

Te Pire Whakataunga Kerēme a Maniapoto

Pire Kāwanatanga

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

Ngā kōrero

Tūtohutanga

Kua oti i te Komiti Whiriwhiri Take Māori te Pire Whakataunga Kerēme a Maniapoto te tirotiro, ā, e tūtohu ana te katoa kia whakamanatia. Ka tūtohutia e mātou katoa ngā menemana katoa.

Mō te pire i whakaurua

Ka whakamana te pire nei i te Whakaaetanga Whakataunga i waitohua rā e te Karauna me Maniapoto hei whakatau i ngā kerēme hītori Tiriti o Waitangi katoa a Maniapoto i hua ake i ngā mahi, i ngā aweretanga hoki a te Karauna i mua i te 21 o Mahuru 1992. Ka kapi i te rohe pānga o Maniapoto ko Te Rohe Pōtae, tae atu ki te tai moana e pātata ana, me tētahi wāhi o te āpure ōhanga rāhui.

Kei roto i te pire nei ko tētahi whakarāpopoto o ngā tātai kōrero o ngā kerēme, tae atu ki te oranga ā-ōhanga, ā-tinana, ā-ahurea, ā-wairua hoki o Ngāti Maniapoto. Ka mauhia hoki ko ngā whakaaetanga me te whakapāha i tāpaetia rā e te Karauna ki a Ngāti Maniapoto. Kei te reo Ingarihi me te reo Māori ēnei.

Kei roto i te pire nei ētahi ritenga e pā ana ki tētahi puretumu whakataunga me mātua whakature kia ū ai, tae atu ki ngā rawa ahurea, ngā rawa taiiao, te puretumu tauhokohoko, me ētahi ritenga e pā ana ki te whakahouanga hanganga kāwanatanga, me ētahi take tāke.

Ko ētahi wāhanga o te Whakaaetanga Whakataunga kāore i te āta whakatakotoria ki te pire nei ko te puretumu pūtea me te puretumu tauhokohoko, he \$165 miriona te nui. Waihoki ko te tika ki te hoko i ētahi whenua e 42, me ētahi atu whaitua ki te wāhi o te Hōhipera Tokonui o mua.

Ngā pānga a Maniapoto ki te Āpure Ōhanga Rāhui

I whakaarohia e te komiti ngā pānga a Maniapoto ki te Āpure Ōhanga Rāhui (EEZ). I homai ngā kaitohutohu i ētahi kupu tohutohu e pā ana ki tēnei take.

Kei te rārangi 124 e takoto ana te tauākī pānga a Maniapoto ki te EEZ. He 17.4 maero te tawhiti o te toronga o tā Maniapoto pānga mai i uta ki tai; kua ki te whānuitanga atu o te EEZ. Ka whakatakoto te rārangi 125 i te whakamānawatanga a te Karauna i taua pānga hei pānga whaimana kē i raro i te wāhanga 4 o te EEZ and the Continental Shelf (Environmental Effects) Act 2012 (Ture EEZ). E hāngai ana te whakamānawatanga o roto i te rārangi 125 ki te Ture EEZ anake. Ehara i te mea koia anake ka whakawhiwhia ki tēnei momo whakamānawatanga, ā, kāore e tukuna ētahi atu tika ki a Maniapoto. Kāore hoki e kapea, e aukatia rānei te whakamānawatanga o ētahi atu pānga e mau tonu ana ki taua wāhi anō rā.

Ka whakahau kē te Ture EEZ i te Minita haepapa, i ngā rōpū hoki kei a rātou te mana whakaae kia whakamōhio i ngā rūnanga ā-iwi ki ngā waeture e marohitia ana, ngā tauākī kaupapa here EEZ e marohitia ana, ngā tono whakaaetanga taimoana mō ngā mahi e pānuitia tūmatanuitia ana, tae atu ki ngā tono whakaaetanga taimoana mō ngā mahi kāore e pānuitia, mehemea e whakaaro ana Te Mana Rauhi Taiao ka pāngia pea tētahi rūnanga ā-iwi e te tono.

Nā reira, ka whakamōhioitia kētia a Maniapoto ki aua momo tono i roto i te rohe o Maniapoto i raro i ngā herenga ā-ture o te wā nei. Ka whakamōhioitia ētahi atu rūnanga ā-iwi hoki mehemea ka pā te tono ki ō rātou rohe. Mā te hātepe nei a Maniapoto e wātea ai ki te tāpae kōrero mō te pātanga ki āna pānga, ā, me whai whakaaro hoki taua tāpaetanga hei kaupapa e hāngai ana ki ngā whakataunga a te Minita, a ngā rangapū hoki kei a rātou te mana whakaae.

Ko te whakamānawatanga kei te rārangi 125 e āta whakamārama ana ka tukuna ki a Maniapoto ngā pānui e tika kē ana kia tukuna ki a ia, me te whakatakoto anō i te tūāpapa kia hāpai a Maniapoto i tōna mana ki te whakahau kia whakaarohia ai e ngā kaiwhakatau i te kaupapa ko ngā pātanga ki āna pānga hītori. Ka kore e hua ake i te whakamānawatanga o roto i te rārangi 125 ko te pānga hou, ko te pānga māna anake, ko te mana whakakore rānei i ngā waeture e marohitia ana, i ngā tauākī kaupapa here e marohitia ana, i ngā tono whakaaetanga rānei.

I homai hoki ngā kaitohutohu i ngā kōrero hītori mō te whakamānawatanga motuhake o ā Maniapoto pānga.

Ngā āwangawanga o Rereahu rāua ko Te Ihinga-a-rangi

I āta whakaarohia e te komiti ngā kōrero taunaki a Rereahu rāua ko Te Ihinga-a-rangi. I kimi kupu tohutohu mātou mai i ngā kaitohutohu e pā ana ki ngā kōrero tūāpapa o ā rātou whakawhitinga kōrero ki te Karauna, inā koa mō te hātepe whakamana rōpū. E arohia ana e mātou ō rātou āwangawanga.

Te whakatāretanga ā-ture

I roto i tā mātou whakaarohanga o te pire, kua oti i a mātou te tiroiro tōna hāngai ki ngā mātāpono o te whakaturetanga kouna. Kāore ā mātou take e pā ana ki te hoahonga o te pire hei whakaara ki mua i te aroaro o te Whare.

Ngā menemana i marohitia

Kei te pūrongo nei ngā menemana nunui e marohitia ana e mātou ki te pire i whakaurua. Kāore mātou e wherawhera i ngā menemana itiiti, ngā menemana hangarau rānei.

Te whenua e pāngia ana e te ture Te Awa Tupua (Whanganui Claims Settlement) Act

E hāngai ana te rārangi 21 me te rārangi 22 ki te whenua e pāngia ana e te ture Te Awa Tupua (Whanganui Claims Settlement) Act 2017. I raro i taua ture, ka whakawhitia ki Te Awa Tupua (i whakamanatia rā hei whakatangatahanga ā-ture o te awa) ko te mana pupuri o ētahi wāhanga o te kaupapa o Whanganui awa, arā ko ngā wāhanga nō te Karauna.

Ka rere pea ngā hikuawa itiiti o Whanganui awa mā ētahi whenua e whakawhitia, e tukuna rānei ki a Maniapoto i raro i te pire nei. E hiahia ana a Maniapoto kia riro mā Te Pou Tupua (te “mata tangata” o Te Awa Tupua) ngā mahi a te kaupupuri whenua mō ngā kaupapa o aua hikuawa. Ka kore tēnei e aukati i tā Te Pou Tupua me Maniapoto (i te taha o Ngāti Hauā, e pā ana ki ngā wāhi e puritia tahitia ana) whakaae tahi i tētahi whakaaetanga kia pai ai te whakahaere i ngā kaupapa awa pēnei, ā muri nei.

I muri mai i te whakaurunga o te pire, kua whakaae te Minita mō ngā Whiriwhiringa Tiriti o Waitangi me te Minita Tiaki Taiaro ki te unu i te karangatanga tiakanga taiaro i tautapaina rā e te wāhanga 42(1)(a), te (c) rānei o te ture Te Awa Tupua (Whanganui Claims Settlement) Act 2017. Ka unuhia mai i ngā wāhanga katoa o te kaupapa e tukuna ana ki Te Awa Tupua, e pā ana ki ngā whenua ka tukuna, ka whakawhitia rānei e ai ki te pire nei. Kua kōrerohia mai ki a mātou kua whakaaetia kētia tēnei āhuatanga e Ngā Tāngata Tiaki o Whanganui (te hinonga whakahaere o muri i te whakataunga mō te whakataunga o Whanganui awa) rātou ko Te Pou Tupua, ko Ngāti Hauā Iwi Trust.

Nā reira mātou i tūtohu ai kia menemanatia te rārangi 21, me te aha ka menemanatia hoki te rārangi 22. Hui katoa, ka whakaatu aua menemana i te whakaaetanga a te Minita ki te unu i te karangatanga tiakanga taiaro o ngā kaupapa awa e puritia ana e Te Awa Tupua i runga i aua whenua, me te whakaū anō ka tukuna ki Te Pou Tupua ngā mahi a te kaupupuri whenua mō aua kaupapa awa.

Te kaupapa awa e pātata ana ki te whenua o Tangitū

Ko te whenua i Tangitū he whenua e puritia tahitia ana me te Ngāti Hauā Iwi Trust. He whānui atu i te toru mita te wāhanga o te awa o Ōhura e rere ana i roto i te whenua rāhui o te wā nei, ā, nā reira i rūritia ai ki waho o te whenua puretumu ā-ahurea.

Kua tukuna ki Te Awa Tupua te wāhanga o te kaupapa o te awa o Ōhura e rere ana i roto i te whenua rāhui o te wā nei. Kua whakaae te Minita mō ngā Whiriwhiringa Tiriti o Waitangi me te Minita Tiaki Taiāo ki te unu i te karangatanga tiakanga taiāo i tautapaina rā e te wāhanga 42(1)(c) o te ture Te Awa Tupua (Whanganui River Claims Settlement) Act, arā ka unuhia mai i te wāhanga o te kaupapa awa e pātata ana ki te whenua o Tangitū. Ko te kupu tohutohu mai ki a mātou, kua whakaaetia tēnei ahunga e Ngāti Hauā, Maniapoto, Ngā Tāngata Tiaki o Whanganui, me Te Pou Tupua.

Ka tūtohu mātou kia whakaurua he ritenga hou, ko te rārangi 99A, hei whakamutu i te karangatanga tiakanga taiāo o te kaupapa awa e pātata ana. Ka tūtohu hoki mātou kia menemanatia te rārangi 108 kia unuhia ai te ingoa whenua ōkawa o te kaupapa awa e pātata ana.

Ngā panonitanga ki ngā whakamārama ā-ture o ētahi whenua

Kua menemanatia ngā whakamārama ā-ture, ngā pānga hoki o ētahi whenua, inā rā kei roto i te Whakamārama 5, hei whakaatu i te rūritanga o aua whenua i muri mai i te whakaurunga o te pire.

Tāpiritanga

Hātepe komiti

I te 14 o Hakihea 2021 ka tukuna mai te Pire Whakataunga Kerēme a Maniapoto ki te komiti.

Ko te rā katinga mō ngā tāpaetanga kōrero mō te pire ko te 3 o Huitanguru 2022. E 23 ngā tāpaetanga i whiwhi, i whakaarohia hoki mai i ngā rōpū whaipānga me ngā tāngata takitahi. I rongō kōrero taunaki mātou mai i ētahi atu kaitāpae tokotoru.

I whiwhi kupu tohutohu mātou mō te pire mai i Te Arawhiti. Nā Te Tari o te Manahautū i homai kupu tohutohu mō te kounga ā-ture o te pire. Nā Te Tari Tohutohu Pāremata i āwhina ki te tuhituhi i te pire.

Ngā mema o te komiti

Tāmati Coffey (Heamana)

Paul Eagle

Shanan Halbert

Harete Hipango

Joseph Mooney

Teanau Tuiono

Rawiri Waititi

Arena Williams

I whai wāhi a Hōnore Eugenie Sage ki tēnei kaupapa.

Maniapoto Claims Settlement Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined the Maniapoto Claims Settlement Bill and recommends unanimously that it be passed. We recommend all amendments unanimously.

About the bill as introduced

This bill would give effect to the Deed of Settlement signed by the Crown and Maniapoto to settle all Maniapoto historical Treaty of Waitangi claims resulting from acts or omissions by the Crown before 21 September 1992. The Maniapoto area of interest encompasses the King Country, including the adjacent marine environment, and part of the exclusive economic zone.

The bill includes a summary of the historical background to the claims, including the erosion of the economic, physical, cultural, and spiritual wellbeing of Ngāti Maniapoto. It also records the acknowledgements and apology that the Crown offered Ngāti Maniapoto. These are set out in both English and te reo Māori.

The bill contains provisions related to settlement redress that require legislation for their implementation, including cultural, natural resources, and commercial redress, as well as provisions on governance reorganisation, and taxation matters.

Elements of the Deed of Settlement that are not specified in the bill include financial and commercial redress of \$165 million, and the right to purchase 42 properties, as well as properties at the former Tokonui Hospital site.

Maniapoto's interests in the Exclusive Economic Zone

The committee considered the interests of Maniapoto in the Exclusive Economic Zone (EEZ). Officials provided us with advice around this.

Clause 124 provides Maniapoto's statement of interest in the EEZ. Maniapoto's interest extends to 17.4 nautical miles out from the coast, not to the full extent of the EEZ. Clause 125 provides for Crown recognition of that interest as an existing interest under section 4 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act). The recognition provided by clause 125 is only for the purposes of the EEZ Act. It is not an exclusive recognition and does not confer additional rights on Maniapoto. It does not preclude or exclude recognition of other existing interests in the same area.

The EEZ Act already requires the responsible Minister and consent authorities to notify iwi authorities of any proposed regulations, proposed EEZ policy statements, applications for marine consent for a publicly notifiable activity, or applications for marine consent for a non-notified activity if the Environment Protection Agency considers an iwi authority may be affected by the application.

As such, Maniapoto would already be notified under existing statutory requirements of such applications within the Maniapoto rohe. Other iwi authorities would also be notified should the application also fall within their rohe. This process provides for Maniapoto to submit about impacts on their interests, which must be taken into consideration as relevant matters in decision-making by the Minister and consent authorities.

The recognition provided by clause 125 will give more certainty that Maniapoto will receive notifications it is already entitled to receive, and provide a clear basis for Maniapoto to assert its right to have impacts on its historical interests considered by decision-makers. The recognition provided by clause 125 does not amount to a new interest, an exclusive interest, or a veto on proposed regulations, proposed policy statements, or applications for consent.

Officials also provided us with the historical basis for special recognition for Maniapoto's interests.

The concerns of Rereahu and Te Ihinga-a-rangi

The committee carefully considered the evidence presented by Rereahu and Te Ihinga-a-rangi. We sought further advice from officials on the background to their engagement with the Crown, particularly the mandating process. We acknowledge their concerns.

Legislative scrutiny

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

Proposed amendments

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

Land subject to Te Awa Tupua (Whanganui River Claims Settlement) Act

Clauses 21 and 22 of the bill concern land subject to Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. Under that Act, ownership of certain Crown-owned parts of the bed of the Whanganui River, including its tributaries, was transferred to Te Awa Tupua (recognised as the legal personification of the river).

Small tributaries of the Whanganui River may run through land that would be transferred or vested under this bill to Maniapoto. Maniapoto wishes Te Pou Tupua (the “human face” of Te Awa Tupua) to assume landowner functions for the beds of these tributaries. This does not preclude Te Pou Tupua and Maniapoto (together with Ngāti Hauā in respect of jointly vested sites) from agreeing an arrangement for them to administer such riverbeds at a later time.

Since the bill has been introduced, the Minister for Treaty of Waitangi Negotiations and the Minister of Conservation have agreed to remove some of the conservation status declared by section 42(1)(a) or (c) of Te Awa Tupua (Whanganui River Claims Settlement) Act. It will be removed from any part of the bed vested in Te Awa Tupua in relation to land that would be vested or transferred in accordance with the bill. We have been advised that this approach has been agreed by Ngā Tāngata Tiaki o Whanganui (the post-settlement governance entity for the Whanganui River settlement), Te Pou Tupua, and Ngāti Hauā Iwi Trust.

