

12 October 2021

Melville William Strude and Jacqueline Helen Cooper Gloyer
PO Box 369
Mangonui 0442

Dear Melville and Jacqueline

Important information about your property: Lot 1 Deposited Plan 317756

I am writing to you as the Tumu Whakarae (Chief Executive) of the Office for Māori Crown Relations – Te Arawhiti. One of the functions of Te Arawhiti is to negotiate the settlement of historical Treaty of Waitangi claims on behalf of the Crown.

As you are most likely aware, your property (Lot 1 Deposited Plan 317756) has a memorial on the title under section 27B of the State-Owned Enterprises Act 1986.

The Waitangi Tribunal is planning to hear claims regarding the Crown's historical breaches of the Treaty of Waitangi in the Far North. They have directed Te Arawhiti to provide them with a list and map of all memorialised properties in the inquiry district. This will include your property and the names of the registered proprietors.

Please find enclosed a list of 'Frequently Asked Questions' that provides some details on what this means and how it works.

I understand that you may have questions about the matters covered in this letter. If you do, you are welcome to contact Te Raukura Solomon, Analyst, at MuriwhenuaInquiry@tearawhiti.govt.nz or by phone: (04) 914 3133.

Yours sincerely



Lil Anderson
Tumu Whakarae

SECTION 27B MEMORIALS – FREQUENTLY ASKED QUESTIONS

What is a Section 27B memorial?

Following a challenge by the New Zealand Māori Council to the Crown's intention to transfer Crown owned land to State-Owned Enterprises (SOEs), the Treaty of Waitangi (State Enterprises) Act 1988 was enacted to protect Māori interests in SOE lands. The 1988 Act provided for memorials to be placed on all titles to land that transferred to SOEs under the State-Owned Enterprises Act 1986. The memorials remain on titles when SOE land is sold into private ownership.

The memorials advise owners that the Waitangi Tribunal, in specified circumstances, may recommend that the land be returned ("resumed") to Māori ownership. The memorial notes that owners of memorialised property have no right to be heard before the Tribunal in relation to the Tribunal's resumption recommendation proceedings.

When can the Tribunal make binding orders?

Before the Tribunal makes binding orders, the following events would normally occur:

- The Tribunal holds hearings on the claims in the district, where claimants present evidence that is examined by the Crown. After hearing all the evidence, the Tribunal will report its findings and make recommendations to the Crown.
- Negotiations may take place between the Crown and claimants to settle the claims. If a party chooses not to negotiate or if negotiations are unsuccessful, and if the Tribunal has made a finding that the claims are well-founded, the claimants may ask the Tribunal to commence a 'remedies hearing'.
- During the remedies hearing the Tribunal considers what steps are needed to remedy any Crown Treaty breaches. At this stage in the hearing, the Tribunal must decide whether to recommend:
 - a memorialised property should be returned to Māori claimants;
 - a memorialised property should not be returned, but remain memorialised because the Tribunal might still hear other relevant claims; or
 - the memorial should be lifted from the property title.

If the Tribunal makes a recommendation to return land, what happens then?

When the Tribunal makes a recommendation for return of memorialised land, at first these orders are interim. The Treaty of Waitangi Act 1975 gives the Crown and the claimants 90 days in which to reach agreement on a negotiated settlement before the interim orders take effect. If no agreement is reached, the Tribunal's interim recommendations become binding on the Crown.

What happens if a memorialised property is resumed?

If a property must be resumed following a Tribunal recommendation, the land is acquired by the Crown under the provisions of the Public Works Act 1981 and the Crown is required to pay compensation to the property owner based on usual valuation methodology and practice at the time.

Can memorials be removed from property titles?

The Tribunal may recommend that a property no longer be subject to resumption if it considers return of the property to Māori ownership is not required.

Alternatively, when all claims in a given area have been heard by the Tribunal and/or settled by the Crown, legislation passed by Parliament has provided for the removal of section 27B memorials from the titles within that area.

What is the timeframe for the Tribunal to make recommendations?

The Tribunal in the Renewed Muriwhenua Inquiry is currently at the stage of hearing claims, which is anticipated to take until July 2024. Only once this stage of the inquiry has concluded will the Tribunal consider making recommendations for resumption or removal of memorials.

General

This document is provided as a general response to frequently asked questions about section 27B memorials. It does not constitute a complete statement or summary of the law, nor is it intended to replace proper legal advice appropriate to your circumstances.

For further information, you may contact:

<i>Waitangi Tribunal</i>	<i>Te Arawhiti – Office for Māori-Crown Relations</i>
<u>WaitangiTribunal@justice.govt.nz</u> (04) 914 3000	<u>MuriwhenuaInquiry@tearawhiti.govt.nz</u> (04) 914 3133