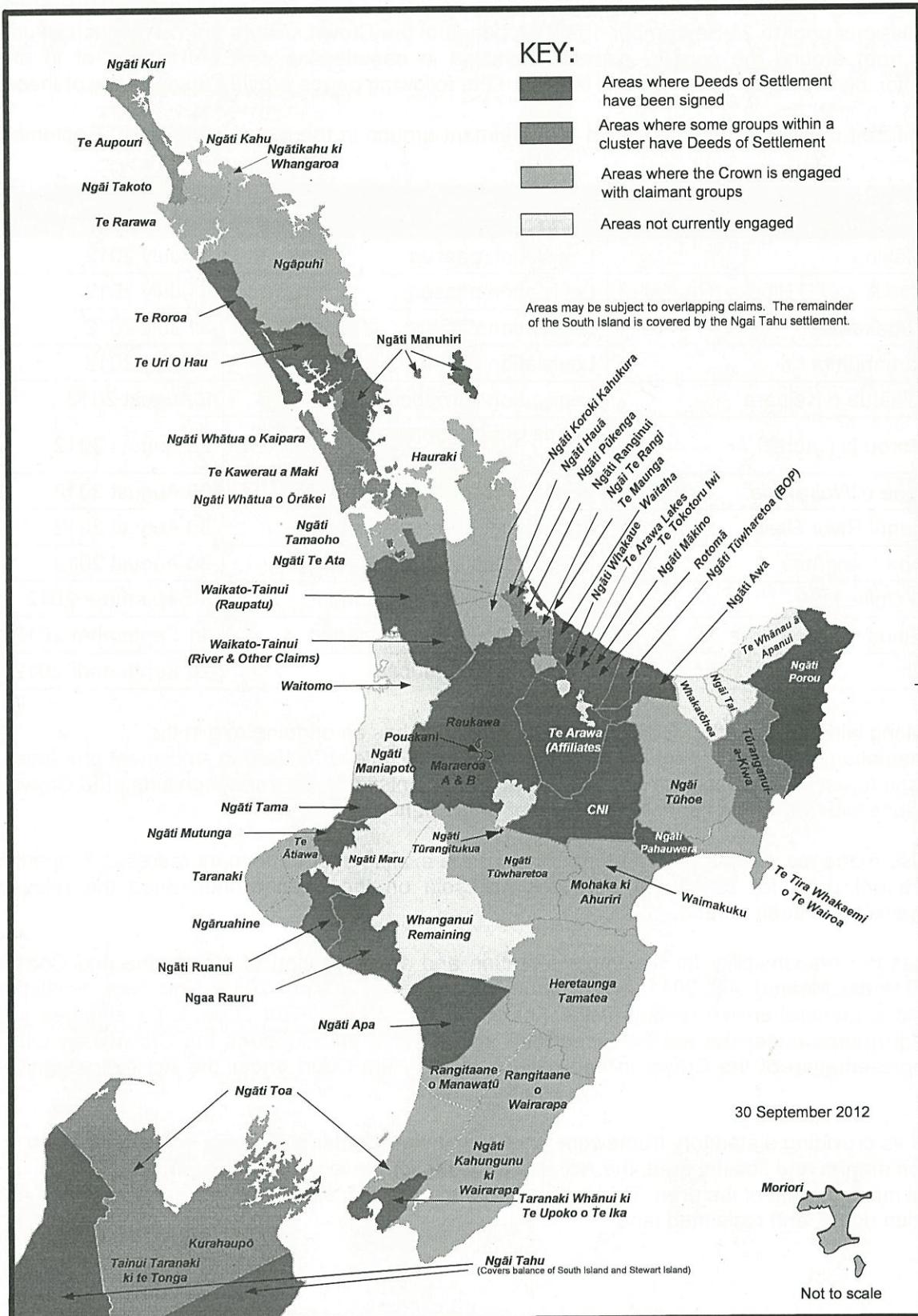
OTS has the responsibility for the implementation and administration of the Marine and Coastal Area (Takutai Moana) Act 2011 which came into force on 1 April 2011. This was developed following a comprehensive review of the Foreshore and Seabed Act 2004. OTS engages with applicant groups under the Act for recognition agreements, and supports the Crown Law Office with representation of the Crown in applications to the High Court under the Act for recognition orders.

