Hon Andrew Little

Minister for Treaty of Waitangi Negotiations

Proactive release – Taranaki Maunga: Increasing the Crown Contribution to Resourcing

Date of issue: 26 May 2023

The following document has been proactively released in accordance with Cabinet Office Circular CO (18) 4.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments			
1	Taranaki Maunga Negotiation: Increasing the Crown Contribution to Resourcing <i>Cabinet paper</i>	Some information has been withheld in accordance with the following sections of the OIA: • section 9(2)(h) – maintain legal professional			
	Office of the Minister for Treaty of Waitangi Negotiations 6 August 2020	 privilege; and section 9(2)(j) – negotiations sensitive. 			
2	Taranaki Maunga Negotiation: Increasing the Crown Contribution to Resourcing	Some information has been withheld in accordance with the following sections of the OIA:			
	Cabinet minute CAB-20-MIN-0384	 section 9(2)(h) – maintain legal professional 			
	Cabinet Office	privilege; and			
	Meeting date: 10 August 2020	 section 9(2)(j) – negotiations sensitive. 			

In Confidence

Office of the Minister for Treaty of Waitangi Negotiations

Chair. Cabinet Business Committee

EGOTIATIONS **TARANAKI MAUNGA NEGOTIATION: INCREASING THE CROWN** CONTRIBUTION TO RESOURCING

Proposal

s9(2)(j)

1 This paper seeks agreement to reallocate to increase the Crown contribution to resourcing the Taranaki Maunga negotiated arrangements. The proposal in this paper is to be funded from a tagged contingency previously established for funding relativity mechanism implications on Taranaki Maunga Cultural Redress, which is no longer required for that purpose.

Background

- 2 Ngā Iwi o Taranaki, the 8 iwi of Taranaki, began collective negotiations over Taranaki Maunga (Egmont National Park) in March 2017.
- The Taranaki Maunga negotiation is the first of three remaining North Island 3 national park negotiations, with Tongariro and Whanganui National Parks (expected to commence in 2021).

Previous Cabinet decisions and Crown offer

- Cabinet agreed to a cultural redress package in March 2020, including the 4 establishment of a legal personality, vesting the national park land in the legal personality, a joint Crowniwi governance entity to be the face and voice of the legal personality and decision-making and consultative roles in governance of the national park for the joint governance entity and the iwi [CAB-20-MIN-0120 refers].
- 5 The redress package does not include financial and commercial redress over Egmont National Park, as these were provided to individual Taranaki iwi through their comprehensive settlements, but does include a proposal for a Crown contribution to resourcing the negotiated arrangements. Cabinet agreed a Crown contribution of up to [CAB-20-MIN-0120 s9(2)() refers].

was set aside in Budget 2020 for the Crown contribution and CAB-20-MIN-0155.35 s9(2)(j)

refers].

Ngā lwi o Taranaki received the Crown offer of cultural redress on 16 April 2020 from the Minister for Treaty of Waitangi Negotiations and the Minister of Conservation. They received the offer of a Crown contribution to resourcing the negotiated arrangements on 20 April 2020 from the Chief Crown Negotiator. The initial resourcing offer was in total.

s9(2)(j)

Ngā lwi o Taranaki response to the Crown offer and subsequent discussions

8 In discussions with the Minister for Treaty of Waitangi Negotiations, the Nga lwi o Taranaki lead negotiator rejected the initial Crown resourcing offer of

s9(2)(j)

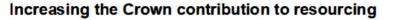
, the upper limit approved by Cabinet for a and Crown contribution to the negotiated arrangements.

- ATION 9 Ngā lwi o Taranaki provided a letter in response to the offers on 29 June 2020. Ngā Iwi o Taranaki confirmed that there were no substantive issues remaining in relation to the redress package, except for the Crown resourcing s9(2)(j) offer which had fallen well short of their expectations, particularly the allocated to support the iwi collective Post Agreement Governance Entity. They view this component of the offer as "an insult" considering that "it fails to provide intergenerational stability" and "limits our ability to ensure these arrangements are, as intended, world class."
- 10 Ngā lwi o Taranaki responded that a total offer of would be accepted. s9(2)(j)

Oral item at Cabinet

- On Monday 20 July 2020, I brought an oral item to Cabinet seeking guidance 11 on a response to Ngā Iwi o Taranaki's counter-offer to the Crown offer of resourcing the Taranaki Maunga negotiated arrangements.
- Informed by the discussion at Cabinet, Pnow propose to increase the Crown 12 to a total of resourcing contribution by s9(2)(j)





