

Te Pire Whakataunga i ngā Kerēme a Ngāruahine

Pire Kāwanatanga

Tērā nā Te Komiti Whiriwhiri Take Māori i whakatakoto

Ngā Kōrero

Tūtohutanga

Kua āta tirohia e Te Komiti Whiriwhiri Take Māori Te Pire Whakataunga i ngā Kerēme a Ngāruahine, ā, ka tūtohu kia whakamanahia me ngā whakatikatika kua oti te whakaatu.

Kupu Whakataki mō Te Pire Whakataunga i ngā Kerēme a Ngāruahine

Ka whakamana Te Pire Whakataunga i ngā Kerēme a Ngāruahine i te Whakaaetanga Whakataunga i whakaaetia e Te Karauna me Ngāruahine, hei whakatau i te katoa o ngā Kerēme Tiriti Waitangi o neherā a Ngāruahine nō mai rā anō e tārewa ana.

Kei roto i ngā kerēme whānui o neherā a Ngāruahine: te raupatu; (te murunga, te herepū whenua); ngā pakanga i puta ai ngā tātai hūhunu whenua, te takaonge, te matenga, te whakawiringa mutunga mai; ngā mahi whakarauanga me te mahi whakamane i ngā tāngata o Ngāruahine i whakauru ki roto i ngā tohenga aumarie; me ngā mahi tahia a Te Karauna i Parihaka.

Kei roto i Te Wāhanga 1 o te pire tētahi whakarāpopotonga o ngā kōrero o neherā, ngā whākinga, ā, me tētahi whakapāha. Ka pā Te Wāhanga 2 ki te whakatika hapa ā-ahurea, ā, hāngai ai Te Wāhanga 3 ki te whakatika hapa ā-arumoni.

I roto i Te Whakaaetanga Whakataunga, ka whakaae Te Karauna ki te hoatu whakatika hapa tūturu mō te katoa o ngā kerēme Tiriti o neherā a Ngāruahine. He whakatika hapa kei roto i te pire ka hiahiatia rā he hanganga ture kia whakakaupapatia.

He mōhiotia whakamāramatanga mō Ngāruahine

He iwi a Ngāruahine nō ngā iwi e waru o Taranaki, ā, āwhiwhi ki te 3,800 tangata te taupori. Kei Taranaki ki te tonga ngā whenua taketake o Ngāruahine e rarawhi ana i te

Pāka ā-iwi o Egmont, ā, ka tōtoro mai i Te Awa Iti o Taungatara, i te rohe whakateraki rawa atu, ki Te Awa Iti o Waihi i te rohe whakatetonga rawa atu.

Inaki ai te whā o ngā iwi e waru o Taranaki i te rohe pānga o Ngāruahine, tae noa ki a Taranaki Iwi (ki te uru), a Te Ātiawa (ki te raki), a Ngāti Maru (ki te tapatapa-atu), me Ngāti Ruanui (ki te rāwhiti).

I te tau 2010, ka whakamanahia Te Rangatōpū o Ngā Hapū o Te Iwi o Ngāruahine hei māngai mō Ngāruahine i roto i ngā whiriwhiringa whakataunga Tiriti me Te Karauna.

Ngā take matua i whakaarahia e te hunga whakatakoto tāpetanga

Araukuku

Te whakaurunga o Araukuku ki roto i te whakataunga a Ngāti Ruanui

He hapū a Araukuku nō Taranaki, ā, nā he hononga whakapapa ōna ki a Ngāti Ruanui me Ngāruahine.

I te tau 2001, ka whakaurua a Araukuku ki roto i te whakamāramatanga kaikerēme mō te whakaaetanga whakataunga a Ngāti Ruanui, whai muri i tētahi whakaritenga a te hapū kia whai wāhi ai ki roto i taua whakataunga. Ka hangaiahe hanganga ture hei whakamana i te whakataunga a Ngāti Ruanui i te tau 2003. Mai i taua wā, āhei ai a Araukuku ki te pōti i tētahi māngai ki runga i Te Poari Kaitiaki o Ngāti Ruanui i ngā pōtitanga ka whakahaerehia ia 3 tau. Mai i ngā tau 2003 ki te 2015 ka whai wāhi te hapū ki roto i ngā take a Ngāti Ruanui.

He hiahia nā ētahi mō tētahi whakataunga matawhāiti mā Araukuku

Heoi anō rā, kīhai ētahi mema o Araukuku i tautoko i te whakaritenga a te hapū kia kuhu atu ki te whakataunga a Ngāti Ruanui. Ka rongo mātou e hiahia kē ana ēnei tāngata i tētahi whakataunga matawhāiti kē i tua atu mā Araukuku. Ki tō mātou mōhio, ēhara te hapū takitahi nei o Araukuku i tētahi kohinga tāngata tūturu o te momo, whiriwhiri whakataunga Tiriti ai Te Karauna i te taha.

Ka āhei te hunga takitahi o Araukuku ki te whai wāhi i roto i te whakataunga a Ngāruahine

Ahakoia tō rātou whakaurunga atu ki roto i te whakataunga a Ngāti Ruanui, ka āhei tonu ētahi o Araukuku ki te whai wāhi i roto i te whakataunga a Ngāruahine, nā runga i tō rātou kāwai hekenga mai i tētahi tipuna e mōhioia ana nō ngā hapū o Kanihi-Umutahi me Okahu-Inuawai kua whakarārangitia ki raro o Ngāruahine.

E mārāma ana mātou, kei te whakahē ētahi o ngā mema o Araukuku ki a Ngāruahine mō te waiho mai o Araukuku ki waho o te rārangi hapū i roto i te whakamāramatanga kaikerēme a Ngāruahine. Ki tō mātou mōhio, i toro atu Te Karauna māna e whakatūtū ngā hui ki waenganui i tēnei hunga me Ngāruahine ki te kōrerorero i tō rātou whai wāhitanga i te whakataunga a Ngāruahine. Otirā, kīhai tētahi i whaiwhai ake i tēnei toro, ā, kīhai hoki tētahi rangatōpū māngai wehekē i kitea e Te Karauna ki te whakatūturu i ngā whakaaro o te hunga takitahi.

Mārama ana te kōrero a Te Karauna, ka tae mai ana ki ngā whakataunga Tiriti, mā te hapū me ngā iwi e rua te mahi whakatatū i te āhuatanga noho o Araukuku i te taha o ngā iwi e rua, a Ngāti Ruanui me Ngāruahine.

Ngā pānga a Araukuku i raro i a Wai 552

Ka rapu a Wai 552 i te whakahokinga o ngā whenua rāhui i waiho ki te taha mā Araukuku whai muri i te raupatu. Ko ngā kerēme a Araukuku i roto i a Wai 552 mō ngā pukuriri a ngā hōia a Te Karauna, tae noa ki te urupatu o te pā o Araukuku i Ketemarae, me te murunga a Te Karauna i tētahi wāhi nui o te whenua Araukuku i te tau 1865. Ka kereme anō hoki mō te mana matatuhi o ngā whenua rāhui i waiho i te taha mā Araukuku whai muri i te raupatu. I whakakapia e te whakataunga a Ngāti Ruanui ētahi wāhi i roto i te rohe pānga a Araukuku.

Kerēme ai a Wai 552 i tētahi rohe mā Araukuku, ā, ka noho tētahi pito ki te taha rāwhiti o Te Awa o Waingorongoro. He wāhi tēnei kei roto katoa i te wāhi pānga o Ngāti Ruanui. Kei roto anō hoki ētahi rohe a Araukuku i te wāhanga pānga o Ngāruahine, i te rāwhiti o Te Waingorongoro. Hoatu wāhi ai te Whakaaetanga Whakataunga a Ngāruahine mō tētahi paenga i Te Rua o Te Moko, i roto i te rohe o Araukuku, kei reirā rā ngā wāhi pānga a Ngāruahine me Ngāti Ruanui e inaki ana. Me whakawhitia tēnei ki a Ngāruahine.

I komoa a Wai 552 ki te aroaro o Te Rōpū Whakamana i Te Tiriti o Waitangi whai muri i te otinga o ngā whakawātanga mō Te Pakirehua Taranaki (Wai 143), ā, ka whakatōpuhia e Te Taraipiunara a Wai 552, me Wai 143. Mārama ana te kite atu, i whakaroarohia e Te Taraipiunara o Waitangi te kerēme Wai 552 i roto i tana pūrongo mō tēnei wā, e pā ana ki ngā kerēme a Taranaki, arā, Te Kaupapa Tuatahi (Muru me te Raupatu o Te Whenua me Te Iwi o Taranaki). Heoi anō rā, kihai he taunkitanga, he tāpaetanga rānei i whakatakotoria hāngai tonu mō Wai 552 hei wāhanga o Te Pakirehua Wai 143.

Ka whakaae Te Karauna me ngā kaikerēme o Wai 552 i te wā mahi whakatika hapa mō Wai 552 i tū ki mua o Te Rōpū Whakamana i Te Tiriti o Waitangi i te tau 2015, ko te pānga tūhono o nga whakataunga a Ngāti Ruanui me Ngāruahine, ka whakatatūhia i ngā kerēme o neherā a Araukuku. Ko tā Te Karauna i whakaaroaro ai, nā te mea kei ētahi takitahi o Araukuku he kerēme nā runga i ngā hononga whakapapa ki a Kanihi-Umutahi me Okahu-Inuawa, me whakarārangitia a Wai 552 ki roto i te whakaaetanga whakataunga a Ngāruahine. Mā tēnei aua kerēme e whakatatū.

Ngā tauākī tūmatanui mō te whenua o Te Pāpuni Hiko o Stratford

I murua mai i a Māori mā ngā whenua i ngā rau tau 1860, kei runga nei Te Pāpuni Hiko o Stratford e tū ana. I tukua tēnei whenua e Te Karauna ki a Araukuku whai muri i te raupatu hei wāhanga o tētahi whenua rāhui. Otirā, mai i taua wā kua whenua tūmataiti kē. I ngā whiriwhiringa whakataunga i te tau 1999, ka tono a Ngāti Ruanui kia whakahokia te whenua Pāpuni Hiko o Stratford, tērā i kōrerohia ake rā i roto i Wai 552. Heoi anō, kia ōrite ai ki te kaupapa here mō te whakataunga Tiriti, kihai Te Karauna i pirangi ki te whakamahi whenua tūmataiti hei whakatika hapa mō tētahi whakataunga Tiriti.

E pīrangi ana mātou kia kite tauākī tūmataiti mai i Te Karauna mō tēnei, kia haere ai i te taha o Te Pire Whakataunga i ngā Kerēme a Ngāruahine, i ngā whakahaerenga whakanui i te hainatanga o te pire, ā, i te whakaturetanga o te hanganga ture. Ko te tikanga ia, mā ngā tauākī nei e whakaatu te hītori o te whenua rāhui i tukuna ki Araukuku, tae atu hoki ki te whenua kei runga te pāpuni hiko e tū ana. Tua atu i tērā, me whakaatu hoki i te take i kore ai Te Karauna i whakahoki i te whenua mā roto i te hātepe whakataunga Tiriti nā te tūmataiti o tōna āhua.

Ā mātou tūtohutanga e pā ana ki a Araukuku

Kua ata whakarongo mātou ki ngā take i whakaarahia ake e Araukuku, me te rapu kia noho mārāma mātou ki ngā āhautanga katoa e pā ana ki aua take mehemea ka taea. Ko tō mātou māharahara mō te tika tonu o te manaaki i a Araukuku i roto i ngā whiriwhiringa whakataunga, ā, me te āhei o te hunga takitahi e whakapapa ana ki a Ngāruahine kia whiwhi hua ai mai i te whakataunga a Ngāruahine. Kua tuku kupu whakātuturu a Ngāruahine ki Te Karauna me te kī, mō tēnei kēhi ka pērātia tēnei.

Ko te raruraru noa, kīhai te hātepe whakataunga kerēme nei i tuku i a mātou ki te whakatatū i ngā take ki te taumata e ngata pai ana mātou. Heoi anō, ka aro turuki mātou i te āhuatanga mō ngā tāngata nei mā roto i Te Kāhui Herenga Whakataunga Tōmuri.

Ngā panonitanga kua tūtohungia ki te pire

Whakakapi ai ngā kōrero nei i ngā whakatikatika matua ka tūtohu mātou ki te pire; kīhai ngā mea ririki, ngā mea hangarau rānei i whakakapia.

Tātaītanga hou mō ngā whakaritenga whakahaere

Ka tūtohu mātou, me whakaurua a Wāhanga hou 4 ki roto i te pire kia hoatu huarahi tātaītanga hou ai mō ngā momo whakaritenga whakahaere kua whakatūria e Ngāruahine. Ko ngā panonitanga kua hoatu i roto Wāhanga 4, ka puta ērā i runga me te tīmatanga o te pire.

Ki to mātou mōhio, ka tautoko ngā mema o Ngāruahine i tēnei tātaītanga hou mō tō rātou whakaritenga whakahaere, tae atu ki ērā e pā ana ki ngā hua haonga ika.

Ka takoto te āhuatanga kaikini o tēnei tātaītanga hou ki roto rara hou 128, tērā ka whakakore atu i te kohinga māngai o tēnei wā o Te Rangatōpū Ngā Hapū o Ngāruahine Iwi (Ngā Hapū).

Ka tuku a rara hou 129(1) i ngā hua me ngā taunaha a Ngā Hapū kia tū hei hua, hei taunaha mā ngā kaitiaki o Te Kaitiaki o Te Korowai o Ngāruahine (TKTKN). Ka tangohia anōtia hoki e tēnei rara aua hua, aua taunaha hoki e pupuritia ana e tētahi kaitiaki aroha, ēngari, ka noho tonu ētahi atu kaitiaki, kawenata, ritenga rānei tērā pea ka hāngai, tae noa ki ngā kaitiaki kua whakapuakitia ki roto i te whakaaetanga kaitiaki TKTKN.

Hoatu whakaritenga ai a rara hou 130 mō Te Kamupene Āpiti Ngāruahine Fisheries. Mō ngā take e pā ana ki te hanganga ture take, kua kore a ia e tū hei take aroha, ā, mā

tēnei wāhanga a ia e hikia ake ai ki te taumata o tētahi kaitiaki aroha here hua, here taunaha a Te Āpiti.

Hoatu wāhi ai a rara hou 135 ki rara 145 me pēhea ai te pā o te tātaitanga hou ki ngā momo take whakahaere mō te whakawhitinga mai i Ngā Hapū ki tētahi rangatōpū porihanga ki a TKTKN, ki tētahi kaitiaki tūmataiti. Ko te tikanga ia o rara hou 143, kīhai ngā kaimahi, ngā māngai a Ngā Hapū e kawe taunaha whaiaro mō ā rātou mahi, i mua i te wā i huri ai tēnei pire hei Ture, inā rā, ka kore ana e mahi tinihanga, e takahi ture rānei.

Ngā haonga Ika: te mōhiotia he rōpū whakahaere ā-iwi kua whakamanatia

Ka tūtohu mātou kia whakaurua ngā rara hou 131 ki te 134 kia hoatu wāhi ai mō te hinonga whakahaere whakataunga-tōmuri hou, a TKTKN, kia mōhiotia ai he rōpū whakahaere ā-iwi kua whakamanatia (he RWI) mō Ngāruahine i raro i te Ture Haonga Ika Māori o te tau 2004, ā, mō Te Kamupene Āpiti o Ngāruahine Fisheries kia noho ai hei kamupene pupuri-hua mō ngā take e pā ana ki Te Ture. Nā te whakawhitinga mai o RWI i Ngā Hapū ki TKTKN te take i tino hiahiatia ai tēnei.

Nā runga i tētahi whakataunga o nā noa nei o Te Kōti Teitei *Solomon-Rehe v Hokotehi Trust* (Poutū-te-rangi 2015), kīhai te whakaaetanga kaitiaki a TKTKN i ū ki Te Ture Haonga Ika Māori o te tau 2004. Ko tā te whakataunga i whakamārama, mō tētahi pōti whakatika e pā ana ki tētahi tuhinga kaupapa ā-ture, ki te pōti kaitiaki, ka hiahitia he hui whānui me tētahi pōti ā-mērā mā ngā mema iwi. I te wā nei, ā, e ai ki te whakaaetanga kaitiaki a TKTKN, tukua ai ngā whakatikatika me ngā pōtitanga kia whakahaerea mā tētahi pōti i tētahi hui whānui, mā tētahi pōti ā-mērā rānei (mō tētahi kēhi whakatikatika), mā te pōti ā-mērā anake rānei (mō tētahi kēhi pōtitanga).

