



Cabinet Māori Crown Relations: Te Arawhiti Committee

Minute of Decision

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Ngāti Rarua Ātiawa Iwi Trust: Resolution of Perpetual Lease Issues Relating to Whakarewa Lands

Portfolio Māori Development

On 11 May 2021, the Cabinet Māori Crown Relations: Te Arawhiti Committee:

- 1 **noted** that in December 2016, the previous government agreed to the Crown entering into negotiations with the Ngāti Rarua Ātiawa Iwi Trust (NRAIT) to agree an ex-gratia cash payment of up to \$5.000 million to resolve perpetual lease issues at Whakarewa and agreed to set aside \$5.000 million as a tagged contingency to address post-1998 losses in regard to the Whakarewa leases [TOW-16-MIN-0025];

- 2 **noted** that in December 2019, the Cabinet Māori Crown Relations - Te Arawhiti Committee:
 - 2.1 noted that the intention was that the ex-gratia payment would be for post-1997 rental losses and other losses and impacts arising from NRAIT not receiving changes to the terms and conditions of their perpetual leases, akin to those provided for owners of land under the Māori Reserved Land Act 1955;

 - 2.2 

 - 2.3 approved negotiations with NRAIT for the resolution of all issues and claims in relation to the Whakarewa lands for a payment of \$8.0 million on the basis that resolution would effect the full and final resolution of all issues and claims in relation to the Whakarewa lands;

[MCR-19-MIN-0055]

- 3 **noted** that negotiations continued but subsequently stalled when NRAIT rejected the resolution proposal, advising that it would not accept resolution if it included the settlement of any claims NRAIT may have in relation to the Whakarewa lands under the Wakatū proceedings;

- 4 **agreed** that the Crown Negotiator be authorised to resume and conclude negotiations with NRAIT and its beneficiaries for the resolution of all NRAIT's perpetual lease issues and claims at Whakarewa, on the basis of:
- 4.1 an ex-gratia payment of \$8.0 million (plus any tax);
 - 4.2 a written assurance that should the Crown negotiate further remedies in favour of owners whose lands are subject to the MRLA, consideration will be given to whether NRAIT is likewise affected and should receive comparable intervention;
 - 4.3 an agreed position on the relationship between the resolution of the NRAIT issues and the on-going Wakatū proceedings, being:
 - 4.3.1 the resolution of the NRAIT issues will not preclude any NRAIT beneficiaries from accessing benefits from the Wakatū proceedings to which they might be entitled;
 - 4.3.2 NRAIT and its beneficiaries will not, however, be able to obtain benefits for the matters to which the resolution agreement relates; and
 - 4.3.3 the Crown may produce the resolution agreement as evidence of such matters in any court or tribunal proceedings;
- 5 **authorised** the Minister for Māori Development and the Attorney-General to:
- 5.1 approve the negotiated resolution agreement for ratification;
 - 5.2 approve the ratification process to ascertain whether the NRAIT beneficiaries to the Whakarewa lands accept the resolution agreement; and
 - 5.3 determine whether the results support ratification by the NRAIT beneficiaries;
- 6 **noted** that a tax indemnity for the settlement payment to NRAIT will be sought from the Minister of Finance when the negotiated resolution agreement is referred to joint Ministers for approval for ratification;
- 7 **authorised** the Minister for Māori Development to enter into the resolution agreement on behalf of the Crown, subject to delegated joint Ministers being satisfied that the results support ratification of the resolution agreement by the beneficiaries;
- 8 **authorised** the Minister for Māori Development and the Minister of Finance to jointly drawdown the Contingency Fund upon the successful conclusion of negotiations between the Crown and NRAIT and to establish any related appropriations;
- 9 **noted** that an \$8.0 million operating tagged Contingency Fund exists for the resolution payment;
- 10 **noted** that the expiry date for the NRAIT Contingency Fund is 30 June 2021;

- 11 **noted** that the joint Ministers' approval to extend the Contingency Fund beyond 30 June 2021 will be sought if more time is likely to be needed for resolution.

Gerrard Carter
Committee Secretary

Present:

Hon Grant Robertson
Hon Kelvin Davis (Chair)
Hon Andrew Little (Deputy Chair)
Hon Nanaia Mahuta
Hon Kris Faafoi
Hon Willie Jackson

Officials present from:

Office of the Prime Minister
Officials Committee for MCR

Released by the Minister for Māori Development