17 I seek Cabinet agreement to increase the Crown contribution to the negotiated arrangements by

. This would take the total Crown contribution

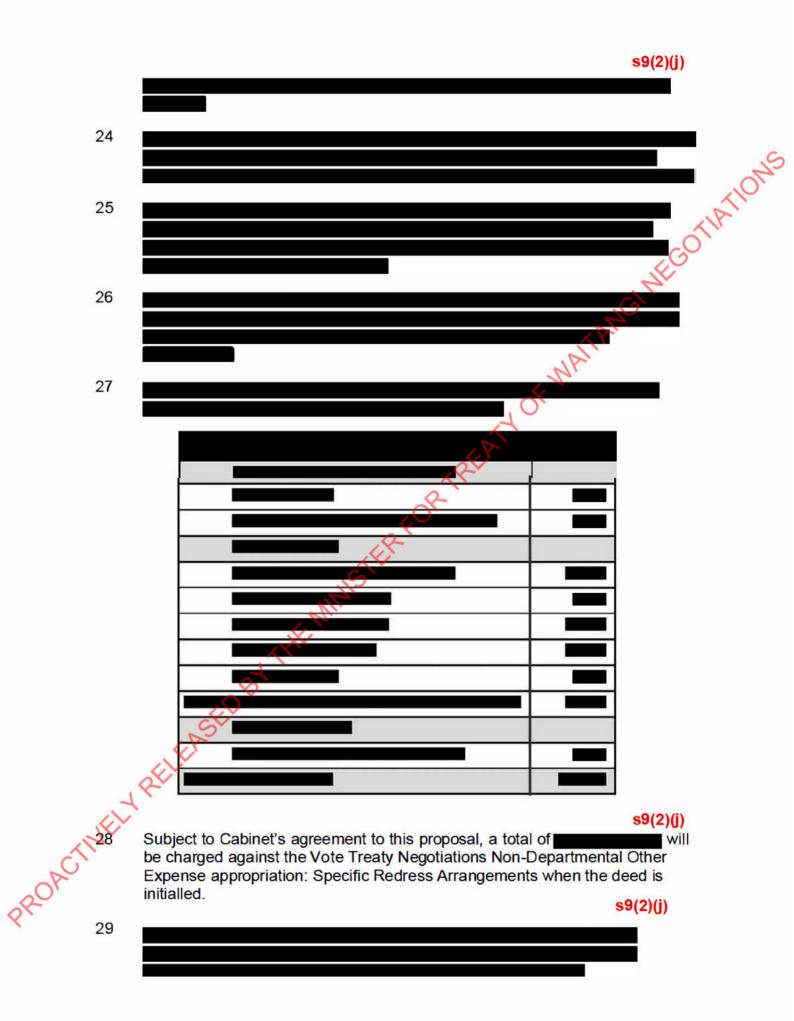
s9(2)(h

s9(2)(j)

to resourcing the negotiated arrangements offered to **s9(2)(j)** I also seek Cabinet delegated authority to make any final decisions about the

- 18 I also seek Cabinet delegated authority to make any final decisions about the allocation of the Crown contribution between the three categories proposed by Ngā Iwi o Taranaki (supporting the iwi's Post Agreement Governance Entity to deliver its statutory functions, iwi reconnection to Taranaki Maunga, and the health and wellbeing of the legal personality), in consultation with the Minister of Finance and the Minister of Conservation, prior to initialling the Collective Redress Deed.
- 19 Additional resourcing would be used to secure ongoing successful implementation of the arrangements. Ngā Iwi o Taranaki consider that if individual iwi were required to fund the arrangements, it would amplify the disparity between earlier and later settled iwi in terms of the relative size of their financial redress from the Crown and current financial resources. Additional resourcing also has the potential to improve conservation and cultural outcomes in the national park and the region more widely. The Crown contribution is a one-off payment. No ongoing contribution to Ngā Iwi o Taranaki is intended.
- 20 The revised offer would be presented as a best and final offer of resourcing. The Ngā Iwi o Taranaki Lead negotiator has indicated that **Sector** is **S9(2)(j)** likely to be rejected as the negotiators would be unwilling to take that figure to the claimant community for ratification. However, I consider it is important to make a best and final Crown offer to Ngā Iwi o Taranaki so that they can make a formal decision about whether to proceed in negotiations at this time. If they decline the offer, negotiations would be paused.
- 21 The final Crown contribution to resourcing the negotiated arrangements will have precedent implications for negotiating arrangements over the remaining North Island national parks (Tongariro and Whanganui) as well as future collective arrangements over harbours and other natural resources.





- 30 In addition, Cabinet noted the following financial implications of the Taranaki Maunga arrangements:
 - estimated implementation operating costs incurred by the Department 30.1 of Conservation over the first five years in the range of , with ongoing costs above business as usual estimated to be in

per annum; and s9(2)(j)

the Crown will forgo a revenue stream of 30.2 per annum from 2021/22 relating to free use by Ngā Iwi o Taranaki of Department of Conservation administered bookable accommodation in the national park. [CAB-20-MIN-0120 refers]. ANG

Legislative Implications

the range of

There are no legislative implications arising from this proposal 31

Consultation

- The Treasury and the Department of Conservation have been consulted on 32 this paper.
- 33 The Department of the Prime Minister and Cabinet was informed.