Nā runga i te whakapaunga utu mō te pōti mema, te hōhā o te kaipōti me te pōraruru, ka hiahia a TKTKN ki te rapu whakaaetanga i ngā mema iwi kia panonitia te whakaaetanga kaitiaki a TKTKN, ka eke ana te wā mō te pōtitanga mema mō ngā kaitiaki hou a TKTKN hei te tau 2017. Nō reira, ka tūtohu mātou kia tāpirihia atu he rara whakawhitiwhitinga 132 ki te pire, kia ū ai te whakaaetanga kaitiaki a TKTKN ki Te Ture Haonga Ika Māori o te tau 2004 mō tētahi wā e rua tau. Mā tēnei e herea ai a TKTKN ki Te Ture mō tēnei wā, ā, eke ana ki taua wā ka hiahiatia ngā panonitanga kia whakatakotoria.

Ko te hiahia a rara hou 134, kia hangaia e Te Kamupene Kaitiaki o Te Ohu Kai Moana Trustee ngā panonitanga ā-whakahaere ka hiahiatia mō ngā rara hou 131(1) me 133.

Ka āta whakatikaina Te Whakaaetanga Whakataunga a Ngāruahine (mā tētahi whakaaetanga whakatika), kia whakaatu ai ko ēnei ngā rara RWI kua whakaaroarohia.

Ngā whaina mō ngā hara i raro i ngā ture ārahi me ngā ture a-rohe

Ko te whakamaherehere a Te Komiti Arotakenga Ture Ārahi ki a mātou, kīhai ngā rara e 51(d) me 52(d), ērā ka whakahau whaina ana mō ngā hara i raro i ngā ture ārahi me ngā ture ā-rohe, e āta tohu ana ko ēhea hara ka haere tonu ērā e kōrero ana ngā rara 51(d)(ii) me 52 (d)(ii) mō.

E whakaae ana mātou ki te whakamaherehere a Te Komiti Arotakenga Ture Ārahi. Nā reira, ka tūtohu mātou kia whakatikaina ngā rara 51(d) me 52(d) kia whakamārama ai ko te hara nā ngā rara 51(c) me 52(c) i hanga, ko ērā te hara e kōrerohia rā e rara 51(d)(i) me (ii), me rara 52 (d)(i) me (ii).

Ka tūtohu anō hoki kia whakapikia te whaina i ngā rara 51(d)(i) me 52(d)(i) ki te \$5,000, ā, ki te \$500 i rara e 51(d)(ii) me 52(d)(ii). Mā tēnei e hāngai ai ngā whaina ki ērā i roto i Te Ture Conservation (Natural Heritage Protection) o te tau 2013.

Te whakawhiti taunaha mō āpōpō mai i Ngā Hapū o Ngāruahine ki Te Kaitiaki Ngāruahine o Te Korowai

Kua whakaarahia ake e Te Kaitiaki Ngāruahine o Te Korowai (TKNTK) he māharahara ki a mātou mō te tika o te whakawhitinga taunaha mō “āpōpō” mai i Ngā Hapū o Ngāruahine ki a TKNTK, e ai ki tērā kua whakamāramahia rā i rara 127(1)(b)(ii) o te pire. Otirā, i māharahara a TKNTK mō te kore mōhio ki te taumata o ngā tūponotanga āpōpō, ki ngā taunaha rānei, ā, tērā pea ka hāmentia a Ngā Hapū o Ngāruahine e te hunga takitahi, mō te āhua o tā rātou whakamemehatanga, ā, ēkene pea ka tonono utunga i a TKNTK. Hei whai ake i tēnei, e hiahia ana a TKNTK kia whakatikaina a rara 127 o te pire mā te tango atu i te kōrero “ngā taunaha” āpōpō.

E mārama ana mātou, ka whakarerekēhia ana tētahi wāhi o rara 127(1)(b)(ii), he wehenga whakaharahara tēnei nā te kaupapa here o te wā nei a Te Karauna mō ngā hua me ngā taunaha. He mahi hou, he wā tuatahi, ā, he hiahiatanga kīhai i te pīrangitia. E pēnei ana te tū o Te Karauna mō tētahi whakahounga anō o tētahi whakahaere mā tētahi hanganga ture, ahakoa mā roto whakataunga Tiriti, kore atu rānei. Te tikanga, me kaua te tika o tētahi kaitukunama ki te whenua, ki te ture rānei e wetea. He tiaki i te hunga tukunama te tikanga o te whakamāramatanga mō “ngā taunaha”, mā te āta ti-tiro kei runga anō i te kaiwhiwhi hua te haepapa mō ngā herenga i tū i mua, tae atu ki ngā tūponotanga whara, ngā taunaha āpōpō ka whakapiria atu ki aua hua.

Kua whanaketia kēngia ngā ritenga mō ngā whakahounga whakahaere, i roto i ngā rapunga tohutohu i te taha o Te Tari Ture o Te Karauna. Ko aua ritenga ērā i roto i ngā wāhanga whakawhitinga i roto i Te Pire Whakautanga i ngā Kerēme a Ngāruahine, ā, kua whakamahia i roto i ngā whakahounga whakahaere a ētahi atu iwi.

Tāpiritanga

Hātepe komiti

I tonoa Te Pire Whakataunga i ngā Kerēme a Ngāruahine ki te komiti i te 11 o Mahuru i te tau 2015. Ko te 24 o Mahuru i te tau 2015 te rā kati mō ngā tāpaetanga. I whiwhi, i whakaaroarohia e mātou ngā tāpaetanga e 24 nā ngā kohinga me te hunga takitahi. E 12 ngā tāpaetanga i rongohia e mātou tae atu ki ngā whakawātanga i whakatūria i Hāwera, i Te Whanga-nui-a-Tara.

I whiwhi whakamaherehere mātou mai i Te Tari Whakatau Tāke e pā ana ki Te Tiriti o Waitangi. I whakatakoto pūrongo Te Komiti Arotakenga Ture Ārahi ki te komiti mō ngā mana e mau ana i roto i ngā rara 51(d) me 52(d).

Ko ngā mema o te komiti, ko

Tūtehounuku Kōrako (Heamana)

Hōnore Chester Borrows

Mārama Davidson

Kelvin Davis

Mārama Fox

Joanne Hayes

Hōnore Nanaia Mahuta

Pita Paraone

I whakakapia e Adrian Rūrawhe a Kelvin Davis mō tēnei tūemi take.

Ngāruahine Claims Settlement Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined the Ngāruahine Claims Settlement Bill and recommends that it be passed with the amendments shown.

Introduction to the Ngāruahine Claims Settlement Bill

The Ngāruahine Claims Settlement Bill would give effect to the Deed of Settlement agreed by the Crown and Ngāruahine to settle all of Ngāruahine's outstanding historical Treaty of Waitangi Claims.

Ngāruahine's wide-ranging historical claims include: raupatu (confiscation or seizure of land); warfare involving scorched earth tactics and causing deprivation, death, and extreme hardship; the imprisonment and exile of Ngāruahine people who participated in peaceful resistance; and the Crown's unprecedented actions at Parihaka.

Part 1 of the bill includes a summary of historical account, acknowledgements, and an apology. Part 2 deals with cultural redress, and part 3 focuses on commercial redress.

In the Deed of Settlement the Crown agreed to provide certain redress regarding all of Ngāruahine's historical Treaty claims. The bill contains redress that requires legislation to be implemented.

Background information about Ngāruahine

Ngāruahine is one of eight Taranaki iwi, with a population of around 3,800 people. Ngāruahine's traditional lands are in south Taranaki encompassing Egmont National Park and extending from the Taungatara Stream at the northern-most boundary to the Waihi Stream at the southern-most boundary.

Four of the eight Taranaki iwi overlap with Ngāruahine's area of interest including Taranaki Iwi (west), Te Atiawa (north), Ngāti Maru (north-west), and Ngāti Ruanui (east).

In 2010, Ngā Hapū o Ngāruahine Iwi Incorporated was mandated to represent Ngāruahine in Treaty settlement negotiations with the Crown.

Key issues raised by submitters

Araukuku

Araukuku's inclusion in Ngāti Ruanui settlement

Araukuku is a Taranaki hapū that has whakapapa links to Ngāti Ruanui and Ngāruahine.

In 2001, Araukuku was included in the claimant definition of the Ngāti Ruanui deed of settlement following a hapū decision to participate in that settlement. Legislation was enacted to give effect to the Ngāti Ruanui settlement in 2003. Since that time Araukuku has been able to vote a representative on to the Ngāti Ruanui Trust Board in elections held every three years, and the hapū has been an active participant in Ngāti Ruanui affairs from 2003 to 2015.

Desire from some for a discrete Araukuku settlement

However, some members of Araukuku did not support the hapū's decision to join the Ngāti Ruanui settlement. We heard that these people would like a further discrete Araukuku settlement. We understand that Araukuku as an individual hapū is not a large natural group of the type with whom the Crown usually negotiates Treaty settlements.

Araukuku individuals able to participate in Ngāruahine settlement

Notwithstanding their inclusion in the Ngāti Ruanui settlement, some members of Araukuku are able to participate in the Ngāruahine settlement through their descent from recognised ancestors of the listed Kanihi-Umutahi and Okahu-Inuawai hapū of Ngāruahine.

We are aware that some members of Araukuku disagree with Ngāruahine about the exclusion of Araukuku from the list of hapū in the Ngāruahine claimant definition. We understand that the Crown offered to facilitate meetings between these people and Ngāruahine to address their participation in the Ngāruahine settlement. However, no one took up this offer, and the Crown could not identify an independent Araukuku representative body to corroborate the individuals' views.

The Crown has made it clear that the nature of Araukuku's alignment with the two iwi, Ngāti Ruanui and Ngāruahine, in Treaty settlements was for the hapū and the two iwi to resolve.

Araukuku interests covered under Wai 552

Wai 552 sought the return of reserves set aside for Araukuku after the raupatu. The Araukuku claims in Wai 552 address Crown military aggression, including the destruction of the Araukuku Pa at Ketemarae, and the Crown's confiscation of a large area of Araukuku land in 1865. The claims also address the fate of the reserves set aside for Araukuku after the raupatu. The locations within the Araukuku area of interest were covered by the Ngāti Ruanui settlement.

Wai 552 claims a rohe for Araukuku, some of which sits to the east of the Waingorongoro River where it is entirely within the Ngāti Ruanui area of interest. Some of the Araukuku rohe is also within the part of the Ngāruahine area of interest which is east of the Waingorongoro. The Ngāruahine Deed of Settlement provides for a site at Te Rua o te Moko, which is within the part of the Araukuku rohe where the Ngāruahine and Ngāti Ruanui areas of interest overlap, to be transferred to Ngāruahine.

Wai 552 was lodged with the Waitangi Tribunal after hearings were completed for the Taranaki Inquiry (Wai 143). The Tribunal consolidated Wai 552 with Wai 143, and it is clear that the Waitangi Tribunal considered the Wai 552 claim in its interim report on the Taranaki claims, Kaupapa Tuatahi (Muru me te Raupatu: The Muru and Raupatu of the Taranaki Land and People). However, no evidence or submissions were presented directly about Wai 552 as part of the Wai 143 Inquiry.

The Crown and the Wai 552 claimants agreed during litigation about Wai 552 in the Waitangi Tribunal in 2015 that the combined effect of the Ngāti Ruanui and Ngāruahine settlements would be to settle the historical claims of Araukuku. The Crown considers that, as some Araukuku individuals will have claims through whakapapa connections to Kanihi-Umutahi and Okahu-Inuawai, Wai 552 should be listed in the Ngāruahine deed of settlement as it will settle those claims.

Public statements about Stratford Power Station land

The land on which the Stratford Power Station sits was confiscated from Māori during the 1860s. The Crown awarded this land to Araukuku after the raupatu as part of a reserve. However this reserved land has since become privately owned land. Ngāti Ruanui sought the return of the Stratford Power Station land, referred to in Wai 552, during settlement negotiations in 1999. However, consistent with Treaty settlement policy, the Crown was not prepared to use privately owned lands as Treaty settlement redress.

We would like to see public statements from the Crown about this accompany the Ngāruahine Claims Settlement Bill at ceremonies marking the signing of the bill, and the enactment of settlement legislation. These statements should describe the history of the reserve awarded to Araukuku, which included the power station land, and state why the Crown has not returned this privately owned land through the Treaty settlement process.

Our recommendations concerning Araukuku

We have listened carefully to the issues raised by Araukuku, and have sought to be as fully informed as possible. We are concerned that Araukuku are treated fairly in the settlement negotiations, and that Araukuku individuals with Ngāruahine whakapapa are able to benefit from the Ngāruahine settlement. Ngāruahine has assured the Crown that this will be the case.

Unfortunately, this claims settlement process does not allow us to address to our satisfaction the issues some Araukuku individuals have raised. However, we will monitor the situation for these people through the Post Settlement Commitments Unit.

Recommended changes to the bill

This commentary covers the main amendments we recommend to the bill; it does not cover minor or technical amendments.

Reorganisation of governance arrangements

We recommend including new Part 4 to the bill to provide a mechanism for reorganising the various governance bodies established by Ngāruahine. The changes provided for in Part 4 would occur on and from the commencement of the bill.

We understand that Ngāruahine members support this reorganisation of their governance arrangements, including those relating to fisheries assets.

The critical element of this reorganisation is set out in new clause 128 which would dissolve the current representative group, Ngā Hapū o Ngāruahine Iwi Incorporated (Ngā Hapū).

New clause 129(1) would vest the assets and liabilities of Ngā Hapū as the assets and liabilities of the trustees of Te Korowai o Ngāruahine Trust (TKONT). This clause would also remove from those assets and liabilities any charitable trusts under which they are held, though leaving intact any other trusts, covenants, or conditions which may apply, including trusts expressed in the trust deed of TKONT.

New clause 130 would provide arrangements for the subsidiary Ngāruahine Fisheries Limited. It would no longer be a tax charity for the purposes of tax legislation, and this provision would lift any charitable trusts to which the assets and liabilities of the subsidiary are subject.

New clauses 135 to 145 provide for how the reorganisation would affect various administrative matters concerning the transition from Ngā Hapū, an incorporated society, to TKONT, a private trust. New clause 143 would mean that employees and agents of Ngā Hapū would not carry personal liability after the settlement for their actions before this bill becomes an Act, provided the action did not involve fraud or an infringement of the law.

Fisheries: recognition of mandated iwi organisation

We recommend inserting new clauses 131 to 134 to provide for the new post-settlement governance entity, TKONT, to be recognised as the mandated iwi organisation

(MIO) for Ngāruahine under the Māori Fisheries Act 2004, and for the subsidiary Ngāruahine Fisheries Limited to be the asset-holding company for the purposes of that Act. The MIO transfer from Ngā Hapū to TKONT would make this necessary.

As the result of a recent High Court decision, *Solomon-Rehe v Hokotehi Trust* (March 2015), the TKONT trust deed does not comply with the Māori Fisheries Act 2004. The decision clarified that any vote to amend a constitutional document or elect trustees of a MIO requires both a general meeting and a postal ballot of iwi members. Currently the TKONT trust deed allows for amendments and elections to be carried out by a vote at a general meeting or a postal vote (in the case of amendments) or by postal vote alone (in the case of elections).

The cost involved in polling members, voter fatigue, and confusion mean that TKONT would like to seek iwi members' agreement to change the TKONT Trust deed when they next need to poll members on the election of new TKONT trustees in 2017. Therefore, we recommend adding transitional clause 132 to the bill that would deem the TKONT trust deed to comply with the Māori Fisheries Act 2004 for a period of two years. This would bind TKONT to comply with the Act during this period, by which time the required changes must be made.

New clause 134 would require Te Ohu Kai Moana Trustee Limited to take the actions required to provide administratively for the changes provided for in new clauses 131(1) and 133.

The Ngāruahine Deed of Settlement would be amended (via a deed to amend) to reflect these proposed MIO clauses.

Fines for offences under regulations and bylaws

The Regulations Review Committee advised us that clauses 51(d) and 52(d), which would prescribe fines for offences under regulations and bylaws, do not specify which continuing offence clauses 51(d)(ii) and 52(d)(ii) refer to.

We agree with the advice of the Regulations Review Committee. Therefore, we recommend amending clauses 51(d) and 52(d) to clarify that the offence created by clauses 51(c) and 52(c) would be the offence referred to in clauses 51(d)(i) and (ii) and 52(d)(i) and (ii).

We also recommend increasing the fine in clauses 51(d)(i) and 52(d)(i) to \$5000, and the fines in clauses 51(d)(ii) and 52(d)(ii) to \$500. This would bring them into line with those in the Conservation (Natural Heritage Protection) Act 2013.