As well as providing a statutory framework for determining whether customary rights exist in the common marine and coastal area, the Act also provides for the legal arrangements and the general management of the area. This includes roads, minerals, structures, access, navigation and recreation rights, and reclaimed land.

Progress of Settlements

The map below provides an overview of the areas where Treaty settlements have been completed and areas currently subject to negotiations or preparing for negotiations.

FIGURE 1: Completed Treaty Settlements and Current Negotiations



Claimant Group Status Summary by Stages in the Negotiation Process

The following table indicates the progress and status of claimant groups in negotiations. It includes settlements that have been implemented. The table is broken down into regional groupings corresponding to the regional boundaries the Office of Treaty Settlements uses to organise its negotiating teams.

GROUP	Mandate recognisised by Crown	Terms of Negotiation	Agreement signed in Principle	Deed of Settlement signed	Enacted through Legislation	Negotiation status
<i>Te TaiaoKerau</i>						
Te Uri o Hau					Legislation for this settlement was passed on 17 October 2002	
Te Roroa					Legislation for this settlement was passed on 25 September 2008	
Te Rarawa					A collective Agreement in Principle for Te Hiku iwi was signed on 16 January 2010	
Te Aupōuri					A Deed of Settlement was signed on 28 January 2012	
Ngāti Kahu					A collective Agreement in Principle for Te Hiku iwi was signed on 16 January 2010	
Ngāi Takoto					A collective Agreement in Principle for Te Hiku iwi was signed on 16 January 2010	
Ngāti Kuri					A collective Agreement in Principle for Te Hiku iwi was signed on 16 January 2010	
NgātiKahu ki Whangaroa					An Agreement in Principle was signed on 22 December 2007	
<i>Tamaki Makaurau</i>						
Ngāti Whātua Ōrākei					Legislation for this settlement was approved for introduction on 5 March 2012	
Ngāti Whātua o Kaipara					Legislation for this settlement was approved for introduction on 9 August 2012	
Te Kawerau a Maki					An Agreement in Principle was signed on 12 February 2010	
Te Rūnanga o Ngāti Whātua					Terms of Negotiation were signed on 14 October 2008	
Ngāti Manuhiri					Legislation for this settlement was approved for introduction on 5 March 2012	
Ngāti Rehua					An Agreement in Principle was signed on 18 June 2011	
Tāmaki Collective					A Deed of Settlement was signed on 8 September 2012	
Ngāti Tai ki Tāmaki					An Agreement in Principle was signed on 5 November 2011	
Ngāti Tamaoho					Terms of Negotiation were signed on 1 October 2010	
Ngāti Te Ata					Terms of Negotiation were signed on 29 June 2011	
Hauraki Collective					An Agreement in Principle was signed on 22 July 2011	
Ngāti Rahiri Tumutumu					An Agreement in Principle was signed on 22 July 2011	
Ngāti Hako					An Agreement in Principle was signed on 22 July 2011	
Ngāti Hei					An Agreement in Principle was signed on 22 July 2011	
Ngāti Pāoa					An Agreement in Principle was signed on 22 July 2011	
Ngāti Porou ki Harataunga ki Mataora					An Agreement in Principle was signed on 22 July 2011	