We therefore recommend amending clause 21, with a consequential amendment to clause 22. Together these changes would reflect the Ministerial agreement to remove the conservation status of any Te Awa Tupua-owned riverbed within the sites and confirm that Te Pou Tupua will assume landowner functions for that riverbed.

Riverbed adjoining Tangitū property

The Tangitū property is a jointly vested property with Ngāti Hauā Iwi Trust. The Ōhura River that is within the current reserve is over three metres in width, and has therefore been surveyed out of the cultural redress property.

The part of the riverbed of the Ōhura River that is within the current reserve is vested in Te Awa Tupua. The Minister for Treaty of Waitangi Negotiations and the Minister of Conservation have agreed to remove the reserve status applied by section 42(1)(c) of the Te Awa Tupua (Whanganui River Claims Settlement) Act from that part of the riverbed that now adjoins the Tangitū property. We have been advised that Ngāti Hauā, Maniapoto, Ngā Tāngata Tiaki o Whanganui, and Te Pou Tupua have agreed to this approach.

We recommend inserting a new provision, clause 99A, that would cease the reserve status of the adjoining riverbed. We also recommend amending clause 108 to remove the official geographic name from the adjoining riverbed.

Changes to the legal descriptions of some properties

The legal descriptions and interests of some properties have been amended, notably in Schedule 5, to reflect the fact that they have been surveyed since the bill was introduced.

Appendix

Committee process

The Maniapoto Claims Settlement Bill was referred to the committee on 14 December 2021.

The closing date for submissions on the bill was 3 February 2022. We received and considered 23 written submissions from interested groups and individuals. We heard oral evidence from an additional three submitters.

We received advice on the bill from the Office for Māori Crown Relations—Te Ara-whiti. The Office of the Clerk—Te Tari o te Manahautū provided advice on the bill's legislative quality. The Parliamentary Counsel Office—Te Tari Tohutohu Pāremata assisted with legal drafting.

Committee membership

Tāmami Coffey (Chairperson)

Paul Eagle

Shanan Halbert

Harete Hipango

Joseph Mooney

Teanau Tuiono

Rawiri Waititi

Arena Williams

Hon Eugenie Sage participated in this item of business.

Maniapoto Claims Settlement Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Andrew Little

Maniapoto Claims Settlement Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Maniapoto Claims Settlement Act **2021**.

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, historical account, 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 Maniapoto in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Maniapoto. 15

4 Provisions to take effect on settlement date

- (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— 20
 - (a) the provision to have full effect on that date; or
 - (b) a power to be exercised under the provision on that date; or

- (c) a duty to be performed under the provision on that date.

5 Act binds the Crown

This Act binds the Crown.

6 Outline

- (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. 5
- (2) This Part—
- (a) sets out the purpose of this Act; and
 - (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and 10
 - (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 Maniapoto, as recorded in the deed of settlement; and 15
 - (e) defines terms used in this Act, including key terms such as Maniapoto and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for—
 - (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 20
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and 25
 - (iv) the exclusion of the limit on the duration of a trust; and
 - (v) access to the deed of settlement; and
 - (vi) the effect of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 on certain land described in the deed or in this Act; and 30
 - (vii) certain limits on the effect of Te Ture Whenua Maori Act 1993.
- (3) **Part 2** provides for cultural redress, including—
- (a) cultural redress that does not involve the vesting of land, namely,—
 - (i) in **subpart 1**, provision for the placing of a pou whenua on the Te Kauri Park Scenic Reserve; and 35
 - (ii) in **subpart 2**, protocols for primary industries and taonga tūturu on the terms set out in the documents schedule; and

- (iii) in **subpart 3**, a statutory acknowledgement by the Crown of the statements made by Maniapoto of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for areas specified in **Part 2 of Schedule 3**; and 5
- (iv) in **subpart 4**, an overlay classification applying to certain areas of land; and
- (v) in **subpart 5**, provisions required to confer certain official geographic names; and
- (b) in **subpart 6**, cultural redress requiring vesting in the trustees of the fee simple estate in 36 cultural redress properties, 3 of which are vested in the trustees jointly with another iwi; and 10
- (c) in **subpart 7**, the vesting and gifting back to the Crown of 1 property, Te Ara-o-Tūrongo; and
- (d) in **subpart 8**, provisions relating to the Waikato Conservation Management Strategy and the effect of the Maniapoto Iwi Environmental Management Plan; and 15
- (e) in **subpart 9**, provisions relating to the interests of Maniapoto in the exclusive economic zone; and
- (f) in **subpart 10**, provisions that enable access to certain cultural materials. 20
- (4) **Part 3** sets out the scope of the natural resources redress, Raumairoa, which provides for the manner in which management of Ngā Wai Maniapoto is to proceed, including,—
- (a) in **subpart 1**, the Crown’s acknowledgement of the statement of significance of Ngā Wai o Maniapoto to Maniapoto; and 25
- (b) in **subpart 2**, the requirements for a joint management agreement to be entered into; and
- (c) in **subpart 3**, the requirements relevant to relationship agreements.
- (5) **Part 4** provides for commercial redress, including— 30
- (a) in **subpart 1**, the transfer of commercial redress properties and deferred selection properties; and
- (b) in **subpart 2**, certain licensed land; and
- (c) in **subpart 3**, access to protected sites; and
- (d) in **subpart 4**, a right of first refusal over RFR land. 35
- (6) **Part 5** makes provision for an arrangement between Maniapoto and the Ōtorohanga District Council in respect of the Huiputea property.
- (7) **Part 6** makes provision for governance changes and taxation matters designed to implement and support the settlement of the historical claims of Maniapoto.

- (8) **Part 7** sets out consequential repeal, amending, and revocation provisions, including the repeal of the Maniapoto Maori Trust Board Act 1988.
- (9) There are 6 schedules, as follows:
- (a) **Schedule 1** sets out details for certain definitions in **section 13**:
 - (b) **Schedule 2** sets out the claim numbers of the Treaty of Waitangi claims relevant to the definition of historical claims in **section 14**: 5
 - (c) **Schedule 3** describes the statutory areas to which the statutory acknowledgement relates and the areas for which a deed of recognition is issued:
 - (d) **Schedule 4** describes the overlay areas to which the overlay classification applies: 10
 - (e) **Schedule 5** describes the cultural redress properties:
 - (f) **Schedule 6** sets out provisions that apply to notices given in relation to RFR land.

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

- 7 Summary of historical account, acknowledgements, and apology** 15
- (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 Maniapoto in the deed of settlement.
 - (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement. 20
- 8 Summary of historical account**
- Rāpopotonga o te kōrero hītori*
- (1) Nō te tau 1840, ka hainatia ai e ētehi o ngā rangatira o Ngāti Maniapoto Te Tiriti o Waitangi. He māngai rātou o tētehi iwi mana Māori motuhake, he kaha nō tāna tauhokohoko i waenganui o te tupu haere o te tokomaha o te Pākehā. I ngā 1850, ka here a Ngāti Maniapoto ki Te Kīngitanga. Ka mau pū a Maniapoto ki tōna papaerenga i te tau 1863 nō te whakaekenga e ngā hoia a Te Karauna o Waikato tuku hoki i āna toa ki te pakanga i Taranaki. 25
 - (2) Ko Rewi Maniapoto me ētehi atu ngā rangatira o te whawhai i ngā pakanga o Meremere, Pāterangi me Ōrākau. I te papa kāinga o Rangiaowhia ētehi o Ngāti Maniapoto i te whakaekenga o reira e ngā hoia o Te Karauna me te kōhurutanga o te hunga harakore. 30
 - (3) Nō muri mai o Ōrākau, ka heke mai a Ngāti Maniapoto ki kō o te awa o Pūniu. He nui te parekura ki a Ngāti Maniapoto i taua whawhai ā, ka murua e Te Karauna ētehi whenua ki taua pito o tō rātou rohe. Hei aha koa ēnei takahanga, ka manaakitia ngā manene o taua whawhai me aua murunga whenua e Ngāti 35

- Maniapoto ki tō rātou rohe tae atu ana ki a Kīngi Tawhiao. He pēhi nui tēnei ki runga o ā rātou rawa.
- (4) Nō te mutunga o te pakanga ka aukatihia e Ngāti Maniapoto tō rātou rohe hei pupuru i tōna rangatiratanga, mana motuhake hoki o runga o ngā whenua e toe ana ki a rātou. Tē taea ai e te Pākehā te uru ki roto ki te kore e whakaaetia. Nō roto o taua wā he ngana tonu nā ngā rangatira kia whakaaetia e Te Karauna tō rātou mana o runga o ō rātou ake whenua. 5
- (5) Nō waenga o te tau 1883 me te tau 1885, ka kōrerotia e Te Karauna me Ngāti Maniapoto Te Ōhākī Tapu. He huinga whakaaetanga, whakaoatitanga hoki, tēnei māna e riro ai i a Ngāti Maniapoto te whakaaetanga a Te Karauna ki tō rātou mana whakahaere ki runga o ō rātou whenua, iwi hoki, ā, hei whakautu, he whakaae ki te hikinga o te aukati me te tuku kia hangaia o Te Ara-o-Tūrongo ki tō rātou rohe. 10
- (6) Nō muri mai o te ruri i te raina rerewē ka tīmata ai ngā whakawā o te Kōti Whenua Māori ki Te Rohe Pōtae. Ko tā Ngāti Maniapoto he papare, kātahi ka ngana te whai wāhi ki ngā whakahaerenga a Te Kōti me tāna takahuri i ngā whenua ki te taitara o te tangata kotahi. Nō te tau 1890 ka tīmata ai Te Karauna ki te hoko i aua taitara tangata kotahi. Nāwai rā, mai i te rautaki whakatuki a Te Karauna ka kore e kaha ai te kore e whakaae a te nuinga o Ngāti Maniapoto ki ngā hokonga whenua. 20
- (7) Nō te tau 1904 ka hainatia ai Te Kawenata o Ngāti Maniapoto he pepa mana e tohe ana ki te pupuru a Ngāti Maniapoto i tōna tuakiri ā-iwi mai i te Māoritanga me te rangatiratanga o Ngāti Maniapoto. Ka uru a Ngāti Maniapoto ki te rautau rua tekau me taua mārō anō ki te pupuru i tō rātou mana motuhake mai iho o ā rātou whakawhitiwhiti me Te Karauna. 25
- (8) Ka ngana tonu a Ngāti Maniapoto ki te whakawhanake ake i tō rātou ōhanga, me ngā whenua i pupurita e rātou. Heoi anō te taitara tangata kotahi tonu me ngā ture o te whakahaere o te whenua Māori i te rautau rua tekau i kino ai te uaua. Hei aha koa te hokonga o te nui o te whenua, ka murua ā-turetia e Te Karauna ētehi wāhi nui mo te mahinga tūmatanui tae atu ana ki te Hōhipere Mate Hinengaro o Tokanui me te Whareherehere o Waikeria. Tae noa ki te tau 1935, ka 24% noa iho o Te Rohe Pōtae i te noho tonu ki te mana o te Māori. Kua whai painga nui te ōhanga o Aoteroa mai i te mahi nanakia i ngā rawa o roto o te rohe o Ngāti Maniapoto, he pānga kino nui ki tōna taiao. 30
- (9) Mai i te tau 1840, he nui te kino o te pānga o ngā mahi me te koremahia a Te Karauna ki runga o te hauora ā-papori, ā-ōhanga o te iwi tae atu ki tō rātou tuakiri ā-iwi. Waihoki, ko tā Ngāti Maniapoto he karanga tonu kia mau tonu, kia whakaaetia rā anō hoki o tō rātou rangatiratanga, mana whakahaere hoki, i whakaoatitia mai i Te Tiriti o Waitangi me Te Ōhākī Tapu. 35
- Summary of historical account* 40
- (1) In 1840, Ngāti Maniapoto rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi. They represented a strong, independent iwi with expanding trade

- connections among the growing Pākehā population. In the 1850s, Ngāti Maniapoto became committed supporters of the Kīngitanga. Maniapoto took up arms in its defence in 1863 when Crown forces invaded the Waikato and also had previously sent forces to fighting in Taranaki.
- (2) Under the leadership of Rewi Maniapoto and others Ngāti Maniapoto fought Crown troops in several engagements, including at Meremere, Pāterangi and Ōrākau. Ngāti Maniapoto people were also present at the unfortified village of Rangiaowhia when Crown forces attacked and non-combatants were killed. 5
 - (3) After Ōrākau, Ngāti Maniapoto were forced to withdraw across the Pūniu River. Many Ngāti Maniapoto lives were lost during the conflict and the Crown confiscated land at the edge of their rohe. Despite these hardships, Ngāti Maniapoto welcomed into their rohe those who had been displaced by the conflict and extensive confiscation in Waikato and Taranaki, including King Tāwhiao. This put significant strain on their resources. 10
 - (4) After the war, Ngāti Maniapoto established an aukati around their territory to preserve their rangatiratanga and mana motuhake over their remaining land. No Pākehā could pass into these lands without permission. During this time, rangatira continued to seek the Crown's recognition of their authority over their land. 15
 - (5) Between 1883 and 1885, the Crown and Ngāti Maniapoto negotiated Te Ōhākī Tapu. This was a series of agreements and assurances through which Ngāti Maniapoto sought Crown recognition of their mana whakahaere over their lands and peoples, and in return agreed to lift the aukati and allow the construction of Te Ara-o-Tūrongo (part of the North Island Main Trunk railway line) to proceed through their territory. 20
 - (6) Following the survey of the North Island Main Trunk railway line, the Native Land Court began to hold hearings in Te Rohe Pōtae. Ngāti Maniapoto resisted and then strove to influence court processes while the court converted their tribal territory into individualised land holdings. In 1890, the Crown began to purchase these individual interests. The Crown's aggressive purchasing tactics eventually overcame the opposition of many Ngāti Maniapoto to land sales. 25
 - (7) In 1904, Te Kawenata o Ngāti Maniapoto, a document which emphasised tribal unity based on the preservation of their Māoritanga and Ngāti Maniapoto rangatiratanga, was signed. Ngāti Maniapoto entered the twentieth century with the same determination to preserve their authority that had marked their previous engagement with the Crown. 30
 - (8) Ngāti Maniapoto tried to develop their economy and what land they had managed to retain. However, individualisation of land tenure and statutory provisions for the administration of Māori land in the twentieth century made this difficult. Despite purchasing large tracts of land, the Crown compulsorily took significant areas for public works, including the Tokanui Mental Hospital and Waikeria Prison. By 1935, only 24% of land in Te Rohe Pōtae remained in Māori ownership. The New Zealand economy has benefited greatly from the 35 40

exploitation of resources in the Ngāti Maniapoto rohe, which has suffered much environmental damage.

- (9) Since 1840, Crown acts and omissions have had a severe impact on the social and economic well-being of the iwi as well as their tribal identity. In the face of this, Ngāti Maniapoto have persistently called for the maintenance and recognition of their rangatiratanga and mana whakahaere, guaranteed to them by te Tiriti o Waitangi/the Treaty of Waitangi and Te Ōhākī Tapu. 5

9 Acknowledgements

Ngā Whākīnga a te Karauna ki a Maniapoto

Whakatakinga o ngā whākīnga: ko te rangatiratanga me te Tiriti 10

- (1) Ko te whākīnga a Te Karauna—
- (a) i te tau 1840, ko Ngāti Maniapoto me ōna hapū maha tētehi iwi whairawa, tōnui hoki; i a ia hoki te mana whakahaere mōna anō, nāna rā anō hoki te toro kia whai mahi ngātahi, whai huanui me Te Karauna;
- (b) nō te hainatanga a ngā rangatira o Ngāti Maniapoto i te Tiriti o Waitangi, ko tā rātou he kawē tonu i tō rātou mana whakahaere, mana rangatiratanga hoki. E whākī ana Te Karauna ko tā rātou māramatanga ki Te Tiriti nō roto mai i tōna reo Māori me ngā takahanga ki tō rātou nā rohe ki taua hainatanga. 15
- (2) E whākī ana Te Karauna i te mauroa o ngā whakamauāhara a Ngāti Maniapoto me te tupu nui o ngā takahinga a Te Karauna o Te Tiriti o Waitangi me ōna mātāpono, he pānga nui whakaharahara ki runga o te hauora ā-ōhanga, ā-tinana, ā-ahurea, ā-wairua o Ngāti Maniapoto. Inā te mārama a Te Karauna ki te pono o ngā mauāhara a Ngāti Maniapoto, ā, nō reirā ngā whākīnga e whai ake nei. 20 25

Ngā Pakanga i Taranaki

- (3) E whākī ana Te Karauna ko tā Ngāti Maniapoto āta whakaaro ki te pono o te pakanga i Taranaki i te tau 1860 nō mua noa atu o te whai wāhi atu, he mea taka mai nō muri kē o tā Te Karauna whakaū i te hē o te hoko whenua i Waitara. 30

Tapanga hei Whakakeke

- (4) E whākī ana Te Karauna i te hē o tāna tapanga i a Ngāti Maniapoto hei whakakeke mai i tāna whai wāhi ki ngā pakanga i Taranaki.