Transfer of future or contingent liabilities from Ngā Hapū o Ngāruahine to Te Korowai o Ngāruahine Trust

Te Korowai o Ngāruahine Trust (TKONT) have raised concerns with us about the appropriateness of the transfer of “future” or “contingent” liabilities from Ngā Hapū o Ngāruahine (Ngā Hapū) to TKONT as defined in clause 127(1)(b)(ii) of the bill. In particular, TKONT are concerned about the unknown level of future or contingent liabilities in relation to the judicial review proceedings taken on appeal to the Court of

Appeal. We are aware that Ngā Hapū is a joint respondent to those proceedings and TKONT are concerned that costs may be sought from them depending on the outcome of that case. To address this, TKONT would like clause 127 of the bill to be amended to remove the reference to “future” and “contingent” liabilities.

We understand that any change to clause 127(1)(b)(ii) would be a significant departure from the Crown’s current policy on assets and liabilities, creating an undesirable precedent. The Crown’s position is that any governance restructure by legislation, whether through Treaty settlements or not, should not deprive a creditor of any property right or right to take legal action. The definition for “liabilities” is meant to protect creditors by ensuring that the recipient of the assets is also responsible for pre-existing commitments, including the risk of contingent, or future, liabilities that attach to those assets.

The rules for governance restructures, as reflected in the transitional provisions in the Ngāruahine Claims Settlement Bill, have been developed in consultation with the Crown Law Office and have been used in other iwi governance restructures.

Appendix

Committee process

The Ngāruahine Claims Settlement Bill was referred to the committee on 11 August 2015. The closing date for submissions was 24 September 2015. We received and considered 24 submissions from interested groups and individuals. We heard 12 submissions, which included holding hearings in Hawera and Wellington.

We received advice from the Office of Treaty Settlements. The Regulations Review Committee reported to the committee on the powers contained in clauses 51(d) and 52(d).

Committee membership

Tutehounuku Korako (Chairperson)

Hon Chester Borrows

Marama Davidson

Kelvin Davis

Marama Fox

Joanne Hayes

Hon Nanaia Mahuta

Pita Paraone

Adrian Rurawhe replaced Kelvin Davis for this item of business.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Christopher Finlayson

Ngāruahine Claims Settlement Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāruahine Claims Settlement Act **2015**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

Preliminary matters, acknowledgements and apology, and settlement of historical claims

Preliminary matters 10

3 Purpose

The purpose of this Act is—

- (a) to record the acknowledgements and apology given by the Crown to Ngāruahine in the deed of settlement; and
 - (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāruahine.
- 4 Provisions to take effect on settlement date** 5
- (1) The provisions of this Act take effect on the settlement 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—
 - (a) the provision to have full effect on that date; or 10
 - (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 Act binds the Crown**
- This Act binds the Crown.
- 6 Outline** 15
- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.
 - (2) This Part—
 - (a) sets out the purpose of this Act; and 20
 - (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and
 - (c) specifies that the Act binds the Crown; and
 - (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāruahine, as recorded in the deed of settlement; and 25
 - (e) defines terms used in this Act, including key terms such as Ngāruahine and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for— 30
 - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and 35
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and

- (v) access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, including—
- (a) cultural redress that does not involve the vesting of land, namely,—
 - (i) in **subpart 1**, protocols for conservation, fisheries, and taonga tū-turu on the terms set out in the documents schedule; and 5
 - (ii) in **subpart 2**, a statutory acknowledgement by the Crown of the statements made by Ngāruahine of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for the specified areas; and 10
 - (iii) in **subpart 3**, Whāriki o Ngāruahine applying to certain areas of land; and
 - (iv) in **subpart 5**, provision for the trustees to prepare and lodge a kaitiaki plan with relevant local authorities and relevant departments; and 15
 - (v) in **subpart 7**, provision for the iwi of Taranaki to contribute to the decision-making processes of the Taranaki Regional Council; and
 - (b) in **subpart 4**, cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and 20
 - (c) in **subpart 6**, cultural redress linked to clause 5.14 of the deed of settlement.
- (4) **Part 3** provides for commercial redress, including—
- (a) in **subpart 1**, the transfer of deferred selection properties; and
 - (b) in **subpart 2**, the right of first refusal (RFR) redress. 25
- (4A) **Part 4** makes provision for matters relating to the reorganisation of the governance structures of Ngāruahine, including taxation matters.
- (5) There are 4 schedules, as follows:
- (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued: 30
 - (b) **Schedule 2** describes Whāriki o Ngāruahine areas to which Whāriki o Ngāruahine applies:
 - (c) **Schedule 3** describes the cultural redress properties:
 - (d) **Schedule 4** sets out provisions that apply to notices given in relation to RFR land. 35

*Summary of historical account, acknowledgements, and apology of the Crown***7 Summary of historical account, acknowledgements, and apology**

- (1) **Section 8** summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.
- (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Ngāruahine in the deed of settlement. 5
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.

8 Summary of historical account

- (1) Before 1860, Ngāruahine were prosperous and economically successful, and retained ownership of their lands and resources after consistently opposing the sale of land in their rohe to Europeans. In the late 1850s, some Ngāruahine provided assistance to northern Taranaki iwi who were resisting Crown efforts to acquire land. The Crown declared some Māori who were preventing surveys elsewhere in Taranaki to be in rebellion and commenced hostilities against them in 1860. Some Ngāruahine entered the war on the side of the non-sellers. This phase of war ended in 1861. 10 15
- (2) Following the occupation of the Tataraimaka block by Crown troops, conflict in Taranaki resumed in 1863, and Ngāruahine people again travelled north to engage with Crown forces. In 1865, the Crown proclaimed 1.2 million acres of Taranaki land confiscated, including all of the Ngāruahine rohe. The confiscations were indiscriminate, depriving both “loyal” and “rebel” Māori of their lands. 20
- (3) War continued, and in early 1866 Crown forces entered the Ngāruahine rohe and used scorched earth tactics which devastated several Ngāruahine villages, along with associated food stores, livestock, and crops. As a result of the Crown’s military campaigns, Ngāruahine people were forced to abandon their former homes and food-gathering sites, suffering severe hardship. Some Ngāruahine people were taken prisoner during the war, and a number lost their lives. 25
- (4) The process that was established to compensate “loyal” Māori for the confiscation of their land began in the mid 1860s, before fighting had ceased in southern Taranaki. This made it difficult for Ngāruahine people to participate in hearings. By 1880 none of the Compensation Court awards to Ngāruahine people had been implemented. 30
- (5) In the late 1860s, Ngāruahine and other southern Taranaki iwi resisted the extension of European settlement onto their lands, and in 1868 the Ngāruahine leader Tītōkōwaru took up arms. After a series of victories against Crown forces, Tītōkōwaru eventually lost his support for reasons that remain unclear, and was pursued by Crown forces into the Taranaki interior. Government Ministers offered a bounty for Tītōkōwaru dead or alive, and for his followers 35 40

alive. Crown forces later took the heads of some followers, including at least 1 Ngāruahine chief.

- (6) In the early 1870s many Ngāruahine returned to their lands on the Waimate Plains. Through the 1870s, the Crown attempted to secure nominally confiscated Ngāruahine land for European settlement by making formal and informal payments to Māori, and by promising to provide reserves and protect significant Ngāruahine sites. These promises were not fulfilled, and by the late 1870s many Ngāruahine people were uncertain about the status of their lands. 5
- (7) By this time, many Ngāruahine had relocated to Parihaka in central Taranaki and were supporting its leaders Te Whiti and Tohu and their movement for Māori peace and independence. Between 1879 and 1880, Ngāruahine people participated in campaigns of peaceful resistance initiated at Parihaka, and some were arrested and exiled to South Island prisons where they were detained in harsh conditions for at least 17 months without trial. In November 1881, more than 1 500 Crown troops invaded and dismantled Parihaka, and Ngāruahine people were then displaced from the settlement. 10 15
- (8) In the early 1880s, the West Coast Commissions investigated Māori grievances, including the failure to implement compensation awards. Although approximately 26 000 acres were eventually returned to Ngāruahine as reserves, the Crown retained over 145 000 acres of Ngāruahine land and then on-sold it to settlers. Almost all of the Ngāruahine land returned was under non-customary individualised title, and much of it was located in bush. Reserves were not returned to Māori outright, but were placed under the control of the Public Trustee, who then sold or leased in perpetuity large areas to European farmers. By 1904 observers reported that Taranaki Māori people felt demoralised and helpless because they had lost control over their lands. 20 25
- (9) In 1963, the titles of all remaining Taranaki reserves were amalgamated, leaving owners without specific interests in customary land. Today, less than 5 per cent of the area that was reserved for Māori is in Māori freehold ownership, and approximately 50 000 acres remain under the perpetual leasing system. Apart from marae, the only lands now held by Ngāruahine as an iwi are some Tauranga waka reserves situated on the coast. 30
- (10) During the 20th century, Crown efforts to address Taranaki Māori grievances failed to do so. Some inquiries were limited in their scope, and others provided for compensation payments that were not discussed with Ngāruahine and other Taranaki Māori. The Taranaki Maori Claims Settlement Act 1944 stated that the sums were a full settlement of claims relating to the confiscations and Parihaka. There is no evidence that Ngāruahine or other iwi agreed to this. 35

9 Acknowledgements

- (1) The Crown acknowledges that recognition of the historical grievances of Ngāruahine is long overdue. The Crown hereby recognises the legitimacy of the grievances of Ngāruahine and makes the following acknowledgements. 40

- (2) The Crown acknowledges that, prior to 1865, Ngāruahine had retained ownership and control over their lands and were participating successfully in the trading economy.
- (3) The Crown acknowledges that—
 - (a) the cumulative effect of the Crown’s actions in purchasing land in Taranaki created tensions that led to the outbreak of war; and 5
 - (b) it conducted a bush scouring campaign and used scorched earth tactics in southern Taranaki during 1865 and 1866 to reduce the ability of Māori, including Ngāruahine, to fight; and
 - (c) these campaigns resulted in the devastation of a number of important Ngāruahine kainga, including Māwhitiwhiti and Ahipaipa, and forced Ngāruahine to flee their settlements and caused severe hardship for Ngāruahine; and 10
 - (d) Ngāruahine suffered loss of life during the Taranaki wars; and
 - (e) the Taranaki wars constituted an injustice and were in breach of the Treaty of Waitangi and its principles. 15
- (4) The Crown acknowledges that—
 - (a) Ngāruahine as an iwi was not in rebellion, and was unfairly treated as being in rebellion when the Crown proclaimed all of its land confiscated in 1865; and 20
 - (b) the confiscations deprived Ngāruahine of access to their wāhi tapu and sites of ancestral significance, traditional sources of food and other resources on that land, and had a devastating effect on the welfare, economy, culture, and social development of Ngāruahine; and
 - (c) the confiscations were indiscriminate in extent and application, wrongful and unjust, and were in breach of the Treaty of Waitangi and its principles. 25
- (5) The Crown acknowledges that the prejudicial effects of the confiscations were compounded by the inadequacies of the compensation process, including—
 - (a) holding Compensation Court hearings outside the Ngāruahine rohe at a time of significant upheaval, which restricted Ngāruahine participation; and 30
 - (b) the failure to return land to Ngāruahine for more than 15 years after the confiscation.
- (6) The Crown acknowledges that— 35
 - (a) ongoing tensions over its confiscation in southern Taranaki contributed to the outbreak of further armed conflict between the Ngāruahine leader Tītokowaru and the Crown in 1868 to 1869, and that this conflict caused further displacement and hardship for Ngāruahine; and

-
- (b) it offered bounties for the capture of Tītōkōwaru dead or alive, and for any of his followers alive; and
- (c) members of Crown forces took the heads of some of Tītōkōwaru’s followers, including that of at least 1 Ngāruahine chief.
- (7) The Crown acknowledges that by the late 1870s, its failure to enforce the confiscation in the Ngāruahine rohe, its failure to return or reserve land as promised, and its use of informal cash payments (takoha) to open land for settlement had left Ngāruahine uncertain about the status of their lands and without security about where they were to live. 5
- (8) The Crown acknowledges that— 10
- (a) it detained members of Ngāruahine and other Māori of Taranaki for their participation in the peaceful resistance campaign initiated at Parihaka in 1879 and 1880; and
- (b) legislation was enacted that “suspended the ordinary course of law”, and as a result most prisoners, including many Ngāruahine people, were detained without trial; and 15
- (c) the detention of those prisoners without trial for an unreasonably lengthy period assumed the character of indefinite detention; and
- (d) the imprisonment of Ngāruahine and other Māori of Taranaki in South Island gaols for political reasons inflicted unwarranted hardships on them and their whānau and hapū; and 20
- (e) the treatment of these political prisoners—
- (i) was wrongful, a breach of natural justice, and deprived them of basic human rights; and
- (ii) was a breach of the Treaty of Waitangi and its principles. 25
- (9) The Crown acknowledges that—
- (a) Ngāruahine provided material support to the Parihaka community, and that large numbers of Ngāruahine people were residing at Parihaka when Crown forces invaded the settlement in 1881; and
- (b) it inflicted serious damage on the prosperous Māori village of Parihaka and the people residing there, forcibly dispersed many of the inhabitants, and assaulted the human rights of the people; and 30
- (c) these actions caused great distress and were a complete denial of the Māori right to develop and sustain autonomous communities in a peaceful manner; and 35
- (d) its treatment of Ngāruahine people at Parihaka was unconscionable and unjust and that these actions constituted a breach of the Treaty of Waitangi and its principles.
- (10) The Crown acknowledges that—

-
- (a) the West Coast Commissions were inadequate in their scope and therefore did not fully address the injustices of the confiscations; and
 - (b) the reserves created for Ngāruahine by the second West Coast Commission in the 1880s were—
 - (i) smaller than those recommended by the first West Coast Commission; and 5
 - (ii) mainly located in bush; and
 - (iii) almost all returned under non-customary individualised title; and
 - (iv) not sufficient for the present and future needs of Ngāruahine; and
 - (c) the Crown's actions with respect to the West Coast Settlement Reserves, considered cumulatively, including the imposition of a regime of perpetually renewable leases and the sale of large quantities of land by the Public and Māori Trustee— 10
 - (i) ultimately deprived Ngāruahine of the control and ownership of the lands reserved for them in Taranaki; and 15
 - (ii) were in breach of the Treaty of Waitangi and its principles.
 - (11) The Crown acknowledges that the lands and other resources confiscated from Ngāruahine have made a significant contribution to the wealth and development of New Zealand.
 - (12) The Crown acknowledges that its nationalisation of petroleum resources in New Zealand in 1937 caused a great sense of grievance within Ngāruahine that is still held today. 20
 - (13) The Crown acknowledges that environmental degradation of Ngāruahine lands, waterways, and coastal waters, including deforestation, freshwater and marine pollution, and the displacement of indigenous plants and animals from the effects of the dairy industry, resource extractive industries, and other causes, is a source of great distress for Ngāruahine. 25
 - (14) The Crown recognises the efforts and struggles of Ngāruahine in pursuit of their claims for redress and compensation against the Crown for 140 years.
 - (15) The Crown acknowledges that despite previous efforts made in the 20th century, including the Sim Commission and the Taranaki Maori Claims Settlement Act 1944, it has failed to deal with the grievances of Ngāruahine in an adequate and appropriate way. 30
 - (16) The Crown acknowledges that its breaches of the Treaty of Waitangi and its principles during the 19th and 20th centuries have together significantly undermined the traditional systems of authority and economic capacity of the Ngāruahine iwi, and the physical, cultural, and spiritual well-being of its people. The Crown acknowledges that it has failed to protect the rangatiratanga of Ngāruahine, in breach of its obligations under Article Two of the Treaty of Waitangi. 35 40

10 Apology

- (1) The Crown offers the following apology to the tūpuna, the descendants, the hapū, and the whānau of Ngāruahine.
- (2) The Crown regrets its actions that led to the outbreak of war in Taranaki. During those wars, Crown forces mounted numerous attacks against Ngāruahine kainga, and used scorched earth tactics that devastated Ngāruahine cultivations, livestock, and food-stores. These actions caused severe hardship, deprivation, exile, and death for many Ngāruahine people. For both its actions and their effects, the Crown unreservedly apologises. 5
- (3) The Crown is sorry for the immense prejudice it caused by confiscating land that had sustained Ngāruahine tūpuna for centuries. The raupatu was indiscriminate, unjust, and unconscionable. The Crown deeply regrets the serious damage its actions have caused to Ngāruahine and its people. 10
- (4) The Crown deeply regrets its unjust treatment of those Ngāruahine people it imprisoned for taking part in campaigns of peaceful resistance. The Crown sincerely apologises to those tūpuna it exiled hundreds of kilometres from their homes, to the whānau who grieved in their absence, to their descendants, and to Ngāruahine. 15
- (5) The Crown deeply regrets and unreservedly apologises for its unconscionable actions at Parihaka, and for the harm those actions caused to the community and those Ngāruahine people who resided there. 20
- (6) For generations, the Crown has failed to live up to its obligations to Ngāruahine under the Treaty of Waitangi. The effects of its actions over generations have damaged their autonomy, cultural and spiritual heritage, and ability to exercise customary rights and responsibilities. The Crown solemnly apologises to Ngāruahine for all its breaches of the Treaty of Waitangi and its principles. 25
- (7) The Crown hopes that this settlement and this apology will relieve the burden of grievance that Ngāruahine has carried for so many years, and will assist Ngāruahine to heal the wounds of the past. The Crown looks forward to building a relationship of mutual trust and co-operation with Ngāruahine founded on respect for the Treaty of Waitangi and its principles. 30