Proactive Release

34 We intend to defer the proactive release of this paper until after the Collective Redress Deed has been initialled, as all the content will remain negotiations sensitive until that time. Due to the potential timing of the initialling, the proactive release will not occur within 30 business days of Cabinet approval.

Next steps

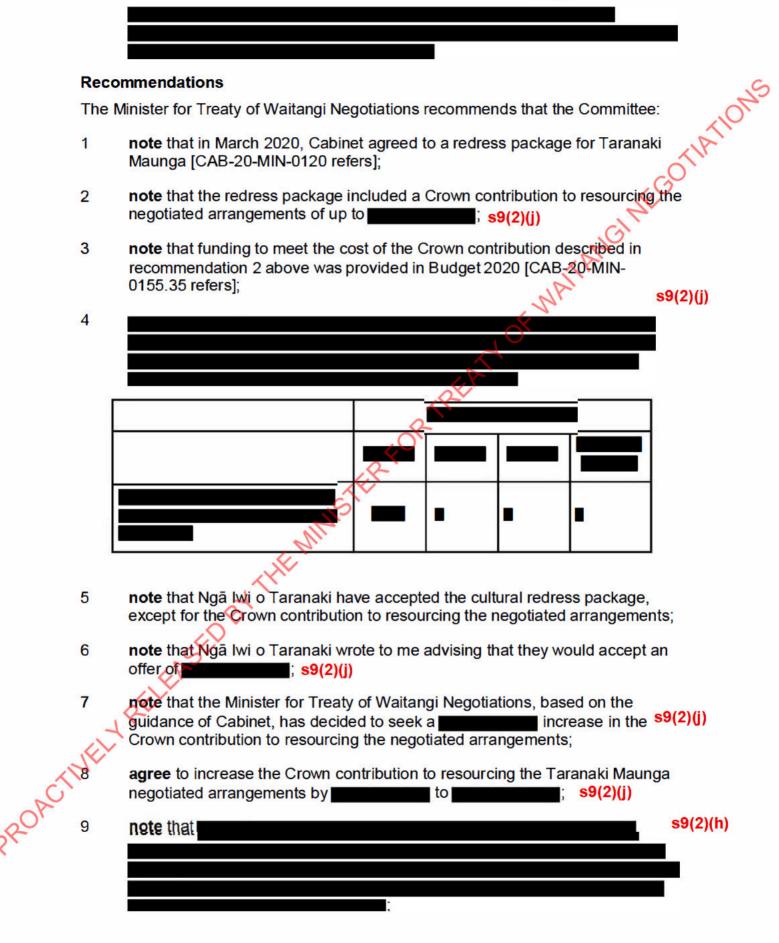
s9(2)(j)

- If Cabinet approves the proposed reallocation of funding, I will make the 35 revised best and final offer of to Ngā lwi o Taranaki. If they accept the offer the Crown and Ngā lwi o Taranaki will progress towards initialling a Collective Redress Deed. Ngā Iwi o Taranaki and the Crown had been working towards initialling in September 2020 but, due to the resourcing discussion, a reasonable expectation for initialling is now November 2020.
 - Cabinet also authorised portfolio ministers to:
 - 36.1 explore tax exemptions for the legal personality and the iwi Post Agreement Governance Entity; and
 - 36.2 confirm the final accounting decisions relating to the vesting of national park land [CAB-20-MIN-0120 refers].
- 37 These decisions will be made before initialling a Collective Redress Deed. s9(2)(i)

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s9(2)(j)



- 10 note that
- s9(2)(h GOTIATIONS 11 agree that

s9(2)(i)

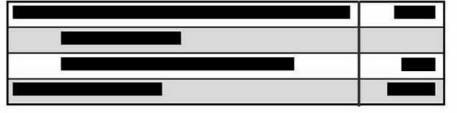
- s9(2)(h) 12 agree to ;
- 13 approve the following changes to appropriations to provide for the decision in recommendation 8 above, with a corresponding impact on the operating balance and net core Crown debt:



- agree that the proposed changes to appropriations for 2020/21 above be 14 included in the 2020/21 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply;
- 15 agree that the expenses incurred under recommendation 13 above be charged against the Taranaki Maunga Collective Cultural Redress Funding tagged operating contingency described at recommendation 4 above;
- 16 note the total cost of the Taranaki Maunga negotiations is estimated at:







- 50TIATIONS 17 note that if Cabinet approves the proposed re-allocation the Minister for Treaty of Waitangi Negotiations will make the revised best and final offer of to Ngā lwi o Taranaki; and
- s9(2)(j) authorise the Minister for Treaty of Waitangi Negotiations to make any final 18 decisions about the allocation of the Crown contribution between the three categories proposed by Nga Iwi o Taranaki (supporting the iwi's Post Agreement Governance Entity to deliver its statutory functions, iwi reconnection to Taranaki Maunga, and the health and wellbeing of the legal personality), in consultation with the Minister of Finance and the Minister of Conservation, prior to initialling the Collective Redress Deed.

