

Te Pire mō Ō-Rākau, Te Pae o Maumahara/Ō-Rākau Remembrance Bill

Pire Kāwanatanga

E ai ki tā te Komiti Whiriwhiri Take Māori i pūrongo ai

Ngā kōrero

Tūtuhutanga

Kua oti i te Komiti Whiriwhiri Take Māori Te Pire mō Ō-Rākau, Te Pae o Maumahara te tirotiro, ā, e tūtohu ana kia whakamanatia. Tēnei mātou katoa te tūtohu nei i ngā menemana katoa.

Whakatakinga kōrero

He pire tēnei mō te wāhi i tū ai te pakanga o Ō-Rākau. Ko te pakanga nei, i te tau 1864, te pakanga nui whakamutunga o te Pakanga o Waikato. Kei te taha o te Rori o Arapuni (State Highway 3) te wāhi nei, ko tōna 40km whakatetonga i Kirikiriroa, e tata tonu ana ki Kihikihi. Kei te rārangi 9 o te pire e takoto ana ngā kōrero hītori me ngā kōrero o mua tata tonu nei hoki.

Ka whakamana te pire i tētahi whakaaetanga whakataunga i waitohua e te Karauna me ngā māngai o Maniapoto, Raukawa me Waikato i te tau 2023. Hui katoa ngā iwi e toru nei, ka kīia ko Ngā Ahi e Toru.

Ka whai te pire nei ki te tuku i te whenua o Ō-Rākau ki ngā tūpuna o Ō-Rākau. Ko ngā tūpuna nei he tāngata takitahi i whakaingoatia, i tae atu rānei ki Ō-Rākau i te wā o te pakanga, i whai hononga rānei ki te whenua i mua atu. Kei te Whakamārama 2 o te pire e rārangi mai ana ō rātou ingoa.

Hei a Ngā Ahi e Toru ngā tikanga me ngā herenga ā-ture o ngā kaipupuri mā ngā tūpuna. Kāore te whenua e pāngia e ngā reiti.

Ka hiahia ana a Ngā Ahi e Toru ki te whakarerekē i te rārangi tūpuna ā muri nei, ka āhei i raro i te rārangi 12 me te 13.

Whakatātaretanga ā-ture

I roto i tā mātou whakaaroaro i te pire, kua oti i a mātou te tiro tiro tōna hāngai ki ngā mātāpono o te whakaturetanga kouna. Kāore ō mātou āwangawanga i te hoanga o te pire hei whakatakoto ki te aroaro o te Whare.

Ngā menemana e marohitia ana

Ka kapi i te pūrongo nei ngā menemana matua e tūtohu nei mātou ki te pire i whakatakotoria rā. Kāore mātou e whiriwhiri i ngā menemana itiiti, ngā menemana hangarau ranei.

Ngā tūpuna i whakaingoatia ki te Whakamārama 2

He tokomaha ngā kaitāpae i kōrero mō te rārangi o ngā tūpuna ka tukuna ki a rātou te whenua. Kua oti i ō mātou kaitohutohu aua tāpaetanga te kōrero me Ngā Ahi e Toru, me te ahorangi hoki nāna te rangahau tuatahi hei tautuhi i ngā tūpuna o runga i te rārangi.

- E tūtohu ana mātou kia menemanatia te Whakamārama 2, arā me whakauru kia 41 ngā ingoa nā ngā kaitāpae i homai.
- E tūtohu ana mātou kia menemanatia ngā ingoa e 5 kei roto kē i te Whakamārama 2.
- E aro ana i a mātou he 15 atu ngā ingoa i tukuna e ngā kaitāpae, engari e whakaaro ana mātou ka tāruarua kau ērā i ngā ingoa kei runga kē i te rārangi.

Ngā uri Māori e rongō ana i te mamae tuku iho o Ō-Rākau

I rongō mātou i ētahi tāpaetanga kōrero mō te mamae tuku iho e rangona ana e ngā uri Māori i muri mai i ngā mahi i Ō-Rākau, me ētahi atu mahi ririhau a te Karauna ki ngā haporī Māori. I kīia mai ki a mātou, e māuru ai taua mamae me whai tētahi hātepe rongomau, tētahi hātepe hāpai i te mana motuhake, ā, me ātete atu hoki i te kaikiri ā-pūnaha.

Tēnei mātou te aroha nui nei ki ngā tāngata e taumaha ana i te ngau a te mamae i ahu mai rā i ngā wheako a ō rātou tūpuna i te pakanga o Ō-Rākau. E arongia ana e mātou he whāiti te kaupapa o te pire me te kawenata whakaaetanga hei āta rongoa i te mamae tuku iho. Tēnei mātou te akiaki nei i te Karauna ki te whai tonu i te rongoa o taua mamae. E arongia ana e mātou e taea tonutia ana e te Karauna te tautoko i ngā kaupapa e aratakina ana e ngā iwi kia whakahokia rānōtia te wāhi nei, kia oti hoki i te rōpū whakahaere te whakatau i te huarahi hei whai māna.