*Interpretation provisions***11 Interpretation of Act generally**

It is the intention of Parliament that the provisions of this Act are interpreted in a manner that best furthers the agreements expressed in the deed of settlement. 35

12 Interpretation

In this Act, unless the context otherwise requires,—

administering body has the meaning given in section 2(1) of the Reserves Act 1977

aquatic life has the meaning given in section 2(1) of the Conservation Act 1987

attachments means the attachments to the deed of settlement

Commissioner of Crown Lands means the Commissioner of Crown Lands appointed ~~under~~ in accordance with section 24AA of the Land Act 1948

5

computer register—

(a) has the meaning given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002; and

(b) includes, where relevant, a certificate of title issued under the Land Transfer Act 1952

10

consent authority has the meaning given in section 2(1) of the Resource Management Act 1991

conservation area has the meaning given in section 2(1) of the Conservation Act 1987

conservation legislation means—

15

(a) the Conservation Act 1987; and

(b) the enactments listed in Schedule 1 of that Act

conservation management plan has the meaning given in section 2(1) of the Conservation Act 1987

conservation management strategy has the meaning given in section 2(1) of the Conservation Act 1987

20

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

cultural redress property has the meaning given in **section 57**

deed of recognition—

(a) means a deed of recognition issued under **section 37** by—

25

(i) the Minister of Conservation and the Director-General; or

(ii) the Commissioner of Crown Lands; and

(b) includes any amendments made under **section 37(4)**

deed of settlement—

(a) means the deed of settlement dated ~~1 August 2014~~ 1 August 2014 and signed by—

30

(i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and

(ii) Daisy Noble, for and on behalf of Ngāruahine; and

35

(iii) the chairperson, Peter Moeahu, and Patrick Terence Charles Gallagher and Ngaraina Brooks, 2 other trustees of Te Korowai o

Ngāruahine, on behalf of all of the trustees of Te Korowai o Ngāruahine; and

(b) includes—

(i) the schedules of, and attachments to, the deed; and

(ii) any amendments to the deed or its schedules and attachments 5

deferred selection property has the meaning given in **section 89**

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

effective date means the date that is 6 months after the settlement date

exclusive RFR area has the meaning given in **section 96** 10

exclusive RFR land has the meaning given in **section 96**

freshwater fisheries management plan has the meaning given in section 2(1) of the Conservation Act 1987

historical claims has the meaning given in **section 14**

interest means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property 15

iwi of Taranaki has the meaning given in **section 84**

kaitiaki plan means the kaitiaki plan provided for by **subpart 5 of Part 2**

LINZ means Land Information New Zealand

local authority has the meaning given in section 5(1) of the Local Government Act 2002 20

member of Ngāruahine means an individual referred to in **section 13(1)(a)**

national park management plan has the meaning given to **management plan** in section 2 of the National Parks Act 1980

property redress schedule means the property redress schedule of the deed of settlement 25

regional council has the meaning given in section 2(1) of the Resource Management Act 1991

Registrar-General means the Registrar-General of Land appointed ~~under~~ in accordance with section 4 of the Land Transfer Act 1952 30

relevant department has the meaning given in **section 75**

relevant local authority has the meaning given in **section 75**

representative entity means—

(a) the trustees; and

(b) any person, including any trustee, acting for or on behalf of— 35

(i) the collective group referred to in **section 13(1)(a)**; or

- (ii) 1 or more members of Ngāruahine; or
- (iii) 1 or more of the whānau, hapū, or groups referred to in **section 13(1)(c)**

reserve has the meaning given in section 2(1) of the Reserves Act 1977

reserve property has the meaning given in **section 57** 5

resource consent has the meaning given in section 2(1) of the Resource Management Act 1991

RFR means the right of first refusal provided for by **subpart 2 of Part 3**

RFR land has the meaning given in **section 97**

settlement date means the date that is 40 working days after the date on which this Act comes into force 10

shared RFR area has the meaning given in **section 96**

statutory acknowledgement has the meaning given in **section 28**

Te Korowai o Ngāruahine means ~~the trust of that name~~ Te Korowai o Ngāruahine Trust established by a trust deed dated 20 June 2013 15

tikanga means customary values and practices

trustees of Te Korowai o Ngāruahine and **trustees** mean the trustees, acting in their capacity as trustees, of Te Korowai o Ngāruahine

Whāriki o Ngāruahine has the meaning given in **section 42**

working day means a day other than— 20

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day:
- (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:
- (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: 25
- (d) the days observed as the anniversaries of the provinces of Taranaki and Wellington.

13 Meaning of Ngāruahine

(1) In this Act, **Ngāruahine**— 30

- (a) means the collective group composed of individuals who are descended from 1 or more Ngāruahine tupuna; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including the following groups: 35
 - (i) Kanihi–Umutahi hapū:
 - (ii) Okahu–Inuawai hapū:

- (iii) Ngāti Manuhiakai hapū:
 - (iv) Ngāti Tu hapū:
 - (v) Ngāti Haua hapū:
 - (vi) Ngāti Tamaahuroa–Titahi hapū.
- (2) In this section and **section 14**,— 5
- area of interest** means the area shown as the Ngāruahine area of interest in part 1 of the attachments
- customary rights** means rights exercised according to tikanga Māori, including—
- (a) rights to occupy land; and 10
 - (b) rights in relation to the use of land or other natural or physical resources
- descended** means that a person is descended from another person by—
- (a) birth; or
 - (b) legal adoption
- Ngāruahine tūpuna** means an individual who— 15
- (a) exercised customary rights by virtue of being descended from—
 - (i) Turi Arikiniui; or
 - (ii) Rongorongo; or
 - (iii) a recognised tupuna of any of the groups referred to in **subsection (1)(c)(i) to (vi)**; and 20
 - (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840.
- 14 Meaning of historical claims**
- (1) In this Act, **historical claims**—
- (a) means the claims described in **subsection (2)**; and 25
 - (b) includes the claims described in **subsection (3)**; but
 - (c) does not include the claims described in **subsection (4)**.
- (2) The historical claims are every claim that Ngāruahine or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 30
- (a) is founded on a right arising—
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law (including aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or 35
 - (v) otherwise; and

- (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by or on behalf of the Crown; or
 - (ii) by or under legislation.
- (3) The historical claims include—
 - (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāruahine or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
 - (i) Wai 132 (Ngāruahine Land (E Taha and others) claim):
 - (ii) Wai 138 (Te Whana Whānau Trust (T Whana and others) claim):
 - (iii) Wai 559 (the Okahu and others (John Hooker, Lawa Nuku) claim); and
 - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāruahine or a representative entity:
 - (i) Wai 54 (Ngā Iwi o Taranaki (Makere Rangiata Love and others) claim):
 - (ii) Wai 131 (Taranaki Māori Trust Board (Hamiora Raumati and others) claim):
 - (iii) Wai 143 (Taranaki claims (Taranaki Consolidated Claims)):
 - (iv) Wai 552 (Araukuku Lands, Forest and Fisheries (L Turahui) claim):
 - (v) Wai 796 (Petroleum claim).
- (4) However, the historical claims do not include—
 - (a) a claim that a member of Ngāruahine, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāruahine; or
 - (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**.
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

- (1) The historical claims are settled.

- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) **Subsections (1) and (2)** do not limit the deed of settlement.
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of— 5
- (a) the historical claims; or
 - (b) the deed of settlement; or 10
 - (c) this Act; or
 - (d) the redress provided under the deed of settlement or this Act.
- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act. 15

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order “Ngāruahine Claims Settlement Act **2015**, **section 15(4) and (5)**”. 20

Resumptive memorials no longer to apply

17 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to a cultural redress property; or
 - (b) to a deferred selection property that is not land in the exclusive RFR area or the shared RFR area, on and from the date of its transfer to the trustees; or 25
 - (c) to land in the exclusive RFR area or the shared RFR area; or
 - (d) for the benefit of Ngāruahine or a representative entity.
- (2) The enactments are— 30
- (a) Part 3 of the Crown Forest Assets Act 1989;
 - (b) sections 211 to 213 of the Education Act 1989;
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986; 35
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

18 Resumptive memorials to be cancelled

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the computer register for, each allotment that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)** and that— 5
 - (a) is all or part of—
 - (i) a cultural redress property:
 - (ii) a deferred selection property (other than an allotment that is solely in the exclusive RFR area or the shared RFR area); or
 - (b) is solely within the exclusive RFR area or the shared RFR area. 10
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—
 - (a) the settlement date, for a cultural redress property or each allotment that is solely in the exclusive RFR area or the shared RFR area; or
 - (b) the date of transfer of the property to the trustees, for a deferred selection property that is not land in the exclusive RFR area or the shared RFR area. 15
- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must— 20
 - (a) register the certificate against each computer register identified in the certificate; and
 - (b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a computer register identified in the certificate, but only in respect of each allotment described in the certificate. 25

*Miscellaneous matters***19 Rule against perpetuities does not apply**

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—
 - (a) do not prescribe or restrict the period during which—
 - (i) Te Korowai o Ngāruahine may exist in law; or 30
 - (ii) the trustees may hold or deal with property or income derived from property; and
 - (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective. 35

- (2) However, if Te Korowai o Ngāruahine is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

20 Access to deed of settlement

The chief executive of the Ministry of Justice must make copies of the deed of settlement available— 5

- (a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between 9 am and 5 pm on any working day; and
- (b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice. 10

Part 2 Cultural redress

Subpart 1—Protocols

21 Interpretation 15

In this subpart,—

protocol—

- (a) means each of the following protocols issued under **section 22(1)(a)**:
 - (i) the conservation protocol:
 - (ii) the fisheries protocol: 20
 - (iii) the taonga tūturu protocol; and

- (b) includes any amendments made under **section 22(1)(b)**

responsible Minister means,—

- (a) for the conservation protocol, the Minister of Conservation:
- (b) for the fisheries protocol, the Minister for Primary Industries: 25
- (c) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage;
- (d) for any protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol. 30

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

- (1) Each responsible Minister—

- (a) must issue a protocol to the trustees on the terms set out in part 4 of the documents schedule; and
 - (b) may amend or cancel that protocol.
 - (2) The responsible Minister may amend or cancel a protocol at the initiative of—
 - (a) the trustees; or 5
 - (b) the responsible Minister.
 - (3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees.
- 23 Protocols subject to rights, functions, and duties** 10
- Protocols do not restrict—
- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability—
 - (i) to introduce legislation and change Government policy; and
 - (ii) to interact with or consult a person the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or 15
 - (b) the responsibilities of a responsible Minister or a department of State; or
 - (c) the legal rights of Ngāruahine or a representative entity.
- 24 Enforcement of protocols** 20
- (1) The Crown must comply with a protocol while it is in force.
 - (2) If the Crown fails to comply with a protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950.
 - (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol. 25
 - (4) To avoid doubt,—
 - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and
 - (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under **subsection (2)**. 30

Conservation

25 Conservation protocol

- (1) The Director-General must note a summary of the terms of the conservation protocol in any conservation management strategy, conservation management 35

plan, freshwater fisheries management plan, or national park management plan that affects the conservation protocol area.

- (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to a strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 5
- (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—
 - (a) rights relating to the common marine and coastal area; or
 - (b) an estate or interest in land held, managed, or administered under the conservation legislation; or 10
 - (c) an interest in, or rights relating to, flora or fauna managed or administered under the conservation legislation.
- (4) In this section,—

common marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011 15

conservation protocol area means the area shown on the map attached to the conservation protocol.

Fisheries

- 26 Fisheries protocol** 20
- (1) The chief executive of the department of State responsible for the administration of the Fisheries Act 1996 must note a summary of the terms of the fisheries protocol in any fisheries plan that affects the fisheries protocol area.
 - (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and 25
 - (b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.
 - (3) The fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, or seaweed) that are held, managed, or administered under any of the following enactments: 30
 - (a) the Fisheries Act 1996;
 - (b) the Maori Commercial Aquaculture Claims Settlement Act 2004;
 - (c) the Maori Fisheries Act 2004;
 - (d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. 35
 - (4) In this section,—

fisheries plan means a plan approved or amended under section 11A of the Fisheries Act 1996

fisheries protocol area means the area shown on the map attached to the fisheries protocol, together with the adjacent waters.

Taonga tūturu 5

27 **Taonga tūturu protocol**

- (1) The taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.
- (2) In this section, **taonga tūturu**— 10
 - (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
 - (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 2—Statutory acknowledgement and deeds of recognition

28 **Interpretation** 15

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statement of association, for a statutory area, means the statement—

- (a) made by Ngāruahine of their particular cultural, historical, spiritual, and traditional association with the statutory area; and 20
- (b) set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in **section 29** in respect of the statutory areas, on the terms set out in this subpart 25

statutory area means an area described in **Schedule 1**, the general location of which is indicated on the deed plan for that area

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and 30
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

29 **Statutory acknowledgement by the Crown**

The Crown acknowledges the statements of association for the statutory areas. 35

30 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with **sections 31 to 33**; and 5
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with **sections 34 and 35**; and 10
- (c) to enable the trustees and any member of Ngāruahine to cite the statutory acknowledgement as evidence of the association of Ngāruahine with a statutory area, in accordance with **section 36**.

31 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 15
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity. 20
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

32 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 25
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public. 30
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.

33 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area. 35

- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

34 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) a copy of **sections 29 to 33, 35, and 36**; and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

35 Provision of summary or notice to trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

- (2) A summary provided under **subsection (1)(a)** must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided— 5
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice. 10
- (5) The trustees may, by written notice to a relevant consent authority,—
- (a) waive the right to be provided with a summary or copy of a notice under this section; and 15
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application: 20
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.
- 36 Use of statutory acknowledgement**
- (1) The trustees and any member of Ngāruahine may, as evidence of the association of Ngāruahine with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before— 25
- (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or 30
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) the bodies referred to in **subsection (1)**; or 35
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.

- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
 - (a) neither the trustees nor members of Ngāruahine are precluded from stating that Ngāruahine has an association with a statutory area that is not described in the statutory acknowledgement; and 5
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Deeds of recognition

- 37 Issuing and amending deeds of recognition** 10
- (1) This section applies in respect of the statutory areas listed in **Part 2 of Schedule 1**.
 - (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3.1 of the documents schedule for the statutory areas administered by the Department of Conservation. 15
 - (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3.2 of the documents schedule for the statutory areas administered by the Commissioner.
 - (4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees. 20

General provisions relating to statutory acknowledgement and deeds of recognition

- 38 Application of statutory acknowledgement and deed of recognition to river or stream**
- (1) If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement— 25
 - (a) applies only to—
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and 30
 - (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; and
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or 35
 - (ii) an artificial watercourse.

- (2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—
- (a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; and 5
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
 - (ii) the bed of an artificial watercourse.
- 39 Exercise of powers and performance of functions and duties** 10
- (1) The statutory acknowledgement and a deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāruahine with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 15
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to— 20
- (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.
- 40 Rights not affected**
- (1) The statutory acknowledgement and a deed of recognition do not— 25
- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
 - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart. 30
- Consequential amendment to Resource Management Act 1991*
- 41 Amendment to Resource Management Act 1991**
- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order “Ngāruahine Claims Settlement Act **2015**”. 35

Subpart 3—Whāriki o Ngāruahine

42 Interpretation

In this subpart,—

Conservation Board means a board established under section 6L of the Conservation Act 1987

5

New Zealand Conservation Authority means the Authority established by section 6A of the Conservation Act 1987

protection principles, for a Whāriki o Ngāruahine area, ~~means the principles set out for the area in part 1 of the documents schedule, or as those principles are amended under **section 45(3)**—~~

10

(a) means the principles agreed by the trustees and the Minister of Conservation, as set out for the area in part 1 of the documents schedule; and

(b) includes any principles as they are amended by the written agreement of the trustees and the Minister of Conservation

specified actions, for a Whāriki o Ngāruahine area, means the actions set out for the area in part 1 of the documents schedule

15

statement of values, for a Whāriki o Ngāruahine area, means the statement—

(a) made by Ngāruahine of their values relating to their cultural, historical, spiritual, and traditional association with the Whāriki o Ngāruahine area; and

20

(b) set out in part 1 of the documents schedule

Whāriki o Ngāruahine means the application of this subpart to each Whāriki o Ngāruahine area

Whāriki o Ngāruahine area—

(a) means an area that is declared under **section 43(1)** to be subject to Whāriki o Ngāruahine; but

25

(b) does not include an area that is declared under **section 54(1)** to be no longer subject to Whāriki o Ngāruahine.