Ngā Pakanga i Waikato

- (5) E whākī ana Te Karauna i te hara o āna māngai me āna kaitohutohu me te takahi i Te Tiriti o Waitangi me ōna mātāpono ki tāna me Ngāti Maniapoto i te tukunga o ana hoia kia whakawhititia te Awa o Mangatāwhiri i te Hūrae o te tau 1863, me te murunga o ngā whenua o Waikato i reira te mana whakahaere o Ngāti Maniapoto. He whākīnga anō nā Te Karauna kei taua hara kino anō— 35

- (a) ngā matenga o ngā toa o Ngāti Maniapoto i whawhai i ngā hoia a Te Karauna;
- (b) te tikanga kore o te kōhuru i te hunga wāhine, hunga tamariki hoki, tae atu ana ki Rangiaowhia, me Ōrākau; ā
- (c) ko te pokanoa o te pāhua me te hoepapa o ngā rawa a Ngāti Maniapoto, taea noatia te whare rūnanga nui o Hui-Te-Rangiora, kāore ōna whaihua. 5

Murunga

- (6) E whākī ana Te Karauna nāna i muru ngā whenua o Taranaki me Waikato e whai pānga ana e Ngāti Maniapoto. He rikarika, he tikanga kore nō ēnei murunga, he takahi hoki i Te Tiriti o Waitangi me ōna mātāpono. 10

Ngā manene

- (7) E whākī ana Te Karauna nā Ngāti Maniapoto ōna hoa noho tata, ōna hoa whanaunga i manaaki nō muri tata noa mai o te pakanga me ngā murunga whenua i panaia mai ai rātou i ō rātou papa kāinga. Nā te kore a Te Karauna mō te manaaki i aua hunga i manene mai i te pakanga me ngā murunga whenua, nā Te Karauna i taka ai ki runga i a Ngāti Maniapoto te taimaha nui whakaharahara. E whākī ana Te Karauna ko ia anō tēnei tētehi takahi i Te Tiriti o Waitangi me ōna mātāpono. 15

Te Maungārongo me Te Kooti

- (8) E whākī ana Te Karauna i tā Ngāti Maniapoto here ki te maungārongo nō muri mai o te tau 1865, ā, nā Ngāti Maniapoto a Te Kooti i whai piringa ai nō roto o ngā tau nō muri mai o tāna whakaae ki te whakarere i te mau patu, ka noho ai me te rongomau. 20

Te Komihana a Sim me Te Ture o te Whakataunga o ngā Kerēme a Waikato-Maniapoto 1946

- (9) E whākī ana Te Karauna kīhai i rongongia e Te Komihana Sim ngā taunakitanga a Ngāti Maniapoto, nō reira kihai kē te whakataunga o te tau 1946 mō Waikato-Maniapoto, mai i ngā tūtohutanga a taua Komihana nei, i tūturu whakatau i ngā whamauāhara a Ngāti Maniapoto. 25

Te Ōhākī Tapu me te whakahikinga o te aukati

- (10) E whākī ana Te Karauna— 30
- (a) ko Te Ōhākī Tapu tētehi huinga o ngā whakawhitinga korero me ngā whakaaetanga o waenga o Te Karauna me Ngāti Maniapoto, i tīmata i te maehe o te tau 1883 ka puta ai ko te whakahikinga o te aukatinga o Te Rohe Pōtae i te tau 1885; 35
- (b) he whakaoati tapu ki a Ngāti Maniapoto ngā whakaaetanga o roto o Te Ōhākī Tapu;
- (c) he whai nā Ngāti Maniapoto i tōna mana motuhake, mana whakahaere hoki ki runga o tōna rohe ake nō mua o Te Ōhākī Tapu, ā, nā te aukati i

- kore ai e taea e Te Karauna tōna mana ki roto o Te Rohe Pōtae te whakahaere;
- (d) nō te Hūne o te tau 1883, ka petihanatia ai Te Karauna e Ngāti Maniapoto me ētehi atu iwi kia whai mana tūturu Te Tiriti o Waitangi, ā, ka tonoa ai te whakaae me te tautoko a Te Karauna o ngō rātou mana motuhake, mana whakahaere hoki, ki roto o Te Rohe Pōtae; 5
- (e) kīhai Te Karauna i pai ki te whakaae ki tā Ngāti Maniapoto tonu kia kaua tōna rohe e noho ki raro o Te Kōti Whenua Māori;
- (f) ka takahia e Te Karauna Te Ōhākī Tapu mā te kore o tāna whai i ngā whakaoati mai i ngā whakawhitinga kōrero kia— 10
- (i) whai mana ai ngā Komiti Māori ki ngā whakahaerenga a Te Kōti Whenua Māori me ngā kāwanatanga ā-rohe;
- (ii) riro ai i a ia ngā whenua o Ngāti Maniapoto mō Te Ara-o-Tūrongo e tika tau ai ki tōna hanganga;
- (iii) kore ai e whakararu i a Ngāti Maniapoto ki te hoko whenua i te hiahiatia kē kia rīhingia; ā 15
- (iv) kia tukua ai ki a Ngāti Maniapoto te āhei ki te hoko, te rīhi rānei, o ngā whenua ki tāna e hiahia ai ki te māketete wātea, ā
- (g) nā te kore a Te Karauna ki te whai i ēnei whakaoati i takahia ai Te Tiriti o Waitangi me ōna mātāpono. 20
- (11) He whākī anō nā Te Karauna i tāna whai hua nui mai i Te Ōhākī Tapu ki tana āhei ki te hanga i Te Ara-o-Tūrongo ki roto o Te Rohe Pōtae, me te whai wāhi ki te nōhanga a te Pākehā ki te rohe nei, heoi anō kīhai kē i riro i a Ngāti Maniapoto ngā hua mauroa o te ōhanga e ai ki ngā oati o roto o ngā whakawhitinga kōrero me Te Karauna. 25
- Ngā Ture Whenua Māori me te horo o ngā whakahaerenga a te iwi*
- (12) E whākī ana Te Karauna nā te whakatūranga me ngā whakapānga o Ngā Ture Whenua, ērangī rawa ia te tukua o ngā whenua o Ngāti Maniapoto ki te hunga tangata kotahi me te āhei a te tangata kotahi ki te whakahaere i aua whenua i tua atu o te hapū, iwi rānei, i wātea ai aua whenua ki te wāwāhinga, ki te murunga, ki te roherohenga. He wāhi nui tēnei ki te horo o ngā whakahaerenga ā-iwi o Ngāti Maniapoto, he mea anga mai i te kaitiakitanga ā-iwi, ā-hapū rā anō o te whenua. E whākī ana Te Karauna ko te kore o tāna tiaki i aua whakahaerenga ā-iwi he takahinga o te Tiriti o Waitangi me ōna mātāpono. 30
- (13) E whākī ana Te Karauna nō ngā whakawātanga o te poraka Aotea-Rohe Pōtae i te tau 1886, ko tā ngā rangatira o Ngāti Maniapoto he tonu kia kore rawa e taea te tangohanga o ngō rātou whenua. Hei aha koa te whakataunga pērā a te Kōti Whenua Māori ka kore e taea te tangohanga o taua poraka nei, nō te whakawewehenga o muri mai kāore he whakaritenga pērā o runga o ētehi whakawehenga, ā, ki ngā whenua kei runga rā ko taua whakataunga o te kore e 40

taea te tangohanga, kihai i haukotia te hoko a Te Karauna i ngā whenua o roto o te rohe o Ngāti Maniapoto.

Te Kōti Whenua Māori

- (14) E whākī ana Te Karauna i te nui o te utu mai i ngā whakataunga taitara, mai i reira ētehi rironga whenua rā anō. Erangi rawa ia e whākī ana Te Karauna i te rironga o kahuraki o te nui o te whenua hei utu i ngā nama mō te rūri i ētehi whakawewehenga o roto o te poraka Rangitoto Tuhua, tae atu ana ki ētehi poraka anō, ā ko tā Te Karauna kore e tiaki i a Ngāti Maniapoto mai i tēnei toimaha he takahi i Te Tiriti o Waitangi me ōna mātāpono. 5

Ngā Māngai ki roto o Te Kōti Whenua Māori

- (15) E whākī ana Te Karauna i noho ētehi o ana māngai hoko whenua ki roto o ngā whakawānga o Te Kōti Whenua Māori i ngā tau 1880 hei aha koa te kore e whakaae a Ngāti Maniapoto. 10

Ngā hokonga a Te Karauna i ngā 1890

- (16) E whākī ana Te Karauna, nō ngā tau 1890, tōmua hoki o ngā 1900, me tāna hoko i te nui o ngā whenua o Ngāti Maniapoto, nō tāna māminga o te mana whakamatuatanga i kaha kē ake ai te herenga mai i Te Tiriti kia pono tonu ngā whakawhitihinga kōrero. E whākī ana Te Karauna ki tāna raweke i ana mana whakamatuatanga ki te— 15

- (a) iti ake o te utu ki te Māori; 20
- (b) haukoti i te hiahia a Ngāti Maniapoto, nāna te whakapau pūtea nui ki te rūri me te whakawehewehe i ōna whenua, kia utua aua nama mā te rīhi i ōna whenua; ā,
- (c) whakatuki o te hoko, tae atu ana ki te whakatuma kei riro ā-ture ngā whenua, e kaha ake ai te whakahau i a Ngāti Maniapoto ki te hoko i ōna whenua ki Te Karauna. 25

Nā ēnei mahinga, whakarereanga kētanga rānei, i kore ai Te Karauna e pono ki tāna whakawhitihiti whakaaro me Ngāti Maniapoto, tiaki tika rānei, i āna whai pānga ki ōna whenua, ā, he takahinga tēnei o te Tiriti o Waitangi me ōna mātāpono. 30

Te Ara-o-Tūrongo, tōna kamupeihana, me ngā kirimana kaimahi

- (17) E whākī ana Te Karauna nō tāna hanga i Te Ara-o-Tūrongo ki Te Rohe Pōtae, kihai ia i tuku kamupeihana ki a Ngāti Maniapoto mō te wāhanga o te rerewē whakatetonga o te poraka o Pukenui, ā, he takahinga tēnei o te Tiriti o Waitangi me ōna mātāpono. 35
- (18) E whākī ana hoki Te Karauna nō muri o te tau 1887, kāore āna whāinga kia whai wāhi a Ngāti Maniapoto, ōrite tonu ki ngā kainoho Pākehā, tauwiwi hoki, ki ngā hua whai pūtea mai i te mahi hanga i Te Ara-o-Tūrongo ki roto o Te Rohe Pōtae.

Ngā Poraka o Mōkau

- (19) E whākī ana Te Karauna i te kore o tāna tiaki pū i ngā pānga a Ngāti Maniapoto ki tāna hoko i ngā poraka e whā o Mōkau i ngā tau 1850, ā, ka riro i a ia aua whenua i ngā 1880 hei aha koa—
- (a) te paunga o te rua tekau mā rima tau neke atu mai i ngā hokonga, ā, he tika te whakapono a Ngāti Maniapoto i whakarērēna aua whenua e Te Karauna; 5
- (b) te nui o ngā porotēhe ki ngā hokonga i te hainatanga o ngā tīra, ā, kihai Te Karauna i whai tūturu i nga whakaetanga noa a ngā uri whenua katoa o ngā whenua i riro i a ia; ā 10
- (c) kāore kau i āta tautuhitia ki aua tīra ngā whenua i hokona e Te Karauna.
- Nā ēnei mahinga, whakarerenga kētanga rānei i takahia ai e Te Karauna te Tiriti o Waitangi me ōna mātāpono.

Ngā rāhuitanga o Mōkau

- (20) E whākī ana Te Karauna nō tāna hoko poraka whenua i Mōkau i ngā tau 1850 me te riro i a ia o aua whenua kihai i rāhuitia e ia ngā rāhuitanga katoa i manakohia e Ngāti Maniapoto— 15
- (a) ki ētehi tauira e rua neke atu pea i kore ai e rāhuitia e ia ngā rāhuitanga e tika ana mō Ngāti Maniapoto;
- (b) i takaroahia pokanoa e ia ngā rāhuitanga e toe mai ana, mō te rautau neke atu ki tētehi tauira o muri mai o te hokonga o te whenua; ā 20
- (c) kihai i tika te tiaki i ngā rohenga i rāhuitia mai i te tangohanga mō Ngāti Maniapoto, ka tukua ai kia nōhia.
- Nā ēnei mahi, rerenga kē hoki i takahia ai e Te Karauna te Tiriti o Waitangi me ōna mātāpono. 25
- (21) He whākī anō nā Te Karauna kihai i riro i a Ngāti Maniapoto ngā hua ōhanga i oatitia e Te Karauna mai i te hokonga o te whenua hei wāhanga o ngā hokonga i Mōkau Awakino.

Mokau-Mohakatino

- (22) E whākī ana Te Karauna he aha koa te roa o te porotēhe a ngā uri whenua o Mokau-Mohakatino ki te hiahia a tētehi kainoho ki te rīhi i te poraka, kihai Te Karauna i toro ki ngā uri whenua nō mua o tāna tautoko i te Ture Mokau-Mohakatino 1888, nāna te whakature i te rīhi a taua kainoho ki runga o taua poraka kihai i whakaaetia ai e ngā uri whenua. E whākī ana Te Karauna kihai i tukua e ia te whakaōritetanga o te ture ki ngā uri whenua o Ngāti Maniapoto ki Mokau-Mohakatino, kihai hoki i whakawehi ki tō rātou mana whakahaere, mana rangatiratanga, o runga o ngō rātou whenua, ā, he takahinga tēnei o te Tiriti o Waitangi me ōna mātāpono. 30 35
- (23) He whākīngā anō nā Te Karauna ko tā Te Ture Mokau-Mohakatino 1888, ki tua atu o te tukua ki te kairīhi te mana whakamātuatanga ki te rīhi i ētehi whenua 40

anō i Mōkau-Mohakatino, he kaha rawa rā anō o te tautoko i ngā mōtika a tētehi kainoho ki runga rawa o ngā mōtika a ngā uri whenua o Ngāti Maniapoto. E whakaae ana Te Karauna i te tohe ko te kore o tāna tiaki i te whai pānga a ngā uri whenua mai i te kore o te whai a te kairīhi i ōna herenga i raro o te rīhi, he wāhi nui o roto o te hokonga o Mokau-Mohakatino, ā, ko taua kore 5
ōna ki te tiaki i ngā pānga a Ngāti Maniapoto o runga o ngā whenua i hiahiatia e ia te pupuru, he takahinga o te Tiriti o Waitangi me ōna mātāpono.

Ngā Tāone Māori

- (24) E whākī ana Te Karauna ko tā Ngāti Maniapoto he whakaae ki te whakatūranga o te tāone Māori i Ōtorohanga me Te Kūiti i te tau 1902 mai i tāna whakapono ka pupuritia e ia tōna mana whakahaere mā ōna māngai i pōtitia e ia ki te Kaunihera Whenua o Maniapoto-Tuwharetoa, māna ngā whenua hei whakahaere. Aua atu, ko tā Te Karauna he whakaturetanga i te tau 1905, hei aha koa te whai i ngā whakaaro a Ngāti Maniapoto, kia whakakapia taua kaunihera whenua ki te Poari Whenua o Waikato-Maniapoto, kotahi noa iho tōna mema Māori, nā Te Karauna i whakaingoa. Nā te tautoko o tēnei whakaturetanga me te kore e whai i ngā whakaaro a Ngāti Maniapoto, i kore ai Te Karauna e whakawehi i te mana rangatiratanga o Ngāti Maniapoto, ā, he takahinga tēnei o te Tiriti o Waitangi me ōna mātāpono. 10
15

Te Tuku Whenua

- (25) E whākī ana Te Karauna— 20
- (a) nō roto o te 1907 me te 1910, ka tukua ā-turetia te nui rawa atu o ngā whenua o Ngāti Maniapoto ki te Poari ā-Rohe o Te Whenua Māori;
- (b) ka tukua aua whenua i raro i te ture ko tōna ritenga kia hokona e Te Poari ētehi whenua, e ai ki te Komihana a Stout-Ngata, tē whāia ai e Ngāti Maniapoto tōna rironga; 25
- (c) kāore kau he ritenga o te whakaae a Ngāti Maniapoto ki te tukua te hokona rānei o aua whenua nei, ā, tēnā, kāore kau ana tētehi huarahi e taea ai e Ngāti Maniapoto te whakahoki i aua whenua mai i te mana whakahaere o te Poari tae noa ki te tau 1913; ā 30
- (d) mai i reira ka hokona ai e Te Poari ngā whenua hei aha koa te whakaae a ngā uri whenua o Ngāti Maniapoto.