Ko tō mātou tūmanako ka taea e te pire me te whakaaetanga te hātepe whakaora te tautoko. E aro ana i a mātou me noho rawa hei wāhanga o te hātepe whakaora ko te whakahokinga o te whenua ki te iwi, ko te mana motuhake o te iwi hei whakatau i tāna mahi i te whenua, ko te tautoko hoki a te Karauna kia takina ai ngā kōrero o Ō-Rākau.

Tāpiritanga

Hātepe komiti

I tukuna Te Pire mō Ō-Rākau, Te Pae o Maumahara ki te komiti i te 30 o Aperira 2024.

I karangahia e mātou ngā tāpaetanga kōrero mō te pire, ko te rā katinga te 14 o Hune 2024. I whiwhi, i whakaarohia hoki ngā tāpaetanga mai i ngā rōpū whaipānga me ngā tāngata takitahi e 55. I rongohia kōrero taunaki mātou mai i ngā kaitāpae 16 i roto i ngā huinga ki Pārāwera Marae me Te Whanganui-a-Tara.

Nā Te Arawhiti i homai kupu tohutohu mō te pire. Nā Te Tari o te Manahautū o te Whare Māngai i homai kupu tohutohu mō te kounga ā-ture o te pire. Nā Te Tari Tohutohu Pāremata i āwhina ki te tuhi i te pire.

Ngā mema o te komiti

Dan Bidois (Heamana)

Kahurangi Carter (mai i te 8 o Mei 2024)

Hōnore Marama Davidson (tae atu ki te 8 o Mei 2024)

Greg Fleming

Shanan Halbert

Dana Kirkpatrick (tae atu ki te 18 o Hepetema 2024)

David MacLeod (mai i te 18 o Hepetema 2024)

Hana-Rawhiti Maipi-Clarke

Rima Nakhle

Tino Hōnore Adrian Rurawhe

Nga rauemi e hāngai ana

Kei te paetukutuku Pāremata ngā tuhinga i whiwhi hei kupu tohutohu, hei kōrero taunaki hoki.

Te Pire mō Ō-Rākau, Te Pae o Maumahara/Ō-Rākau Remembrance Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined Te Pire mō Ō-Rākau, Te Pae o Maumahara/Ō-Rākau Remembrance Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

This bill is about the site of the battle of Ō-Rākau. The battle, in 1864, was the last major battle of the Waikato War. The site is to the side of Arapuni Road (State Highway 3), about 40km south of Hamilton, near Kihikihi. The historical and recent backgrounds are set out in clause 9 of the bill.

The bill would give effect to a deed of agreement signed by the Crown and representatives of Maniapoto, Raukawa, and Waikato in 2023. The three iwi are collectively referred to as Ngā Ahi e Toru.

The bill seeks to vest the Ō-Rākau site in ngā tūpuna o Ō-Rākau (the ancestors of Ō-Rākau). Ngā tūpuna are named individuals who either were present during the battle at Ō-Rākau or had prior connections to the land. Their names are listed in Schedule 2 of the bill.

Ngā Ahi e Toru would have the legal rights and obligations of owners on behalf of ngā tūpuna. The land would not be subject to local government rates.

If Ngā Ahi e Toru wished in future to amend the list of tūpuna, it would be able to do so under clauses 12 and 13.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Tūpuna named in Schedule 2

Many submitters commented on the list of tūpuna in whom the land would be vested. Our advisers have discussed those submissions with Ngā Ahi e Toru and with the academic who conducted the original research to identify the tūpuna in the list.

- We recommend amending Schedule 2 by inserting 41 names proposed by submitters.
- We recommend amending 5 names that are already in Schedule 2.
- We note that a further 15 names were put forward by submitters, but we consider that they would duplicate names already listed.

Māori experiencing intergenerational trauma from Ō-Rākau

We heard submissions about the intergenerational trauma experienced by Māori after the events at Ō-Rākau and other acts of aggression by the Crown against Māori communities. We were told that a process of reconciliation, restoring mana motuhake, and taking a stand against systemic racism is needed to help address this trauma.

We extend our deep sympathy to people suffering the effects of trauma connected with their ancestors' experiences during the battle at Ō-Rākau. We note that the bill and the deed of agreement have limited scope to directly address intergenerational trauma. We urge the Crown to continue to work to address this hurt. We note that the Crown can still be involved in iwi-led initiatives after the site has been returned and the management entity has decided how it wants to proceed.

