

GUIDANCE FOR CROWN: UPDATING STATUS OF COMMITMENTS ON TE HAEATA – THE SETTLEMENT PORTAL

February 2023



Section 1: Background

Context

In reaching settlements of historical Treaty of Waitangi claims, the Crown hopes to build, improve and strengthen its relationship with iwi groups based on respect for Te Tiriti o Waitangi and its principles.

Crown agencies have legal obligations to deliver the Treaty settlement commitments they are responsible for under deeds of settlement and settlement legislation. However, different agencies have different systems to track and manage the delivery of their commitments. This makes it difficult for post-settlement governance entities (**PSGEs**) and the Crown to gain a holistic view of how a settlement is being delivered, particularly as Crown and PSGE staff change over time and institutional knowledge may be lost.

Through discussions with PSGEs, the need for an assurance function became clear. Te Arawhiti has been developing a framework for enhancing accountability and oversight of settlement commitments. Part of that framework is the ability for Crown agencies with Treaty settlement commitments to assign a delivery progress status to those commitments on Te Haeata – the Settlement Portal: tehaeata.govt.nz

Purpose

As a Crown agency with responsibility for Treaty settlement commitments, your task is to:

- enter a progress status and add meaningful comments to the settlement commitments you are responsible for on Te Haeata;
- be able to provide documentation to support the status you have assigned; and
- keep the progress statuses and comments up to date.

This guidance is intended to assist you with carrying out this task, and to ensure that progress statuses and comments are entered in a manner that is consistent across the Crown. The aim is that, when asked about the delivery of any settlement, any Crown agency can easily provide that information and know where to retrieve the supporting documentation.

We recommend you assign this task to a specific team or role in your organisation. Centralising the process ensures there is clear accountability for this task and that it is carried out uniformly.

To update the status of your commitments, it is likely you will need to complete a review of your organisation's settlement commitments. This review will provide assurance that your organisation is meeting, or is on track to meet, its Treaty settlement obligations. This review will also identify if there are any risks arising from commitments experiencing delivery issues.

Contact

If you have any questions about this guidance or the work of updating the status of commitments, please contact the Te Haeata Administration Team at tehaeata@tearawhiti.govt.nz

The Te Haeata Administration Team will be running training sessions on how to use this guidance to update the status of commitments.



Section 2: The role of Te Haeata

Te Haeata is a searchable online record of Treaty of Waitangi settlement commitments, intended to make commitments more visible and accessible to PSGEs and responsible entities. Te Haeata helps responsible entities to meet their legal obligations to fulfil those commitments. It is also a useful tool in the He Korowai Whakamana framework, helping Te Arawhiti (as the system lead for upholding the durability of Treaty settlements) enhance accountability and oversight of settlement commitments.

What is a commitment?

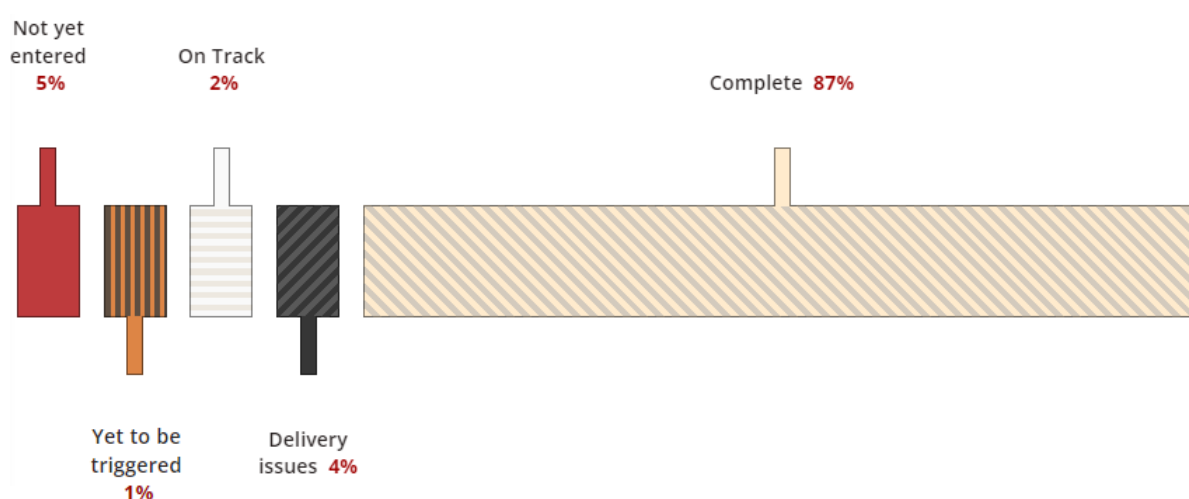
Te Haeata extracts statements from deeds of settlement (including schedules and deeds to amend) and settlement legislation where a Crown agency or PSGE is *required* to do something. These are generally provisions that contain keywords such as 'must', 'will' or 'shall'. Te Haeata does not record provisions that simply *permit* a Crown agency or PSGE to do something (for example, provisions that use the word 'may').