E whākī ana Te Karauna nā te whakature o te tuku whenua ki raro o te Poari ā-Rohe o Te Whenua Māori me ngā ritenga o reira kia hokona ētehi whenua e Te Poari hei aha koa te whakaae a ngā uri whenua, he whakakorenga nā Te Karauna o te mana whakahaere o Ngāti Maniapoto ki runga o aua whenua, he takahinga hoki o Te Tiriti o Waitangi me ōna mātāpono. 35

Te hoko o ngā pānga a te tangata kotahi hei aha koa te whakataunga a te hunga uri whenua

- (26) Ka hokona hoki e Te Karauna ētehi whenua o Ngāti Maniapoto kāore i tukua ki te Poari ā-Rohe o te Whenua Māori. Mō ēnei whenua e whākī ana Te Karauna 40

nō roto o ngā tau o muri mai i te 1909, ko tāna he hoko, i ētehi wā, ngā pānga o te hunga tangata kotahi, ēngari mō ngā whakataunga a te hunga uri whenua kia kaua ō rātou whenua e hokona. Ki ēnei whakawhitinga kōrero ko tā Te Karauna he mārama ki tāna tinihanga i te whakataunga ā-iwi o ngā uri whenua o Maniapoto kia kaua ō rātou whenua e hokona mai i te hunga tangata kotahi. 5
Nā reira he kutukutu-ahi ngā whakaritenga o roto o ngā ture whenua Māori i reira ngā ritenga o te whakataunga ā-hapū, ā-iwi hoki, ā, he takahinga o Te Tiriti o Waitangi me ōna mātāpono.

Ngā kaupapa ahu whenua

- (27) E whākī ana Te Karauna— 10
- (a) Kīhai i tukua e ia ētehi pūtea tautoko i te whakawhanaketanga o ngā whenua o Ngāti Maniapoto tae noa ki te tōmuri o ngā tau 1920, tae ki taua wā ko ngā whenua tūturu makuru o Ngāti Maniapoto i riro kē;
- (b) ka namahia e Te Karauna ngā utu o aua kaupapa whakawhanaketanga ki te whenua i te mahia kia whakawhanakehia; 15
- (c) nā Te Karauna te whakahaere i ngā whenua i te whakawhanakehia, ka pau ngā tekautau i kore ai te mana whakahaere o Ngāti Maniapoto ki runga o aua whenua, nā ko tā Te Karauna he whakahaere i aua nama kia iti iho; ā
- (d) he kore e whai hua mai i te whakahaere a Te Karauna i aua kaupapa mō Ngāti Maniapoto ki tāna i hiahia ai mai i tāna whai wāhi ki aua kaupapa nei. 20

Ngā take whakawhanake ake

- (28) E whākī ana Te Karauna kīhai i tutuki te kauapapa whakatōpu nāna i whakatū ki roto o te rohe o Ngāti Maniapoto, nāwai rā he roa nō te whai, i roto i ngā tekautau neke atu. He whākī anō nā Te Karauna tē taea ai e te kaupapa nei te whakatika i ngā take mai i te whatiwhatinga o te purunga o te whenua. 25

Ngā mahinga tūmatanui, Tokanui

- (29) E whākī ana Te Karauna tua atu o te whānui tāna hoko, ka riro i a ia ētehi whanua anō mai i a Ngāti Maniapoto mā ngā momo tangohanga o te mahinga tūmatanui. He whākīngā anō tonu i tāna tango ā-ture i te nui o te whenua o Ngāti Maniapoto mō Te Hōhipere Mate Hinengaro o Tokanui, kāore hoki he āta rautakinga e kitea ai te tika o te hiahia ki aua whenua. Ka mutu mai i te kore o taua rautakinga ka riro i Te Karauna te nui whakaharaha o aua whenua i Tokanui, nō muri mai ko te nuinga ka whakawhitia ki te Tari Whareherehere hei wāhanga o te Whareherehere o Waikēria. He whakatoihara nui nō ēnei tangohanga o ngā mahinga tūmatanui ki runga o ngā uri whenua o Ngāti Maniapoto, kua raruraru kē i te whakaitinga iho o ngō rātou whenua mai i te raupatu me te whānui o ngā hokonga a Te Karauna. E whākī ana Te Karauna ko ngā āhuatanga mai i āna tangohanga i ngā whenua i Tokanui he takahinga o Te Tiriti o Waitangi me ōna mātāpono. 30 35 40

Murunga tiaki tirohanga

- (30) He whākī anō nā Te Karauna i tāna muru ā-ture o ētehi whenua o Ngāti Maniapoto hei tiaki tirohanga. Mō te poraka o Mangoira, e whākī ana Te Karaua nō tāna muru ā-ture i te poraka i te tau 1912 mō te Mokau River Scenic Reserve i raro i ngā Ture o te Mahinga Tūmatanui me te Tiaki Tirohanga i te tau 1908, ka riro i a ia e 3,000 eka o te whenua o Ngāti Maniapoto heoti noa mā te tata ki te rua rau eka noa iho e taea ai te tiaki i te tirohanga. He whākī nā Te Karauna he nui rawa nō te rironga o te poraka Mangoira, he takahinga hoki o Te Tiriti o Waitangi me ōna mātāpono. 5

Ngā hokonga a Te Karauna i te Rautau Rua Tekau

- (31) E whākī ana Te Karauna nā te heipū o āna mahinga, whakarereanga kētanga hoki i tere ake ai, i whānui hoki ai te rironga atu o ngā whenua o Ngāti Maniapoto i roto i te rautau tekau mā iwa me ngā tau tōmua o te rua tekau mā tahi, ā, he pānga nui whakaharaha ki runga o tōna hauora ā-papori, ā-ōhanga. 10

Te riro ā-ture o ngā pānga e kore e whai pūtea

- (32) E whākī ana Te Karauna nō waenga o ngā tau 1953 ki te 1974 ka whai mana ai te Tarahiti Māori ki ngā ture pēnei me te Ture Take Māori 1953 me te Ture Whakatikatika Take Māori 1967, ki te tango ā-ture ngā “pānga e kore e whai pūtea” ki ngā whenua o Ngāti Maniapoto, nō reira te wete mai i ētehi o Ngāti Maniapoto tō rātou tūrangawaewae, he takahinga tēnei o Te Tiriti o Waitangi me ōna mātāpono. 15 20

Te Māperetanga

- (33) E whākī ana Te Karauna ko tāna māperetanga ki runga o te iwi Māori he māminga nāna o te whakaōritetanga o te whakahere, ēngari he māperetanga o ngā tāne o te rohe o Waikato-Maniapoto anahe, inā rā ko Ngāti Maniapoto tonu. He oti noa te mārāma a Te Karauna ko te tokomaha o ngā tūao o Ngāti Maniapoto he ōwehenga ki tōna taupori. Inā rā te kore o te tiaki tika i a Ngāti Maniapoto hāunga ana ki te tiaki i a iwi kē kāore i māperengia nō reirā te pōhēhē kāore i pai te whai wāhi a Ngāti Maniapoto ki ngā take pakanga. Inā hoki ko te kore nō Te Karauna o te whakawehi i te whakahere a Ngāti Maniapoto ki Te Pakanga Tuatahi he whakamau nui o te hauora whakamamae i te iwi. Nā ēnei mahinga, whakarereanga kētanga hoki i takahia ai e Te Karauna Te Tiriti o Waitangi me ōna mātāpono. 25 30

Ngā tākohā a Ngāti Maniapoto ki ngā mahi pakanga a Aotearoa

- (34) E whākī ana, e karamihi ana hoki, Te Karauna ki ngā tākohā a Ngāti Maniapoto ki ngā mahi pakanga a Aotearoa i te rautau ruatekau, taea noatia te whai wāhi ki te Pakanga i Haute Awherika, ngā Pakanga o Te Ao e rua tahi, te Pakanga i Korea, me te Pakanga i Wietenamu. 35

Take ōhanga ā-papori

- (35) E whākī ana Te Karauna— 40

- (a) kua roa te pāmamae i te painga kore o Ngāti Maniapoto ki tōna hauora, whiwhi whare, me te whiahi mātauranga, taea noatia te iti ake o ngā huarahi ki te rapu mahi, whai pūtea hoki mō te whiwhi whare i tō ngā ara e wātea ana ki a tauiwī;
- (b) mai i ēnei take he pānga kino ki runga o te hauora ā-tinana, ā-ōhanga, ā-ahurea, ā-wairua o Ngāti Maniapoto; ā 5
- (c) kua pēhia te tokomaha o Ngāti Maniapoto e ēnei take ōhanga ā-papori ki te rapu mahi ki roto o ngā pokapū tāone nui, ka mutu ka tauwehea ai rātou i ngā tikanga o Ngāti Maniapoto i ō rātou tūrangawaewae, i ō rātou whānau. 10
- Ngā penihana me te whakahāwea*
- (36) E whākī ana Te Karauna ka whakahāweatia te Māori, otirā a Ngāti Maniapoto, mā roto o te iti ake o te whakawhiwhinga penihana i tērā o ētehi atu tāngata o Aotearoa i ngā tekau tau e whā tōmua o te rautau rua tekau, ā, ko te whakahāwea pēnei nā i a Ngāti Maniapoto he takahinga o Te Tiriti o Waitangi me ōna mātāpono. Ko te whākīngā anō a Te Karauna ko te takahanga o ētehi atu tūmomo whakahāwea he pāmamae anō ki runga o Ngāti Maniapoto i ētehi atu wā ki roto o tō rātou ake rohe. 15
- Poropeihana*
- (37) E whākī ana Te Karauna i te māia o ngā rangatira o Ngāti Maniapoto ki te whakatū me te pupuru i tētehi poropeihana o te waipiro ki tōna rohe i waenga o te 1884-1954 hei urupare i ngā pānga kino o te waipiro ki runga o ōna tāngata hei aha koa te kaha o te akaiaki a te papori Pākehā me te tupu o tōna tokomaha ki roto o te rohe o Ngāti Maniapoto. 20
- Mātauranga* 25
- (38) E whākī ana Te Karauna ko te whaingā o te hōtaka mātauranga tōmuri o te rautau tekau mā iwa, tōmua o te rua tekau he horomi i ngā ākongā o Ngāti Maniapoto he manako iti ake hoki mō tā rātou whai i te mātauranga. Waihoki, ka whiua ngā tamariki o Ngāti Maniapoto tae atu ki te wepu mō te korero i te reo Māori ki ngā papa o te kura. E whākī ana Te Karauna nā ēnei wheako i ngaro ai i ētehi o Ngāti Maniapoto tō rātou tuakiri ahurea, mārāma hoki ki ngā tikanga, mātauranga hoki, he wāhi nui hoki ki te pōhara o te noho a te nui o Ngāti Maniapoto. 30
- Te Reo Māori*
- (39) E whākī ana Te Karauna kāore kau ia i āta tiaki i Te Reo Māori, i āta tautoko hoki i tōna whakamahinga ki roto o Ngāti Maniapoto. He whākīngā anō hoki nā Te Karauna i te pānga nui o ēnei korenga ki te memeha o Te Reo Māori i waenga i te tokomaha o Ngāti Maniapoto, ā, he uuaa kē ake te tuku i te reo me ngā tikanga ki ngā uri whakaheke. E whākī ana Te Karauna ko taua kore o te āta tiaki i Te Reo he takahinga o Te Tiriti o Waitangi me ōna mātāpono. 40

Taiao

- (40) E whākī ana Te Karauna—
- (a) nō mua o te tau 1840 ko Ngāti Maniapoto te kaitiaki o Te Nehenehenui, me tōna hōrapa o te rohe o Ngāti Maniapoto, te whaitua oranga o te tini o ngā momo otaota, momo koiora o te māra a Tāne-mahuta, o te horomata hoki o ngā awa me ngā repo; 5
- (b) he kaha roa nō te whakamātuatanga a Te Karauna i te whakawhanake i te ōhanga ēngari mō te tiaki i te taiao, nō reirā te urupatunga o te nuinga o Te Nehenehenui; ā
- (c) nā taua takakino i tōna taiao i whakamaui ai te pāmamae o Ngāti Maniapoto e mau tonu nei ki te motuhenga o taua kaitiakitanga o runga o ngā maunga, ngā whenua, ngā roto, ngā repo, ngā awa me ngā wāhi tapu o tōna rohe. 10

Wāhi Tapu me Ngā Taonga i Tuku Iho

- (41) He whākīnga anō hoki nā Te Karauna— 15
- (a) nā te murunga o ngā whenua o Ngāti Maniapoto te whakawhitinga o ētehi wāhi tapu, mana ā-whakapapa hoki, ki Te Karauna, ki ētehi tāngata paraiwete hoki, ā, i ētehi wā, te tūkinotanga, te turakinga rānei, ka whara ai a Ngāti Maniapoto ā-ahurea, ā-wairua hoki; ā
- (b) he āwkeke rawa nō Te Karauna ki te tautoko i te ture e karoa ai te tūkinotanga o ngā wāhi mana ā-whakapapa, ā-ahurea o Ngāti Maniapoto. 20

Tākoha ā-ōhanga

- (42) E whākī ana Te Karauna i ngā tākoha a Ngāti Maniapoto ki te tupu me te whakawhanake ake o Aotearoa, ā, he hua nui rawa atu ki a Aotearoa, tae atu ana ki ngā whenua nā Ngāti Maniapoto i tākoha hei wāhi e hangatia ai Te Ara-o-Tūrongo. E whākī ana anō Te Karauna i ngā hua i riro i a Aotearoa mai i ngā rawekehanga o te taiao o te rohe o Ngāti Maniapoto. 25

Whākīnga whakamutunga

- (43) E whākī ana Te Karauna nō roto o ngā tau, ka totohetia ai Te Karauna e Ngāti Maniapoto kia whakahōnoretia ōna here ki Te Ōhākī Tapu me Te Tiriti o Waitangi. E whakawehi ana Te Karauna ki te kaha o te whawhai me te ngana a Ngāti Maniapoto ki te whai i ana kerēme mō te whakatika me te kamupeihana mai i Te Karauna ā, he whākī hoki i te roa rawa o te whakatau i ēnei pāmamae. 30
- (44) E whākī ana Te Karauna hei aha koa te kounu me te mamae i pā ki a Ngāti Maniapoto mai i te raupatu me te tāmītanga, kua kaha tonu, mai anō, ki te pupuru i tōna ahurea ā-iwi, tōna mana whenua anō hoki, ki te whakahaere tonu o tōna Māoritanga, me te mana rangatiratanga o Ngāti Maniapoto. 35

Opening acknowledgements: rangatiratanga and te Tiriti/the Treaty

- (1) The Crown acknowledges that,— 40

- (a) as at 1840, Ngāti Maniapoto me ōna hapū maha was a prosperous and thriving iwi in control of its own destiny and it sought a mutually beneficial relationship with the Crown; and
- (b) when Ngāti Maniapoto rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi, they were exercising their mana whakahaere and tino rangatiratanga. The Crown acknowledges that their understandings of te Tiriti/the Treaty would have been based on the Māori text and local events surrounding its signing. 5
- (2) The Crown acknowledges the longstanding grievances of Ngāti Maniapoto and the cumulative effect of the Crown’s breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, which have affected the economic, physical, cultural and spiritual well-being of Ngāti Maniapoto. The Crown hereby recognises the legitimacy of the grievances of Ngāti Maniapoto and now makes the following acknowledgements. 10
- Taranaki wars* 15
- (3) The Crown acknowledges that Ngāti Maniapoto carefully weighed the justice of the war in Taranaki in 1860 before intervening in the conflict, which started after the Crown tried to enforce a flawed purchase at Waitara.
- Labelling as rebels*
- (4) The Crown acknowledges that it unfairly labelled Ngāti Maniapoto as rebels as a result of their involvement in the Taranaki wars. 20
- Waikato wars*
- (5) The Crown acknowledges that its representatives and advisers acted unjustly and in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles in its dealings with Ngāti Maniapoto in sending its forces across the Mangatāwhiri River in July 1863, and occupying land in the Waikato region in which Ngāti Maniapoto had interests. The Crown further acknowledges that this grievous breach of te Tiriti/the Treaty included— 25
- (a) the deaths of Ngāti Maniapoto who fought against the Crown forces; and
- (b) the indiscriminate killing of women and children non-combatants, including at Rangiaowhia and Ōrākau; and 30
- (c) the gratuitous looting and destruction of Ngāti Maniapoto property, including the treasured whare, Hui-Te-Rangiora, for no strategic reason.
- Confiscations*
- (6) The Crown acknowledges that it confiscated land in Taranaki and Waikato in which Ngāti Maniapoto had interests. These confiscations were unjust and excessive and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35