It is our hope that the bill and the deed are able to play a part in contributing to the healing process. We acknowledge that part of the healing process must include the return of the land to iwi, iwi having autonomy to decide what to do with it, and the Crown providing support to tell the stories of Ō-Rākau.

Appendix

Committee process

Te Pire mō Ō-Rākau, Te Pae o Maumahara/Ō-Rākau Remembrance Bill was referred to the committee on 30 April 2024.

We called for submissions on the bill with a closing date of 14 June 2024. We received and considered submissions from 55 interested groups and individuals. We heard oral evidence from 16 submitters at hearings at Pārāwera Marae and Wellington.

Advice on the bill was provided by Te Arawhiti | the Office for Māori Crown Relations. The Office of the Clerk | Te Tari o te Manahautū o te Whare Māngai provided advice on the bill's legislative quality. The Parliamentary Counsel Office | Te Tari Tohutohu Pāremata assisted with legal drafting.

Committee membership

Dan Bidois (Chairperson)

Kahurangi Carter (from 8 May 2024)

Hon Marama Davidson (until 8 May 2024)

Greg Fleming

Shanan Halbert

Dana Kirkpatrick (until 18 September 2024)

David MacLeod (from 18 September 2024)

Hana-Rawhiti Maipi-Clarke

Rima Nakhle

Rt Hon Adrian Rurawhe

Related resources

The documents received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Tama Potaka

Te Pire mō Ō-Rākau, Te Pae o Maumahara/Ō-Rākau Remembrance Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is Te Ture mō Ō-Rākau, Te Pae o Maumahara **2024**/Ō-Rākau Remembrance Act **2024**.
- (2) This Act may also be cited as— 5
 - (a) Te Ture mō Ō-Rākau, Te Pae o Maumahara **2024**; or
 - (b) the Ō-Rākau Remembrance Act **2024**.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1 10

Preliminary provisions

3 Purpose

The purpose of this Act is to give effect to certain provisions of the Ō-Rākau deed relating to the Ō-Rākau site.

4 Provisions take effect on vesting date 15

- (1) The provisions of this Act take effect on the vesting date unless stated otherwise.
- (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for— 20
 - (a) the provision to have full effect on that date; or
 - (b) a power to be exercised under the provision on that date; or
 - (c) a duty to be performed under the provision on that date.

5 Interpretation

In this Act, unless the context otherwise requires,—

Crown has the meaning given in section 2(1) of the Public Finance Act 1989

interest means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property 5

Maniapoto has the meaning given in section 13 of the Maniapoto Claims Settlement Act 2022

Maniapoto deed of settlement has the meaning given to deed of settlement in section 12 of the Maniapoto Claims Settlement Act 2022

Ngā Ahi e Toru means each of the following: 10

- (a) Maniapoto:
- (b) Raukawa:
- (c) Waikato

ngā tūpuna means the tūpuna (the ancestors) that are recorded from time to time on the record of title for the Ō-Rākau site 15

Ō-Rākau deed—

- (a) means te Whakaaetanga Whakataunga mō Ō-Rākau, te Pae o Maumahara/the Deed of Agreement Relating to the Ō-Rākau Site dated 31 October 2023 and signed by—
 - (i) the Honourable Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti, and the Honourable Grant Robertson, Minister of Finance, for and on behalf of the Crown; and 20
 - (ii) Peter Te Matakahere Douglas, Bella Luana Takiari-Brame, Arepa Kruger Wetere, John Reihana Kaati, Muira Barry, William Ganin Ormsby, Shannon Tariki Mangu Manawaiti, Ronald Tahitakerei, Maria Pareraukawa Te Huia Maniapoto, Luke Thomas Moss, Wanairangi Kihirachael Tuwhangai, Mary Jacqueline Tapu, Georgina Annette Winter, and Kathryn Kahu McClintock, being the trustees of Te Nehenehenui; and 25
 - (iii) Kataraina Hodge, Marina Monehu Hireme, Huia Te Ata Huru-hanga Te Kanawa, Nachele Griffiths, Juanita Elaine Temarama, Cohra Jay Taihako Maui, Debbie Jean Davies, Phillipa Tapu, Rina Polly Lawson, Steven Cecil Daryll Oxenham, Grant Thompson, Donnie Maria Parker, Waimatao Jordene Sydney, Paraone Francis Gloyne, and James Luke Te Whakaheke Whetu, being the trustees of the Raukawa Settlement Trust; and 30
 - (iv) Tukoroirangi Morgan and Rahui Papa, for and on behalf of Te Whakakitenga o Waikato Incorporated as trustee of the Waikato Raupatu Lands Trust; and 35
- (b) includes— 40

