

Ngai Tahu (Pounamu Vesting) Act 1997

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An Act to give effect to certain provisions of the Deed of On Account Settlement, signed on 14 June 1996 by the Crown and Te Runanga o Ngai Tahu as representative of Ngai Tahu, by vesting, in Te Runanga o Ngai Tahu, pounamu in the Takiwa of Ngai Tahu Whanui and in those parts of the territorial sea of New Zealand that are adjacent to the Takiwa of Ngai Tahu Whanui

Preamble

WHEREAS—

- A. Ngai Tahu has made claims against the Crown under the Treaty of Waitangi Act 1975, and those claims have been the subject of 2 reports of the Waitangi Tribunal, the 1991 Ngai Tahu Report and the 1995 Ancillary Claims Report:

Note

This Act is administered in the Ministry of Commerce

- B. Since 1991 there have been a number of attempts by Ngai Tahu and the Crown to reach a negotiated settlement of Ngai Tahu's claims and to remove the sense of grievance felt by Ngai Tahu:
- C. The Crown and Ngai Tahu, wishing to recommence negotiations towards a comprehensive settlement of all claims made by or on behalf of Ngai Tahu or hapu, whanau or individuals within the Ngai Tahu Whanui against the Crown pursuant to the Treaty of Waitangi Act 1975, have agreed to negotiate in good faith to achieve a settlement of all Ngai Tahu's historical claims under the Treaty of Waitangi and Ngai Tahu has agreed to an indefinite adjournment of certain litigation relating to the claims to allow those negotiations to take place:
- D. As a sign of good faith and as a demonstration of the Crown's goodwill, and in recognition of the long process of negotiation that has already taken place between the parties, the Crown has agreed to renew and modify an offer it made to Ngai Tahu in 1994 to provide certain redress to Ngai Tahu on an "on account" basis, and Ngai Tahu has accepted that modified offer:
- E. Accordingly, on 14 June 1996, the Crown and Te Runanga o Ngai Tahu as representative of Ngai Tahu signed a Deed of **On Account** Settlement, in which the Crown agreed that it would present for the consideration of Parliament legislation to provide for—
- (a) The vesting in Te Runanga o Ngai Tahu of the Crown's rights to pounamu in the Takiwa of Ngai Tahu and the adjacent territorial sea; and
 - (b) The continuation of all current mining privileges relating to that pounamu until they expire; and
 - (c) The payment by the Crown to Te Runanga o Ngai Tahu of any royalties received by the Crown in respect of any such mining privileges; and
 - (d) A regime for access to land in which the pounamu is situated in the same manner as is provided for in the Crown Minerals Act 1991 for persons holding a permit in respect of a mineral under that Act:
- F. To give effect to a recommendation of the Waitangi Tribunal, Te Runanga o Ngai Tahu intends to execute a deed vesting in

the Mawhera Incorporation all pounamu within the catchment area of the Arahura river:

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Ngai Tahu (Pounamu Vesting) Act 1997.
- (2) This Act comes into force on the date that is 28 days after the date on which this Act receives the Royal assent.

2 Interpretation

In this Act, unless the context otherwise requires,—

Existing privilege has the meaning given to that term by section 106 of the Crown Minerals Act 1991

Minister means the Minister of Energy

Pounamu means—

- (a) Bowenite;
- (b) Nephrite, including semi-nephrite;
- (c) Serpentine occurring in its natural condition in the land described in the Schedule:

Takiwa of Ngai Tahu Whanui has the meaning given to that term by section 5 of Te Runanga o Ngai Tahu Act 1996

Te Runanga o Ngai Tahu means the body corporate known as Te Runanga o Ngai Tahu established by section 6 of Te Runanga o Ngai Tahu Act 1996.

3 Ownership by Ngai Tahu of certain minerals

Notwithstanding any other enactment, all pounamu occurring in its natural condition in—

- (a) The Takiwa of Ngai Tahu Whanui; and
- (b) Those parts of the territorial sea of New Zealand (as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977) that are adjacent to the Takiwa of Ngai Tahu Whanui and the seabed and subsoil beneath those parts of the territorial sea—

that, immediately before the commencement of this Act, is the property of the Crown, ceases, on the commencement of this Act, to be the property of the Crown and vests in and becomes the property of Te Runanga o Ngai Tahu.

4 Existing privileges for pounamu

- (1) Nothing in section 3 affects an existing privilege or the rights or obligations of any holder of an existing privilege and Part 2 of the Crown Minerals Act 1991 continues to apply in relation to that privilege as if this Act had not been passed.
- (2) Notwithstanding anything in the Crown Minerals Act 1991, all royalties paid to the Crown after the commencement of this Act by the holder of any existing privilege in respect of pounamu must be paid by the Crown to Te Runanga o Ngai Tahu.

5 Applications for mining privileges and permits for pounamu

Notwithstanding anything in the Crown Minerals Act 1991, the Minister of Energy must not grant any—

- (a) Permit pursuant to an application made under section 23 of that Act before the commencement of this Act; or
 - (b) Mining privilege pursuant to an application to which section 112 of that Act applies—
- in respect of any pounamu to which section 3 applies.

Schedule

Section 2

Description of land in which serpentine included

The areas marked “A” and “B” respectively on Survey Office Plan 12458 lodged in the office of the Chief Surveyor of the Westland Land District which plan is also lodged in the office of the Chief Surveyor of the Otago Land District as Survey Office Plan 24619 and in the office of the Chief Surveyor of the Southland Land District as Survey Office Plan 12218.

The area marked “C” on Survey Office Plan 12457 lodged in the office of the Chief Surveyor of the Westland Land District.