Refugees

- (7) The Crown acknowledges that Ngāti Maniapoto sheltered their neighbours and whanaunga after the war and confiscations forced them from their homelands. In failing to provide for those displaced as a result of war and confiscations, the Crown placed significant social and economic strain on Ngāti Maniapoto. The Crown acknowledges that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5

Peacefulness and Te Kooti

- (8) The Crown acknowledges the commitment of Ngāti Maniapoto to peace after 1865, and that Ngāti Maniapoto gave sanctuary to Te Kooti for a number of years after he had agreed to abandon warfare and live in peace. 10

The Sim Commission and Waikato-Maniapoto Maori Claims Settlement Act 1946

- (9) The Crown acknowledges that the Sim Commission did not hear evidence from Ngāti Maniapoto, and that the 1946 Waikato-Maniapoto settlement that was based on the recommendations of this commission did not sufficiently address the grievances of Ngāti Maniapoto. 15

Te Ōhākī Tapu and lifting of aukati

- (10) The Crown acknowledges that—
- (a) Te Ōhākī Tapu was a series of negotiations and agreements between the Crown and Ngāti Maniapoto that began in March 1883 and led to the lifting of an aukati around Te Rohe Pōtae in 1885; and 20
 - (b) Ngāti Maniapoto considered the Te Ōhākī Tapu agreements to be sacred promises; and
 - (c) Ngāti Maniapoto exercised mana motuhake and mana whakahaere in their own rohe before Te Ōhākī Tapu, and the aukati had prevented the Crown from exercising practical authority in Te Rohe Pōtae; and 25
 - (d) in June 1883, Ngāti Maniapoto and other iwi petitioned the Crown to give practical effect to te Tiriti o Waitangi/the Treaty of Waitangi, and sought Crown recognition and support of their mana motuhake and mana whakahaere in Te Rohe Pōtae; and 30
 - (e) the Crown was not prepared to agree to the request of Ngāti Maniapoto for their rohe to be excluded from the jurisdiction of the Native Land Court; and
 - (f) the Crown breached Te Ōhākī Tapu by not upholding promises it had made during the negotiations to— 35
 - (i) extend the powers of Native Committees in Native Land Court processes and local government; and

- (ii) acquire only as much Ngāti Maniapoto land for the North Island Main Trunk railway line as would be needed for its construction; and
- (iii) apply no pressure on Ngāti Maniapoto to sell land they wished to lease; and 5
- (iv) provide for Ngāti Maniapoto to sell or lease any land they wished to alienate in open market; and
- (g) the Crown's failure to uphold these assurances breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (11) The Crown further acknowledges that it derived enormous benefits from Te Ōhākī Tapu by being able to construct the North Island Main Trunk railway line through Te Rohe Pōtae, and establish European settlement in the district, but Ngāti Maniapoto did not receive the long-term economic benefits they had been led to expect by the Crown during negotiations. 10
- Native land laws and erosion of tribal structures* 15
- (12) The Crown acknowledges that the operation and impact of the native land laws, in particular the award of Ngāti Maniapoto land to individuals and the enabling of individuals to deal with that land without reference to iwi or hapū, made these lands more susceptible to fragmentation, alienation and partition. This contributed to the erosion of Ngāti Maniapoto tribal structures, which were based on collective tribal and hapū custodianship of land. The Crown acknowledges that its failure to protect these tribal structures was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (13) The Crown acknowledges that at the time of the Aotea-Rohe Pōtae block hearing in 1886, Ngāti Maniapoto rangatira requested that their land be declared inalienable and that, although the Native Land Court declared this block inalienable, when it was later subdivided some of these subdivisions had no alienation restrictions on them and where alienation restrictions were in place they did not prevent the Crown from purchasing land in the Ngāti Maniapoto rohe. 25
- Native Land Court* 30
- (14) The Crown acknowledges that the Native Land Court title determination process carried significant costs, which at times led to further alienations of land. In particular, the Crown acknowledges that Ngāti Maniapoto had to give up unreasonably large amounts of land to pay for survey costs for some subdivisions within the Rangitoto Tuhua block, as well as within other blocks, and that the Crown's failure to protect Ngāti Maniapoto from this burden was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35
- Agents in the Native Land Court*
- (15) The Crown acknowledges that its land purchase agents attended certain Native Land Court hearings in the 1880s despite Ngāti Maniapoto opposition to the presence of such agents in this court. 40

1890s Crown purchasing

- (16) The Crown acknowledges that, when it purchased a large amount of Ngāti Maniapoto land during the 1890s and early 1900s, its imposition of monopoly powers meant it had a heightened Treaty duty to negotiate in good faith. The Crown acknowledges that it misused its monopoly powers by— 5
- (a) generally paying unreasonably low prices to Māori; and
 - (b) preventing Ngāti Maniapoto, who had expended large sums of money on having their lands surveyed and subdivided, from paying these costs by the leasing of their lands; and
 - (c) using aggressive purchasing tactics, including threats to compulsorily acquire land, in order to pressure Ngāti Maniapoto to sell their land to the Crown. 10

Through these acts and omissions, the Crown failed to negotiate in good faith or actively protect Ngāti Maniapoto interests in their lands and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 15

North Island Main Trunk railway line compensation and labour contracts

- (17) The Crown acknowledges that, when it constructed the North Island Main Trunk railway line in Te Rohe Pōtae, it did not pay compensation to Ngāti Maniapoto for the section of the railway south of the Pukenui block and that this breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (18) The Crown further acknowledges that, after 1887, it took no steps to ensure that Ngāti Maniapoto were equally as able as European settlers and immigrants to benefit from employment on construction of the North Island Main Trunk railway line in Te Rohe Pōtae.

Mōkau blocks 25

- (19) The Crown acknowledges that it failed to actively protect Ngāti Maniapoto interests when it purchased 4 land blocks in the Mōkau district during the 1850s, and then took possession of those lands in the 1880s, even though—
- (a) more than 25 years had elapsed since the purchases had taken place and Ngāti Maniapoto reasonably believed that the Crown had abandoned the lands; and 30
 - (b) there had been significant protests against the purchases when the deeds were signed and the Crown had not secured the free and informed consent of all rights holders to all the land it acquired; and
 - (c) the deeds did not adequately define the land the Crown was purchasing. 35

Through these acts and omissions the Crown breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Mōkau reserves

- (20) The Crown acknowledges that when purchasing blocks of land in the Mōkau district during the 1850s and taking possession of that land in the 1880s it did not set aside all the reserves Ngāti Maniapoto had expected, as,—
- (a) in at least 2 instances, it failed to grant reserves Ngāti Maniapoto were entitled to; and 5
 - (b) it unreasonably delayed granting the remaining reserves, in one case by over a century after the block was sold; and
 - (c) it inadequately protected reserved areas from alienation and allowed occupation of lands meant to be reserved for Ngāti Maniapoto. 10
- Through these acts and omissions the Crown breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (21) The Crown further acknowledges that Ngāti Maniapoto did not receive the economic benefits the Crown had led them to expect from lands sold as part of the Mōkau Awakino purchases. 15

Mokau-Mohakatino

- (22) The Crown acknowledges that, despite a long period of protest by the owners of Mokau-Mohakatino against a settler's attempt to lease the block, it did not consult the owners before promoting the Mokau-Mohakatino Act 1888, which validated a lease in favour of that settler over the block that the owners had not consented to. The Crown acknowledges that it failed to accord Ngāti Maniapoto owners of Mokau-Mohakatino equality of treatment, and failed to respect their mana whakahaere and rangatiratanga over their land, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (23) The Crown further acknowledges that the Mokau-Mohakatino Act 1888, which also provided for the lessee to have monopoly powers to lease additional land in Mokau-Mohakatino, provided an extraordinary degree of support for the claims of a settler against the rights of Ngāti Maniapoto landowners. The Crown concedes that its failure to protect the owners' interests, when the lessee did not meet their obligations under the lease, contributed to the sale of Mokau-Mohakatino, and this failure to protect Ngāti Maniapoto interests in land they wished to retain was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 25 30

Native townships

- (24) The Crown acknowledges that Ngāti Maniapoto consented to the establishment of native townships at Ōtorohanga and Te Kūiti in 1902 because they were confident that their mana whakahaere would be preserved through their elected representatives on the Maniapoto-Tuwharetoa Māori Land Council, which managed the land. Despite this, the Crown promoted legislation in 1905, without consulting Ngāti Maniapoto, that replaced the land council with the Wai-kato-Maniapoto Māori Land Board, which had only 1 Māori member, who was 35 40

appointed by the Crown. By promoting this legislation without consulting Ngāti Maniapoto, the Crown failed to respect Ngāti Maniapoto rangatiratanga and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Vested land

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(25) The Crown acknowledges that,—

(a) between 1907 and 1910, it compulsorily vested a large amount of Ngāti Maniapoto land in the District Māori Land Board; and

(b) it vested this land under legislation which required the Board to sell more land than the Stout-Ngata Royal Commission (which investigated Māori land holdings) considered Ngāti Maniapoto could afford to lose; and

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(c) it did not require Ngāti Maniapoto consent to the vesting of these lands or to their sale, nor did it provide any mechanism by which Ngāti Maniapoto could take back their land from the control of the Board until 1913; and

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(d) the Board accordingly sold land without the consent of the Ngāti Maniapoto owners.

The Crown acknowledges that by compulsorily vesting land in the District Māori Land Board under legislation that required the Board to sell some of that land without the consent of the owners, the Crown denied Ngāti Maniapoto their mana whakahaere over that land, and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

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Purchasing individual interests despite landowners' collective decision

(26) The Crown also purchased Ngāti Maniapoto lands that had not been vested in the District Land Board. In relation to these lands, the Crown acknowledges that in the years following 1909, the Crown sometimes purchased the interests of individual owners, despite collective decisions by landowners not to sell their land. In these negotiations, the Crown consciously flouted the collective decision of Ngāti Maniapoto owners not to sell their land by purchasing from individual owners. This made a sham of provisions in the native land laws which provided for collective decision making, and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

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Development schemes

(27) The Crown acknowledges that—

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(a) the Crown did not provide funding for the development of their land until the late 1920s, by which time most of the best land of Ngāti Maniapoto had already been alienated; and

(b) the Crown charged the costs of development schemes against the land for which they were incurred; and

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- (c) the Crown managed the land in the development schemes and Ngāti Maniapoto sometimes lost control of land for decades while the Crown reduced the debts to manageable levels; and
- (d) the Crown’s administration of the schemes did not always provide the economic benefits that Ngāti Maniapoto had expected would come from their participation in them. 5

Consolidation schemes

- (28) The Crown acknowledges that the consolidation scheme it instituted within the Ngāti Maniapoto rohe struggled to achieve its goals and lasted for decades longer than initially planned. The Crown further acknowledges that the scheme could not fix many of the underlying issues which caused fragmented land tenure. 10

Public works, Tokanui

- (29) The Crown acknowledges that in addition to extensive Crown purchasing it took further lands from Ngāti Maniapoto through numerous public works takings. The Crown acknowledges in particular that it compulsorily acquired a large amount of Ngāti Maniapoto land for Tokanui Mental Hospital without sufficiently detailed planning that demonstrated the need to take that land. That failure led the Crown to acquire an excessive amount of land at Tokanui, most of which was later transferred to the Prisons Department, and came to be used for Waikeria Prison. These public works takings caused significant prejudice to the Ngāti Maniapoto owners whose land base had already diminished as a result of raupatu and extensive Crown purchasing. The Crown acknowledges that its acquisition of the land at Tokanui in these circumstances was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 15
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Scenery preservation takings

- (30) The Crown acknowledges that it further acquired Ngāti Maniapoto land through compulsory takings for scenery preservation. In the case of the Mangoira block, the Crown acknowledges that, when it compulsorily acquired the block in 1912 for the Mokau River Scenic Reserve under the Public Works and the Scenery Preservation Acts 1908, it acquired 3,000 acres of Ngāti Maniapoto land when it only ever required a few hundred acres for the purposes of scenery preservation. The Crown acknowledges that its taking of the Mangoira Block was excessive and constituted a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 30
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Twentieth-century Crown purchasing

- (31) The Crown acknowledges that its cumulative actions and omissions caused Ngāti Maniapoto rapid and significant land loss in the late nineteenth and early twentieth centuries, and this had a severe impact on their social and economic well-being. 40

Compulsory acquisition of uneconomic interests

- (32) The Crown acknowledges that between 1953 and 1974 the Maori Trustee was empowered through legislation, such as the Maori Affairs Act 1953 and the Maori Affairs Amendment Act 1967, to compulsorily acquire “uneconomic interests” in Ngāti Maniapoto land, resulting in some Ngāti Maniapoto being deprived of their tūrangawaewae, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5

Conscription

- (33) The Crown acknowledges that it imposed conscription on Māori in the First World War using the justification of equality of sacrifice, yet it only conscripted men from the Waikato-Maniapoto district, including Ngāti Maniapoto. However, the Crown knew that Ngāti Maniapoto had volunteered in numbers that were proportionate to their population. This amounted to unequal treatment of Ngāti Maniapoto compared with other iwi who were not conscripted and led to a perception that Ngāti Maniapoto had not contributed adequately to the war effort. Further, the Crown’s failure to recognise Ngāti Maniapoto service in the First World War caused the iwi a deep sense of grievance. Through these acts and omissions, the Crown breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10 15

Contributions of Ngāti Maniapoto to New Zealand’s war efforts 20

- (34) The Crown acknowledges and pays tribute to the Ngāti Maniapoto contribution to New Zealand’s twentieth century war efforts, including military service during the South African War, both World Wars, the Korean War, and the Vietnam War.

Socio-economic issues 25

- (35) The Crown acknowledges that—
- (a) Ngāti Maniapoto have also suffered for too long from inadequate health-care, housing, and education, as well as reduced employment opportunities and access to financial assistance for housing, when compared to non-Māori; and 30
 - (b) these factors have had a detrimental effect on the physical, economic, social, cultural and spiritual well-being of Ngāti Maniapoto; and
 - (c) many Ngāti Maniapoto have been forced by their socio-economic circumstances to obtain work in urban centres, which has disconnected them from Ngāti Maniapoto tikanga, their tūrangawaewae and their whānau. 35

Pensions and discrimination

- (36) The Crown acknowledges that Māori, including Ngāti Maniapoto, suffered discrimination through receiving lower pensions than many other New Zealanders during the first 4 decades of the twentieth century, and that by discriminating against Ngāti Maniapoto in this manner it breached te Tiriti o Waitangi/the 40

Treaty of Waitangi and its principles. The Crown also acknowledges that Ngāti Maniapoto have, at times, suffered other forms of discrimination in their own rohe.