- (i) the schedules of, and attachments to, the deed; and
- (ii) any amendments to the deed or its schedules and attachments

Ō-Rākau site means the land of that name described in **Schedule 3**

Raukawa has the meaning given in section 13 of the Raukawa Claims Settlement Act 2014 5

Raukawa deed of settlement has the meaning given to deed of settlement in section 12 of the Raukawa Claims Settlement Act 2014

record of title has the meaning given in section 5(1) of the Land Transfer Act 2017

Registrar-General has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017 10

representative of Ngā Ahi e Toru means each of the following, or a replacement that is assigned the status of representative of Ngā Ahi e Toru under **section 18**:

- (a) for Maniapoto, the trustees of Te Nehenehenui: 15
- (b) for Raukawa, the trustees of the Raukawa Settlement Trust:
- (c) for Waikato, Te Whakakitenga o Waikato Incorporated as trustee of the Waikato Raupatu Lands Trust

trustees of Te Nehenehenui has the meaning given in section 12(1) of the Maniapoto Claims Settlement Act 2022 20

trustees of the Raukawa Settlement Trust has the meaning given in section 12 of the Raukawa Claims Settlement Act 2014

vesting date means the date that is 20 working days after the date on which this Act comes into force

Waikato has the meaning given in section 7 of the Waikato Raupatu Claims Settlement Act 1995 25

Waikato Raupatu deed of settlement has the meaning given to deed of settlement in section 7 of the Waikato Raupatu Claims Settlement Act 1995

Waikato Raupatu Lands Trust means the trust of that name established by trust deed dated 10 November 1995 30

working day means a day other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day:
- (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday: 35
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:

- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington.

6 He whakamāramatanga o ngā kupu reo Māori/Explanations of te reo Māori terms

Ka whakatakoto tēnei wehenga i ngā whakamāramatanga o ētehi kupu Māori kua whakamahia i tēnei Ture, engari he kuputohu noa iho, e hāra i te whakamāramatanga tukupū:

- (a) **Ō-Rākau, Te Pae o Maumahara**—Ō-Rākau, te pae o maumahara. Ka whakamahia ēnei kupu i roto i te taitara o tēnei Ture:
- (b) **Ngā Ahi e Toru**—Ko ngā ahi e toru, e tohu ana i a Maniapoto, Raukawa me Waikato (e rūpeke tahi ana hei Ngā Ahi e Toru), e whakarāmemene ai te ahi, te mahana, te whakaaro pai me te mahi ngātahi a tēnā, a tēnā mō Ō-Rākau, i Ō-Rākau hoki, e tiria ai taua mahana me taua uara tētahi ki tētahi.

The following are English explanations of certain te reo Māori terms used in this Act, but they are merely a guide, not definitions:

- (a) **Ō-Rākau, Te Pae o Maumahara**—Ō-Rākau, the threshold of memories. This term is used in the name of this Act:
- (b) **Ngā Ahi e Toru**—the 3 fires, symbolising Maniapoto, Raukawa, and Waikato (coming together as Ngā Ahi e Toru), whose individual fires and warmth, good will, and mahi ngātahi come together for and at Ō-Rākau, where that warmth and value are shared with each other.

7 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.

8 Act binds the Crown

This Act binds the Crown.

9 He whakamārama/Background

- (1) Ka whakatakoto tēnei wehenga i ngā whakamārama o te puka whakaaetanga e pā ana ki te pae o te riri o Ō-Rākau me tēnei Ture.
- Whakamārama aronehe*
- (2) Ko te pakanga o Ō-Rākau tētehi o ngā pakanga tino hira rawa i te hītori o Aotearoa. Koia te pakanga matua whakamutunga o tā te Karauna urutomo ki a Waikato. I ngā tau 1860, ko Waikato te pou o te Kīngitanga, he rangatohe iwi maha e whai ana i te mutunga o ngā kakaritanga i waenga iwi, i te pupuru whenua, i te whakamanatanga o te reo Māori i ngā take whakahaere i ō rātau anō hapori.