While some settlement commitments require the Crown to enter into additional deeds or agreements, Te Haeata does not record the commitments contained within those instruments.

Progress status function and dashboard

The progress status function on Te Haeata allows responsible entities to record whether each commitment is complete, on track, yet to be triggered or experiencing delivery issues. This function is intended to help agencies track their progress in delivering the settlement commitments they are responsible for – and for Te Arawhiti to track the overall Crown progress in delivering settlement commitments.

This information is then displayed in a high-level overview on the homepage dashboard, which is unique to each Crown agency. This dashboard can be used as an easy way to visually present the overall status of an agencies' delivery of settlement commitments:



Adding comments

The progress status function includes the ability to enter a comment to provide more information on the status assigned, including:

- the reasoning for the status selected;
- online links or internal file references (to the level of specificity that the agency is comfortable with) for where the supporting documentation for that commitment can be found; and/or
- agency contact details for enquiries about the commitment. We suggest using shared mailboxes to reduce the risk of contact details becoming out of date.

There are no character limits for the comments.

We strongly encourage that, wherever possible, you do use the comment function to provide supporting documentation (or file references to supporting documentation). In order to enter a status against a commitment, you will often need to have referred to such documentation already. Providing links or file references will mean this task will not need to be repeated. It will allow an agency, as the responsible entity, to easily justify the status they have assigned to a commitment and to capture institutional knowledge, as staff change over time.

Who can view your agency's progress status and comments?

Progress statuses and comments are currently only visible to users from the responsible entity and to the Te Haeata Administration Team. In time, the intention is for this data to be made available to all Treaty settlement commitment holders, including PSGEs. This will provide PSGEs with the important assurance that the Crown is meeting its legal obligations to them under their settlement. Content in Te Haeata is also subject to the Official Information Act 1982.

What commitments are not included in your agency's dashboard?

The dashboard will not show commitments that are the responsibilities of 'Area RFR landholders' or 'Relevant consent authorities', because it is difficult to identify all the specific responsible entities. If your organisation falls into one of these categories, you can find those commitments through the 'Commitments' tab. If you wish to add a progress status for one of these commitments, please contact the Te Haeata Administration team.

How to enter the status of a commitment?

Only the Organisation Administrators for each responsible entity can update the progress statuses for that organisation's commitments. If your organisation does not have an Organisation Administrator, please contact the Te Haeata Administration team.


Step	Action
1	<p>Scroll past the 'Progress status breakdown' graph on the homepage dashboard and click on update them.</p> <p>Result: You will be taken to a list of commitments for which your organisation is listed as a responsible entity, and for which no progress status has been entered.</p>

Step

Action

2

Click the **Edit** button (on the rightmost column) of the commitment you wish to enter a status for.

REFERENCE SOURCE ⓘ	SETTLEMENT	COMMITMENT TYPE ⓘ	DETAIL	PROGRESS STATUS ⓘ	COMMENT
Ahuriri Hapū Claims Settlement Act 2021 Section 20	Ahuriri Hapū	Access to deed of settlement	20 Access to deed of settlement The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the deed of settlement available— (a) for inspection free of charge, and for purchase at a reasonable price... See more View full commitment	Not yet entered	

3

Select a progress status from the drop-down list as appropriate. See **section 3** of this guidance for definitions of the four progress status options, and **section 4** for examples of how those statuses apply to different commitment types.

