

Hon Margaret Wilson
Minister in Charge of Treaty of Waitangi Negotiations
Hon Parekura Horomia
Minister of Maori Affairs



Thursday 31 May 2001

Media Statement

Offer to Te Arawa on lakes claim

STRICTLY EMBARGOED UNTIL 1PM THURSDAY MAY 31.
No communication of the contents of this release or associated material may be made before the embargo time

Treaty Negotiations Minister Margaret Wilson and Maori Affairs Minister Parekura Horomia have made offers to Te Arawa that, if accepted, will settle all claims over 14 lakes in the Rotorua area. The offer delivers on a promise made by Margaret Wilson two months ago to come back with a proposal by the end of May.

The offers will ensure that all existing public access rights to the lakes are preserved.

Under the proposal the Crown will acknowledge Te Arawa's association and relationship with the lakes and apologise for failing to revisit the annuity paid to Te Arawa for the lakes when it lost value.

In addition, the surface of the lake beds will be vested in Te Arawa.

Te Arawa will have a formal role in the strategic management of all the lakes in conjunction with the others involved in the proposed Lakes Forum. The Forum includes representatives of all groups with a statutory interest in the lakes: Te Arawa, the Eastern Fish and Game Council, the Rotorua District Council, Environment Bay of Plenty and the Department of Conservation.

The Crown proposes that the Rotorua District Council control and manage the lake beds on a day-to-day basis. Two lakes – Tutaeinanga and Ngapouri - will continue to be managed by the Eastern Fish and Game Council.

Margaret Wilson's offer includes money in settlement of all Te Arawa historical grievances related to the lakes. The Minister of Maori Affairs has made a separate offer to buy-out the annuity. The amounts of the offers are being communicated to Te Arawa but have not been made public to allow negotiations to go ahead.

"Te Arawa has shown good faith in entering into negotiations which have included considerable input from the wider Bay of Plenty community. The Crown has responded by fast-tracking the settlement process this year. That promise has been kept. The offer is made in the spirit of bringing people together to achieve a lasting solution that works for the whole community," said the Ministers.

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Te Arawa Lakes Settlement Offer

Joint announcement by the Minister in Charge of Treaty of Waitangi Negotiations, Hon Margaret Wilson, and the Minister of Maori Affairs, Hon Parekura Horomia

The Crown has agreed to offer Te Arawa Maori Trust Board the following package for settlement of its grievances against the Crown in relation to the lakes.

Te Arawa Maori Trust Board has been offered

- **Title to the lakebeds**
- **A strategic management role** in the lakes through a to-be-established Lakes Forum whose members will include the Department of Conservation, Environment Bay of Plenty, the Rotorua District Council and the Eastern Fish and Game Council. The Lakes Forum will have the responsibility of completing a strategic plan for the lakes that will be reviewed every 10 years. It is intended that this plan will build on and enhance the existing lakes strategy.
- **A financial redress package.** The extent of this package will be a matter for negotiation between Te Arawa and the Crown. One component of this will provide redress to Te Arawa for any historical claims under the Treaty of Waitangi relating to the lakes. This will be negotiated by the Minister in Charge of Treaty of Waitangi Negotiations. The other component of financial redress will be made up of a buy-out of the annuity (currently \$18,000 per year) Te Arawa Maori Trust Board receive from the Crown. This component will be subject to negotiation between the Board and the Minister of Maori Affairs.
- **An Apology** for the Crown's failure to revisit the annuity paid to Te Arawa Maori Trust Board when that annuity lost value.
- **A cultural redress package** acknowledging Te Arawa's cultural, historical and traditional associations with the lakes.

It is proposed that the lakebeds will be administered under the Reserves Act 1977 and the Crown will seek the agreement of the Rotorua District Council to take responsibility for the day to day administration of 12 of the 14 lakes under that Act. The Eastern Fish and Game Council will continue to administer the remaining two lakes, Tutaeinanga and Opouri/Ngapouri. Both will be required to consult Te Arawa Maori Trust Board on management issues and existing and proposed bylaws.

The transfer of the title of the lakebed will be subject to the preservation of the rights of existing users – public, commercial and any other third parties. There will be no transfer of any structures or works on the lakebed owned by the Crown or a statutory authority or of rights in relation to water or aquatic life.

The settlement package offer is subject to the resolution of any overlapping claims.