- (3) He mea urutomo a Waikato e te Ope Taua o Piritene i te Hūrae 1863, ā, tae noa mai ki te mutunga o Pēpuere 1864 kua kōkiri atu ki Kihikihi i muri i ngā kakaritanga wawana. I te Māche 1864 ka whakatau ngā kaihautū ki te hanga i tētehi pā i Ō-Rākau ki reira matatū ai.
 - (4) Tōna 300 o ngā Māori nō Tainui waka me ētahi anō iwi, he hautoru o rātou he wāhine he tamariki, i tū ki Ō-Rākau nōna i tāwhawhe ai e tōna 1,400 hōia Piritene i te 31 o Māche 1864. E toru rā te roa o te pakanga, me te whakatau tata i mate tata ki te haurua o rātou e noho ana i roto i te pā. I whakanau ērā e toe ana i te pā i te tono kia whakahauraro, ka pahiko ohore atu, ā, i taua pahikotanga i hinga, i taotū rānei ētehi atu. E noho ana te māia i kitea i Ō-Rākau hei tohu mō te ātete Māori ki ngā mahi tika kore a te Karauna ko te hekenga ā-toto me te whakamōtū rawa te mutunga iho. 5 10
 - (5) Kua whakaae te Karauna, i roto i te Whakaaetanga Whakataunga a Maniapoto, i te Whakaaetanga Whakataunga a Raukawa me te Whakaaetanga Whakataunga mō te Raupatu i Waikato, ko te raupatu—tae atu ki tana urutomo ki Waikato, ko te pakanga, te hekenga ā-toto me te raupatu whenua te mutunga iho—he tika kore, he takahi i te mana o te Tiriti o Waitangi/the Treaty of Waitangi me ana mātāpono. 15
 - (6) Kāore anō ngā mahi hautoa me te whakawhere a ngā Māori i whawhai i Ō-Rākau kia whakamana tikahia i te pae o Ō-Rākau. 20
- Ngā takenga hou*
- (7) Mai rā anō i te tau 1864 e tautiakina ana te mōhiotanga me te tūhononga ki ngā mahi i te pakanga o Ō-Rākau e ētehi rōpū me ētehi tāngata. I te 2011 ka whakatūria The Battle of Ō-Rākau Heritage Society Inc, ki te arotahi ki te whakanui i te huritau 150 o taua pakanga me te whakaako i tana hītori ki ētehi atu hei ara whakahōnore i ngā mahi onamata me te whakatairanga i te whakareka me te māramatanga. 25
 - (8) He mea hoko e te Karauna i te 2015 tētahi papanoho i te Rori o Arapuni, tērā i whakaarohia ko te pae o te pā o Ō-Rākau i tū ai te pakanga o Ō-Rākau. I hokona taua pae e te Karauna hei whakamana i te hiranga o te pae, me ngā mahi i taka i Ō-Rākau, ki te Māori me te Pākehā. 30
 - (9) I te Noema 2017 ka tuhi reta te Karauna ki ētehi iwi e whakapuaki ana i te hiahia kia kōrerorerotia te anamata o taua pae. Nō te tōmuatanga o te 2018 kua whakawhanakehia e Maniapoto, Raukawa, me Waikato he marohi tuatahi mō te āhua e puritia ai te pae o te riri o Ō-Rākau hei whakanui i ērā katoa i whai pānga ki ngā mahi i taka i Ō-Rākau. I tukuna te marohi ki ngā rōpū whai hononga ki te pakanga o Ō-Rākau kia whiwhi whakahoki kōrero. 35
 - (10) Kua tuhia e Maniapoto, Raukawa, me Waikato (e huihui tahi ana hei Ngā Ahi e Toru) me te Karauna ngā wāhi matua e whakaae tahi ai rātou mō te anamata o te pae o te riri o Ō-Rākau i roto i te puka whakaaetanga. 40
 - (11) Kua whakaaehia e Ngā Ahi e Toru mā rātou e mahi mō ngā tūpuna e pā ana ki te pae o te riri o Ō-Rākau.

- (1) This section sets out the background to the Ō-Rākau deed and this Act.
Historical background
- (2) The battle of Ō-Rākau was one of the most significant events in the history of Aotearoa/New Zealand and was the last major battle of the Crown’s invasion of Waikato. In the 1860s, Waikato was the centre of the Kīngitanga, a pan-tribal movement seeking the end of intertribal conflict, the retention of land, and Māori having a dominant voice in the governance of their own communities. 5
- (3) The British Army invaded Waikato in July 1863, and by the end of February 1864 soldiers had advanced to Kihikihi after much hard fighting. In March 1864, Māori leaders decided to construct a pā at Ō-Rākau where they would make a stand. 10
- (4) About 300 Māori from Tainui waka and other tribal groups, one-third of whom may have been women and children, were present at Ō-Rākau when it was encircled by some 1,400 British troops on 31 March 1864. The battle lasted for 3 days, and it has been estimated that about half the pā’s occupants were killed. Those remaining refused an offer to surrender and made a surprise escape, in the course of which they suffered additional casualties. The bravery shown at Ō-Rākau has become a symbol of Māori resistance in the face of the Crown’s unjust actions that caused loss of life and devastation of property. 15
- (5) The Crown has acknowledged, in the Maniapoto deed of settlement, the Raukawa deed of settlement, and the Waikato Raupatu deed of settlement, that raupatu—including its invasion of the Waikato, which led to war, loss of life, and confiscation of land—was unjust and a grievous breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (6) The courage and sacrifice of the Māori who fought at Ō-Rākau have never been sufficiently recognised at the Ō-Rākau site. 25
Recent background
- (7) Since 1864, the knowledge of, and connection to, the events at the battle of Ō-Rākau have been maintained by a number of groups and individuals. In 2011, The Battle of Ō-Rākau Heritage Society Incorporated was established, with a focus on commemorating the 150th anniversary of the battle to educate others about this history, as a way to honour the past and promote healing and understanding. 30
- (8) In 2015, the Crown purchased a property on Arapuni Road, which is believed to contain the site of Ō-Rākau pā where the battle of Ō-Rākau occurred. The Crown purchased the property in recognition of the significance of the site, and the events at Ō-Rākau, to both Māori and Pākehā. 35
- (9) In November 2017, the Crown wrote to a number of iwi with a wish to discuss the future of the site. By early 2018, Maniapoto, Raukawa, and Waikato had developed an initial proposal for a way to hold the Ō-Rākau site that provided recognition for all those who had a connection to the events at Ō-Rākau. The 40

