



## Office of Hon Christopher Finlayson

Attorney-General  
Minister for Treaty of Waitangi Negotiations  
Minister for Arts, Culture and Heritage  
Associate Minister of Māori Affairs

12/12/13  
FINLAYSON

27 NOV 2013

Dr David Tipene-Leach  
Chairman  
He Toa Takitini  
PO Box 2643  
Stortford Lodge  
**HASTINGS 4156**

Tēnā koe

### **Crown offer for the settlement of Ngāti Kahungunu ki Heretaunga-Tamatea's historical Treaty of Waitangi claims**

I write to thank you and the He Toa Takitini team for meeting with me on 23 October 2013 to discuss the 'special factors' that Ngāti Kahungunu ki Heretaunga-Tamatea, (**Heretaunga-Tamatea**) believe the Crown should consider in making a quantum offer to settle your historical Treaty of Waitangi claims. This letter also outlines the Crown's quantum offer to Heretaunga-Tamatea

#### **Special factors**

The information on special factors that you presented to me on 23 October 2013 was comprehensive. Some of the key factors I took away from our discussion were that you consider:

1. land lost by Heretaunga-Tamatea through the Crown purchase programme and the Native Land Court regime was at a rate faster than other iwi;
2. Heretaunga-Tamatea hapū were openly receptive to settlers. However, this was not reciprocated and Heretaunga-Tamatea were disenfranchised from their land; and
3. Heretaunga-Tamatea's rapid land loss had more of an impact given their land was of high production value.

I have carefully considered the information you provided in determining what an appropriate quantum offer should be.

#### **Quantum offer**

The Crown's quantum offer to Heretaunga-Tamatea is **\$88 million**. This amount represents the total value of the settlement offer including all cultural, financial and commercial redress. I acknowledge the cultural sites to be vested in Heretaunga-

Tamatea under the settlement package are not yet confirmed. Their values will need to be accounted for within this total amount.

### **Elements of the settlement package**

I propose the settlement package for Heretaunga-Tamatea contain three broad elements:

1. historical account, Crown acknowledgements and Crown apology;
2. cultural redress; and
3. financial and commercial redress.

#### *Historical account, Crown acknowledgements and apology*

The historical account, Crown acknowledgements and apology can be negotiated for inclusion in the Deed of Settlement but headlines may be included in the Agreement in Principle.

#### *Cultural redress*

#### Sites of significance for Heretaunga-Tamatea

To recognise the traditional, historical, cultural and spiritual associations of Heretaunga-Tamatea with important places and sites, we can explore with you:

1. vesting of sites;
2. overlay classifications to recognise Heretaunga-Tamatea's values in managing a site of high importance; and
3. statutory acknowledgements and deeds of recognition.

#### Relationship redress and the Hawke's Bay Regional Council Planning Committee (RPC)

Cultural redress can also include arrangements that enable Heretaunga-Tamatea to have a significant role in decision-making over natural resources in your rohe and to develop working relationships with local and central government. I understand that you are in discussions with the Ministry for the Environment to explore ways this can occur without duplicating existing arrangements.

The RPC is the most significant of these existing arrangements and is an innovative and influential method to ensure Heretaunga-Tamatea's long term involvement in decision-making on natural resources. The RPC will enable you and the other tangata whenua members to have significant input into the development and review of plans by the Hawke's Bay Regional Council (**HBRC**), made under Resource Management legislation, within the Hawke's Bay region. This will provide significant influence in regional council decisions affecting natural resources across this region through direct involvement in processes that set overall policy and rules. The RPC's importance is reflected in our intention to establish it through specific legislation with

the Bill scheduled for introduction into the House in early 2014. Also, Heretaunga-Tamatea will have two seats on the RPC to recognise your rohe covers a large area of the Hawke's Bay region. I consider the RPC will provide very significant value to your Treaty settlement and establishes a foundation for an effective partnership between you and the HBRC.

#### *Financial and commercial redress*

The purpose of financial and commercial redress will be to assist Heretaunga-Tamatea reestablish your economic base. Financial redress represents the cash component of your settlement package.

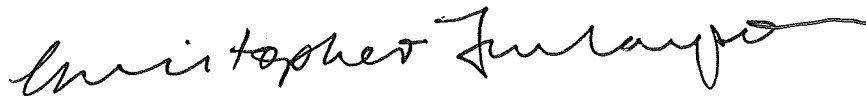
Commercial redress could include:

1. the opportunity to purchase licensed Crown forest land in your rohe and receive associated rentals and New Zealand Units (carbon credits);
2. the opportunity to purchase other Crown properties on settlement;
3. deferred selection redress for a specified period following settlement over core Crown properties; and
4. a right of first refusal for a specified period following settlement over certain core Crown properties.

#### **Next Steps**

I understand you are meeting with Mr Snedden and the Office of Treaty Settlements again shortly to continue discussions on the offer. I look forward to your response and continuing our work towards settling the historical Treaty of Waitangi claims of Heretaunga-Tamatea.

Nāku noa, nā



Hon Christopher Finlayson  
**Minister for Treaty of Waitangi Negotiations**