43 Declaration of Whāriki o Ngāruahine and the Crown's acknowledgement

(1) Each area described in **Schedule 2** is declared to be subject to Whāriki o Ngāruahine.

30

(2) The Crown acknowledges the statements of values for Whāriki o Ngāruahine areas.

44 Purposes of Whāriki o Ngāruahine

The only purposes of Whāriki o Ngāruahine are—

35

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in **section 46**; and

- (b) to enable the taking of action under **sections 47 to 52**.

45 ~~Agreement on Effect of protection principles~~

- (1) ~~The trustees and the Minister of Conservation may agree on, and publicise, The protection principles that are intended to prevent the values stated in the state-~~ 5
~~ment of values for a Whāriki o Ngāruahine area from being harmed or dimin-~~
~~ished.~~
- (2) ~~The protection principles set out in part 1 of the documents schedule are to be~~
~~treated as having been agreed by the trustees and the Minister of Conservation.~~
- (3) ~~The trustees and the Minister of Conservation may agree in writing any amend-~~ 10
~~ments to the protection principles.~~

46 Obligations on New Zealand Conservation Authority and Conservation Boards

- (1) When the New Zealand Conservation Authority or a Conservation Board con-
 sideres a conservation management strategy, conservation management plan, or
 national park management plan that relates to a Whāriki o Ngāruahine area, the 15
 Authority or Board must have particular regard to—
- (a) the statement of values for the area; and
- (b) the protection principles for the area.
- (2) Before approving a strategy or plan that relates to a Whāriki o Ngāruahine area,
 the New Zealand Conservation Authority or a Conservation Board must— 20
- (a) consult the trustees; and
- (b) have particular regard to the views of the trustees as to the effect of the
 strategy or plan on—
- (i) any matters in the implementation of the statement of values for 25
 the area; and
- (ii) any matters in the implementation of the protection principles for
 the area.
- (3) If the trustees advise the New Zealand Conservation Authority in writing that
 they have significant concerns about a draft conservation management strategy
 in relation to a Whāriki o Ngāruahine area, the Authority must, before approv- 30
 ing the strategy, give the trustees an opportunity to make submissions in rela-
 tion to those concerns.

47 Noting of Whāriki o Ngāruahine in strategies and plans

- (1) The application of Whāriki o Ngāruahine to a Whāriki o Ngāruahine area must
 be noted in any conservation management strategy, conservation management 35
 plan, or national park management plan affecting the area.
- (2) The noting of Whāriki o Ngāruahine is—
- (a) for the purpose of public notice only; and

- (b) not an amendment to the strategy or plan for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

48 Notification in *Gazette*

- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,— 5
 - (a) the declaration made by **section 43** that Whāriki o Ngāruahine applies to Whāriki o Ngāruahine areas; and
 - (b) the protection principles for each Whāriki o Ngāruahine area.
- (2) Any amendment to the protection principles, as agreed by the trustees and the Minister of Conservation, ~~agreed under **section 45(3)**~~ must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing. 10
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 49 or 50**. 15

49 Actions by Director-General

- (1) The Director-General must take action in relation to the protection principles that relate to a Whāriki o Ngāruahine area, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken. 20
- (3) The Director-General must notify the trustees in writing of any action intended to be taken.

50 Amendment to strategies or plans

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to a Whāriki o Ngāruahine area. 25
- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment.
- (3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980. 30

51 Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes: 35

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 50(1)**:

- (b) to regulate or prohibit activities or conduct by members of the public in relation to a Whāriki o Ngāruahine area:
- (c) to create offences for breaches of regulations made under **paragraph (b)**:
- (d) to prescribe the following fines for an offence referred to in **paragraph (c)**: 5
 - (i) ~~for an offence referred to in **paragraph (c)**~~, a fine not exceeding \$5,000; and
 - (ii) ~~for a continuing offence~~ if the offence is a continuing one, an additional amount not exceeding ~~\$50~~ \$500 for every day on which the offence continues. 10

52 Bylaws

The Minister of Conservation may make bylaws for 1 or more of the following purposes:

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 50(1)**: 15
- (b) to regulate or prohibit activities or conduct by members of the public in relation to a Whāriki o Ngāruahine area:
- (c) to create offences for breaches of bylaws made under **paragraph (b)**:
- (d) to prescribe the following fines for an offence referred to in **paragraph (c)**: 20
 - (i) ~~for an offence referred to in **paragraph (c)**~~, a fine not exceeding ~~\$1,000~~ \$5,000; and
 - (ii) ~~for a continuing offence~~ if the offence is a continuing one, an additional amount not exceeding ~~\$50~~ \$500 for every day on which the offence continues. 25

53 ~~Existing classification~~ Effect of Whāriki o Ngāruahine on Whāriki o Ngāruahine areas

- (1) This section applies if, at any time, Whāriki o Ngāruahine applies to any land in— 30
 - (a) a national park under the National Parks Act 1980; or
 - (b) a conservation area under the Conservation Act 1987; or
 - (c) a reserve under the Reserves Act 1977.
- (2) Whāriki o Ngāruahine does not affect—
 - (a) the ~~purpose~~ status of the land as a national park, conservation area, or reserve; or 35
 - (b) the classification of the land as a national park, conservation area, or purpose of a reserve.

54 Termination of Whāriki o Ngāruahine classification

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of a Whāriki o Ngāruahine area is no longer subject to Whāriki o Ngāruahine.
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless— 5
 - (a) the trustees and the Minister of Conservation have agreed in writing that Whāriki o Ngāruahine is no longer appropriate for the relevant area; or
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands. 10
- (3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—
 - (a) **subsection (2)(c)** applies; or 15
 - (b) there is a change in the statutory management regime that applies to all or part of the Whāriki o Ngāruahine area.

55 Exercise of powers and performance of functions and duties

- (1) Whāriki o Ngāruahine does not affect, and must not be taken into account by, any person exercising a power or performing a function or duty under an enactment or a bylaw. 20
- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the values stated in the statement of values for a Whāriki o Ngāruahine area than that person would give if the area were not subject to Whāriki o Ngāruahine. 25
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart.

56 Rights not affected

- (1) Whāriki o Ngāruahine does not—
 - (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or 30
 - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a Whāriki o Ngāruahine area.
- (2) This section is subject to the other provisions of this subpart.

Subpart 4—Vesting of cultural redress properties

57 Interpretation

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 3**:

Properties vested in fee simple to be administered as reserves

(a) Te Kohinga property:

(b) Te Ngutu o te Manu site A:

(c) Waipakari property:

Property vested in fee simple

(d) Te Poho o Taranaki, if **section 61(1)** applies

reserve property means each of the properties named in **paragraphs (a) to (c)** of the definition of cultural redress property.

Properties vested in fee simple to be administered as reserves

58 Te Kohinga property

(1) The reservation of the part of the Te Kohinga property that is a local purpose (esplanade) reserve subject to the Reserves Act 1977 is revoked.

(2) ~~The part of the Te Kohinga property referred to in **subsection (1)** vests in the Crown as Crown land subject to the Land Act 1948.~~

(3) The part of the Te Kohinga property that is a conservation area subject to the Conservation Act 1987 ceases to be a conservation area.

(4) ~~The part of the Te Kohinga property shown as A on OTS-023-03 (subject to survey) (other than the part referred to in **subsection (3)**) vests in the Crown as Crown land subject to the Land Act 1948.~~

(5) The fee simple estate in the Te Kohinga property vests in the trustees.

(6) The Te Kohinga property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(7) The reserve is named Te Kohinga Historic Reserve.

(8) **Subsections (1) to (7)** do not take effect until the trustees have provided a registrable easement in gross for a right to drain stormwater in favour of the South Taranaki District Council on the terms and conditions set out in part 7.1 of the documents schedule.

(9) Despite the provisions of the Reserves Act 1977, the easement—

(a) is enforceable in accordance with its terms; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

59 Te Ngutu o te Manu site A

- (1) The reservation of Te Ngutu o te Manu site A as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Ngutu o te Manu site A vests in the trustees.
- (3) Te Ngutu o te Manu site A is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. 5
- (4) The reserve is named Te Ngutu o te Manu Historic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Crown with a registrable easement in gross for a right to locate, access, and maintain the monument on the terms and conditions set out in part 7.2 of the documents schedule. 10

60 Waipakari property

- (1) The reservation of the Waipakari property as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Waipakari property vests in the trustees. 15
- (3) The Waipakari property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Waipakari Historic Reserve.

*Property vested in fee simple***61 Te Poho o Taranaki** 20

- (1) This section takes effect only if, on the settlement date, there is an unconditional agreement for sale and purchase between the Crown and the registered proprietor of computer freehold register TNH2/862 relating to ~~the areas A and B on OTS-023-02A (subject to survey)~~ Section 1 SO 482508 and Lot 1 DP 5292.
- (2) The reservation of ~~the area B on OTS-023-02A (subject to survey)~~ Lot 1 DP 5292 as a reserve for an endowment for education subject to the Reserves Act 1977 is revoked. 25
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under **subsection (2)**, of the reserve status of ~~the area B on OTS-023-02A (subject to survey)~~ Lot 1 DP 5292. 30
- (4) ~~The area B on OTS-023-02A (subject to survey)~~ Lot 1 DP 5292 ceases to be a conservation area subject to the Conservation Act 1987.
- (5) ~~The area A on OTS-023-02A (subject to survey)~~ Section 1 SO 482508 vests in the Crown as Crown land subject to the Land Act 1948.
- (6) The fee simple estate in ~~the area B on OTS-023-02A (subject to survey)~~ Lot 1 DP 5292 vests in the registered proprietor of computer freehold register TNH2/862. 35

- (7) As soon as practicable after an order is produced for a computer freehold register, the Registrar-General must create 1 computer freehold register in the name of the registered proprietor of computer freehold register TNH2/862, comprising the following areas:
- (a) the fee simple estate in ~~the area B~~ Lot 1 DP 5292; and 5
 - (b) the balance of the land in computer register TNH2/862 (after the vesting by **subsection (5)**).
- (8) The fee simple estate in Te Poho o Taranaki vests in the trustees.
- (9) The vesting in **subsection (6)**—
- (a) does not limit section 10 or 11 of the Crown Minerals Act 1991 or affect other rights to subsurface minerals; and 10
 - (b) 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.
- (10) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the vesting in **subsection (6)** or to any matter incidental to, or required for the purpose of, the vesting. 15

General provisions applying to vesting of cultural redress properties

62 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in **Schedule 3**. 20

63 Interests that are not interests in land

- (1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) listed for the property in **Schedule 3**, for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 25
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property.
- (3) The interest applies— 30
- (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the property. 35

64 Registration of ownership

- (1) This section applies to a cultural redress property vested in the trustees under this subpart.
- (2) **Subsection (3)** applies to a cultural redress property, but only to the extent that the property is all of the land contained in a computer freehold register. 5
- (3) The Registrar-General must, on written application by an authorised person,—
 - (a) register the trustees as the proprietors of the fee simple estate in the property; and
 - (b) record any entry on the computer freehold register and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement. 10
- (4) **Subsection (5)** applies to a cultural redress property, but only to the extent that **subsection (2)** does not apply to the property.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,— 15
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the trustees; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (6) **Subsection (5)** is subject to the completion of any survey necessary to create a computer freehold register. 20
- (7) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—
 - (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustees. 25
- (8) In this section, **authorised person** means a person authorised by—
 - (a) the Secretary for Justice, for Te Poho o Taranaki;
 - (b) the Director-General, for all other properties.

65 Application of Part 4A of Conservation Act 1987 30

- (1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart 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.
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property. 35
- (3) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from sec-

tion 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.

66 Matters to be recorded on computer freehold register

- (1) The Registrar-General must record on the computer freehold register,— 5
- (a) for a reserve property,—
- (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (ii) that the land is subject to **sections 65(3) and 70**; and
- (b) for Te Poho o Taranaki, if **section 61** takes effect, that the land is sub- 10
ject to Part 4A of the Conservation Act 1987.
- (2) A notification made under **subsection (1)** 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.
- (3) For a reserve property, if the reservation of the property under this subpart is 15
revoked for—
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notifications that—
- (i) section 24 of the Conservation Act 1987 does not apply to the 20
property; and
- (ii) the property is subject to **sections 65(3) and 70**; or
- (b) part of the property, the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on the computer free- 25
hold register for the part of the property that remains a reserve.
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)(a)**.

67 Application of other enactments

- (1) The vesting of the fee simple estate in a cultural redress property under this subpart does not— 30
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of 35
settlement in relation to a cultural redress property.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.

- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
 - (b) any matter incidental to, or required for the purpose of, the vesting. 5

68 Names of Crown protected areas discontinued

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area. 10
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly. 10
- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 15

Further provisions applying to reserve properties

69 Application of other enactments to reserve properties

- (1) The trustees are the administering body of a reserve property.
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property. 20
- (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.
- (4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act. 25
- (5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name. 30

70 Subsequent transfer of reserve land

- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.
- (2) The fee simple estate in the reserve land may be transferred only in accordance with **section 71 or 72**. 35
- (3) In this section and **sections 71 to 73**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

71 Transfer of reserve land to new administering body

- (1) The registered proprietors of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).
- (2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able—
 - (a) to comply with the requirements of the Reserves Act 1977; and
 - (b) to perform the duties of an administering body under that Act.
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the proprietors of the fee simple estate in the reserve land.
- (4) The required documents are—
 - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
 - (c) any other document required for the registration of the transfer instrument.
- (5) The new owners, from the time of their registration under this section,—
 - (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.
- (6) A transfer that complies with this section need not comply with any other requirements.

72 Transfer of reserve land to trustees of existing administering body if trustees change

The registered proprietors of the reserve land may transfer the fee simple estate in the reserve land if—

- (a) the transferors of the reserve land are or were the trustees of a trust; and
- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply.

73 Reserve land not to be mortgaged

The owners of reserve land must not mortgage, or give a security interest in, the reserve land.

74 Saving of bylaws, etc, in relation to reserve properties

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a reserve property before the property was vested in the trustees under this subpart. 5
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977. 10

Subpart 5—Kaitiaki plan**75 Interpretation**

In this subpart,—

kaitiaki area means the areas with the general location (but not the precise boundaries) indicated in OTS-023–01 and OTS-023–56 15

kaitiaki plan means a plan prepared by the trustees of Te Korowai o Ngāruahine for the purpose set out in **section 76**

relevant department means a department (as defined in section 27A of the State Sector Act 1988) that has a role in the management of land and natural resources 20

relevant local authority, for a kaitiaki area, means a local authority with jurisdiction within the kaitiaki area.

76 Purpose of kaitiaki plan

The purpose of a kaitiaki plan is to identify— 25

- (a) the values and principles of Ngāruahine in relation to the kaitiaki area; and
- (b) the resource management issues of significance to Ngāruahine in relation to the kaitiaki area.

77 Kaitiaki plan may be lodged with relevant local authority 30

The trustees may from time to time prepare a kaitiaki plan and lodge it with the relevant local authority.