proposal was provided to groups with a connection to the battle of Ō-Rākau for comment.

- (10) Maniapoto, Raukawa, and Waikato (coming together as Ngā Ahi e Toru) and the Crown have recorded key areas of agreement for the future of the Ō-Rākau site in the Ō-Rākau deed. 5
- (11) Ngā Ahi e Toru have agreed to act as kaitiaki on behalf of ngā tūpuna in relation to the Ō-Rākau site.

Part 2

Vesting of Ō-Rākau site and related matters

Vesting, administration, and documents for Ō-Rākau site 10

10 Vesting of Ō-Rākau site

The fee simple estate in the Ō-Rākau site vests in the tūpuna listed in **Schedule 2** as at the vesting date, and the registered owners of the Ō-Rākau site will accordingly be ngā tūpuna from time to time until any transfer under **section 19**. 15

11 Administration and dealing with Ō-Rākau site

- (1) This section applies despite—
 - (a) the vesting of the Ō-Rākau site under **section 10**; or
 - (b) ngā tūpuna being the registered owners of the Ō-Rākau site.
- (2) The representatives of Ngā Ahi e Toru— 20
 - (a) have all the rights and obligations of the registered owner of the Ō-Rākau site; and
 - (b) must exercise the rights, and perform the obligations, jointly in the names of the representatives of Ngā Ahi e Toru.
- (3) The Registrar-General and any other relevant person must have regard to this section. 25

12 Changes to tūpuna named on record of title

- (1) This section applies after the record of title has been created for the Ō-Rākau site under **section 15**.
- (2) The representatives of Ngā Ahi e Toru may, at any time, jointly apply in writing to the Registrar-General to change ngā tūpuna (who are the registered owners of the Ō-Rākau site). 30
- (3) The application must specify 1 or more of the following:
 - (a) the name of each tūpuna who is to be added:
 - (b) the correct name of each tūpuna whose name is to be corrected: 35

- (c) the name of each tupuna who is to be removed.
- (4) On receipt of an application in accordance with this section and **section 14**, the Registrar-General must register the tūpuna, as changed under the application, as the owners of the fee simple estate in the Ō-Rākau site.
- 13 Changes to tūpuna named in Schedule 2** 5
- (1) This section applies after the Registrar-General has registered a change of ngā tūpuna under **section 12(4)**.
- (2) The representatives of Ngā Ahi e Toru may, at any time, jointly apply in writing to the Minister to update **Schedule 2** to replicate the changes made to the record of title under **section 12**. 10
- (3) The application must include the following:
- (a) a copy of the application made to the Registrar-General under **section 12**; and
- (b) a copy of the record of title for the Ō-Rākau site as registered under **section 12(4)**. 15
- (4) The Governor-General may, by Order in Council, made on the recommendation of the Minister, amend or replace **Schedule 2** to replicate ngā tūpuna listed on the record of title.
- (5) The Minister must not make a recommendation under **subsection (4)** unless an application has been received in accordance with this section and **section 14**. 20
- (6) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 14 Signing and other requirements for instruments and applications** 25
- (1) This section applies to—
- (a) an instrument to be lodged under the Land Transfer Act 2017 for registration on the record of title for the Ō-Rākau site that must be executed by the representatives of Ngā Ahi e Toru; and
- (b) an application to change ngā tūpuna under **section 12**; and
- (c) an application to change the tūpuna listed in **Schedule 2** under **section 13**. 30
- Collective reference*
- (2) An instrument or application is not required to individually name each tupuna registered on the record of title for the Ō-Rākau site but may refer collectively to ngā tūpuna. 35
- Signing requirements*
- (3) For each representative of Ngā Ahi e Toru that executes the instrument or application,—

- (a) the persons who sign must state on that instrument or application which representative of Ngā Ahi e Toru that person represents; and
- (b) where an instrument or application is being signed by the trustees of an unincorporated trust,—
 - (i) 2 trustees may sign on behalf of all of the trustees; and 5
 - (ii) those trustees must sign in the presence of a witness, who must also sign the instrument or application.
- (4) The Registrar-General, or the Minister as applicable, need not make any inquiries as to the persons who sign the instrument or application for each representative of Ngā Ahi e Toru. 10

Other requirement

- (5) The instrument or application must be accompanied by each notice given under **section 18** that is still in effect.