Under the proposed package some elements of the 1922 agreement between the Crown and Te Arawa Maori Trust Board will continue. They include:

- 40 trout licenses annually
- the right to take indigenous fish
- preservation of burial grounds
- the administration of Lake Rotokakahi (the Green Lake) will continue to be carried out by a special board.

Next Steps – Crown Offer to Te Arawa Maori Trust Board

The Crown offer of settlement of historical claims will be considered by Te Arawa Maori Trust Board and, if they wish to advance towards agreement with the Crown, negotiations will begin with officials on drafting a Deed of Settlement. That Deed would then be considered by all members of Te Arawa. If the Deed is ratified by the members of Te Arawa, work will begin on the legislation required to implement the settlement.

Separately, Te Arawa Maori Trust Board will negotiate with the Minister of Maori Affairs on the sum that will buy out the annuity the Board currently receives.

The Crown will also discuss with the Rotorua District Council the Council's proposed future role in managing 12 of the 14 lakebeds.

Background – Crown Offer to Te Arawa Maori Trust Board

Prior to 1922, the Native Land Court was hearing evidence to determine the ownership of the Rotorua lakes. In 1922 the Crown reached an agreement with Te Arawa that pre-empted the Native Land Court making a decision about ownership. That agreement was reflected in the Native Land Claims and Native Land Adjustments Act 1922. Under the Act the Crown was deemed to own the 14 lakes to which it applied and Te Arawa Maori Trust Board began to receive a fixed annuity of 6000 pounds from the Crown.

Te Arawa Maori Trust Board also received, as part of the 1922 agreement, 40 trout licenses for a nominal fee, a special board to control and administer Lake Rotokakahi (the Green Lake), protection of burial reserves and rights to take indigenous fish.

Since the 1922 agreement, the annuity has been increased once, in 1977, to \$18,000 per year.

The lakes covered by the 1922 Act are: Rotoehu, Rotoma, Rotoiti, Rotorua, Okataina, Okareka, Rerewhakaaitu, Tarawera, Rotomahana, Tikitapu (the Blue Lake), Ngahewa, Tutaeinanga, Opouri/Ngapouri, and Okaro/Ngakaro – see attached map.

In 1987 Te Arawa Maori Trust Board lodged a claim (Wai 240) with the Waitangi Tribunal. Discussions with the Crown on the settlement of the claim began in 1989.

but no progress was made until the then Government agreed in 1997 to exempt the Trust Board's claim from the policy of requiring all settlements to be a comprehensive resolution of all a claimant's grievances.

This allowed discussions to go ahead on a possible resolution to the Te Arawa lakes claim separately from the other claims of Te Arawa. The Te Arawa Maori Trust Board's Deed of Mandate to negotiate a settlement for the lakes claim on behalf of all Te Arawa was recognised by the Government in December 1998. Terms of Negotiation were signed by both parties in March 1999.

In December of 1998 the Trust Board filed proceedings in the High Court against the Crown on, among other things, this issue. The proceedings were adjourned in relation to this matter to allow negotiations to proceed. They remain adjourned.

Late last year the Government began high level discussions with Te Arawa Maori Trust Board and in March 2001 the board presented its proposals for a settlement agreement. The Crown offer of settlement made today is in response to those proposals.