Prohibition

- (37) The Crown acknowledges the efforts by Ngāti Maniapoto leaders to institute and maintain a prohibition on alcohol within their rohe between 1884–1954 in response to the damaging effects of alcohol on their people and despite pressure from among the growing European population in the rohe of Ngāti Maniapoto to remove it. 5

Education

- (38) The Crown acknowledges that the education system in the late nineteenth and early twentieth centuries aimed to assimilate Ngāti Maniapoto students and held lower expectations for their educational achievement. In addition, Ngāti Maniapoto children were punished, including through the infliction of corporal punishment, for speaking te reo Māori on school grounds. The Crown acknowledges that these experiences have contributed to members of Ngāti Maniapoto losing their cultural identity and understanding of tikanga and mātauranga, and have been a factor in the poorer socio-economic circumstances that many Ngāti Maniapoto have lived with. 10 15

Te Reo Māori

- (39) The Crown acknowledges that it did not actively protect Te Reo Māori and promote its use amongst Ngāti Maniapoto. The Crown further acknowledges that this contributed to a loss of Te Reo Māori among many Ngāti Maniapoto and has made it harder to pass on the language and tikanga to new generations. The Crown acknowledges that its failure actively to protect Te Reo was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20 25

Environment

- (40) The Crown acknowledges that—
- (a) before 1840 Ngāti Maniapoto were kaitiaki of Te Nehenehenui, the great forest covering much of their rohe, which was home to numerous species of flora and fauna, and contained unspoiled awa and repo; and 30
 - (b) the Crown long prioritised economic development over environmental protection, and this led to the destruction of most of Te Nehenehenui; and
 - (c) the harm caused to their natural taonga has created deep grievances for Ngāti Maniapoto, who continue to maintain a special relationship of kai-tiakitanga over the maunga, whenua, roto, repo, awa and wāhi tapu in their rohe. 35

Wāhi tapu and heritage

- (41) The Crown further acknowledges that— 40

- (a) the alienation of Ngāti Maniapoto lands has resulted in wāhi tapu and sites of historical significance to Ngāti Maniapoto being transferred into the ownership of the Crown and private individuals and, sometimes, being damaged or destroyed, causing cultural and spiritual injury to Ngāti Maniapoto; and 5
- (b) the Crown was slow to promote heritage legislation that might have protected Ngāti Maniapoto cultural and historical sites of significance from harm.

Economic contribution

- (42) The Crown acknowledges all the contributions Ngāti Maniapoto have made to the growth and development of Aotearoa/New Zealand and from which New Zealand as a whole has greatly benefited, including land Ngāti Maniapoto gifted for the construction of the North Island Main Trunk railway line. The Crown further acknowledges the benefits New Zealand has obtained through the exploitation of natural resources from the rohe of Ngāti Maniapoto. 10 15

Closing acknowledgements

- (43) The Crown acknowledges that, over the years, Ngāti Maniapoto have regularly called on the Crown to honour its commitments under Te Ōhākī Tapu and te Tiriti o Waitangi/the Treaty of Waitangi. The Crown pays tribute to the sustained efforts and struggles of Ngāti Maniapoto in pursuit of their claims for redress and compensation from the Crown and acknowledges that it has taken far too long for the Crown to address these grievances. 20
- (44) The Crown acknowledges that, despite the dislocation and suffering Ngāti Maniapoto have endured as a result of colonisation, they have always striven to uphold their tribal unity and mana whakahaere by preserving their Māoritanga and Ngāti Maniapoto rangatiratanga. 25

10 Apology

The text of the apology offered by the Crown to Ngāti Maniapoto, as set out in the deed of settlement, is as follows:

Te whākīnga Hara a te Karauna ki a Ngāti Maniapoto 30

- “(a) Ki a Ngāti Maniapoto me ō hapū huhua, ki ō tūpuna, ki ō rangatira, ki ō kaumātua, ki āu nā tamariki, mokopuna, ki Te Whare o Te Nehenehenui, e tukuna ana e Te Karauna tēnei whākīnga o te hara kua roa nei te whakatika. Nō Te Karauna te tino hē. 35
- (b) Kei te nui te manawa pā o Te Karauna ki te nui o ana takahinga o Te Tiriti o Waitangi me ōna mātāpono. Ērangi rawa ia te whākīnga o te hara e Te Karauna ki te kore hikinga o Te Ōhākī Tapu, māna te whai a Ngāti Maniapoto i ō hononga me Te Karauna e pupurutia ai tō mana motuhake. I takahia te mana o Te Ōhākī Tapu. 40
- (c) Kei te nui whakaharahara te whakapāha a Te Karauna ki te kino weriweri me te kore whai take o āna mahi pakanga, raupatu hoki, nāna i

nui rawa atu ai tō pāmamae i heke iho i ō tūpuna ki a koe o tēnei wā. Ēngari mō te whakawehi ki tō mana whakahaere, ka patua, ka takakinohia tō iwi e Te Karauna, ka murua ō whenua, ō rawa. Kāore i kaha kē ake tō māia, tō hautoa i kō mai o tō tū i Ōrākau. Heoi anō, i tapā koe hei “whakakeke” e Te Karauna, ka whakarērēna koe ki te manaaki i te tini o ngā manene nāna te whai piringa ki roto i a koe. He nui nō tōu aroha. 5

- (d) Nō muri mai o ngā pakanga, ka whakatūria e koe te aukati, puru rānei, e pupurutia ai tō mana motuhake. He āwhiti nō Te Karauna, kihai kē ia i whakawehi ki a koe, ka whiua kē ki runga ki a Ngāti Maniapoto te kapua taimaha hei whakahau i a koe ki te whakawātea i ō whenua ki Te Ara-o-Tūrongo, te Rerewē Matua o Te Ika a Māui, me te nōhanga a te Pākehā. Hei aha koa te hara a Te Karauna ko tāu nā he hiahia ki te tiritiri i tētehi rākau pai. I te noho wātea koe ki te whakawhirinaki ki Te Karauna ka tūria ai Te Ōhākī Tapu. I whakaponu koe ki ngā kī tapu a Te Karauna. 10 15
- (e) He pāpōuri nō Te Karauna kihai kē ia i āta whai i ngā oati mana o roto o Te Ōhākī Tapu, he whākīngā hara tūturu nāna o tāna takahi i aua kī tapu. Ēngari mō te whakawehi ki tō mana whakahaere, ka āreia kē e Te Karauna tāu nā whakahaere i ō whenua ake ki tāu e hiahia ai. Ka whakatūria e Te Karauna ngā ture whenua Māori i tukua ai ki te tangata kotahi ō whenua ā-iwi, ka whakatukihia hoki te rironga o ngā rohenga whānui. I rārara ngā ringaringa raweke a Te Karauna. 20
- (f) E whākī ana Te Karauna i te hara o te whakaiki o te whakatoihara mauroa o āna takahinga, whakarereanga kētanga i Te Ōhākī Tapu me Te Tiriti i whakatakahia ai ki runga i a koe. Kihai i riro i a Maniapoto ngā painga ōhanga mai i Te Ōhākī Tapu i oatitia ai e Te Karauna. Nō reira te nui whakaharahara o te rawakore ki runga i ō hapū, whānau hoki, me te āhua o te noho kino ake i tō tauwiwi noho. I aukatitia koe mai i te tika o te pito mata tūturu o te tōnui ā-papori, ā –ohanga hoki, inā rā ko tāu nā whawhai ki te pupuru tonu i tōu ake tuakiri me tō reo ake anō hoki. I rawa kore a Ngāti Maniapoto, i whara nui tō reo me ō tikanga. 25 30
- (g) Ka takahia e Te Karauna tō whakawhirinaki i a ia me āna whakaoatia ki ō tūpuna. Tēnei Te Karauna e rapu nei ināianei te ara whakatika i aua hara nāna i taka ai ki runga i a koe. He rapu murunga hara tēnei. E anga ana te titiro a Te Karauna ki ngā rā kei te heke mai me te whakahou i tētehi mahinga ngātahitanga mauroa me Maniapoto e ai ki te wairua o Te Ōhākī Tapu, mai i te Tiriti o Waitangi me ōna mātāpono. Tēnei Te Karauna e here nei ki te tūturu mahi ngātahi ki a koe, ki te whakaora, ki te whakahiki anō i a Ngāti Maniapoto me ō hapū maha. Inā rā ngā kupu a tō tino rangatira a Wahanui: 35 40
- E Hanga paitia tatou kia piri ai ki te piringa pono ... ”.

Apology

- “(a) To Ngāti Maniapoto me ōna hapū maha, to your tūpuna, your rangatira, your kaumātua, your tamariki and mokopuna, ki a koutou katoa o Te Whare o Te Nehenehenui, the Crown delivers this long overdue apology. Nō te Karauna te tino hē (the Crown was at great fault). 5
- (b) The Crown is truly sorry for its many breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown especially apologises for failing to uphold Te Ōhākī Tapu, through which Ngāti Maniapoto had sought to establish a relationship with the Crown in which your mana motuhake would be respected. I takahia te mana o Te Ōhākī Tapu (the mana of the Ōhākī Tapu was transgressed). 10
- (c) The Crown profoundly regrets its horrific and needless acts of war and raupatu, which have caused you and your hapū inter-generational suffering. Instead of respecting your mana whakahaere, the Crown killed and injured your people, and pillaged your land and property. Nowhere did you fight with more courage and tenacity than at the battle of Ōrākau. However, you were labelled as “rebels” by the Crown and left to care for the many refugees seeking your shelter. Kei te nui te aroha (Great was your generosity). 15
- (d) Following the wars, you established an aukati or puru to protect your mana motuhake. The Crown regrets that, instead of respecting you, it placed a kapua taimaha, a heavy cloud of pressure, upon Ngāti Maniapoto to induce your people to open up your lands to Te Ara-o-Tūrongo, part of the North Island Main Trunk railway line, and European settlement. Despite the Crown’s hara or wrongdoings, you wanted to plant a tree of goodwill, tētahi rākau pai. You were willing to trust the Crown and entered into Te Ōhākī Tapu. I whakapono koutou ki ngā kī tapu a te Karauna (You trusted the Crown’s solemn words). 25
- (e) The Crown regrets that it quickly disregarded the solemn promises in Te Ōhākī Tapu it had made to you and sincerely apologises for breaching them. Instead of respecting your mana whakahaere, the Crown prevented you from managing your lands as you saw fit. The Crown promoted native land laws that led to the award of your tribal lands to individuals and aggressively acquired huge areas of your rohe. I rarara ngā ringaringa raweke a te Karauna (The meddling hands of the Crown spread out). 35
- (f) The Crown apologises for the devastating long-term prejudice its acts, omissions and violations of Te Ōhākī Tapu and te Tiriti have caused you. Ngāti Maniapoto did not receive the economic benefits from Te Ōhākī Tapu that the Crown had led you to expect. As a result, your hapū and whānau have faced significant socio-economic deprivation and lived in worse conditions than non-Māori. You were prevented from reaching your full social and economic potential and had to fight to maintain your 40

Maniapoto identity and language. I rawa kore a Ngāti Maniapoto, I whara nui tō reo me ō tikanga (Ngāti Maniapoto were impoverished and your language and customs greatly affected).

- (g) The Crown broke your trust and the whakaoati made to your tūpuna. The Crown now seeks to make amends for the wrongs it has committed against you. He rapu murunga hara tēnei (this is to seek atonement). The Crown looks forward to the future and forging a renewed and enduring partnership with Ngāti Maniapoto in accordance with the spirit of Te Ōhākī Tapu and based on te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown commits to working with you in good faith to revitalise and rebuild Ngāti Maniapoto me ōna hapū maha. In the words of your great rangatira Wahanui: 5
- Hanga paitia tatou kia piri ai ki te piringa pono.
- Let us conduct ourselves in a proper way so that we may be bound together by a bond of faith.” 10 15

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.

12 Interpretation

- (1) In this Act, unless the context otherwise requires,— 20
- 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 25
- area of interest** means the area shown as the Maniapoto area of interest in part 1 of the attachments
- attachments** means the attachments to the deed of settlement
- commencement date** means the date on which this Act comes into force (*see section 2*) 30
- commercial redress property** has the meaning given in **section 153**
- 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 35
- conservation general policy** has the meaning given in **section 117**
- conservation legislation** means—
- (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 5
- Crown** has the meaning given in section 2(1) of the Public Finance Act 1989
- cultural redress property** has the meaning given in **section 64**
- deed of recognition**—
- (a) means the deed of recognition issued under **section 40** by the Minister of Conservation and the Director-General; and 10
- (b) includes any amendments made under **section 40(3)**
- deed of settlement**—
- (a) means the deed of settlement dated 11 November 2021 and signed by—
- (i) the Honourable Andrew James Little, Minister for Treaty of Waitangi Negotiations, and the Honourable Grant Robertson, Minister of Finance, for and on behalf of the Crown; and 15
- (ii) Bella Luana Takiari-Brame, Daniel Takutaimoana Te Kanawa, Gabrielle Kuiahine Morgan-Logan, John Reihana Kaati, Keith Richard Ikin, Kruger Arepa Wetere, Luke Thomas Moss, Muiora Barry, Ronald Tahī Takerei, Wanairangi Kihī Rachael Tuwhangai, Thomas Charles Roa, Thomas Leslie Tuwhangai, and Wikitōria Leanne Tane, for and on behalf of Maniapoto; and 20
- (iii) Bella Luana Takiari-Brame, Daniel Takutaimoana Te Kanawa, Gabrielle Kuiahine Morgan-Logan, John Reihana Kaati, Keith Richard Ikin, Kruger Arepa Wetere, Luke Thomas Moss, Muiora Barry, Ronald Tahī Takerei, Wanairangi Kihī Rachael Tuwhangai, Thomas Charles Roa, Thomas Leslie Tuwhangai, and Wikitōria Leanne Tane, being the trustees of Te Nehenehenui; and 25
- (b) includes—
- (i) the schedules of, and attachments to, the deed; and 30
- (ii) any amendments to the deed or its schedules and attachments
- deferred selection property** has the meaning given in **section 153**
- 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 35
- environmental plan** has the meaning given in **section 117**
- 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	
joint management body has the meaning given in section 64	
jointly vested property has the meaning given in section 64	5
LINZ means Land Information New Zealand	
local authority has the meaning given in section 5(1) of the Local Government Act 2002	
Maniapoto Maori Trust Board , means the Board established by the Maniapoto Maori Trust Board Act 1988	10
member of Maniapoto 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	
Ngā Wai o Maniapoto means all of the waters above, on, or under the area of interest upstream of the landward boundary of the coastal marine area, including the Waipā River	15
overlay classification has the meaning given in section 45	
planning document has the meaning given in section 131	
property redress schedule means the property redress schedule of the deed of settlement	20
record of title has the meaning given in section 5(1) of the Land Transfer Act 2017	
regional council has the meaning given in section 2(1) of the Resource Management Act 1991	
Registrar-General has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017	25
representative entity means—	
(a) the trustees; and	
(b) any person, including any trustee, acting for or on behalf of—	
(i) the collective group referred to in section 13(1)(a) ; or	30
(ii) 1 or more members of Maniapoto; or	
(iii) 1 or more of ngā toronga o Maniapoto 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 64	35
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 4 of Part 4**

RFR area has the meaning given in **section 168**

RFR land has the meaning given in **section 169**

ROFO land means the land held for the fee simple estate in each of the following records of title: 5

- (a) SA1498/61:
- (b) SA2007/39:
- (c) SA19B/209:
- (d) SA19B/211:
- (e) SA27A/950: 10
- (f) SA32D/455:
- (g) SA32D/457:
- (h) 287726:
- (i) 287727:
- (j) 287728: 15
- (k) TN158/58:
- (l) TN228/66:
- (m) TNB3/768:
- (n) TNB4/536:
- (o) TNE2/1224: 20
- (p) TNE2/1225:
- (q) TNE2/1226:
- (r) TNE4/102:
- (s) TNE4/103:
- (t) TNG1/1034: 25
- (u) TNJ3/676:
- (v) TNK3/611:
- (w) TNK3/614:
- (x) TNK3/616:
- (y) TNK4/800: 30
- (z) TNK4/801

settlement date means the date that is 40 working days after the commencement date

statutory acknowledgement has the meaning given in **section 31**

- Te Nehenehenui** means the trust of that name established by the Te Nehenehenui Trust Deed dated 17 October 2021
- te tikanga o Maniapoto** means the customary values and practices of Maniapoto
- Tō Pūniu ki Mōkau Takiwā** has the meaning given in **section 117** 5
- trustees of Te Nehenehenui** and **trustees** mean the trustees appointed in accordance with the Te Nehenehenui Trust Deed, acting in their capacity as trustees of Te Nehenehenui
- waters**, except in **sections 29(4) and 132(1)(f)**, means all the bodies of water above, on, or under the area of interest upstream of the landward boundary of the coastal marine area, including those that flow into or form part of a stream, river, lake, wetland, or spring 10
- working day** means a day other than—
- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day: 15
 - (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: 20
 - (d) the days observed as the anniversaries of the provinces of Auckland, Taranaki, and Wellington.
- (2) In this Act, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property. 25
- 13 Meaning of Maniapoto**
- (1) In this Act, **Ngāti Maniapoto me ōna hapū maha** and **Maniapoto** (the settling group)—
- (a) mean the collective group composed of individuals who are descended from a Maniapoto tupuna; and 30
 - (b) include those individuals; and
 - (c) include every toronga o Maniapoto, to the extent that it is composed of those individuals.
- (2) In this section and **section 14**,—
- customary rights** means rights exercised according to te tikanga o Maniapoto (Maniapoto customary values and practices), including— 35
- (a) rights to occupy land; and
 - (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; or
- (c) whāngai (Māori customary adoption) in accordance with te tikanga o Maniapoto 5

Maniapoto tupuna (Maniapoto ancestor) means an individual who exercised customary rights—

- (a) predominantly in relation to the area of interest at any time after 6 February 1840; and
- (b) by virtue of being descended from— 10
 - (i) Rereahu, a descendant of Hoturoa, the commander of the Tainui waka; or
 - (ii) his children, namely, those listed in **Part 1 of Schedule 1**; or
 - (iii) either of the 2 contemporaries of Hoturoa also associated with the Tainui waka, namely— 15
 - (A) Hiaroa; and
 - (B) Rakataura; or
 - (iv) a recognised ancestor of any of the groups listed in **Part 2 of Schedule 1**

ngā toronga o Maniapoto means— 20

- (a) every whānau, hapū, iwi, or group comprising individuals descended from a Maniapoto tupuna, including those listed in **Part 2 of Schedule 1**; and
- (b) the groups listed in **Part 3 of Schedule 1** who affirm historical and contemporary affiliations with other iwi; and 25
- (c) Ngāti Apakura, including Ngāti Hinetū, as huānga (relatives), being a group that maintains its identity while affirming its whakapapa and other historical connections to Maniapoto.