Provisions related to vesting of Ō-Rākau site

15 Registration of ownership 15

- (1) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a record of title for the fee simple estate in the Ō-Rākau site in the names of the tūpuna listed in **Schedule 2** as at the vesting date; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application. 20
- (2) **Subsection (1)** is subject to the completion of any survey necessary to create a record of title.
- (3) A record of title must be created under this section as soon as is reasonably practicable after the vesting date, but not later than— 25
 - (a) 3 months after the vesting date; or
 - (b) any later date that is agreed in writing by the Crown and the representatives of Ngā Ahi e Toru.
- (4) Section 15 of the Land Transfer Act 2017 does not apply in relation to the Ō-Rākau site. 30
- (5) In this section, **authorised person** means a person authorised by the chief executive of Land Information New Zealand.

16 Application of other enactments

- (1) The vesting of the fee simple estate in the Ō-Rākau site under this Part is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 35

- (2) The vesting of the fee simple estate in the Ō-Rākau site under this Part does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting of the fee simple estate in the Ō-Rākau site under this Part; or
 - (b) any matter incidental to, or required for the purpose of, the vesting.
- (4) The representatives of Ngā Ahi e Toru, when acting in respect of the Ō-Rākau site in accordance with this Act, are not a trust constituted in respect of—
 - (a) any Māori land for the purpose of section 236(1)(b) of Te Ture Whenua Maori Act 1993; or
 - (b) any General land owned by Māori for the purpose of section 236(1)(c) of that Act.
- (5) Nothing in Te Ture Whenua Maori Act 1993 applies to the Ō-Rākau site.
- (6) The Ō-Rākau site is non-rateable under the Local Government (Rating) Act 2002.

17 Matters to be recorded on record of title

- (1) The Registrar-General must record on the record of title for the Ō-Rākau site—
 - (a) that the land is subject to Part 4A of the Conservation Act 1987; and
 - (b) that the land is subject to **sections 11, 12, 14, 16(4) to (6), 18, and 19.**
- (2) A notation made under **subsection (1)(a)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

Replacing representatives or owners

18 Replacement for representative of Ngā Ahi e Toru

- (1) A representative of Ngā Ahi e Toru (the **existing entity**) may assign its status as representative of Ngā Ahi e Toru to another entity (the **new entity**), including the trustees of a trust.
- (2) The existing entity must be satisfied that the new entity—
 - (a) is appropriate to exercise the rights and obligations of the existing entity under the Ō-Rākau deed and this Act; and
 - (b) has a structure that—
 - (i) provides for transparent decision making; and
 - (ii) includes a dispute resolution process; and

- (c) is accountable to the other representatives of Ngā Ahi e Toru in fulfilling the joint obligations under the Ō-Rākau deed and under this Act.
 - (3) The existing entity must give notice to the other 2 representatives of Ngā Ahi e Toru.
 - (4) The notice must— 5
 - (a) state that the new entity has replaced the existing entity as a representative of Ngā Ahi e Toru under this section; and
 - (b) specify the date of the assignment; and
 - (c) specify the name of the new entity and, if it is an unincorporated trust, the names of the trustees; and 10
 - (d) specify the street address, postal address, and electronic address for notices to the new entity.
 - (5) The new entity is a representative of Ngā Ahi e Toru under this Act, in place of the existing entity, starting on the date specified in the notice given under this section. 15
- 19 Subsequent transfer from ngā tūpuna to new owner**
- (1) The fee simple estate in the Ō-Rākau site may be transferred from ngā tūpuna only in accordance with this section.
 - (2) The transfer instrument must state that, after the transfer, the land is not subject to **sections 11, 12, 14, 16(4) to (6), 18, and 19.** 20
 - (3) On registration of the transfer,—
 - (a) the Registrar-General must remove from the record of title for the Ō-Rākau site the notations that the land is subject to **sections 11, 12, 14, 16(4) to (6), 18, and 19;** and
 - (b) the land is no longer subject to those sections. 25

Schedule 1
Transitional, savings, and related provisions

s 7

Part 1
Provisions relating to this Act as enacted

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There are no transitional, savings, or related provisions in this Act as enacted.