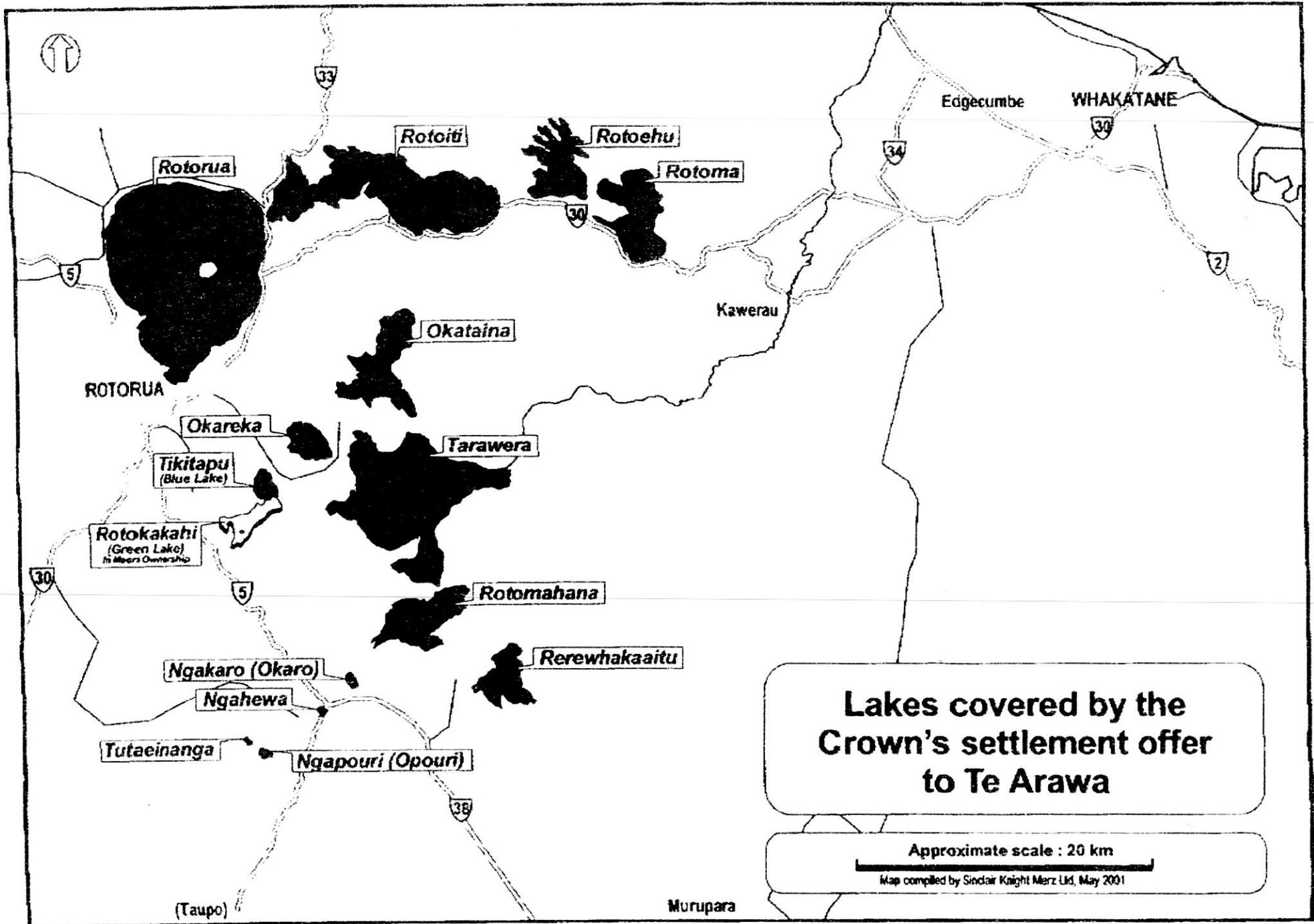
The 14 lakebeds are currently administered by a variety of bodies. The majority are administered by Land Information New Zealand. The Department of Conservation administers Okareka, Ngahewa, Rotomahana, and the western part of Lake Tarawera, the Rotorua District Council administers Okaro/Ngakaro and the Eastern Fish and Game Council administers Tutaeinanga and Opouri/Ngapouri.

As mentioned above, under the settlement proposal, 12 of the lakes will be administered by the Rotorua District Council and the Eastern Fish and Game Council will continue to administer Tutaeinanga and Opouri/Ngapouri. Te Arawa Maori Trust Board will be consulted by these two bodies on the development of bylaws and the ongoing management of the lakes.

The to-be-established Lakes Forum – including Te Arawa Maori Trust Board, the Department of Conservation, Environment Bay of Plenty, Rotorua District Council and the Eastern Fish and Game Council - will have the responsibility for preparing a strategic plan for all the lakes which builds on and enhances the existing lakes strategy.