Authorised for lodgement

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CAB-20-MIN-0384

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Minute of Decision

Cabinet

Taranaki Maunga: Increasing the Crown Contribution to Resourcing Portfolio Treaty of Waitangi Negotiations

ATANGIN

On 10 August 2020, Cabinet:

- **noted** that in March 2020, Cabinet agreed to a redress package for Taranaki Maunga, which 1 included a Crown contribution to resourcing the negotiated arrangements of up to [DEV-20-MIN-0054]; s9(2)(j) s9(2)(j)
- 2 noted that in Budget 2020, Cabinet agreed to for the Crown contribution [CAB-20-MIN-0155.35]; and s9(2)(j)
- 3 **noted** that in Budget 2020, Cabinet also agreed to establish the following tagged operating contingency, with the draw-down subject to advice from Crown Law [CAB-20-MIN-0155.35]:

	\sim		·].	30(2)())		
All P	\$m – increase/(decrease)					
IF MIL	2020/21	2021/22	2022/23	2023/24 & Outyears		
Taranaki Maunga Collective Cultural Redress Funding – Tagged Operating Contingency				-		

- **noted** that Nea Iwi o Taranaki have accepted the redress package referred to in paragraph 1 4 above, except for the Crown contribution to resourcing the negotiated arrangements;
- 5 noted that Ngā Iwi o Taranaki wrote to the Minister for Treaty of Waitangi Negotiations (the Minister) advising that they would accept an offer of sector (\$\$9(2)(j)
 - **noted** that in July 2020, via an oral item, the Minister sought Cabinet's guidance on responding to Nga Iwi's counter-offer in paragraph 5 above;
 - s9(2)(j) noted that the Minister has decided that a offer is appropriate and seeks a increase in the Crown contribution to resourcing the negotiated arrangements; s9(2)(j)
- 8 agreed to increase the Crown contribution to resourcing the Taranaki Maunga negotiated arrangements by to s9(2)(i)

LEGALLY PRIVILEGED : IN CONFIDENCE

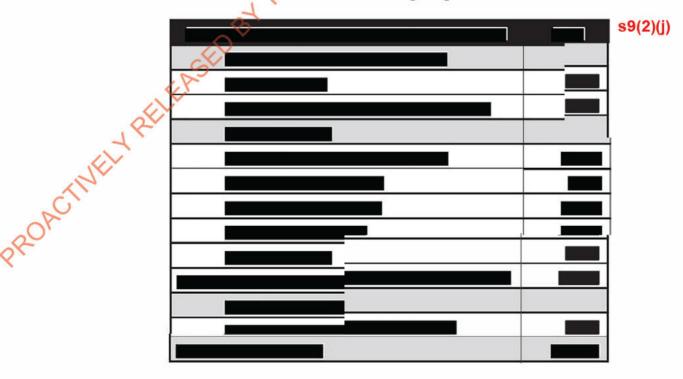


"greed to really set of the real set of the really set of the real set of 11

- 12 agreed to reallocate the set aside in the Taranaki Maunga Collective Cultural Redress Funding - Tagged Operating Contingency to meet the costs of the increase agreed in paragraph 8 above;
- approved the following changes to appropriations to provide for the decision in paragraph 8 13 above, with a corresponding impact on the operating balance and net core Crown debt:

	\$m – increase/(decrease)				
Vote Treaty Negotiations Minister for Treaty of Waitangi Negotiations	2020/21	2021/22	2022/23	2023/24 & Outyears	
Non-Departmental Other Expense: Specific Redress Arrangements		-			s9(2)(j)

- agreed that the changes to appropriations for 2020/21 above be included in the 2020/21 14 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;
- 15 agreed that the expenses incurred under paragraph 13 above be charged against the Taranaki Maunga Collective Cultural Redress Funding – Tagged Operating Contingency;
- noted that the total cost of the Taranaki Maunga negotiations is estimated at: 16



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CAB-20-MIN-0384

to

17 noted that the Minister intends to make a revised best and final offer of Ngā Iwi o Taranaki;

s9(2)(j)

PROACTIVE AREASED BUTTLE MUSTER FOR THE AN OF WATTANEOUT CONTRACTOR 18 authorised the Minister, in consultation with the Minister of Finance and Minister of Conservation, to make any final decisions on the allocation of the Crown contribution