GROUP	Mandate recognise by Crown	Terms of Negotiation	Agreement in Principle signed	Deed of Settlement signed	Enacted through legislation	Negotiation status
Ngāti Tara Tokanui					An Agreement in Principle was signed on 22 July 2011	
Ngāti Whanaunga					An Agreement in Principle was signed on 22 July 2011	
Te Patukirikiri					An Agreement in Principle was signed on 22 July 2011	
Ngāti Tamaterā					An Agreement in Principle was signed on 22 July 2011	
Ngāti Maru					An Agreement in Principle was signed on 22 July 2011	
Te Aki Tai Waiohua					A Deed of Mandate was recognised by the Crown on 19 July 2011	
Waikato						
Waikato-Tainui (Raupatu Claim)					Legislation for this settlement was passed on 3 November 1995	
Waikato-Tainui (River interests)					Legislation for this settlement was passed on 6 May 2010	
Raukawa (River interests)					Legislation for this settlement was passed on 21 October 2010	
Te Pūmautanga o Te Arawa (River interests)					Legislation for this settlement was passed on 21 October 2010	
Ngāti Tūwharetoa (River interests)					Legislation for this settlement was passed on 21 October 2010	
Ngāti Maniapoto (River interests)					Legislation for this settlement was passed on 28 March 2012	
Raukawa (Comprehensive)					A Deed of Settlement was signed on 2 June 2012	
Ngāti Koroki Kahukura					Letter of Offer signed 15 December 2010	
Ngāti Hauā					Terms of Negotiation were signed on 20 June 2010	
Maraeroa A and B Blocks (Rereahu)					Legislation for this settlement was passed on 31 July 2012	
Te Moana a Toi						
Ngāti Tūwharetoa (Bay of Plenty)					Legislation for this settlement was passed on 23 May 2005	
Ngāti Awa					Legislation for this settlement was passed on 24 March 2005	
Ngāti Ranginui					A Deed of Settlement was signed on 21 June 2012	
Ngāti Pukenga					Terms of Negotiation were signed on 25 January 2010	
Ngāti Te Rangi					Terms of Negotiation were signed on 30 July 2010	
CNI/Te Arawa						
Central North Island Collective					Legislation for this settlement was passed on 25 September 2008	
Te Arawa Lakes					Legislation for this settlement was passed on 25 September 2006	
Te Arawa Affiliates					Legislation for this settlement was passed on 25 September 2008	
Pouakani					Legislation for this settlement was passed on 12 December 2000	
Ngāti Tūrangitukua					Legislation for this settlement was passed on 14 October 1999	
Ngāti Manawa					Legislation for this settlement was passed on 28 March 2012	
Ngāti Whare					Legislation for this settlement was passed on 28 March 2012	

GROUP	Mandate recognisised by Crown	Terms of Negotiation	Agreement in Principle signed	Deed of Settlement signed	Enacted through legislation	Negotiation status
Ngāti Mākinō					<i>Legislation for this settlement was passed on 31 July 2012</i>	
Waitaha					<i>Legislation for this settlement was approved for introduction on 20 September 2012</i>	
Ngāi Tūhoe					<i>A high-level agreement was signed on 11 September 2012</i>	
Ngāti Rangiteaore (Te Tokotoru)					<i>An Agreement in Principle was signed on 6 October 2011</i>	
Tapuika (Te Tokotoru)					<i>An Agreement in Principle was signed on 16 June 2011</i>	
Ngāti Rangiwewehi (Te Tokotoru)					<i>An Agreement in Principle was signed on 16 June 2011</i>	
Ngāti Whakae					<i>A Deed of Mandate was recognised by the Crown on 26 February 2010</i>	
Ngāti Tūwharetoa					<i>A Deed of Mandate was recognised by the Crown on 4 November 2011</i>	
Te Tairāwhiti						
Tūrangauui-a-Kiwa					<i>An Agreement in Principle was signed on 29 August 2008</i>	
Rongowhakaata					<i>Legislation for this settlement was passed on 31 July 2012</i>	
Ngāti Tamanuhiri					<i>Legislation for this settlement was passed on 31 July 2012</i>	
Ngāti Porou					<i>Legislation for this settlement was passed on 29 March 2012</i>	
Tikitimu						
Ngāti Pahauwera					<i>Legislation for this settlement was passed on 29 March 2012</i>	
Ngāti Tu					<i>An Agreement in Principle was signed on 22 September 2011</i>	
Ngāti Hineuru					<i>Terms of Negotiation were signed on 15 June 2010</i>	
Ahuriri hapū					<i>Terms of Negotiation were signed on 15 June 2010</i>	
Ngāti Kahungunu ki Heretaunga Tamatea					<i>Terms of Negotiation were signed on 23 February 2012</i>	
Te Tira Whakaemī o Te Wairoa					<i>Terms of Negotiation were signed on 30 June 2012</i>	
Rangitāne o Wairarapa					<i>Terms of Negotiation were signed on 29 August 2012</i>	
Te Tai Hauāuru						
Ngāti Ruanui					<i>Legislation for this settlement was passed on 5 May 2003</i>	
Ngāti Tama					<i>Legislation for this settlement was passed on 25 November 2003</i>	
Ngaa Rauru Kiitahi					<i>Legislation for this settlement was passed on 27 June 2005</i>	
Ngāti Mütunga					<i>Legislation for this settlement was passed on 21 November 2006</i>	
Ngāti Apa (North Island)					<i>Legislation for this settlement was passed on 9 December 2010</i>	
Te Iwi o Whanganui (River Claim)					<i>A Framework Agreement was signed on 30 August 2012</i>	
Rangitāne O Manawatū					<i>A Heads of Agreement was signed on 1 November 1999, this is now being reviewed</i>	
Te Atiawa (Taranaki)					<i>Terms of Negotiation were signed on 17 March 2010</i>	
Taranaki Iwi					<i>Terms of Negotiation were signed on 17 March 2010</i>	