Progress with this commitment

REFERENCE SOURCE

Ahuriri Hapū Claims Settlement Act 2021 Section 20

PROGRESS STATUS

- Select a value -

COMMENT (OPTIONAL)

You can comment on this progress status - important to note:

Please be mindful that the statement you make will be visible to other users of the Settlement Portal and can be requested under the Official Information Act.

Once submitted you can edit this statement - the new comment will replace any existing comment.

Keep comments brief and high level. Comments could provide a narrative on progress to date. For example, if the status is on-track for a relationship redress commitment, you could note the date the last annual hui was held and any plans for the next.

Detailed issues that require ongoing dialogue are best dealt with directly between relevant parties.

CANCEL

SUBMIT

4

Add a comment to provide further information as relevant. See **section 4** of this guidance for further information on what comments to put for different types of commitment and what resources can be used to support the status of a commitment.

Step	Action					
	Te Kawerau ā Maki Claims Settlement Act 2015 Section 79	Te Kawerau ā Maki	Cultural redress property transfer	79 Service and notification of order (1) As soon as is reasonably practicable after an order made in accordance with section 77 has been pronounced by the Māori Land Court in accordance with section 41 of Te Ture Whenua Maori Act 1993, the Chief Registrar of the Māori Land Court must serve a copy of the order on the Ministers. (2) The Ministers must notify the order in the Gazette.	Complete	The Māori Land Court issued the consent order on 24 September 2019. Reference: 203 Taitokerau MB 37-38. The Order was notified in the Gazette on 17 September 2020. Reference: 2021-In2054.
5	Click Submit to save.					



Section 3: Delivery progress statuses

Responsible entities will assign one of the four statuses below to each commitment they are responsible for. This section defines each progress status. It also explains the appropriate approach in particularly complex situations. The most important thing is that the status assigned to a commitment is accurate and can be supported by documentation. Some commitments are ongoing and, by their nature, will never appropriately be 'Complete'.

Complete	On track
The responsible entity has done all the actions required and the commitment has been delivered in accordance with the terms of the settlement.	The responsible entity has systems in place, or has started the actions required, to deliver the commitment in accordance with the terms of the settlement. The responsible entity does not consider it likely that issues will arise to prevent the commitment from being completed as planned. This is the appropriate status for ongoing commitments that are not experiencing delivery issues.
Delivery issues	Yet to be triggered
Complicating factors, mistakes and possibly failures to do certain things have meant that the commitment is unlikely to be delivered as intended.	The commitment is not yet due to be delivered. This may be because the commitment is conditional on another action that is yet to be triggered.

Series of process commitments leading to a substantive outcome

Deeds of settlement and settlement legislation often break down substantive commitments into a series of steps in the process required to achieve that substantive commitment. This is particularly common for property redress. In the following cases:

- **If the substantive end outcome has eventuated** (eg Deferred Selection Property (**DSP**) has been transferred to the PSGE), then the responsible entity can make a good-faith assumption that all the process commitments leading to that end outcome (eg parties must notify each other of the valuer they have appointed) have also eventuated. The appropriate status for both the substantive commitment and the relevant process commitments would be **Complete**. Supporting documentation (eg title reference) would only be required for the substantive commitment.
- **If the substantive end outcome has *not* eventuated**, then the responsible entity should investigate each of the process commitments to determine where the issue has arisen. The appropriate status for the substantive commitment and the specific process commitment at issue would be **Delivery issues**. It then becomes important that each process commitment has supporting documentation. Any process commitments that have been completed can be categorised as **Complete**.

Commitments that relate to multiple properties and/or responsible entities

Some commitments involve multiple properties and/or responsible entities. Most significantly, because of the way that settlement documents are drafted, commitments relating to the transfer of commercial redress properties and DSPs are not separated out for each individual property. Instead, the same commitments apply to all properties in that category (eg the process steps of disclosure, valuation and transfer for DSPs), regardless of how many DSPs or land-holding agencies are involved.

Where one commitment relates to multiple properties, the commitment holder should assign the progress status that describes the property furthest away from 'Complete' (ie the lowest common denominator). For example, if a commitment involves the transfer of 10 properties, where eight have successfully transferred, one has not been triggered and one has been delayed, then the progress status for the entire commitment should be **Delivery issues**. Similarly, if the final property has not yet been transferred but is on track to do so, then the progress status for the commitment should be **On track**. The progress status can only be updated to **Complete** once all 10 properties have successfully transferred. This approach takes a holistic view of each commitment.

