

Restitution of state land in New Zealand – offer back and Treaty settlements

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Outline

- Historical Background
- Land Acquisition in New Zealand
- Offerback of state land
- Treaty Settlements
- Examples
- Conclusion

Who are we?



- **Land Information New Zealand (LINZ)** is the government agency responsible for controlling most of the acquisition, management and disposal of land by state (“Crown”) agencies
- Craig is a regulator, and has responsibility for administering the legislation, accreditation, and standards and guidelines for this work

Historical Background



- First Māori arrived in New Zealand c.1200AD
- European settlement began in late 1830s
- British Crown and Māori tribal chiefs signed the **Treaty of Waitangi** in 1840; sovereignty passed to the Crown
- Under the Treaty, Māori could retain their land or sell to the Crown
- Pressure for land partly lead to New Zealand Wars of 1860-1870s

History of land acquisition in NZ



- The Crown has acquired land as a result of:
 - Historical purchases from Māori and private owners
 - Confiscations following New Zealand Wars of 1860s
 - Subsequent alienation of land from Māori through legislative processes such as the Native Land Court
 - Acquisition for public works, including through compulsory acquisition (both from Māori and other New Zealanders)

Hierarchy of Disposal



- Land no longer required for current use
- Requirement for another government use
- **“Offerback”**
- Return of gifted land
- **Treaty settlement**
- Sale to the public

Offerback

- Introduced in its current form in 1981
- Applies only to land held for public works
- State agencies must first offer land no longer required to the person from whom it was acquired or their successor
- Offerback is usually at current market value
- Some exemptions to this offerback requirement apply

Treaty Settlements - Drivers

- For Māori, land is an economic resource and the fundamental geographic basis of Māori identity and provides a connection with their ancestors
- Loss of land has had a significant impact on Māori social and economic development
- Land marches, protests and land occupations during 1970s and 1980s
- Since mid-1990s Crown has sought to address historical actions through **Treaty claim settlement** process
- Current government key priority is to agree all outstanding settlements by 2014

Treaty settlements

- Land is a major component of most Treaty settlements
- Land returned due to cultural significance or to provide commercial opportunity
- Settlement is a negotiated process between a Māori tribal grouping and government
- Agreement formalised in a Deed and then legislation
- Value of land accounted for in settlement

Example – Mt Cook



Example: Te Rapa Air Force Base

- Air Force Base located in Hamilton
- Base closed in 1992
- Returned to the Waikato-Tainui tribe in 1995
- Waikato-Tainui lease land to retail developers
- Now, country's 2nd largest retail site



Te Rapa



Summary

- Offer back and Treaty settlements are mechanisms to recognise the impact of the state's actions
- Allow former owners to have their land returned, while providing for the state to get a return on investment
- Provides commercial, social opportunities ahead of open market sales
- Offer back and Treaty claim settlements are now integral parts of the way state agencies dispose of land
- State agencies must comply with both processes before they can sell land on the open market

THANK YOU