14 Meaning of historical claims

- (1) In this Act, **historical claims**— 30
 - (a) means the claims described in **subsection (2)**; and
 - (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 Maniapoto or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 35
 - (a) is founded on a right arising—

- (i) from te Tiriti o Waitangi/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 5
 - (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— 10
 - (a) a claim to the Waitangi Tribunal that relates exclusively to Maniapoto or a representative entity, including each of the claims listed in **Part 1 of Schedule 2**, to the extent that **subsection (2)** applies to the claim:
 - (b) every other claim to the Waitangi Tribunal, including each of the claims listed in **Part 2 of Schedule 2**, to the extent that **subsection (2)** applies to the claim and the claim relates to Maniapoto or a representative entity. 15
 - (4) However, the historical claims do not include—
 - (a) a claim that a member of Maniapoto, or a whānau, hapū, or group referred to in **section 13(1)(c)**, has, or may have, that is founded on a right arising by virtue of being descended from an ancestor who is not a Maniapoto tupuna; or 20
 - (b) any claim that a member of the following groups has, or may have, that is founded on a right arising as a result of being descended from an ancestor who is not a Maniapoto tupuna: 25
 - (i) a group referred to in **paragraph (b) or (c)** of the definition of ngā toronga o Maniapoto (**section 13(2)**); or
 - (ii) Ngāti Apakura, Ngāti Hinetū, Ngāti Hinemihi, Ngāti Ngutu, Ngāti Paiariki, Ngāti Paretekawa, Ngāti Rākei, and Ngāti Rangatahi; or
 - (c) a claim that a representative entity had, or may have, that is based on a claim referred to in **paragraph (a) or (b)**. 30
 - (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* 35

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
- (6) Despite **subsection (4)** and the Treaty of Waitangi Act 1975, the Waitangi Tribunal may complete and release a report on claims relating to matters that occurred before 3 September 1992 in Te Rohe Pōtae te Mana Whatu Ahuru.
- (7) However, the Waitangi Tribunal must not make recommendations in relation to any of the historical claims of Maniapoto that have not been made in the pre-publication version of Te Rohe Pōtae te Mana Whatu Ahuru. 20

Amendment to Treaty of Waitangi Act 1975

16 Treaty of Waitangi Act 1975 amended

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order: 25
Maniapoto Claims Settlement Act **2021, section 15(4) and (5)**.

Resumptive memorials no longer to apply

17 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply— 30
- (a) to a cultural redress property; or
 - (b) to a commercial redress property; or
 - (c) to the land referred to in **section 169(1)(a) and (c)**; or
 - (d) to land in the RFR area; or
 - (e) to all or any part of the ROFO land, on and from the date of its transfer, if that land is transferred from Landcorp Farming Limited to the trustees; 35
or

- (f) for the benefit of Maniapoto or a representative entity.
- (2) The enactments are—
- (a) Part 3 of the Crown Forest Assets Act 1989:
- (b) sections 568 to 570 of the Education and Training Act 2020:
- (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990: 5
- (d) sections 27A to 27C of the State-Owned Enterprises Act 1986:
- (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 record of title for, each allotment that— 10
- (a) is all or part of—
- (i) a cultural redress property:
- (ii) a commercial redress property: 15
- (iii) the land referred to in **section 169(1)(a) and (c)**:
- (iv) the ROFO land; and
- (b) is solely within the RFR area; and
- (c) is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)**. 20
- (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, a commercial redress property, the land referred to in **section 169(1)(a) and (c)**, or each allotment that is solely within the RFR area; or 25
- (b) the date of transfer of all or any part of the ROFO land, if that land is transferred from Landcorp Farming Limited to the trustees.
- (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— 30
- (a) register the certificate against each record of title identified in the certificate; and
- (b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a record of title identified in the certificate, but only in respect of each allotment described in the certificate. 35

*Miscellaneous matters***19 Limit on duration of trusts does not apply**

- (1) A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—
- (a) do not prescribe or restrict the period during which— 5
- (i) Te Nehenehenui may exist in law; or
- (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. 10
- (2) However, if Te Nehenehenui is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

20 Access to deed of settlement

15

The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the deed of settlement available—

- (a) for inspection free of charge, and for purchase at a reasonable price, at that Office in Wellington between 9 am and 5 pm on any working day; and 20
- (b) free of charge on an Internet site maintained by or on behalf of that Office.

21 Land subject to Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

- (1) This section applies if, at the time land is vested or transferred ~~under in accordance with~~ in accordance with this Act, the description of the land ~~in the deed or this Act~~ includes, or may include, part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. 25
- (2) Despite any other provision in this Act or the deed, ~~no part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 vests or is transferred under this Act.~~ 30
- (a) no part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 vests or is transferred in accordance with this Act; and 35

- (b) the conservation status declared by section 42(1)(a) or (c) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 no longer applies to any part of the bed; and
- (c) any conservation status applied to the land does not apply to any part of the bed; and 5
- (d) section 42(2) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 does not apply to any part of the bed.
- (3) If the land is a cultural redress property, a written application under **section 104** must include a statement that this section applies and that ~~the land may be subject to subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.~~ the record of title for the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are, or may be, included in the description of the land. 10
- (4) In respect of any other land, a transfer instrument must include a statement that this section applies and that ~~the land may be subject to subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.~~ the record of title for the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are, or may be, included in the description of the land. 15 20
- (5) The Registrar-General must, on receipt of a written application or a transfer instrument in respect of the land, note on the record or records of title that—
- (a) the land is subject to **section 21** of the Maniapoto Claims Settlement Act **2021**; and 25
- (b) ~~the land may be subject to subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (which vests ownership of certain parts of the bed of the Whanganui River in Te Awa Tupua).~~ excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are, or may be, included in the description of the land. 30
- (6) A person may apply for the notations entered under **subsection (5)** to be removed by providing a certificate to the Registrar-General from a licensed cadastral surveyor that certifies that the land does not include part of the bed of the Whanganui River that is vested in Te Awa Tupua. 35
- (7) The Registrar-General must, as soon as is reasonably practicable after receiving the certificate, remove the notations entered under **subsection (5)** from each record of title identified in the certificate.
- (8) If the licensed cadastral surveyor's certificate relates to land that, immediately before its vesting or transfer under this Act, was subject to the Conservation 40

- Act 1987 or the Reserves Act 1977, the surveyor must provide a copy of the certificate to the Director-General of Conservation.
- (9) Despite anything in the Land Transfer Act 2017, a part of the bed of the Whanganui River subject to notation under **subsection (5)** is not required to be surveyed for the purposes of that Act if the part of the bed has an average width of less than 3 metres. 5
- (10) ~~Despite any other provision in this Act, the status under the Conservation Act 1987 or the Reserves Act 1977 of a part of the bed of the Whanganui River vested in Te Awa Tupua continues to be that declared under section 42(1) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.~~ 10
- (11) In this section,—
- bed** has the meaning given in section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017
- conservation status** means the status of any land as a conservation area or a reserve 15
- licensed cadastral surveyor** has the same meaning as in section 4 of the Cadastral Survey Act 2002
- Te Awa Tupua** means the legal person created by section 14 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017
- Whanganui River** has the meaning given in section 39(1) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. 20
- 22 Act does not override Te Awa Tupua (Whanganui River Claims Settlement) Act 2017**
- ~~Nothing~~ Except as provided in **sections 21(2)(b) and (d) and 99A(2) and (3)**, ~~nothing~~ in this Act overrides the provisions of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. 25
- 23 Limits on effect of Te Ture Whenua Maori Act 1993**
- (1) Te Nehenehenui is not a trust constituted in respect of—
- (a) any Maori land for the purpose of 236(1)(b) of Te Ture Whenua Maori Act 1993; or 30
- (b) any General land owned by Māori for the purpose of section 236(1)(c) of that Act.
- (2) In this section, **Maori land** and **General land owned by Maori** have the meanings given to those terms in section 4 of Te Ture Whenua Maori Act 1993. 35

Part 2 Cultural redress

Subpart 1—Pou whenua

24 Placing of pou whenua

- (1) In this section, **pou whenua** means a traditional boundary marker. 5
- (2) The trustees may erect a permanent pou whenua on the Te Kauri Park Scenic Reserve without the need for further authorisation under any conservation legislation.
- (3) **Subsection (2)** applies provided the Director-General is satisfied that the erection and use of the pou whenua will have no more than a minor impact on the natural, historic, archaeological, or scientific values of the reserve. 10
- (4) The trustees must—
- (a) comply with building and planning regulations and all other relevant statutory requirements; and
 - (b) if requested by the Director-General, supply evidence of compliance. 15
- (5) The trustees are responsible, at their cost, for—
- (a) obtaining the necessary building consents for the pou whenua; and
 - (b) the construction and maintenance of the pou whenua.

Subpart 2—Protocols

25 Interpretation

20

In this subpart,—

protocol—

- (a) means each of the following protocols issued under **section 26(1) or (2)**:
 - (i) the primary industries protocol: 25
 - (ii) Appendix B of the Whakaaetanga Tiaki Taonga; and
- (b) includes any amendments made under **section 26(3)**

responsible Minister means the 1 or more Ministers who have responsibility under a protocol

Whakaaetanga Tiaki Taonga means the document entered into under clause 5.64 of the deed of settlement (in the form set out in part 6.1 of the documents schedule). 30

*General provisions applying to protocols***26 Issuing, amending, and cancelling protocols**

- (1) The responsible Minister for the primary industries protocol must issue the primary industries protocol to the trustees on the terms set out in part 6 of the documents schedule. 5
- (2) Appendix B of the Whakaaetanga Tiaki Taonga must be treated as having been issued by the responsible Minister for that protocol on the terms set out in part 6 of the documents schedule.
- (3) The responsible Minister may amend or cancel a protocol at the initiative of— 10
- (a) the trustees; or
 - (b) the responsible Minister.
- (4) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees.

27 Protocols subject to rights, functions, and duties

- A protocol does not restrict— 15
- (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— 20
 - (i) to introduce legislation and change Government policy; and
 - (ii) to interact with or consult a person that the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
 - (b) the responsibilities of the responsible Minister or a department of State; or
 - (c) the legal rights of Maniapoto or a representative entity. 25

28 Enforcement of protocols

- (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. 30
- (4) To avoid doubt,—
- (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and 35
 - (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)**.

*Primary industries***29 Primary industries protocol**

- (1) The chief executive of the Ministry for Primary Industries must note a summary of the terms of the primary industries protocol in any fisheries plan that affects the primary industries protocol area. 5
- (2) The noting of the summary is—
- (a) for the purpose of public notice only; and
 - (b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.
- (3) The primary industries 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: 10
- (a) the Fisheries Act 1996;
 - (b) the Maori Commercial Aquaculture Claims Settlement Act 2004: 15
 - (c) the Maori Fisheries Act 2004;
 - (d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- (4) In this section,—
- fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996 20
- primary industries protocol area** means the area shown on the map attached to the primary industries protocol, together with the adjacent waters.

*Taonga tūturu***30 Appendix B of Whakaaetanga Tiaki Taonga**

- (1) Appendix B of the Whakaaetanga Tiaki Taonga does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu. 25
- (2) In this section, **taonga tūturu**—
- (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and 30
 - (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 3—Statutory acknowledgement and deed of recognition

31 Interpretation

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 Maniapoto of their particular cultural, historical, spiritual, and traditional association with the statutory area; and 5

(b) set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in **section 32** in respect of the statutory areas, on the terms set out in this sub-part

statutory area means an area described in **Parts 1 and 2 of Schedule 3**, the general location of which is indicated on the deed plan for that area 10

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 15

(b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

32 Statutory acknowledgement by the Crown

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

33 Purposes of statutory acknowledgement

20

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 34 to 36**; and

(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 37 and 38**; and 25

(c) to enable the trustees and any member of Maniapoto to cite the statutory acknowledgement as evidence of the association of Maniapoto with a statutory area, in accordance with **section 39**. 30

34 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. 35

(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.
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.
- 35 Environment Court to have regard to statutory acknowledgement** 5
- (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.
- (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. 10
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.
- 36 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement** 15
- (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. 20
- (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— 25
- (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. 30
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.
- 37 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. 35
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 32 to 36, 38, and 39**; 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— 5
- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
- 38 Provision of summary or notice to trustees** 10
- (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 15
- (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(4) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority. 20
- (3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but 25
- (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. 30
- (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
- (b) state the scope of that waiver and the period it applies for. 35
- (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:

- (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

39 Use of statutory acknowledgement

- (1) The trustees and any member of Maniapoto may, as evidence of the association of Maniapoto 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— 5
- (a) the relevant consent authorities; or
- (b) the Environment Court; or
- (c) Heritage New Zealand Pouhere Taonga; or 10
- (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, because of the statutory acknowledgement, binding as fact on—
- (a) the bodies referred to in **subsection (1)**; or 15
- (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,— 20
- (a) the trustees and members of Maniapoto are not precluded from stating that Maniapoto has an association with a statutory area that is not described in the statutory acknowledgement; and
- (b) the content and existence of the statutory acknowledgement do not limit any statement made. 25

Deed of recognition

40 Issuing and amending deed of recognition

- (1) This section applies in respect of the statutory areas listed in **Part 2 of Schedule 3**.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory areas administered by the Department of Conservation. 30
- (3) The Minister of Conservation and the Director-General may amend the deed of recognition, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deed of recognition

41 Application of statutory acknowledgement to river and stream

- (1) If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement— 5
- (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
- (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; but 10
- (b) does not apply to—
- (i) a part of the bed of a river or stream that is not owned by the Crown; or 15
- (ii) an artificial watercourse.
- (2) Despite **subsection (1)(b)(i)**, the statutory acknowledgement applies to a part of the bed of a river or stream vested in Te Awa Tupua in the Ngā Wai o Maniapoto statutory area (*see* **Schedule 3**).
- (3) In this section, **Te Awa Tupua** means the legal person created by section 14 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. 20

42 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement and 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. 25
- (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 Maniapoto with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 30
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to—
- (a) the other provisions of this subpart; and
- (b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition. 35

43 Rights not affected

- (1) The statutory acknowledgement and deed of recognition—

- (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and
 - (b) do not 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. 5

Consequential amendment to Resource Management Act 1991

44 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:
Maniapoto Claims Settlement Act **2021**. 10

Subpart 4—Overlay classification

45 Interpretation

In this subpart,—

Conservation Board means a board established under section 6L of the Conservation Act 1987 15

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

overlay area—

- (a) means an area that is declared under **section 46(1)** to be subject to the overlay classification; but 20
- (b) does not include an area that is declared under **section 57(1)** to be no longer subject to the overlay classification

overlay classification means the application of this subpart to each overlay area

protection principles, for an overlay area,— 25

- (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 an overlay area, means the actions set out for the area in part 1 of the documents schedule 30

statement of values, for an overlay area, means the statement—

- (a) made by Maniapoto of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and
- (b) set out in part 1 of the documents schedule. 35