Where multiple entities are responsible for the same commitment, the commitment will appear on the dashboards of all the responsible entities. Each responsible entity will be able to enter a progress status and comment for that same commitment as it relates to their particular role in it, without affecting the ability of other responsible entities to do the same. The progress status and comment entered by each responsible entity will not be visible to other agencies (except the Te Haeata Administration team).

Section 4: Entering statuses, supporting documentation and comments

Te Haeata categorises commitments by 'commitment types', which broadly reflect the different kinds of redress contained in Treaty settlements. This table defines each commitment type, and provides guidance on the appropriate supporting documentation, status and comments that responsible entities can enter for each commitment type. (Note: these broad categories are used in Te Haeata to support oversight of Treaty settlements. However, the specific redress within each category can vary between settlements and are context specific.)

Commitment type	Supporting documentation	Which status to assign	Options for comments
Access to deed of settlement – allows for public access to the signed deed of settlement and related documents.	<ul style="list-style-type: none"> Digital copies are available on the relevant settlement page on the New Zealand Government website. Physical copies can be obtained upon request at Te Arawhiti office (Justice Centre, 19 Aitken Street, Wellington). 	<ul style="list-style-type: none"> Once the signed digital copies have been uploaded onto govt.nz, this commitment is Complete. 	<ul style="list-style-type: none"> Link to the settlement documents on govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement Agency contact details for obtaining physical copies.
Authorised cultural activities – allows iwi members to undertake cultural customary activities (eg gathering flora and fauna on conservation land, removing hāngī stones and engaging in traditional fisheries practices).	<ul style="list-style-type: none"> If the commitment is to jointly prepare a customary materials plan with iwi – a copy of the signed plan. If the commitment is to review the customary materials plan, grant access for an activity or undertake a specified dispute resolution process – records of the process. 	<ul style="list-style-type: none"> Once the customary materials plan has been finalised and signed, the commitment is Complete. If the commitment is to grant access for an activity, then the status is Yet to be triggered until a request is made. Once a request is made, as long as there are no delivery issues, then the status would be On track. If the terms of the commitment do not specify a timeframe, then the commitment is ongoing and would never be Complete. Instead, it 	<ul style="list-style-type: none"> Relevant file references and agency team contact details. Date that the reviews were conducted, or that requests were made and (if relevant) granted.

Commitment type	Supporting documentation	Which status to assign	Options for comments
		would be On track unless delivery issues arise.	
Bespoke arrangements – redress that is unique to that settlement and unlikely to occur in other settlements.	<ul style="list-style-type: none"> The appropriate supporting documentation and status will depend on the nature of the arrangement and be determined on a case-by-case basis. If you have questions, please contact the Te Haeata Administration Team. 		<ul style="list-style-type: none"> File reference (eg record of title), URL or agency team contact details to access the relevant supporting documentation.
Camping entitlements – allows iwi members to camp temporarily on specified Crown-owned land. These are usually referred to as Ūkaipō sites/entitlements or Nohoanga entitlements.	<ul style="list-style-type: none"> If the commitment is to grant an entitlement – a copy of the document granting the entitlement. If the commitment is to notify the grant of the entitlement – a copy of the Gazette notice. 	<ul style="list-style-type: none"> Once the entitlement has been granted and notified in the Gazette, the commitment is Complete. 	<ul style="list-style-type: none"> Relevant agency team contact details and file references. Gazette reference, searchable on gazette.govt.nz
Cash redress – payment of money, such as on-account payments, but excluding payments that are specifically for cultural redress purposes.	<ul style="list-style-type: none"> Internal finance/accounting teams will have records of payments made by the agency. 	<ul style="list-style-type: none"> Once the payment has been made to the correct entity, the commitment is Complete. 	<ul style="list-style-type: none"> Date the payment was made. Relevant agency team contact details.
Cultural redress payment – payment of money to recognise historical and cultural associations with particular sites, or to enhance the iwi group's historical and cultural identity.	<ul style="list-style-type: none"> Internal finance/accounting teams will have records of payments made by the agency. 	<ul style="list-style-type: none"> Once the payment has been made to the correct entity, the commitment is Complete. 	<ul style="list-style-type: none"> Date the payment was made. Relevant agency team contact details.
Cultural redress property transfer – properties that vest in the PSGE, usually on settlement date, as cultural redress.	<ul style="list-style-type: none"> Records of title for the properties can be obtained from Landonline, showing the PSGE trustees as the registered 	<ul style="list-style-type: none"> Once the title is registered in the name of the PSGE trustees, with the relevant interests 	<ul style="list-style-type: none"> Title reference, searchable on Landonline: lrs.linz.govt.nz/search

