



The Treaty of Waitangi Amendment Act 2006 amends section 6 of the Treaty of Waitangi Act 1975 to set a closing date of 1 September 2008 for submitting historical Treaty claims to the Waitangi Tribunal.

WHY IS A CLOSING DATE FOR SUBMITTING HISTORICAL CLAIMS BEING INTRODUCED?

Over recent years there have been calls for the Government to provide some finality to the Treaty claims settlement process by specifying a date by which historical Treaty of Waitangi claims must be submitted to the Waitangi Tribunal. The idea of establishing a closing date for submitting historical Treaty claims was widely canvassed in the lead-up to the 2005 General Election.

A closing date for submitting historical Treaty claims to the Waitangi Tribunal will give Māori claimant groups, the Waitangi Tribunal, Government and all New Zealanders greater certainty of knowing exactly how many historical claims remain to be heard and when the historical inquiry process can reasonably be expected to end. This may assist claimant groups to plan for the negotiations phase of the Treaty settlement process.

WHAT IS A HISTORICAL TREATY CLAIM?

A historical claim is defined as any claim relating to an act or omission of the Crown which occurred before 21 September 1992.

WHY IS 21 SEPTEMBER 1992 USED AS THE DATE TO DEFINE HISTORICAL TREATY CLAIMS?

21 September 1992 has been set as the date because this is when Cabinet agreed to the general principles for settling historical Treaty of Waitangi claims. This date has been used to define historical Treaty claims in settlements over the last 14 years.

WILL ANY EXISTING REGISTERED HISTORICAL CLAIMS BE AFFECTED BY THE CHANGE?

No. All registered historical claims (each given a Wai number) will not be affected by the change.

WHAT IS THE LATEST DATE I CAN SUBMIT MY HISTORICAL TREATY CLAIM?

All historical claims must be submitted on or before 1 September 2008.

CAN I AMEND MY EXISTING HISTORICAL CLAIM AFTER 1 SEPTEMBER 2008?

Yes. All historical claims submitted on or before 1 September 2008 can be amended or changed in any way after 1 September 2008.

WHAT HAPPENS IF I WANT TO FILE A HISTORICAL CLAIM AFTER 1 SEPTEMBER 2008?

The Waitangi Tribunal will not be able to inquire into any historical Treaty claim submitted after 1 September 2008.

WHAT HAPPENS TO HISTORICAL TREATY CLAIMS AFTER 2008?

The Waitangi Tribunal will continue inquiring into those historical Treaty claims submitted on or before 1 September 2008. Māori claimant groups will also be able to continue direct negotiations to settle historical claims with the Crown through the Office of Treaty Settlements.





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CAN I AMEND MY EXISTING CONTEMPORARY CLAIM BEFORE 1 SEPTEMBER 2008 TO INCLUDE HISTORICAL ISSUES?

Yes. All claims submitted before 1 September 2008, whether they contain historical or contemporary grievances or both, can be amended or changed in any way before 1 September 2008.

CAN I AMEND MY EXISTING CONTEMPORARY CLAIM AFTER 1 SEPTEMBER 2008 TO INCLUDE HISTORICAL ISSUES?

No. Claims that contain no historical grievance cannot be amended or changed after 1 September 2008 to include historical grievances.

WHAT HAPPENS IF I WANT TO FILE A CONTEMPORARY CLAIM AFTER 1 SEPTEMBER 2008?

After 1 September 2008 the Waitangi Tribunal will continue to accept new claims concerning acts or omissions of the Crown which occurred on or after 21 September 1992.

WHAT IS THE ROLE OF THE WAITANGI TRIBUNAL?

The role of the Waitangi Tribunal, set out in the Treaty of Waitangi Act 1975, includes inquiring into and making recommendations upon any claim properly submitted to the Waitangi Tribunal, examining and reporting on any proposed legislation referred to the Tribunal by the House of Representatives or a Minister of the Crown, and making recommendations or determinations in respect of certain Crown forest land, railways land, State-owned enterprise land, and land transferred to educational institutions.

The Waitangi Tribunal inquires into and makes findings on Treaty of Waitangi claims but does not settle Treaty claims.

WILL THIS AMENDMENT DISESTABLISH THE WAITANGI TRIBUNAL?

No. The Waitangi Tribunal will continue to inquire into Treaty claims, both historical and contemporary.

HOW DO I SUBMIT A CLAIM?

To make a claim to the Waitangi Tribunal, a claimant must be Māori, and claims must be brought by an individual or individuals, who in turn may claim on behalf of a group. The basis of the claim must be against the Crown. Claims against other Māori or individual non-Māori cannot be inquired into by the Tribunal.

CONTACTS AND FURTHER INFORMATION

You can view an unofficial copy of the Act online: www.legislation.govt.nz. Printed copies of Acts may be purchased from Legislation direct: www.legislationdirect.co.nz or ordered through some book stores. Copies are also available in many public libraries.

For more information about how to make a claim to the Waitangi Tribunal, visit www.waitangi-tribunal.govt.nz or contact the Waitangi Tribunal: Level 2, Caltex Tower, 141 The Terrace, PO Box 5022, Wellington. Phone (04) 914 3000 or Fax (04) 914 3001

For more information about the Treaty of Waitangi Amendment Act 2006 e-mail: TOWAAmendment2006@tpk.govt.nz or contact Te Puni Kōkiri: PO Box 3943 Wellington



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