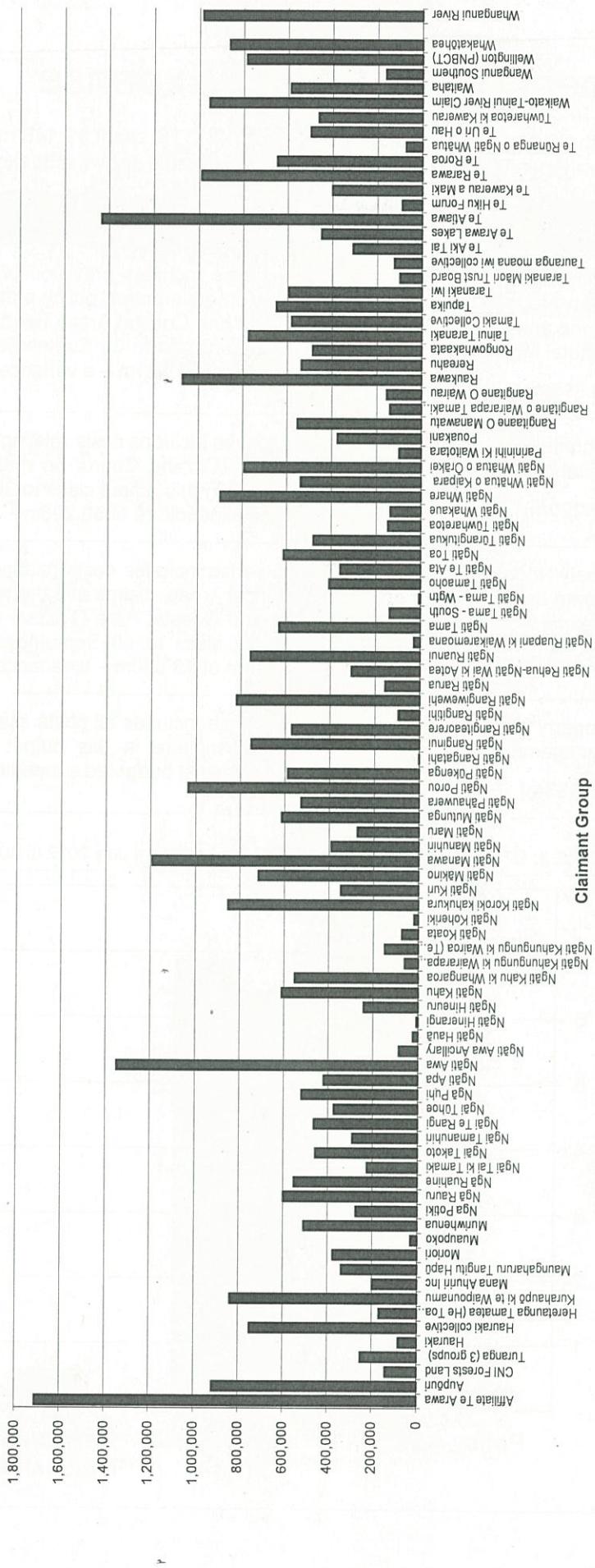
GROUP	Mandate recognisёd by Crown	Terms of Negotiation	Agreement in Principle signed	Deed of Settlement signed	Enacted through Legislation	Negotiation status
Ngā Ruahine						Terms of Negotiation were signed on 1 October 2010
<i>Te Whanganui à Tara / Te Waiapounamu</i>						
Ngāi Tahu					Legislation for this settlement was passed on 1 October 1998	
Taranaki Whānui ki Te Upoko o Te Ika					Legislation for this settlement was passed on 30 July 2009	
Ngāti Kuia					A Deed of Settlement was signed on 23 October 2010	
Ngāti Apa ki te Rā Tō					A Deed of Settlement was signed on 29 October 2010	
Rangitane o Wairau					A Deed of Settlement was signed on 4 December 2012	
Ngāti Toa Rangātira					A Deed of Settlement was initialled on 30 August 2012	
Tainui Taranaki ki te Tonga					An Agreement in Principle was signed on 11 February 2009	
Moriori					Terms of Negotiation were signed on 26 July 2004	
<i>Marine and Coastal Area Applications</i>					Terms of Engagement were signed on 25 August 2012	
Ngāti Porou ki Hauraki						