Commitment type	Supporting documentation	Which status to assign	Options for comments
	owners, with the relevant interests noted/registered.	noted/registered, the commitment is Complete .	
Deed of Recognition – recognises a statement of the group’s associations with an area of Crown land covered by a Statutory Acknowledgement and allows for consultation with the group on specified matters.	<ul style="list-style-type: none"> Signed Deeds of Recognition should be uploaded onto the relevant settlement page on the New Zealand Government website. 	<ul style="list-style-type: none"> Once the Deed of Recognition has been signed and sent to the iwi, the commitment is Complete. While Deeds of Recognition may contain ongoing obligations, Te Haeata does not record those commitments. 	<ul style="list-style-type: none"> Link to the signed Deed of Recognition on govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement
Deferred Selection Property – the PSGE has the right to elect to purchase the property for a fixed period after settlement date.	<ul style="list-style-type: none"> Where the commitment is to transfer the DSP with the relevant interests noted/registered on the title for the property – a copy of the record of title, obtained from Landonline. 	<ul style="list-style-type: none"> From settlement date until either the responsibly entity receives a notice of interest or the DSP period expires (whichever occurs first), the commitment will be Yet to be triggered. Once the DSP process has been triggered, and while the Crown still has obligations to the PSGE in respect of the DSP redress, the commitment will be On track, unless a delivery issue has arisen. The commitment will be Complete once one of the following scenarios has occurred: <ul style="list-style-type: none"> the sale and purchase is completed, and the record of title (obtained from Landonline) shows the PSGE trustees as the registered owners; or 	<p>List out each DSP for which your agency is responsible in this settlement. For each property, provide the title reference and determine the option that applies.</p> <ol style="list-style-type: none"> DSP right is still active. DSP was sold to PSGE (provide title reference, searchable on Landonline). DSP period expired with no notice of interest given. DSP offer was declined (provide file reference and date.) Sale and purchase agreement was cancelled in accordance with the terms of transfer (provide file reference and date).

Commitment type	Supporting documentation	Which status to assign	Options for comments
		<ul style="list-style-type: none"> - the deferred selection period has expired without the PSGE submitting a notice of interest to the landholding agency; or - the PSGE elected not to purchase the property (ie either gave an election notice to say they will not purchase, or did not give an election notice at all); or - the sale and purchase agreement was cancelled in accordance with the terms of transfer. <p>See 'Series of process commitments leading to a substantive outcome' in section 3 of this guidance.</p>	
<p>Deferred Selection Property subject to leaseback – the PSGE has the right to elect to purchase the property for a fixed period after settlement date, and then lease the property back to the Crown. Common examples of leaseback properties include schools, courthouses and police stations.</p>	<ul style="list-style-type: none"> • Where the commitment is to transfer the DSP with the relevant interests (including the lease to the Crown) noted/registered on the title for the property – a copy of the registered title, obtained from Landonline. 	<ul style="list-style-type: none"> • From settlement date until either the responsible entity receives a notice of interest or the DSP period expires (whichever occurs first), the commitment will be Yet to be triggered. • Once the DSP process has been triggered, and while the Crown still has obligations to the PSGE in respect of the DSP redress, the commitment will be On track, unless a delivery issue has arisen. 	<p>List out each DSP for which your agency is responsible in this settlement. For each property, provide the title reference and determine the option that applies.</p> <ol style="list-style-type: none"> 1. DSP right is still active. 2. DSP was sold to PSGE (provide title reference, searchable on Landonline). 3. DSP period expired with no notice of interest given.