78 Effect of kaitiaki plan

- (1) This section applies when a relevant local authority is preparing or reviewing a policy statement or a plan under the Resource Management Act 1991. 35

- (2) The relevant local authority must take into account any kaitiaki plan lodged with it, to the extent that the plan's content has a bearing on the resource management issues of the kaitiaki area within the relevant local authority's jurisdiction.
- (3) The relevant local authority must include in the policy statement or the plan a statement of the resource management issues of significance to Ngāruahine as set out in the kaitiaki plan. 5
- (4) The relevant local authority must refer to the kaitiaki plan to the extent that it is relevant in the evaluation of a proposed statement or a proposed plan under section 32 of the Resource Management Act 1991. 10

79 Kaitiaki plan may be lodged with relevant department

- (1) The trustees may from time to time prepare a kaitiaki plan and lodge it with a relevant department.
- (2) The relevant department with which a kaitiaki plan is lodged must have regard to the plan when exercising any of its powers or performing any of its functions that relate to the purpose of the kaitiaki plan (as set out in **section 76**) within the kaitiaki area. 15

80 Limitation of rights

A kaitiaki plan does not have the effect of granting or creating rights under the Marine and Coastal Area (Takutai Moana) Act 2011. 20

Subpart 6—Te Ngutu o Te Manu site B and Kaipī Street property

81 Interpretation

In this subpart,—

Kaipī Street property means the land shown on deed plan OTS-023–62

Te Ngutu o Te Manu site B means the land shown on deed plan OTS-023–63 (subject to survey). 25

82 Te Ngutu o Te Manu site B

- (1) ~~This section—**Subsections (2) and (3)** takes effect only if the trustees are, within 5 years from the settlement date, or become a party to the an unconditional agreement for sale and purchase, as contemplated by clause 5.14 of the deed of settlement,~~ with the South Taranaki District Council, for Te Ngutu o Te Manu site B. 30
- (2) Immediately before the transfer of Te Ngutu o Te Manu site B to the trustees, ~~the reservation of Te Ngutu o Te Manu site B as a recreation reserve subject to the Reserves Act 1977 is revoked.~~ 35
 - (a) the reservation of Te Ngutu o Te Manu site B as a recreation reserve subject to the Reserves Act 1977 is revoked; and

- (b) the fee simple estate in Te Ngutu o Te Manu site B vests in the South Taranaki District Council.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of Te Ngutu o Te Manu site B.
- (4) For the purposes of **subsection (1)**, the South Taranaki District Council may enter into an agreement for sale and purchase of Te Ngutu o Te Manu site B with the trustees. 5

83 Kaipi Street property

- (1AA) If, within 5 years from the settlement date, the trustees are a party to an unconditional agreement for sale and purchase with the South Taranaki District Council for the Kaipi Street property, the South Taranaki District Council may transfer that property to the trustees in accordance with that agreement. 10
- (1) For the purposes of **subsection (1AA)**, ~~Despite section 345(1) of the Local Government Act 1974, the trustees and the South Taranaki District Council may enter into an agreement for sale and purchase of the Kaipi Street property with the trustees.~~ enter into an unconditional agreement for sale and purchase of the Kaipi Street property, as contemplated by clause 5.14 of the deed of settlement. 15
- (2) This section applies despite section 345(1) of the Local Government Act 1974.

Subpart 7—Regional council representation 20

84 Interpretation

In this subpart,—

arrangements means the framework set out in this subpart, and as developed by Ngāruahine, Te Atiawa, Taranaki Iwi, and the Crown to provide for the iwi of Taranaki to participate in the decision-making processes of the Council 25

committee means either or both of the following committees of the Council:

- (a) the committee responsible for policy and planning functions;
- (b) the committee responsible for regulatory functions

Council means Taranaki Regional Council

criteria and process for iwi appointments means the criteria and process for iwi appointments developed in accordance with clauses 5.60 to 5.64 of the deed of settlement 30

iwi of Taranaki means—

- (a) Ngāti Tama; and
- (b) Ngāti Mutunga; and 35
- (c) Ngāti Ruanui; and
- (d) Ngā Rauru Kītahi; and

- (e) Taranaki Iwi; and
- (f) Ngāti Maru; and
- (g) Ngāruahine; and
- (h) Te Atiawa.

- 85 Purpose and objectives** 5
- (1) The purpose of this subpart is to provide an effective mechanism for the iwi of Taranaki to contribute to the decision-making processes of the Council.
- (2) The objectives of this subpart are to encourage and enable the iwi of Taranaki—
- (a) to participate directly in the decision-making processes of the Council; and 10
 - (b) to contribute directly to a wide range of the Council’s policy, regulatory, and advocacy functions; and
 - (c) to have an effective and workable representation that is cost-effective for the Council and of benefit to both the Council and the iwi of Taranaki. 15
- 86 Iwi representation on Council committee**
- (1) The iwi of Taranaki may nominate—
- (a) 3 iwi members for appointment to the committee of the Council that is responsible for policy and planning functions; and
 - (b) 3 iwi members for appointment to the committee of the Council that is responsible for regulatory functions. 20
- (1A) The nominations must be made in accordance with the criteria and process for iwi appointments.
- (2) The Council must appoint the members nominated under **subsection (1)** to the appropriate committee. 25
- (3) The members appointed under **subsection (2)**—
- (a) have the same status as members appointed by the Council under clause 31 of Schedule 7 of the Local Government Act 2002; and
 - (b) are entitled to the same remuneration and expenses as are payable to the other members of the committee to which they are appointed. 30
- 87 Members to act in interests of committee**
- Committee members who are appointed under **section 86(2)** must act in the interests of the committee to which they are appointed while also presenting the perspectives of the iwi of Taranaki to the committee.

88 Change in committee structure

- (1) This subpart does not prevent the Council from adopting a different structure for a committee, including a structure that may result in a committee being discontinued, or some or all of the functions of a committee being removed, modified, or carried out by a new or an existing committee. 5
- (2) However,—
- (a) before making any change to the structure of a committee, the Council must consult the iwi of Taranaki; and
 - (b) the Council must ensure that any changes to the structure of a committee do not diminish the nature of the representation of the iwi of Taranaki that is set out in the deed of settlement. 10
- (3) Any dispute about the effect of a change to the structure of a committee on the representation of the iwi of Taranaki must be referred to—
- (a) the chief executive of Te Korowai o Ngāruahine; and
 - (b) the chief executive of the governance entity for any of the other iwi of Taranaki that are participating in the arrangements; and 15
 - (c) the chief executive of the Council.
- (4) The chief executives must work towards the resolution of the dispute in a manner that reflects the purpose and objectives set out in **section 85**.

Part 3

20

Commercial redress**89 Interpretation**

In **this Part**,—

deferred selection property means a property described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied 25

Kaipi Street Conservation Area means the land of that name described in part 3 of the property redress schedule

land holding agency means the land holding agency specified, for a deferred selection property, in part 3 of the property redress schedule. 30

Subpart 1—Transfer of deferred selection properties

90 The Crown may transfer properties

To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—

- (a) to transfer the fee simple estate in a deferred selection property to the trustees; and 35

- (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.

91 Transfer of Kaipī Street Conservation Area if it becomes deferred selection property

- (1) This section takes effect only if the Kaipī Street Conservation Area becomes a deferred selection property. 5
- (2) The Kaipī Street Conservation Area ceases to be a conservation area under the Conservation Act 1987 immediately before the transfer of the fee simple estate in that area under **section 90**.

92 Minister of Conservation may grant easements 10

- (1) The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to a deferred selection property.
- (2) Any such easement is—
 - (a) enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and 15
 - (b) to be treated as having been granted in accordance with Part 3B of that Act; and
 - (c) registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied. 20

93 Computer freehold registers for deferred selection properties

- (1) This section applies to a deferred selection property that is to be transferred to the trustees (~~but to no other person or entity~~) under **section 90**.
- (2) However, this section applies only to the extent that—
 - (a) the property is not all of the land contained in a computer freehold register; or 25
 - (b) there is no computer freehold register for all or part of the property.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and 30
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; but
 - (c) omit any statement of purpose from the computer freehold register.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register. 35

- (5) In this section and **section 94**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

94 Authorised person may grant covenant for later creation of computer freehold register

- (1) For the purpose of **section 93**, the authorised person may grant a covenant for the later creation of a computer freehold register for any deferred selection property. 5
- (2) Despite the Land Transfer Act 1952,—
- (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a computer interest register; and 10
- (b) the Registrar-General must comply with the request.

95 Application of other enactments

- (1) This section applies to the transfer to the trustees of the fee simple estate in a deferred selection property.
- (2) The transfer 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. 15
- (3) The transfer does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals. 20
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer.
- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer. 25
- (6) In exercising the powers conferred by **section 90**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 30
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.

Subpart 2—Right of first refusal over RFR land

Interpretation

96 Interpretation

- In this subpart and **Schedule 4**,— 35

control, for the purposes of **paragraph (d)** of the definition of Crown body, means,—

- (a) for a company, control of the composition of its board of directors; and
- (b) for another body, control of the composition of the group that would be its board of directors if the body were a company 5

Crown body means—

- (a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and
- (b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and 10
- (c) the New Zealand Railways Corporation; and
- (d) a company or body that is wholly owned or controlled by 1 or more of the following:
 - (i) the Crown:
 - (ii) a Crown entity: 15
 - (iii) a State enterprise:
 - (iv) the New Zealand Railways Corporation; and
- (e) a subsidiary or related company of a company or body referred to in **paragraph (d)**

dispose of, in relation to RFR land (other than in **section 119**),— 20

- (a) means—
 - (i) to transfer or vest the fee simple estate in the land; or
 - (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but 25
- (b) to avoid doubt, does not include—
 - (i) to mortgage, or give a security interest in, the land; or
 - (ii) to grant an easement over the land; or
 - (iii) to consent to an assignment of a lease, or to a sublease, of the land; or 30
 - (iv) to remove an improvement, a fixture, or a fitting from the land

exclusive RFR area means the area shown on ~~OTS-023-57~~ SO 477764

~~**exclusive RFR land** means the land that is within the exclusive RFR area that, on the settlement date, is—~~

- ~~(a) vested in the Crown; or 35~~
- ~~(b) held in fee simple by the Crown; or~~

- (e) ~~a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown~~

exclusive RFR land—

- (a) means the land that is within the exclusive RFR area that, on the settlement date,— 5
- (i) is vested in the Crown; or
- (ii) is held in fee simple by the Crown; or
- (iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and 10
- (b) includes any land obtained in exchange for a disposal of exclusive RFR land under **section 111(1)(c) or 112**

expiry date, in relation to an offer, means its expiry date under **sections 100(2)(a) and 101** 15

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 100**, to dispose of RFR land to the trustees of any offer trust

offer trust means the trust or trusts specified for each of the following types of RFR land ~~(or land obtained in exchange for the disposal of that land):~~ 20

- (a) for exclusive RFR land, ~~the trustees of Te Korowai o Ngāruahine:~~
- (b) for shared RFR land, ~~the trustees of Te Korowai o Ngāruahine and the trustees of Te Kāhui o Taranaki—~~
- (i) Te Korowai o Ngāruahine; and 25
- (ii) Te Kāhui o Taranaki, if it is eligible to participate (see **section 98**)

public work has the meaning given in section 2 of the Public Works Act 1981

recipient trust means the trust specified for each of the following types of RFR land ~~(or land obtained in exchange for the disposal of that land):~~ 30

- (a) for exclusive RFR land, Te Korowai o Ngāruahine:
- (b) for shared RFR land, the offer trust whose trustees accept an offer to dispose of the land under **section 103**

related company has the meaning given in section 2(3) of the Companies Act 1993 35

RFR landowner, in relation to RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and

- (b) means a Crown body, if the body holds the fee simple estate in the land; and
- (c) includes a local authority to which RFR land has been disposed of under **section 106(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested—
 - (i) on the settlement date; or
 - (ii) after the settlement date, under **section 107(1)**

RFR period means,—

- (a) for exclusive RFR land, the period of 172 years on and from the settlement date: 10
- (b) for shared RFR land, the period of 172 years on and from the settlement date

shared RFR area means ~~an~~ the area shown on ~~OTS-023-58~~ SO 477763

shared RFR land means ~~the land that is within the shared RFR area that, on the settlement date, is—~~ 15

- (a) ~~vested in the Crown; or~~
- (b) ~~held in fee simple by the Crown; or~~
- (c) ~~a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown~~ 20

shared RFR land—

- (a) means the land that is within the shared RFR area that, on the settlement date,—
 - (i) is vested in the Crown; or 25
 - (ii) is held in fee simple by the Crown; or
 - (iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown; and 30
- (b) includes any land obtained in exchange for a disposal of shared RFR land under **section 111(1)(c)** or **112**

subsidiary has the meaning given in section 5 of the Companies Act 1993

Taranaki Iwi—

- (a) means the collective group composed of individuals who are descended from an ancestor of Taranaki Iwi; and 35
- (b) includes those individuals; and

- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals; and
- (d) includes hapu, to the extent that they are composed of those individuals, that no longer form distinct communities within Taranaki Iwi

Te Kāhui o Taranaki means the trust of that name established by a trust deed dated ~~28~~24 June 2013. 5

97 Meaning of RFR land

- (1) In this subpart, **RFR land** means—
 - (a) exclusive RFR land; and
 - (b) shared RFR land; and 10
 - (e) ~~any land obtained in exchange for a disposal of RFR land under **section 111(1)(c)** or **112**.~~
- (2) Land ceases to be RFR land if—
 - (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees of a recipient trust or their nominee (for example, under **section 90** in the case of a deferred selection property or under a contract formed under **section 104**); or 15
 - (ii) any other person (including the Crown or a Crown body) under **section 99(d)**; or
 - (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body— 20
 - (i) under any of **sections 108 to 114** (which relate to permitted disposals of RFR land); or
 - (ii) under any matter referred to in **section 115(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or 25
 - (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 124**; or
 - (d) the RFR period for the land ends. 30

Taranaki Iwi participation

98 Taranaki Iwi participation under this subpart

The trustees of Te Kāhui o Taranaki are eligible to participate as trustees of an offer trust under this subpart in relation to shared RFR land, but only on and from the settlement date defined in the legislation that settles the historical claims of Taranaki Iwi. 35

*Restrictions on disposal of RFR land***99 Restrictions on disposal of RFR land**

An RFR landowner must not dispose of RFR land to a person other than the trustees of a recipient trust or their nominee unless the land is disposed of—

- (a) under any of **sections 105 to 114**; or 5
- (b) under any matter referred to in **section 115(1)**; or
- (c) in accordance with a waiver or variation given under **section 124**; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust if the offer to those trustees was— 10
 - (i) made in accordance with **section 100**; and
 - (ii) made on terms that were the same as, or more favourable to ~~the~~ those trustees than, the terms of the disposal to the person; and
 - (iii) not withdrawn under **section 102**; and
 - (iv) not accepted under **section 103**. 15

*~~Trustees'~~ Trustees of offer trusts' right of first refusal***100 Requirements for offer**

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of ~~the 1 or more offer trusts~~ the one or both offer trusts, as the case requires. 20
- (2) The notice must include—
 - (a) the terms of the offer, including its expiry date; and
 - (b) the legal description of the land, including any interests affecting it, and the reference for any computer register for the land; and
 - (c) a statement that identifies the RFR land as exclusive RFR land or shared RFR land; and 25
 - (d) a street address for the land (if applicable); and
 - (e) a street address, postal address, and fax number or electronic address for the trustees of an offer trust to give notices to the RFR landowner in relation to the offer. 30

101 Expiry date of offer

- (1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the trustees of ~~the 1 or more~~ one or both offer trusts receive notice of the offer.

- (2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which the trustees of the ~~1-one or more~~ both offer trusts receive notice of the offer if—
- (a) ~~the those~~ trustees of the ~~1 or more~~ offer trusts received an earlier offer to dispose of the land; and 5
 - (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and
 - (c) the earlier offer was not withdrawn.
- (3) For an offer of shared RFR land, if the RFR landowner has received notices of acceptance from the trustees of the ~~2-both~~ offer trusts at the expiry date specified in the notice given under **section 100**, the expiry date is extended for the trustees of ~~those 2~~ both offer trusts to the date that is the 20th working day after the date on which the trustees receive the RFR landowner's notice given under **section 103(4)**. 10
- 102 Withdrawal of offer** 15
- The RFR landowner may, by notice to the trustees of the ~~1-one or more~~ both offer trusts, withdraw an offer at any time before it is accepted.
- 103 Acceptance of offer**
- (1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if— 20
- (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) The trustees of an offer trust must accept all the RFR land offered, unless the offer permits them to accept less.
- (3) In the case of an offer of shared RFR land, the offer is accepted if, at the end of the expiry date, the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust. 25
- (4) In the case of an offer of shared RFR land, if the RFR landowner has received, at the expiry date specified in the notice of offer given under **section 100**, notices of acceptance from the trustees of ~~the 2~~ both offer trusts, the RFR landowner has 10 working days in which to give notice to the trustees of those 2 offer trusts— 30
- (a) specifying the offer trusts from whose trustees acceptance notices have been received; and
 - (b) stating that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th working day after the day on which the RFR landowner's notice is received under this subsection. 35

104 Formation of contract

- (1) If the trustees of an offer trust accept ~~under **section 103**~~ an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and those trustees on the terms in the offer, ~~including the terms set out in this section.~~ 5
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees of the recipient trust.
- (3) Under the contract, the trustees of the recipient trust may nominate any person other than those trustees (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees of the recipient trust may nominate a nominee only if— 10
 - (a) the nominee is lawfully able to hold the RFR land; and
 - (b) the trustees of the recipient trust give notice to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify— 15
 - (a) the full name of the nominee; and
 - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.
- (6) If the trustees of the recipient trust nominate a nominee, ~~those trustees the trustees of the recipient trust~~ remain liable for the obligations of the transferee under the contract. 20

*Disposals to others but land remains RFR land***105 Disposal to the Crown or Crown bodies**

- (1) An RFR landowner may dispose of RFR land to— 25
 - (a) the Crown; or
 - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

106 Disposal of existing public works to local authorities

- (1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981, to a local authority, as defined in section 2 of that Act. 30
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes— 35
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

107 Disposal of reserves to administering bodies

- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become— 5
 - (a) the RFR landowner of the land; or
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes— 10
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

Disposals to others where land may cease to be RFR land

108 Disposal in accordance with obligations under enactment or rule of law

An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law. 15

109 Disposal in accordance with legal or equitable obligations

An RFR landowner may dispose of RFR land in accordance with—

- (a) a legal or an equitable obligation that—
 - (i) was unconditional before the settlement date; or
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or 20
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
- (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land. 25

110 Disposal under certain legislation

An RFR landowner may dispose of RFR land in accordance with—

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or 30
- (c) section 355(3) of the Resource Management Act 1991; or
- (d) an Act that—
 - (i) excludes the land from a national park within the meaning of the National Parks Act 1980; and

- (ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

111 Disposal of land held for public works	5
(1) An RFR landowner may dispose of RFR land in accordance with—	
(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or	
(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or	10
(c) section 117(3)(a) of the Public Works Act 1981; or	
(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or	
(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.	15
(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981.	
112 Disposal for reserve or conservation purposes	
An RFR landowner may dispose of RFR land in accordance with—	20
(a) section 15 of the Reserves Act 1977; or	
(b) section 16A or 24E of the Conservation Act 1987.	
113 Disposal for charitable purposes	
An RFR landowner may dispose of RFR land as a gift for charitable purposes.	
114 Disposal to tenants	25
The Crown may dispose of RFR land—	
(a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or	
(b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—	30
(i) before the settlement date; or	
(ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or	
(c) under section 93(4) of the Land Act 1948.	35

*RFR landowner obligations***115 RFR landowner's obligations subject to other matters**

- (1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—
 - (a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and 5
 - (b) any interest or legal or equitable obligation—
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and 10
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment. 15

*Notices about RFR land***116 Notice to LINZ of RFR land with computer register after settlement date**

- (1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created. 20
- (2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land. 25
- (4) The notice must include the legal description of the land and the reference for the computer register.