Claimant Funding

In 1997 the government amended its policy so that claimant funding was paid separately from negotiated settlement redress. For settlements prior to this, claimant funding was deducted from the negotiated settlement redress. The amount of money paid as claimant funding differs for each group depending on the stage they have reached in the negotiation process, the size of the claimant group, and the complexity of the issues negotiated. \$44.840 million was paid in various types of claimant funding from 1 January 1996 to 30 September 2012. The distribution of claimant funding by claimant group is shown in Figure 2. In the quarter ending 30 September 2012, \$2.138 million was paid as claimant funding.

FIGURE 2: Claimant Funding Spending from 1 January 1996 to 30 September 2012 (excluding Settlement Redress)

Note Figure 2 does not show the payments made to Te Ariki, Te Whanganui a Orotu, Tuhourangi, Waimakuku, Waiwhetu, Ngāti Manuhiri, and Ngāti Rangatahi (totalling \$107,603). Additional payments, including ex gratia/one-off payments, have been made from specific appropriations and are not included in this graph.

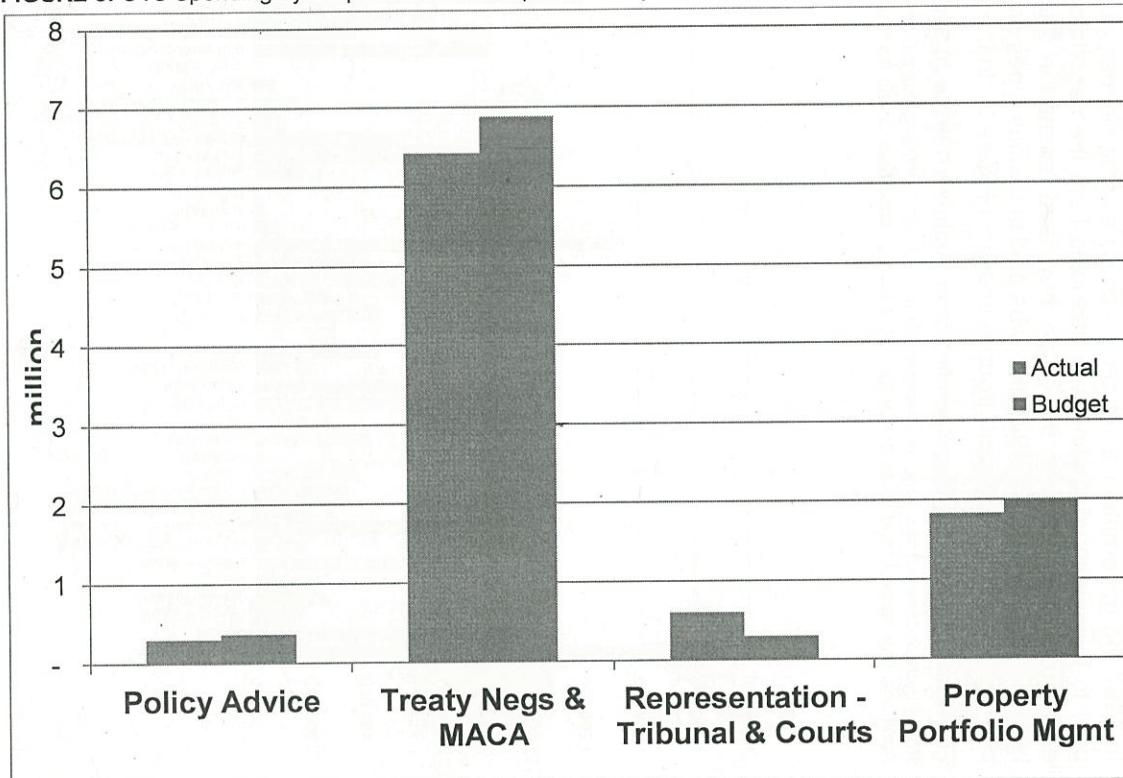


Spending by Output Expense

For the Quarter ending 30 September 2012, OTS spent \$9.148 million against a budget of \$9.547 million – a variance of \$0.398 million. The following table shows actual spending by output class and expense:

OUTPUT EXPENSE	COMMENTS
Policy Advice: Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act (\$0.695m)	This expense includes provision of advice to support decision making by Ministers on government policy matters relating to Treaty Negotiations and the Marine and Coastal Area (Takutai Moana) Act 2011. Actual expenditure in this output class to 30 September 2012 was \$0.296m against budgeted expenditure of \$0.361m – a variance of \$0.065m.
Representation: Waitangi Tribunal & Courts (\$2.220m)	This expense includes costs relating to Crown representation in the Waitangi Tribunal and in the Courts on matters concerning Treaty claims. Actual expenditure in this output class to 30 September 2012 was \$0.598m against budgeted expenditure of \$0.298m – a variance of \$(0.300)m.