Commitment type	Supporting documentation	Which status to assign	Options for comments
		<ul style="list-style-type: none"> The commitment will be Complete once one of the following scenarios has occurred: <ul style="list-style-type: none"> The sale and purchase AND the leaseback are completed, and the record of title (obtained from Landonline) shows the PSGE trustees as the registered owners, with a registered lease to the Crown. The deferred selection period has expired without the PSGE submitting a notice of interest to the landholding agency. The PSGE elected not to purchase the property (ie either gave an election notice to say they will not purchase, or did not give an election notice at all). The sale and purchase agreement was cancelled in accordance with the terms of transfer. If, in accordance with the deed of settlement, the property has ceased to be a DSP because the property was declared surplus before notice of interest was given. 	<ul style="list-style-type: none"> DSP offer was declined (provide file reference and date). Sale and purchase agreement was cancelled in accordance with the terms of transfer (provide file reference and date). Property ceased to be a DSP because it was declared surplus before notice of interest was given (provide file reference and date).

Commitment type	Supporting documentation	Which status to assign	Options for comments
		See 'Series of process commitments leading to a substantive outcome' in section 3 of this guidance.	
Interest payments – calculated on financial and commercial redress amount made by the Crown to the PSGE.	<ul style="list-style-type: none"> Internal finance/accounting teams will have records of payments made by the agency. 	<ul style="list-style-type: none"> Once the payment has been made to the correct entity, the commitment is Complete. 	<ul style="list-style-type: none"> Date the payment was made. Relevant agency team contact details.
Legal identity redress – the recognition of legal personhood in natural features. This is usually effected through legislation.	<ul style="list-style-type: none"> The appropriate supporting documentation and status will depend on the nature of the commitment and be determined on a case-by-case basis. If you have questions, please contact the Te Haeata Administration Team. 		<ul style="list-style-type: none"> Link to relevant legislation on legislation.govt.nz
Letters of introduction – introduces the iwi group to specified Crown agencies and related organisations.	<ul style="list-style-type: none"> Signed letter of introduction and records of when it was sent to the relevant agency/organisation. 	<ul style="list-style-type: none"> Once the letter of introduction has been sent to the relevant agency/organisation, the commitment is Complete. 	<ul style="list-style-type: none"> Date the letter was sent. Relevant file reference and agency team contact details.
Overlay classification – statutory instruments that apply to specified land managed by Te Papa Atawhai – Department of Conservation. These allow the iwi group's values to be recognised in the management of the site, without altering the underlying classification of the land.	<ul style="list-style-type: none"> If the commitment is to notify that the overlay classification applies – a copy of the Gazette notice. If the commitment is to note the overlay classification in management documents – a copy of the management document. If the commitment is for the Director-General to take certain actions – a copy of the notice to the PSGE trustees of the action taken. 	<ul style="list-style-type: none"> Once the overlay classification has been notified in the Gazette or noted in the relevant management document, the commitment will be Complete. If the commitment simply describes the overlay areas, the status is Complete. If the commitment involves an ongoing obligation with no set timeframe, the status will be On track unless a delivery issue arises. 	<ul style="list-style-type: none"> Gazette reference, searchable on gazette.govt.nz Relevant file reference and agency team contact details.

