

House of Representatives

Supplementary Order Paper

Tuesday, 23 May 2017

Point England Development Enabling Bill

Proposed amendment

Louisa Wall, in Committee, to move the following amendment:

Clause 7

In *clause 7*, after *subsection (4)* (page 4, after line 2), insert:

- (5) Section 136 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 does not apply if notice under section 120 of that Act is not given in respect of the development land following the registration of the memorial under **subsection (3)(c)**.

Explanatory note

This Supplementary Order Paper amends *clause 7* of the Point England Development Enabling Bill to reflect the agreement reached by the Crown and Ngāti Paoa, and confirmed by Cabinet, which is outlined in the letter from the Minister for Treaty of Waitangi Negotiations dated 13 October 2016 and signed by the Minister and the mandated representatives of Ngāti Paoa.

The proposed amendment ensures that the revocation of recreation reserve status for the development land is undertaken to facilitate the settlement of an historic Treaty of Waitangi claim for Ngāti Paoa. As such it emphasises the unique circumstances that have resulted in the revocation of the reserve status and that the purpose agreed between the Crown and Ngāti Paoa remains the catalyst for the steps outlined in this Bill.

Following the passing of the Bill, the registered title of the development land will state that the land is set aside for State housing purposes under the Housing Act 1955, and a memorial registered under section 148 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (**the settlement Act**) will deem the development land to be RFR land as defined in section 118 of the settlement Act. As agreed be-

tween the Crown and Ngāti Paoa, the Crown will then give notice under section 120 of the settlement Act that the development land is required for a Treaty settlement and it will therefore cease to be RFR land.

If notice under section 120 of the settlement Act is not given, the development land will remain as Crown-owned RFR land set aside for State housing purposes. Section 121 of the settlement Act restricts the disposal of RFR land to the Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership or a rōpū entity only, unless it is disposed of for a purpose outlined in sections 128 to 141 of the settlement Act. Section 136 of the settlement Act provides that RFR land can be disposed of where it is held for State housing purposes and the Minister considers the disposal is to achieve or assist in achieving the Crown’s social objectives in relation to housing.

As this Bill is to facilitate a Treaty settlement, the development land must only be used for that purpose. In the event that notice under section 120 of the settlement Act is not given, the option of disposal under section 136 of the settlement Act should not apply as this Bill will operate to technically bring the development land within the ambit of section 136 of the settlement Act. As the criteria for use of the development land are introduced to allow the Treaty of Waitangi settlement for Ngāti Paoa to progress to its conclusion, failure to take the next step and give notice under section 120 of the settlement Act will result in the development land remaining as Crown-owned RFR land set apart for State housing purposes. Excluding the application of section 136 of the settlement Act ensures that the development land can only be used as part of the Treaty of Waitangi settlement with Ngāti Paoa or as part of the Tāmaki Makaurau Collective Treaty of Waitangi settlement.