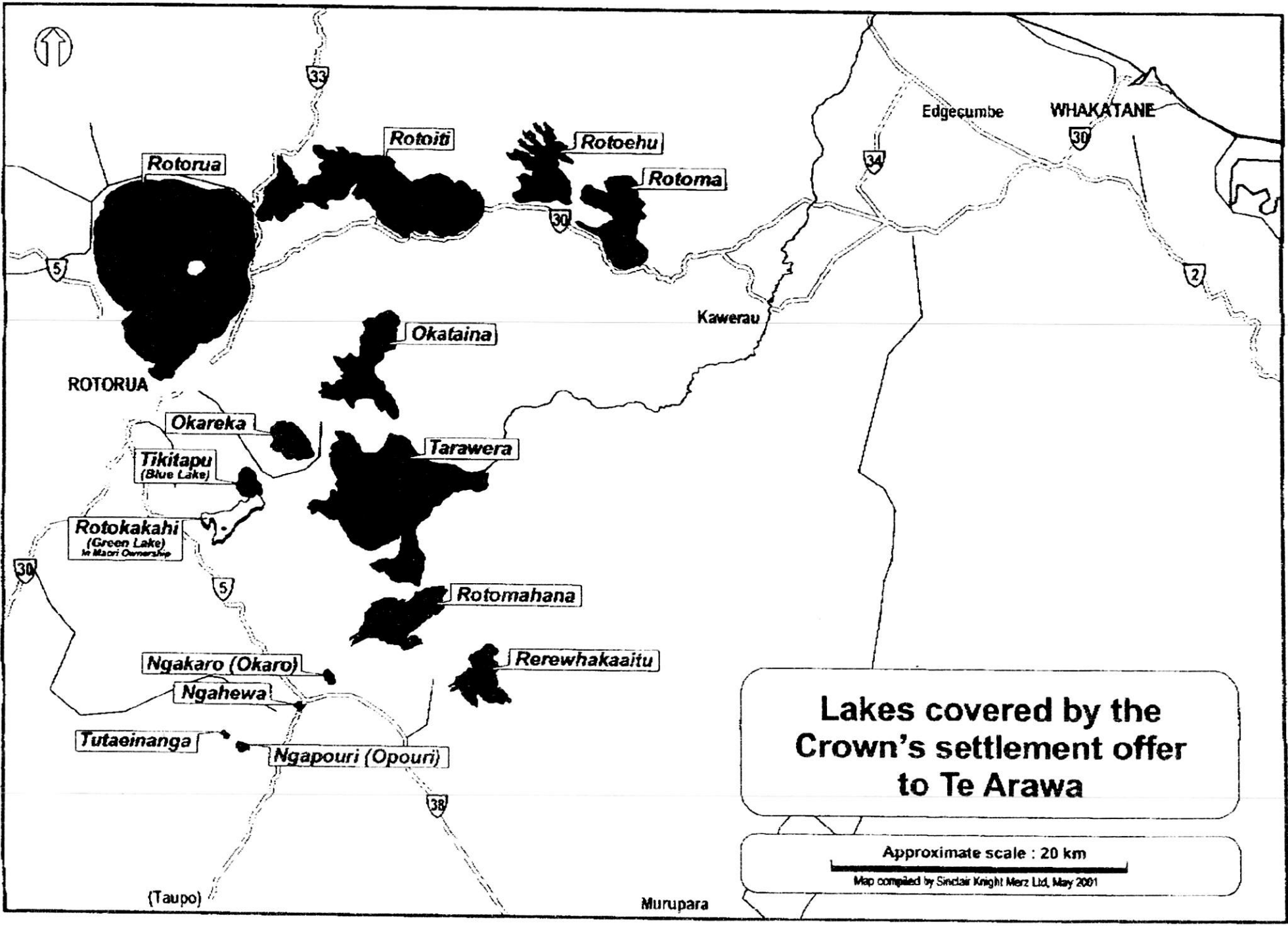
This proposal is comparable to other examples in the settlement of Treaty claims such as the administration and ownership of Lake Ellesmere/Te Waihora in the Ngai Tahu settlement. Te Arawa will have a strategic management role through the Lakes Forum, and the day to day management will be the responsibility of the Rotorua District Council or the Eastern Fish and Game Council.

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**Lakes covered by the
Crown's settlement offer
to Te Arawa**

Approximate scale : 20 km
Map compiled by Sinclair Knight Merz Ltd, May 2001



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So, what sort of base of the lakes does the Crown envisage?

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Office of the
**Minister in Charge of Treaty of Waitangi
Negotiations**

Te Tari o Te
**Minita Nōna te Mana Whakarite Take e pā ana ki
Te Tiriti o Waitangi**

Bruce Mason 4/6/01.

31 May 2001

Dr Hugh Barr
Council of Outdoor Recreation Associations (NZCORA)
12 Versailles Street
WELLINGTON 6005

Dear Sir/Madam

The Crown has made an offer to Te Arawa for settlement of their Treaty of Waitangi claims in relation to the lakes in the Rotorua District.

For your information, I enclose a copy of my joint press statement with the Minister of Maori Affairs and supporting background material on the settlement offer released today.

Yours sincerely

Hon Margaret Wilson
Minister in Charge of Treaty of Waitangi Negotiations