Commitment type	Supporting documentation	Which status to assign	Options for comments
Participation arrangements over natural resources – facilitate the PSGE’s involvement with local government or other agencies in decision-making processes over natural resources under existing legal frameworks.	<ul style="list-style-type: none"> As there is a wide range of options for participation arrangements, the appropriate supporting documentation and status will be determined on a case-by-case basis. Examples of supporting documentation include a copy of the Joint Management Agreement, or a copy of the terms of reference for an iwi-Crown group. Where appropriate, these should be uploaded onto the agency’s website or the relevant settlement page on the New Zealand Government website. If you have questions, please contact the Te Haeata Administration Team. 		<ul style="list-style-type: none"> Date the agreement was entered into. Relevant file reference and agency team contact details. Link to documents on agency website or govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement
Place name changes – to change the official place names to a dual Māori/English name, to assign a new place name, or to restore original names or spelling.	<ul style="list-style-type: none"> Place name changes are effected by the settlement legislation and notified in the Gazette. 	<ul style="list-style-type: none"> Once the place name change has been notified in the Gazette, the commitment is Complete. 	<ul style="list-style-type: none"> Gazette reference, searchable on gazette.govt.nz, or a link to the relevant place name page on gazetteer.linz.govt.nz
Relationship redress – to restore relationships between the Crown and PSGEs through instruments such as relationship agreements, protocols and accords.	<ul style="list-style-type: none"> If the commitment is to enter into relationship agreements, protocols or accords – signed copies of these documents. Where appropriate, these should be uploaded onto the relevant settlement page on the New Zealand Government website. 	<ul style="list-style-type: none"> Once the relationship agreement, protocol or accord has been signed and sent to the PSGE, the commitment is Complete. While those documents may contain ongoing obligations, Te Haeata does not record those commitments. 	<ul style="list-style-type: none"> Date the relationship redress instrument was entered into. Relevant agency contact details and file reference. Link to documents on govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement
Removal of resumptive memorials – provides authority for the Registrar-General of Land to cancel resumptive memorials on	<ul style="list-style-type: none"> A copy of the certificate(s) issued by the Chief Executive of Toitū Te Whenua – Land Information New Zealand to the 	<ul style="list-style-type: none"> Once the certificate has been provided and the record of title no longer shows a memorial listed 	<ul style="list-style-type: none"> Instrument number for the certificate that requests the Registrar-General of Land to remove the resumptive

Commitment type	Supporting documentation	Which status to assign	Options for comments
records of title. A resumptive memorial allows the Waitangi Tribunal to order the resumption of land held by the Crown to be returned to Māori.	Registrar-General of Land that identifies all relevant records of title from which a resumptive memorial is to be removed (accessible from Landonline).	under interests, the commitment is Complete .	memorial from specified records of title (searchable on Landonline).
<p>Right of First Refusal (RFR) – the right of a PSGE to have the opportunity, ahead of any other potential purchaser/lessee, to purchase or lease specified Crown-owned land when such land is made available for disposal by the vendor agency.</p> <p>Please ensure that the status and comments you enter are consistent with the Right of First Refusal guide for that settlement: linz.govt.nz/guidance/crown-property/right-first-refusal-rfr/right-first-refusal-guides</p>	<ul style="list-style-type: none"> If the settlement legislation provides authority to note RFR memorials on the Records of Title, then a copy of the title (accessible from Landonline) will show that the RFR memorial has been noted. 	<ul style="list-style-type: none"> If the commitment is to note the RFR memorial on the title – once the RFR memorial has been noted on the title, the status is Complete. While the RFR period is still active and Crown still has obligations to the PSGE in respect of the RFR redress, the commitment will be On track, unless a delivery issue has arisen on one or more RFRs within the settlement. RFR redress for which an agency is responsible within any settlement can only be Complete either at the end of the RFR period, or when all RFR land has been disposed of in accordance with the terms of the RFR. If the criteria for land to be RFR land is not met, then the commitment in respect of that land is Complete. 	<ul style="list-style-type: none"> Instrument number for the certificate that requests the Registrar-General of Land to note the RFR on the record of title (searchable on Landonline). For properties that are required to be offered to the PSGE: if RFR offer is accepted, title reference (searchable on Landonline), or if RFR offer is not accepted, the file reference. Relevant file reference and agency team contact details.

Commitment type	Supporting documentation	Which status to assign	Options for comments
		See 'Series of process commitments leading to a substantive outcome' in section 3 of this guidance.	
Right of First Refusal over Quota (fisheries) – the right of a PSGE to have the opportunity, ahead of any other potential purchaser, to purchase specified fisheries quota when it is available.	<ul style="list-style-type: none"> If the commitment is to enter into a RFR Deed – a copy of the RFR Deed. These should be uploaded onto the relevant settlement page on the New Zealand Government website. 	<ul style="list-style-type: none"> Once the RFR Deed has been signed by both parties, the commitment is Complete. Where the commitment is ongoing (eg that the RFR deed will have effect), then the status will be always be On track unless a delivery issue arises or the RFR Deed is terminated in accordance with its terms. 	<ul style="list-style-type: none"> Date the RFR Deed was entered into. Relevant file reference and agency team contact details. Link to documents on govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement
Statutory acknowledgement – an acknowledgement by the Crown of a statement made by the settled group about its particular cultural, spiritual, historical and traditional associations with a specified area.	<ul style="list-style-type: none"> Statutory acknowledgements are recorded in settlement legislation. 	<ul style="list-style-type: none"> As most of the commitments under this category are ongoing, the appropriate status would be On track unless a delivery issue arises. 	<ul style="list-style-type: none"> Link to legislation on legislation.govt.nz
Tax indemnities and obligations – if a PSGE is found liable to pay either income tax or GST on their settlement redress, the Crown will pay the amount of the PSGE's liability. Standard tax indemnities are ongoing, while non-standard indemnities are usually limited in scope/duration.	<ul style="list-style-type: none"> Where the PSGE is entitled to an indemnity payment from the Crown, internal finance/accounting teams would have records of payments made by the Crown to the PSGE. 	<ul style="list-style-type: none"> Many of the commitments under this category would be Yet to be triggered unless and until the trustees become entitled to an indemnity demand. 	<ul style="list-style-type: none"> Date on which indemnity demand was made or the indemnity provided. Relevant file reference and agency team contact details.