Schedule 2

Ngā tūpuna o Ō-Rākau

ss 10, 13, 15

Ahumai Te Paerata	
Ahuriri Te Kohika	5
<u>Ani Keeti (also known as Annie Gage)</u>	
<u>Arekatera Te Wera</u>	
<u>Atareti Hekeira</u>	
Brownie Ngaheue	
<u>Eliza Emma Hunter (daughter of Ewa Hooper)</u>	10
<u>Eruera Te Uremutu Te Koha</u>	
<u>Ewa Hooper (also known as Eva, née Tapihana) (daughter of Hineiturama)</u>	
Haa Moetu	
<u>Harehare Atarea</u>	
<u>Hariata Parekura Tamihana</u>	15
Hauauru	
<u>Hekeira Te Rangai</u>	
Hemara Rerehau Te Whanonga	
Hine-i-turama <u>Hine-i-tūrama Te Koha Tapihana</u>	
Hitiri Te Paerata	20
Hoani Paruparu	
<u>Hone Noema Keeti (also known as John November Gage)</u>	
<u>Hone Teri Te Paerata</u>	
<u>Hopaia</u>	
<u>Ieni Tapihana</u>	25
<u>Ihaka Kanohiwhero</u>	
Kaawhia Te Ngohi	
Kahotea Tamaki	
Karipa Kiharoa	
<u>Kiharoa (also known as Akuhata Kiharoa)</u>	30
<u>Kuia Whiripō</u>	
<u>Maryanne Stewart (also known as Mereana, daughter of Ewa Hooper)</u>	
<u>Matawaia Te Momo</u> (married to Ahumai)	
Maupakanga	
<u>Mita Manuahura</u>	35

Ngā Whira	
Niketi Poneke	
<u>Paiaka Whakatapu</u>	
<u>Paraki Wereta Tiakiwhare</u>	
Patena	5
Peita Kotuku	
<u>Peraniko Tahawai</u>	
<u>Pere Te Riri</u>	
Perenera [sic] Perenara Te Huia	
<u>Perepe Tapihana</u>	10
Poneke	
<u>Poneke Tikiwhenua</u>	
<u>Poupatate Te Huihi Poupatatē Pou-o-te-rangi Huihi</u>	
Puhiwāhine	
<u>Rangikaatua Te Riri Rapana</u>	15
<u>Rapata</u>	
<u>Rapata Whareiti Te Mata Huatahi Huatahi (also known as Te Whareiti Harauira Te Maata Rapata or Te Whareiti Ropata Huatahi)</u>	
Raureti Paiaka	
<u>Rawinia</u>	20
<u>Retireti Tapihana</u>	
Rewi Manga Maniapoto	
Rihi	
<u>Rihi Te Whakahae</u>	
<u>Ruta Te Manuahura</u>	25
<u>Takurua</u>	
<u>Tanirau Raureti</u>	
Taonui Hikaka	
<u>Tarati</u>	
Te Ahipu Tukorehu	30
<u>Te Aokatoa</u>	
Te Awhipera Nepe	
<u>Te Koha-a-Ngātokowaru</u>	
Te Kohika Raureti	
Te Paerata (also known as Hoariri)	35

<u>Te Paetae Te Mahia</u>	
<u>Te Pipitea</u>	
Te Rangikātua (also known as Te Riri)	
Te Raore	
Te Takiwa te Momo	5
Te Tatana (married to Ahumai before he went to Waipapa)	
Te Uruhero Tipa	
Te Wairoa Piripi	
Te Waro Te Haate	
Te Whakatapu Paiaka	10
Te Whakataute Te Huia Raureti	
Te Wharekotua	
<u>Te Winitana Tupotahi</u>	
Tiniwata Te Kohika	
Ti-Ti-Ti Ti Te Kepa (also named <u>known as</u> Taro Titi Tekepa)	15
<u>Tiniwata Te Kohika</u>	
<u>Tiraroa Maratini</u>	
<u>Waana Kahukopeka Pororua (also known as Waana Gage)</u>	
Wahanui Huatare	
Werohia Te Hiko	20
<u>Whiripō Te Puni</u>	
Winitana Tupotahi	
<u>Wiremu Te Puke Huirama</u>	

Schedule 3
Ō-Rākau site

s 5

Name of property	Description	Interests
Ō-Rākau site	<i>South Auckland Land District— Waipa District</i> 9.7254 hectares, more or less, being Lot 1 DPS 19526 and Lot 1 DPS 25608. All transfer 10039559.1.	Nil

Legislative history

28 March 2024	Introduction (Bill 33–1)
30 April 2024	First reading and referral to Māori Affairs Committee