117 Notice to trustees of offer trusts of disposal of RFR land to others

- (1) An RFR landowner must give the trustees of ~~the 1 or more offer trusts~~ the one or both offer trusts, as the case requires, notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee. 30
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal.
- (3) The notice must include— 35
 - (a) the legal description of the land, including any interests affecting it; and
 - (b) the reference for any computer register for the land; and

- (c) the street address for the land (if applicable); and
- (d) the name of the person to whom the land is being disposed of; and
- (e) an explanation of how the disposal complies with **section 99**; and
- (f) if the disposal is to be made under **section 99(d)**, a copy of any written contract for the disposal.

5

118 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a computer register is to cease being RFR land because—

- (a) the fee simple estate in the land is to transfer from the RFR landowner to—

10

- (i) the trustees of a recipient trust or their nominee (for example, under **section 90** in the case of a deferred selection property, or under a contract formed under **section 104**); or
- (ii) any other person (including the Crown or a Crown body) under **section 99(d)**; or

15

- (b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—

- (i) under any of **sections 108 to 114**; or
- (ii) under any matter referred to in **section 115(1)**; or

- (c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 124**.

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- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

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- (3) The notice must include—

- (a) the legal description of the land; and
- (b) the reference for the computer register for the land; and
- (c) the details of the transfer or vesting of the land.

119 ~~Notice to governance entities if disposal of certain~~ be given if disposal of shared RFR land being considered

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- (1) This section applies if an RFR landowner is considering whether to dispose of shared RFR land in a way that may require an offer under this subpart.

- (2) The RFR landowner must give notice ~~to the relevant governance entity that, if the landowner decides to dispose of the land, the landowner may be required to offer the land to the relevant governance entity under this subpart.~~

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- (a) to the trustees of Te Korowai o Ngāruahine and to the trustees of Te Kāhui o Taranaki; and

- (b) that states that, if the landowner decides to dispose of the land, the landowner may be required to offer the land to the trustees of both offer trusts under this subpart.
- (3) The notice must be given immediately before the RFR landowner commences the processes under one of the following, as relevant: 5
- (a) section 52 of the Land Act 1948; or
 - (b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990; or
 - (c) section 40 of the Public Works Act 1981 (providing that the tests in section 40(1) of that Act are met); or 10
 - (d) any other enactment that regulates or applies to the disposal of the land.
- (4) The notice must—
- (a) specify the legal description of the relevant land; and
 - (b) identify any computer register that contains ~~the~~ that land; and
 - (c) specify the street address for ~~the~~ that land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate the land. 15
- (5) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—
- (a) section 207(4) of the Education Act 1989 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education Act 1989); or 20
 - (b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or 25
 - (c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment.
- (6) In this section, **dispose of** means to transfer the fee simple estate in the land.
- 120 Notice requirements** 30
- Schedule 4** applies to notices given under this subpart by or to—
- (a) an RFR landowner; or
 - (b) the trustees of an offer trust or ~~the trustees of~~ a recipient trust.

*Right of first refusal recorded on computer registers***121 Right of first refusal to be recorded on computer registers for RFR land**

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers for,— 5
- (a) the RFR land for which there is a computer register on the settlement date; and
 - (b) the RFR land for which a computer register is first created after the settlement date; and
 - (c) land for which there is a computer register that becomes RFR land after the settlement date. 10
- (2) The chief executive must issue a certificate as soon as is reasonably practicable—
- (a) after the settlement date, for RFR land for which there is a computer register on the settlement date; or 15
 - (b) after receiving a notice under **section 116** that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees of the ~~1 or more offer trusts~~ one or both offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate. 20
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register for the RFR land identified in the certificate that the land is— 25
- (a) RFR land, as defined in **section 97**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

122 Removal of notifications when land to be transferred or vested

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 118**, issue to the Registrar-General a certificate that includes— 30
- (a) the legal description of the land; and
 - (b) the reference for the computer register for the land; and
 - (c) the details of the transfer or vesting of the land; and 35
 - (d) a statement that the certificate is issued under this section.

- (2) The chief executive must provide a copy of each certificate to the trustees of the ~~1 or more offer trusts~~ one or both offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under **section 121** for the land described in the certificate. 5

123 Removal of notifications when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes— 10
 - (a) the reference for each computer register for that RFR land that still has a notification recorded under **section 121**; and
 - (b) a statement that the certificate is issued under this section. 15
- (2) The chief executive must provide a copy of each certificate to the trustees of the ~~1 or more offer trusts~~ one or both offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under **section 121** from any computer register identified in the certificate. 20

General provisions applying to right of first refusal

124 Waiver and variation

- (1) The trustees of the ~~1 or more offer trusts~~ an offer trust may, by notice to an RFR landowner, waive any or all of the rights they have in relation to the landowner under this subpart. 25
- (2) The trustees of the ~~1 or more offer trusts~~ an offer trust and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it. 30

125 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

126 Assignment of rights and obligations under this subpart 35

- (1) **Subsection (3)** applies if the RFR holder—

- (a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and
- (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give notices to each RFR landowner that— 5
 - (a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and
 - (b) specify the date of the assignment; and
 - (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and 10
 - (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and **Schedule 4** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with any necessary modifications. 15
- (4) In this section,—

constitutional document means the trust deed or other instrument adopted for the governance of the RFR holder

RFR holder means the 1 or more persons who have the rights and obligations of the trustees of an offer trust under this subpart, because— 20

 - (a) they are the trustees of ~~1 or more offer trusts~~ that offer trust; or
 - (b) they have previously been assigned those rights and obligations under this section.

Part 4

Governance reorganisation and taxation provisions 25

127 Interpretation

- (1) In this Part, unless the context otherwise requires,—

assets and liabilities—

 - (a) means the assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement of this Act by Ngā Hapū o Ngāruahine Iwi Incorporated or by the subsidiary, as the case requires; and 30
 - (b) includes—
 - (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and 35

- (ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere)

Board means the Board of Ngā Hapū o Ngāruahine Iwi Incorporated

exempt income has the meaning given in section YA 1 of the Income Tax Act 2007 5

Inland Revenue Acts has the meaning given in section 3(1) of the Tax Administration Act 1994

Ngā Hapū o Ngāruahine Iwi Incorporated means the incorporated society Nga Hapu o Ngaruahine Iwi Incorporated with the registration number 1920564 and registered as a registered charity with the registration number CC41601 10

Ngāruahine Fisheries Limited means the registered charity Ngaruahine Fisheries Limited with the registration number CC46346

subsidiary means Ngāruahine Fisheries Limited 15

tax charity has the meaning given in section YA 1 of the Income Tax Act 2007

taxable income has the meaning given in section YA 1 of the Income Tax Act 2007

- (2) A reference to an employee, a member of the Board, or a member of any sub-committee of the Board, of Ngā Hapū o Ngāruahine Iwi Incorporated is a reference to that person in that capacity. 20
- (3) In **sections 131 to 134**, unless the context otherwise requires, terms used and not defined in those sections, but defined in the Maori Fisheries Act 2004, have the meanings given in that Act.

Subpart 1—Governance reorganisation 25

Ngā Hapū o Ngāruahine Iwi Incorporated

128 Dissolution of Ngā Hapū o Ngāruahine Iwi Incorporated

- (1) On the commencement of this Act,—
- (a) Ngā Hapū o Ngāruahine Iwi Incorporated is dissolved; and
- (b) the term of office of members of the Board, and of any sub-committee of the Board, of Ngā Hapū o Ngāruahine Iwi Incorporated expires; and 30
- (c) proceedings by or against Ngā Hapū o Ngāruahine Iwi Incorporated may be continued, completed, and enforced by or against the trustees of Te Korowai o Ngāruahine.
- (2) A person holding office as a member of the Board, or of any sub-committee of the Board, of Ngā Hapū o Ngāruahine Iwi Incorporated immediately before the commencement of this Act is not entitled to compensation as a result of the expiry under this section of his or her term of office. 35

129 Vesting of assets and liabilities of Ngā Hapū o Ngāruahine Iwi Incorporated

- (1) On the commencement of this Act, the assets and liabilities of Ngā Hapū o Ngāruahine Iwi Incorporated—
- (a) vest in the trustees of Te Korowai o Ngāruahine and become the assets and liabilities of the trustees of Te Korowai o Ngāruahine; and 5
- (b) to the extent that those assets and liabilities are owned or held subject to any charitable trusts, are freed of all charitable trusts.
- (2) However, those assets and liabilities—
- (a) remain subject to any other trusts, covenants, or conditions affecting them; and 10
- (b) are subject to any trusts expressed in the trust deed of Te Korowai o Ngāruahine.

Ngāruahine Fisheries Limited

130 Assets and liabilities of subsidiary 15

- (1) On and from the commencement of this Act, the subsidiary ceases to be a tax charity for the purposes of the Inland Revenue Acts.
- (2) To the extent that the assets and liabilities of the subsidiary are held subject to any charitable trusts, on and from the commencement of this Act,—
- (a) those assets and liabilities are freed of all charitable trusts but subject to any other trusts, covenants, or conditions affecting those assets and liabilities; and 20
- (b) the constitution of the subsidiary is deemed to have been amended to the extent necessary to give effect to **paragraph (a)**.
- (3) To avoid doubt,— 25
- (a) nothing in this subpart has the effect, of itself, of causing the subsidiary to be a different person for the purposes of the Inland Revenue Acts; and
- (b) the assets and liabilities of the subsidiary continue to be the assets and liabilities of that subsidiary; and
- (c) the income of the subsidiary derived from revenue account property is exempt income until immediately before that subsidiary ceases to be a registered charitable entity. 30
- (4) In this section, **revenue account property** includes financial arrangements, trading stock, and depreciable property.

Te Korowai o Ngāruahine becomes mandated iwi organisation 35

131 Recognition of new mandated iwi organisation

- (1) On and from the commencement of this Act,—

- (a) Te Korowai o Ngāruahine is the mandated iwi organisation for Ngāruahine (listed as Nga Ruahine in Schedule 3 of the Maori Fisheries Act 2004), in place of Ngā Hapū o Ngāruahine Iwi Incorporated, as if Te Korowai o Ngāruahine were recognised as the mandated iwi organisation under section 13(1) of that Act; and 5
- (b) the subsidiary is the asset-holding company (as defined in the Maori Fisheries Act 2004) of Te Korowai o Ngāruahine.
- (2) However, any reference in the Maori Fisheries Act 2004 to the date on which the mandated iwi organisation is recognised must be treated as a reference to the date on which the iwi's first mandated iwi organisation was recognised. 10
- (3) To avoid doubt, on and from the commencement of this Act, Te Korowai o Ngāruahine must—
 - (a) meet the criteria in section 14 of the Maori Fisheries Act 2004 for continuing recognition as a mandated iwi organisation; and
 - (b) satisfy the requirements of section 12(1)(d) of the Maori Fisheries Act 2004. 15

132 Temporary treatment of constitutional documents

- (1) **Subsection (2)** applies to the constitutional documents of Te Korowai o Ngāruahine and the subsidiary during the period (the **transition period**) that—
 - (a) starts on the commencement of this Act; and 20
 - (b) ends 2 years later, or when the constitutional documents have been amended to comply with the Maori Fisheries Act 2004 (if earlier than 2 years later).
- (2) The constitutional documents must be treated as if they comply with the Maori Fisheries Act 2004. 25
- (3) **Subsection (4)** applies to any approval or ratification of the constitutional documents under section 17(2) of the Maori Fisheries Act 2004 that was done before the commencement of this Act or that is done during the transition period.
- (4) The approval or ratification must be treated as if, when it was done, the constitutional documents complied with the Maori Fisheries Act 2004. 30

133 Certain effects of recognition of new mandated iwi organisation

On and from the commencement of this Act,—

- (a) any registered coastline entitlement held by Ngā Hapū o Ngāruahine Iwi Incorporated immediately before the commencement of this Act is to be treated as a registered coastline entitlement held by Te Korowai o Ngāruahine; and 35
- (b) any coastline claim, agreement, or written statement of Ngā Hapū o Ngāruahine Iwi Incorporated made under Part 1 of Schedule 6 of the

Maori Fisheries Act 2004 before the commencement of this Act is to be treated as a coastline claim, agreement, or written statement of Te Korowai o Ngāruahine.

134 Functions of Te Ohu Kai Moana Trustee Limited

Te Ohu Kai Moana Trustee Limited must, in accordance with the Maori Fisheries Act 2004 (with any necessary modifications), take all actions required to provide administratively for the matters set out in **sections 131(1) and 133**, including making the appropriate changes to the iwi register.

5

General matters relating to reorganisation

135 Matters not affected by transfer

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Nothing given effect to or authorised by this subpart—

- (a) places any person in breach of a contract or confidence, or involves the person in the commission of a civil wrong; or
- (b) creates a right for any person to terminate or cancel any contract or arrangement, to accelerate the performance of an obligation, to impose a penalty, or to increase a charge; or
- (c) places any person in breach of an enactment, a rule of law, or a contract that prohibits, restricts, or regulates the assignment or transfer of an asset or a liability or the disclosure of information; or
- (d) releases a surety, wholly or in part, from an obligation; or
- (e) invalidates or discharges a contract.

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136 Status of existing instruments

- (1) The trustees of Te Korowai o Ngāruahine are to be treated as if they were Ngā Hapū o Ngāruahine Iwi Incorporated under any existing instrument—
 - (a) to which Ngā Hapū o Ngāruahine Iwi Incorporated was a party; or
 - (b) that Ngā Hapū o Ngāruahine Iwi Incorporated gave, received, or were to give or receive.
- (2) An express or implied reference to Ngā Hapū o Ngāruahine Iwi Incorporated in an existing instrument or in a register must be read as a reference to the trustees of Te Korowai o Ngāruahine, unless the context otherwise requires.
- (3) In this section, **existing instrument** means any agreement, deed (other than the deed of settlement), undertaking, application, notice, instrument recording an interest in land, or other document in effect immediately before the commencement of this Act.

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137 Status of existing securities

- (1) A security held by Ngā Hapū o Ngāruahine Iwi Incorporated as security for a debt or other liability to Ngā Hapū o Ngāruahine Iwi Incorporated incurred before the commencement of this Act—
- (a) is available to the trustees of Te Korowai o Ngāruahine as security for the discharge of that debt or liability; and 5
- (b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to those trustees incurred on or after the commencement of this Act.
- (2) The trustees of Te Korowai o Ngāruahine are entitled to the same rights and priorities, and subject to the same liabilities, in relation to the security as Ngā Hapū o Ngāruahine Iwi Incorporated would be if this Act had not been passed. 10

138 Continuation of proceedings

- (1) An action, arbitration, proceeding, or cause of action that was pending or existing by, against, or in favour of Ngā Hapū o Ngāruahine Iwi Incorporated before the commencement of this Act may be continued and enforced by, against, or in favour of the trustees of Te Korowai o Ngāruahine. 15
- (2) It is not necessary to amend a pleading, writ, or other document to continue the action, arbitration, proceeding, or cause of action.