Treaty Negotiations and Marine and Coastal Area (Takutai Moana) Act (\$23.911m)	This expense includes costs relating to the negotiation and implementation of historical Treaty claims and the administration and implementation of the Marine and Coastal Area (Takutai Moana) Act 2011. Actual expenditure in this output class to 30 September 2012 was \$6.422m against budgeted expenditure of \$6.880m – a variance of \$0.458m.
Property Portfolio Management (\$9.963m)	This expense includes all costs associated with the OTS Property Portfolio. Actual expenditure in this output expense to 30 September 2012 was \$1.832m against budgeted expenditure of \$2.008m – a variance of \$0.176m.

FIGURE 3: OTS Spending by Output Class for the period 1 July 2012 to 30 September 2012 (GST Excl.)



Property Portfolio Information

The Office of Treaty Settlements operates a mechanism to protect surplus Crown, District Health Board and Crown Research Institute land for potential use in settling historical Treaty of Waitangi claims. When the land is declared surplus, Māori are invited to express an interest in the Crown purchasing the surplus land. If the Crown agrees that the property meets the protection mechanism criteria, the Office of Treaty Settlements will purchase the property and hold it in a regional landbank until a Treaty Settlement is signed.

Details of the protection mechanism process and a list of properties held in Regional Landbanks is contained on the Office of Treaty Settlements website. The Office of Treaty Settlements contracts a property management company to assist with the day to day management of the landbanked properties.

In the quarter ending 30 September 2012, OTS purchased 1 property for potential use in historical Treaty settlements, 12 properties were disposed of, leaving the total value of the property portfolio (by acquisition value) at \$255.681 million (excl GST) or \$273.335 million (incl GST).

The current market value of the property portfolio as reported in the Crown financial statements at 30 September 2012 is \$376.054 million excluding GST(net book value).

FIGURE 4: Total value of landbanked properties by region