Commitment type	Supporting documentation	Which status to assign	Options for comments
Transfer of commercial properties – the right of a PSGE to purchase commercial properties from the Crown.	<ul style="list-style-type: none"> Records of title for the properties can be obtained from Landonline, showing the PSGE trustees as the registered owners, with the relevant interests noted/registered. 	<ul style="list-style-type: none"> Once the title is registered in the name of the PSGE trustees, with the relevant interests noted/registered, the commitment is Complete. <p>See 'Series of process commitments leading to a substantive outcome' in section 3 of this guidance.</p>	<ul style="list-style-type: none"> Title reference, searchable on Landonline.
Transfer of commercial properties subject to leaseback – if a commercial property is not surplus to Crown requirements, this redress allows the PSGE to purchase the property on the condition that it is leased back to the applicable Crown agency so that the property can continue to be used.	<ul style="list-style-type: none"> Records of title for the properties can be obtained from Landonline, showing the PSGE trustees as the registered owners, with the relevant interests (including the lease to the Crown) noted/registered. 	<ul style="list-style-type: none"> The commitment will be Complete once one of the following scenarios has occurred: <ul style="list-style-type: none"> The title is registered in the name of the PSGE trustees, with the relevant interests (including the lease to the Crown) noted/registered. If, in accordance with the deed of settlement, the property has ceased to be a commercial redress property because the property was declared surplus before the settlement date. <p>See 'Series of process commitments leading to a substantive outcome' in section 3 of this guidance.</p>	<ul style="list-style-type: none"> Title reference, searchable on Landonline. If the property ceased to be a commercial redress property because it was declared surplus before the settlement date, then provide file reference and date.
Transfer of Crown Forest Licensed Land (CFL) – the land transfers to the PSGE subject to a Crown forestry license. CFL land	<ul style="list-style-type: none"> Records of title for the properties can be obtained from Landonline, showing the PSGE trustees as the registered 	<ul style="list-style-type: none"> Once the title is registered in the name of the PSGE trustees, with the relevant interests noted/ 	<ul style="list-style-type: none"> Title reference, searchable on Landonline.

Commitment type	Supporting documentation	Which status to assign	Options for comments
are Crown exotic forests and subject to the Crown Forest Assets Act 1989.	owners, with the relevant interests noted/registered.	registered, the commitment is Complete	
Transfer of forest land (non-CFL) – both the land and the forest transfer from the Crown to the PSGE.	<ul style="list-style-type: none"> Records of title for the properties can be obtained from Landonline, showing the PSGE trustees as the registered owners, with the relevant interests noted/registered. 	<ul style="list-style-type: none"> Once the title is registered in the name of the PSGE trustees, with the relevant interests noted/registered, the commitment is Complete. 	<ul style="list-style-type: none"> Title reference, searchable on Landonline.
Vesting and giftback – the ownership of an important site is vested in the PSGE and then gifted back to the Crown for all New Zealanders.	<ul style="list-style-type: none"> If the vesting is effected by a notification in the Gazette – a copy of the notice. 	<ul style="list-style-type: none"> Once the site has been re-vested in the Crown, the commitment is Complete. 	<ul style="list-style-type: none"> Gazette reference, searchable on gazette.govt.nz