139 Books and documents to remain evidence 20

- (1) A document, matter, or thing that would have been admissible in evidence for or against Ngā Hapū o Ngāruahine Iwi Incorporated is, on and after the commencement of this Act, admissible in evidence for or against the trustees of Te Korowai o Ngāruahine.
- (2) In this section, **document** has the meaning given in section 4(1) of the Evidence Act 2006. 25

140 Removal from register of charitable entities

- (1) Ngā Hapū o Ngāruahine Iwi Incorporated and the subsidiary must be removed, under section 31 of the Charities Act 2005, from the register of charitable entities with effect on and from the commencement of this Act. 30
- (2) This section applies despite anything else in the Charities Act 2005.

141 Dissolution recorded in register of incorporated societies

- (1) The Registrar of Incorporated Societies must record the dissolution of Ngā Hapū o Ngāruahine Iwi Incorporated, with effect on and from the commencement of this Act, in the register kept by the Registrar of Incorporated Societies. 35
- (2) This section applies despite anything else in the Incorporated Societies Act 1908.

142 Other registers

- (1) The Registrar-General or any other person charged with keeping documents or registers is not required solely because of the other provisions of this subpart to change, in the documents or registers, Ngā Hapū o Ngāruahine Iwi Incorporated to the names of the trustees of Te Korowai o Ngāruahine. 5
- (2) If the trustees of Te Korowai o Ngāruahine present an instrument to a registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in those trustees, as specified in the instrument.
- (3) For the purposes of **subsection (2)**, the instrument need not be an instrument of transfer, but must— 10
- (a) be executed or purport to be executed by the trustees of Te Korowai o Ngāruahine; and
- (b) relate to assets or liabilities owned, controlled, or held, wholly or in part, by Ngā Hapū o Ngāruahine Iwi Incorporated immediately before the commencement of this Act; and 15
- (c) be accompanied by a certificate given by the trustees of Te Korowai o Ngāruahine, or their solicitor, stating that the property was vested in those trustees by or under this Act.

Liability

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143 Liability of employees and agents

- (1) An employee, a member of the Board, or of any sub-committee of the Board, of Ngā Hapū o Ngāruahine Iwi Incorporated who held office at any time before the commencement of this Act is not personally liable for any act or thing done or omitted to be done by that person before the commencement of this Act in the exercise or bona fide purported exercise of an authority conferred by or under any enactment or the rules of Ngā Hapū o Ngāruahine Iwi Incorporated. 25
- (2) This section applies only—
- (a) in the absence of actual fraud; and
- (b) if the act or omission does not amount to an offence under any enactment or rule of law. 30

*Final report***144 Final report of Ngā Hapū o Ngāruahine Iwi Incorporated**

- (1) As soon as practicable after the commencement of this Act, the trustees of Te Korowai o Ngāruahine must prepare the final report of Ngā Hapū o Ngāruahine Iwi Incorporated. 35
- (2) The report must show the financial results of the operation for the period—

- (a) starting on the day after the last day covered by the previous annual report; and
- (b) ending on the day before the commencement of this Act.
- (3) At the first general meeting of the trustees of Te Korowai o Ngāruahine after the final report has been completed, those trustees must present the final report of Ngā Hapū o Ngāruahine Iwi Incorporated. 5

Subpart 2—Taxation provisions

145 Application and interpretation

- (1) This subpart applies, by virtue of the reorganisation of the governance of Ngāruahine under **subpart 1**, for the purposes of the Inland Revenue Acts. 10
- (2) In this subpart, **taxable Māori authority distribution** has the meaning given in section HF 7 of the Income Tax Act 2007.

Ngā Hapū o Ngāruahine Iwi Incorporated

146 Taxation in respect of transfer of assets and liabilities of Ngā Hapū o Ngāruahine Iwi Incorporated 15

- (1) On and from the date on which the assets and liabilities of Ngā Hapū o Ngāruahine Iwi Incorporated vest in the trustees of Te Korowai o Ngāruahine by **section 129(1)**,—
 - (a) those trustees are deemed to be the same person as Ngā Hapū o Ngāruahine Iwi Incorporated; and 20
 - (b) everything done by Ngā Hapū o Ngāruahine Iwi Incorporated before that date is deemed to have been done by the trustees of Te Korowai o Ngāruahine on the date that it was done by Ngā Hapū o Ngāruahine Iwi Incorporated.
- (2) Income derived or expenditure incurred by Ngā Hapū o Ngāruahine Iwi Incorporated before the assets and liabilities vest in the trustees of Te Korowai o Ngāruahine does not become income derived or expenditure incurred by those trustees just because the assets and liabilities vest in those trustees under **section 129(1)**. 25
- (3) **Subsection (4)** applies if income of Ngā Hapū o Ngāruahine Iwi Incorporated— 30
 - (a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and
 - (b) is exempt income of Ngā Hapū o Ngāruahine Iwi Incorporated but is not exempt income of the trustees of Te Korowai o Ngāruahine. 35
- (4) The trustees of Te Korowai o Ngāruahine must be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property—

- (a) on the day that it becomes the property of those trustees; and
- (b) for a consideration that is its market value.
- (5) The trustees of Te Korowai o Ngāruahine must identify the undistributed charitable amount, using the following formula:
- $x - y$ 5
- where—
- x is the total of the amounts derived by Ngā Hapū o Ngāruahine Iwi Incorporated that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by Ngā Hapū o Ngāruahine Iwi Incorporated before the commencement of this Act 10
- y is the total of the amounts described in item x that have been distributed before the commencement of this Act.
- (6) However, if the use of the formula in **subsection (5)** results in a number that is less than 0, the undistributed charitable amount is 0. 15
- (7) The undistributed charitable amount is excluded from the corpus of Te Korowai o Ngāruahine for the purposes of the Income Tax Act 2007, to the extent to which it is otherwise included but for this subsection.
- (8) If the trustees of Te Korowai o Ngāruahine distribute any of the undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless **subsection (9)** applies. 20
- (9) If the trustees of Te Korowai o Ngāruahine distribute any of the undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient.
- 147 Election of trustees of Te Korowai o Ngāruahine to be Māori authority** 25
- (1) If the trustees of Te Korowai o Ngāruahine are a Māori authority (having made an election under section HF 11 of the Income Tax Act 2007), to the extent that the undistributed charitable amount referred to in **section 146(5) and (6)** is distributed in an income year, that distribution will be—
- (a) exempt income if the distribution is applied for a charitable purpose; or 30
- (b) a taxable Māori authority distribution.
- (2) If this section applies, the distribution must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Subsidiary

- 148 Taxation in respect of assets and liabilities of subsidiary** 35
- (1) This section applies if income of the subsidiary is derived from a financial arrangement, trading stock, revenue account property, or depreciable property and is exempt income of the subsidiary before the commencement of this Act

and ceases to be exempt income as a result of the application of **section 130(1)**.

- (2) The subsidiary is to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property for a consideration that is its market value on the date of the commencement of this Act.

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149 Undistributed charitable amount at date subsidiary ceases to be tax charity

The undistributed charitable amount of the subsidiary must be calculated using the following formula:

$$x - y$$

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where—

x is the total of the amounts derived by the subsidiary that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by the subsidiary before the commencement of this Act

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y is the total of the amounts described in item x that have been distributed before the commencement of this Act.

150 Election by subsidiary to be Māori authority

- (1) This section applies if the subsidiary is a Māori authority (having made an election under section HF 11 of the Income Tax Act 2007).

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- (2) To the extent that the undistributed charitable amount referred to in **section 149** is distributed in an income year, that distribution will be—

(a) a distribution from exempt income of the subsidiary, if the distribution is for a charitable purpose; or

(b) if **paragraph (a)** does not apply, a taxable Māori authority distribution.

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- (3) A distribution that is a taxable Māori authority distribution under **subsection (2)(b)** must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Subpart 3—Consequential amendments

151 Amendments to Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2012

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- (1) This section amends the Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2012.

- (2) In the Schedule, revoke the item relating to Ngā Hapū o Ngāruahine Iwi Incorporated.

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- (3) In the Schedule, insert in its appropriate alphabetical order:
Te Korowai o Ngāruahine Trust

Schedule 1

Statutory areas

ss 28, 37

Part 1

Areas subject only to statutory acknowledgement

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Statutory area	Location
Inaha Stream and tributaries	As shown on OTS-023-35
Kahouri Stream and tributaries	As shown on OTS-023-36
Kapuni Stream and tributaries	As shown on OTS-023-37
Kapuni Stream-Ohawe Marginal Strip	As shown on OTS-023-06
Kaupokonui-a-Turi (being Kaupokonui Recreation Reserve)	As shown on OTS-023-08
Kaupokonui-Manaia Marginal Strip	As shown on OTS-023-07
Konini Stream and tributaries	As shown on OTS-023-38
Mangarangi Stream and tributaries	As shown on OTS-023-39
Mangatoki Stream and tributaries	As shown on OTS-023-40
Mangatoromiro Stream and tributaries	As shown on OTS-023-41
Motumate Stream and tributaries	As shown on OTS-023-42
Ngāruahine Coastal Marine Area	As shown on OTS-023-56
Oeo-Kaupokonui Marginal Strip	As shown on OTS-023-09
Ohawe-Hawera Marginal Strip	As shown on OTS-023-10
Opuhi Stream and tributaries	As shown on OTS-023-43
Piakau Stream and tributaries	As shown on OTS-023-44
Tawhiti Stream and tributaries	As shown on OTS-023-45
Te Popo Stream and tributaries	As shown on OTS-023-46
Tuikonga Stream and tributaries	As shown on OTS-023-47
Wahamoko Stream and tributaries	As shown on OTS-023-48
Waihi Stream (Hawera) and tributaries	As shown on OTS-023-49
Waihi Stream (Oeo) and tributaries	As shown on OTS-023-50
Waikaretu Stream and tributaries	As shown on OTS-023-51
Waimate Stream and tributaries	As shown on OTS-023-52
Waingongoro River No 4 Marginal Strip	As shown on OTS-023-11
Waiokura Stream and tributaries	As shown on OTS-023-53
Waipaepaeiti Stream and tributaries	As shown on OTS-023-54
Waipuku Stream and tributaries	As shown on OTS-023-55

Part 2

Areas subject both to statutory acknowledgement and to deeds of recognition

Statutory area	Location
Awatuna Stream and tributaries	As shown on OTS-023-18
Kaupokonui Stream and tributaries	As shown on OTS-023-19
Kaupokonui Stream Marginal Strip	As shown on OTS-023-12

Statutory area	Location
Manganui River and tributaries	As shown on OTS-023-20
Mangatawa Stream and tributaries	As shown on OTS-023-21
Mangawhero Stream and tributaries	As shown on OTS-023-22
Mangawhero Stream Marginal Strip	As shown on OTS-023-13
Oeo Stream and tributaries	As shown on OTS-023-23
Omiti Stream and tributaries	As shown on OTS-023-24
Otakeho Stream and tributaries	As shown on OTS-023-25
Ouri Stream and tributaries	As shown on OTS-023-26
Ouri Stream Marginal Strip	As shown on OTS-023-14
Paetahi Stream and tributaries	As shown on OTS-023-27
Patea River and tributaries	As shown on OTS-023-28
Punehu Stream and tributaries	As shown on OTS-023-29
Raoa Stream and tributaries (being Rawa Stream and tributaries)	As shown on OTS-023-30
Taikatu Stream and tributaries	As shown on OTS-023-31
Taungatara Stream and tributaries	As shown on OTS-023-32
Waingongoro River and tributaries	As shown on OTS-023-33
Waingongoro River No 1 Marginal Strip	As shown on OTS-023-15
Waingongoro River No 2 Marginal Strip	As shown on OTS-023-16
Waingongoro Stream Marginal Strip	As shown on OTS-023-17
Waipaepaenui Stream and tributaries	As shown on OTS-023-34

Schedule 2

Whāriki o Ngāruahine areas

s 43

Whāriki o Ngāruahine area	Location	Description
Kapuni Stream-Ohawe Marginal Strip	As shown on OTS-023-06	<i>Taranaki Land District—South Taranaki District</i> Crown land Block VII Waimate Survey District (SO 375)
Kaupokonui-a-Turi (being Kaupokonui Recreation Reserve)	As shown on OTS-023-08	<i>Taranaki Land District—South Taranaki District</i> Section 84 Block VI Waimate Survey District. All <i>Gazette</i> notice 292809.3
Kaupokonui-Manaia Marginal Strip	As shown on OTS-023-07	<i>Taranaki Land District—South Taranaki District</i> Crown land (SO 407)
Oeo-Kaupokonui Marginal Strip	As shown on OTS-023-09	<i>Taranaki Land District—South Taranaki District</i> Crown land (SO 406)
Ohawe-Hawera Marginal Strip	As shown on OTS-023-10	<i>Taranaki Land District—South Taranaki District</i> Crown land
Waingongoro River No 4 Marginal Strip	As shown on OTS-023-11	<i>Taranaki Land District—South Taranaki District</i> River Bank Reserve Block VIII Waimate Survey District (SO 8730)

Schedule 3

Cultural redress properties

ss 57, 62, 63

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Te Kohinga property	<i>Taranaki Land District—South Taranaki District</i> 0.246 hectares, approximately, being Lot 13 DP 12681. 0.056 hectares, approximately, being Crown Land (SO 10627). 0.2 hectares, approximately, being Crown Land. Subject to survey. As shown on OTS-023-03 0.5018 hectares, more or less, being Section 1 SO 489758.	Subject to being a historic reserve, as referred to in section 58(6). Subject to <u>the easement in gross</u> for a right to drain stormwater as referred to in section 58(8).
Te Ngutu o te Manu site A	<i>Taranaki Land District—South Taranaki District</i> 4.0 hectares, approximately, being Part Section 40 Block XVI Kaupokonui Survey District. Part computer freehold register TNK4/210. Subject to survey. 4.4065 hectares, more or less, being Section 1 SO 482542. Part computer freehold register TNK4/210. As shown on OTS-023-04	Subject to being a historic reserve, as referred to in section 59(3). Subject to <u>the easement in gross</u> for a right to locate, access, and maintain the monument as referred to in section 59(5).
Waipakari property	<i>Taranaki Land District—South Taranaki District</i> 1.4544 hectares, more or less, being Sections 317, 318, 319, and 320 Town of Ohawe. All Gazette Notice W8826. As shown on OTS-023-05	Subject to being a historic reserve, as referred to in section 60(3).

Property vested in fee simple

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Name of property	Description	Interests
Te Poho o Taranaki	<i>Taranaki Land District—Stratford District</i> 0.8233 hectares, approximately, being Part Section 6 Block VH Kaupokonui Survey District. Part computer freehold register TNH2/862. Subject to survey. 0.8233 hectares, more or less, being Section 1 SO 482508. Part	Subject to section 59 Land Act 1948.

Name of property	Description	Interests
	<u>computer freehold register</u> <u>TNH2/862.</u> As shown on OTS-023-02	

Schedule 4

Notices relating to RFR land

ss 96, 120, 126

1 Requirements for giving notice

A notice by or to an RFR landowner, or the trustees of an offer trust or a recipient trust, under **subpart 2 of Part 3** must be— 5

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, for a notice given by the trustees of an offer trust or a recipient trust; and 10
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—
 - (i) for a notice to the trustees of an offer trust or a recipient trust, specified for those trustees in accordance with the deed of settlement, or in a later notice given by those trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of those trustees; or 15
 - (ii) for a notice to the RFR landowner, specified by the RFR landowner in an offer made under **section 100**, or in a later notice given to ~~those—the~~ trustees of an offer trust or identified by ~~the—those~~ trustees as the current address, fax number, or electronic address of the RFR landowner; and 20
- (c) for a notice given under **section 116 or 118**, ~~sent—addressed~~ to the chief executive of LINZ; at the Wellington office of LINZ; and
- (d) given by— 25
 - (i) delivering it by hand to the recipient's street address; or
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number; or
 - (iv) sending it by electronic means such as email.

2 Use of electronic transmission 30

Despite **clause 1**, a notice given in accordance with **clause (1)(a)** may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 22(1)(a) and (b) of the Electronic Transactions Act 2002.

3 Time when notice received 35

(1) A notice is to be treated as having been received—

- (a) at the time of delivery, if delivered by hand; or

- (b) on the fourth day after posting, if posted; or
 - (c) at the time of transmission, if faxed or sent by other electronic means.
- (2) However, a notice is to be treated as having been received on the next working day if, under **subclause (1)**, it would be treated as having been received—
- (a) after 5 pm on a working day; or
 - (b) on a day that is not a working day.

5

Legislative history

14 July 2015
11 August 2015

Introduction (Bill 45–1)
First reading and referral to Māori Affairs Committee