- 46 Declaration of overlay classification and the Crown’s acknowledgement**
- (1) Each area described in **Schedule 4** is declared to be subject to the overlay classification.
- (2) The Crown acknowledges the statements of values for the overlay areas.
- 47 Purposes of overlay classification** 5
- The only purposes of the overlay classification are—
- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in **section 49**; and
- (b) to enable the taking of action under **sections 50 to 55**.
- 48 Effect of protection principles** 10
- The protection principles are intended to prevent the values stated in the statement of values for an overlay area from being harmed or diminished.
- 49 Obligations on New Zealand Conservation Authority and Conservation Boards**
- (1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to an overlay area, the Authority or Board must have particular regard to— 15
- (a) the statement of values for the area; and
- (b) the protection principles for the area. 20
- (2) Before approving a strategy or plan that relates to an overlay area, the New Zealand Conservation Authority or a Conservation Board must— 25
- (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 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 an overlay area, the Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns. 30

- 50 Noting of overlay classification in strategies and plans**
- (1) The application of the overlay classification to an overlay area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.
- (2) The noting of the overlay classification is— 5
- (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.
- 51 Notification in *Gazette*** 10
- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—
- (a) the declaration made by **section 46** that the overlay classification applies to the overlay areas; and
- (b) the protection principles for each overlay area. 15
- (2) An amendment to the protection principles, as agreed by the trustees and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **sections 52 and 53**. 20
- 52 Actions by Director-General**
- (1) The Director-General must take action in relation to the protection principles that relate to an overlay area, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken. 25
- (3) The Director-General must notify the trustees in writing of any action that the Director-General intends to take.
- 53 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 an overlay area. 30
- (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. 35

54 Regulations

- (1) 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:
- (a) to provide for the implementation of objectives included in a strategy or plan under **section 53(1)**: 5
 - (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:
 - (c) to create offences for breaches of regulations made under **paragraph (b)**: 10
 - (d) to prescribe the following fines for an offence referred to in **paragraph (c)**:
 - (i) a fine not exceeding \$5,000; and
 - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues. 15
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

55 Bylaws

- (1) The Minister of Conservation may make bylaws for 1 or more of the following purposes: 20
- (a) to provide for the implementation of objectives included in a strategy or plan under **section 53(1)**:
 - (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:
 - (c) to create offences for breaches of bylaws made under **paragraph (b)**: 25
 - (d) to prescribe the following fines for an offence referred to in **paragraph (c)**:
 - (i) a fine not exceeding \$5,000; and
 - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues. 30
- (2) Bylaws made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

56 Effect of overlay classification on overlay areas

- (1) This section applies if, at any time, the overlay classification applies to any land in— 35
- (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) The overlay classification does not affect—
- (a) the status of the land as a national park, conservation area, or reserve; or
- (b) the classification or purpose of a reserve.
- 57 Termination of overlay classification** 5
- (1) The Governor-General may declare, by Order in Council made on the recommendation of the Minister of Conservation, that all or part of an overlay area is no longer subject to the overlay classification.
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless— 10
- (a) the trustees and the Minister of Conservation have agreed in writing that the overlay classification 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. 15
- (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 20
- (b) there is a change in the statutory management regime that applies to all or part of the overlay area.
- (4) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.
- 58 Exercise of powers and performance of functions and duties** 25
- (1) The overlay classification 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.
- (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 an overlay area than that person would give if the area were not subject to the overlay classification. 30
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart.
- 59 Rights not affected** 35
- (1) The overlay classification does not—

- (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, an overlay area.
- (2) This section is subject to the other provisions of this subpart. 5

Subpart 5—Official geographic names

60 Interpretation

In this subpart,—

Act means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 10

Board has the meaning given in section 4 of the Act

official geographic name has the meaning given in section 4 of the Act.

61 Official geographic names

- (1) A name specified in the second column of the table in clause 5.43 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table. 15
- (2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.

62 Publication of official geographic names 20

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 61**.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date. 25

63 Subsequent alteration of official geographic names

- (1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—
 - (a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but
 - (b) must have the written consent of the trustees. 30
- (2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the Act.

Subpart 6—Vesting of cultural redress properties

64 Interpretation

In this subpart,— 35

Crown stratum means the space occupied by—

- (a) the water of a lake; and
- (b) the air above the bed of a lake

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 5**: 5

Properties vested in fee simple

- (1) Mangapehi Railway Station property:
- (2) Te Kūiti Pā Railway Yard carpark:
- (3) Te Puna o Te Roimata:

Properties vested in fee simple to be administered as reserves 10

- (4) Aratoro property:
- (5) Arorangi property:
- (6) Awaroa property:
- (7) Hangatiki property:
- (8) Hauturu West property: 15
- (9) Herekawe property:
- (10) Kahuwera property:
- (11) Kurukuru property:
- (12) Mangakahu property:
- (13) Mangaokewa property: 20
- (14) Mapara property:
- (15) Mokau Estuary property:
- (16) Mokau property:
- (17) Ngaherenga property:
- (18) Omaru Falls property: 25
- (19) Piropiro Ketemaringi site A:
- (20) Piropiro Ketemaringi site B:
- (21) Rākaunui property:
- (22) Ranginui property:
- (23) Tainui property: 30
- (24) Tapuae property:
- (25) Te Arero property:
- (26) Te Raumauku Caves property:
- (27) Te Umuroa property:
- (28) Waiharakeke property: 35

(29) Whareorino site A:	
(30) Whareorino site B:	
(31) Whareorino site C:	
(32) Whareorino site D:	
(33) Whareroa property:	5
<i>Properties jointly vested in fee simple to be administered as reserves</i>	
(34) Hikurangi property:	
(35) Tangitu property:	
(36) Waihuka property	
joint management body means the body established by section 110	10
jointly vested property means each of the properties named in paragraphs (34) to (36) of the definition of cultural redress property	
lake means—	
(a) the space occupied from time to time by the waters of a lake at their highest level without overflowing its banks; and	15
(b) the airspace above the water; and	
(c) the bed below the water	
Ngāti Hāua governance entity means a post-settlement governance entity that represents Ngāti Hāua for the purposes of the Ngāti Hāua settlement legislation	
Ngāti Hāua settlement legislation means the legislation that—	20
(a) settles the historical claims of Ngāti Hāua; and	
(b) provides for the vesting in the Ngāti Hāua governance entity of specified undivided shares in the fee simple estate of the reserve properties named in paragraphs (34) to (36) of the definition of cultural redress property	25
reserve property means each of the properties named in paragraphs (4) to (36) of the definition of cultural redress property.	
<i>Properties vested in fee simple</i>	
65 Mangapehi Railway Station property	
The fee simple estate in the Mangapehi Railway Station property vests in the trustees.	30
66 Te Kūiti Pā Railway Yard carpark	
The fee simple estate in the Te Kūiti Pā Railway Yard carpark vests in the trustees.	

67 Te Puna o Te Roimata

The fee simple estate in Te Puna o Te Roimata vests in the trustees.

Properties vested in fee simple to be administered as reserves

68 Aratoro property

- (1) The reservation of the Aratoro property (being part of Aratoro Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in the Aratoro property vests in the trustees.
- (3) The Aratoro property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Aratoro A Scenic Reserve. 10

69 Arorangi property

- (1) The reservation of the Arorangi property (being part of Arorangi Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Arorangi property vests in the trustees.
- (3) The Arorangi property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (4) The reserve is named Arorangi A Scenic Reserve.

70 Awaroa property

- (1) The reservation of the Awaroa property (being Kawhia Harbour (Awaroa) Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 20
- (2) The fee simple estate in the Awaroa property vests in the trustees.
- (3) The Awaroa property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Awaroa Scenic Reserve. 25

71 Hangatiki property

- (1) The reservation of the Hangatiki property (being part of Hangatiki Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Hangatiki property vests in the trustees.
- (3) The Hangatiki property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 30
- (4) The reserve is named Hangatiki A Scenic Reserve.

72 Hauturu West property

- (1) The Hauturu West property ceases to be a conservation area under the Conservation Act 1987. 35

- (2) The fee simple estate in the Hauturu West property vests in the trustees.
- (3) The Hauturu West property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Hauturu West Scenic Reserve.
- (5) The vesting under **subsection (2)** does not give any rights to, or impose any obligations on, the trustees in relation to— 5
- (a) the waters of Lake Koraha; or
- (b) the aquatic life of Lake Koraha (other than plants attached to the bed of the lake).
- (6) The Crown stratum above the bed of Lake Koraha— 10
- (a) remains vested in the Crown; and
- (b) ceases to be a conservation area under the Conservation Act 1987; and
- (c) is declared to be a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977 and administered by the Crown under that Act; and 15
- (d) is named Lake Koraha Stratum Scenic Reserve.

73 Herekawe property

- (1) The reservation of the Herekawe property (being part of Herekawe Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Herekawe property vests in the trustees. 20
- (3) The Herekawe property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Herekawe A Scenic Reserve.

74 Kahuwera property

- (1) The reservation of the Kahuwera property (being part of Kahuwera Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in the Kahuwera property vests in the trustees.
- (3) The Kahuwera property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Kahuwera A Scenic Reserve. 30
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided to the registered owners of the land contained in record of title TNJ2/170 a registrable easement for a right to convey water on the terms and conditions set out in part 9.1 of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement— 35
- (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.

75 Kurukuru property

- (1) The reservation of the Kurukuru property (being Kurukuru Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in the Kurukuru property vests in the trustees.
- (3) The Kurukuru property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Kurukuru Scenic Reserve.

76 Mangakahu property 10

- (1) The Mangakahu property (being part of Pureora Forest Park) ceases to be part of the Pureora Forest Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Mangakahu property vests in the trustees.
- (3) The Mangakahu property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (4) The reserve is named Mangakahu Scenic Reserve.

77 Mangaokewa property

- (1) The reservation of the Mangaokewa property (being Mangaokewa Gorge Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 20
- (2) The fee simple estate in the Mangaokewa property vests in the trustees.
- (3) The improvements in, on, over, or under the Mangaokewa Stream vest in the trustees.
- (4) The Mangaokewa property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 25
- (5) The reserve is named Mangaokewa Gorge Scenic Reserve.
- (6) The Minister of Conservation must provide the trustees with registrable easements for—
- (a) a right of way and a right to place bridge structures, on the terms and conditions set out in part 9.6 of the documents schedule; and 30
- (b) a right to convey water, on the terms and conditions set out in part 9.5 of the documents schedule.
- (7) The easements—
- (a) are enforceable in accordance with their terms, despite Part 3B of the Conservation Act 1987; and 35

- (b) are to be treated as having been granted in accordance with Part 3B of that Act.
- (8) In **subsection (3)**, **improvements** means—
- (a) 2 bridges within the easement referred to in **subsection (6)(a)**, ~~as shown by red and green dashed lines on deed plan OMCR-049-43 (subject to survey) shown as B and C on SO 562942;~~ and 5
- (b) the water pipe within the easement referred to in **subsection (6)(b)**, ~~as shown by a blue dashed line on that deed plan (subject to survey) shown as A on SO 562942.~~
- 78 Mapara property** 10
- (1) The reservation of the Mapara property (being part of Mapara Wildlife Management Reserve) as a government purpose (wildlife management) reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Mapara property vests in the trustees.
- (3) The Mapara property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (4) The reserve is named Mapara A Scenic Reserve.
- 79 Mokau Estuary property**
- (1) The Mokau Estuary property ceases to be a conservation area under the Conservation Act 1987. 20
- (2) The fee simple estate in the Mokau Estuary property vests in the trustees.
- (3) The Mokau Estuary property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Mokau Estuary Recreation Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided First Gas Limited with a registrable easement in gross for a right to convey gas, on the terms and conditions set out in part 9.4 of the documents schedule. 25
- (6) 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. 30
- 80 Mokau property**
- (1) The reservation of the Mokau property (being part of Mokau Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Mokau property vests in the trustees. 35
- (3) The Mokau property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

- (4) The reserve is named Mangapapa B2A Scenic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided to the registered owners of the land contained in record of title SA37A/152 a registrable right of way easement on the terms and conditions set out in part 9.2 of the documents schedule. 5
- (6) 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.
- 81 Ngaherenga property** 10
- (1) The Ngaherenga property (being part of Pureora Forest Park) ceases to be part of Pureora Forest Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Ngaherenga property vests in the trustees.
- (3) The Ngaherenga property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (4) The reserve is named Ngaherenga Scenic Reserve.
- 82 Omaru Falls property**
- (1) The reservation of the Omaru Falls property (being Omaru Falls Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 20
- (2) The fee simple estate in the Omaru Falls property vests in the trustees.
- (3) The Omaru Falls property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Omaru Falls Scenic Reserve.
- 83 Piropiro Ketemaringi site A** 25
- (1) Piropiro Ketemaringi site A (being part of Pureora Forest Park) ceases to be part of Pureora Forest Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Piropiro Ketemaringi site A vests in the trustees.
- (3) Piropiro Ketemaringi site A is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 30
- (4) The reserve is named Piropiro Ketemaringi A Scenic Reserve.
- 84 Piropiro Ketemaringi site B**
- (1) Piropiro Ketemaringi site B (being part of Pureora Forest Park) ceases to be part of Pureora Forest Park and a conservation area under the Conservation Act 1987. 35

- (2) The fee simple estate in Piropiro Ketemaringi site B vests in the trustees.
- (3) Piropiro Ketemaringi site B is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Piropiro Ketemaringi B Scenic Reserve.
- 85 Rākaunui property** 5
- (1) The reservation of the Rākaunui property (being part of Kawhia Harbour (Rakaunui) Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Rākaunui property vests in the trustees.
- (3) The Rākaunui property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 10
- (4) The reserve is named Rākaunui Scenic Reserve.
- 86 Ranginui property**
- (1) The Ranginui property (being part of Pureora Forest Park) ceases to be part of Pureora Forest Park and a conservation area under the Conservation Act 1987. 15
- (2) The fee simple estate in the Ranginui property vests in the trustees.
- (3) The Ranginui property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Ranginui Scenic Reserve.
- 87 Tainui property** 20
- (1) The reservation of the Tainui property (being Tainui Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Tainui property vests in the trustees.
- (3) The Tainui property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 25
- (4) The reserve is named Tainui Scenic Reserve.
- 88 Tapuae property**
- (1) The reservation of the Tapuae property (being part of Tapuae Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Tapuae property vests in the trustees. 30
- (3) The Tapuae property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Tapuae A Scenic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 9.3 of the documents schedule. 35

- (6) 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.

89 Te Arero property 5

- (1) The reservation of the Te Arero property (being Kawhia Harbour (Te Arero) Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Te Arero property vests in the trustees.
- (3) The Te Arero property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 10
- (4) The reserve is named Te Arero Scenic Reserve.

90 Te Raumauku Caves property

- (1) The reservation of the Te Raumauku Caves property (being part of Te Raumauku Caves Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in the Te Raumauku Caves property vests in the trustees.
- (3) The Te Raumauku Caves property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 20
- (4) The reserve is named Te Raumauku Caves A Scenic Reserve.

91 Te Umuroa property

- (1) The reservation of the Te Umuroa property (being Kawhia Harbour (Te Umuroa) Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in the Te Umuroa property vests in the trustees.
- (3) The Te Umuroa property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Te Umuroa Scenic Reserve.

92 Waiharakeke property 30

- (1) The Waiharakeke property (being part of Kawhia Harbour (Waiharakeke) Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Waiharakeke property vests in the trustees.
- (3) The Waiharakeke property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 35

- (4) The reserve is named Waiharakeke Scenic Reserve.
- 93 Whareorino site A**
- (1) Whareorino site A ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Whareorino site A vests in the trustees. 5
- (3) Whareorino site A is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Whareorino A Scenic Reserve.
- 94 Whareorino site B**
- (1) Whareorino site B ceases to be a conservation area under the Conservation Act 1987. 10
- (2) The fee simple estate in Whareorino site B vests in the trustees.
- (3) Whareorino site B is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Whareorino B Scenic Reserve. 15
- 95 Whareorino site C**
- (1) Whareorino site C ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Whareorino site C vests in the trustees.
- (3) Whareorino site C is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 20
- (4) The reserve is named Whareorino C Scenic Reserve.
- 96 Whareorino site D**
- (1) Whareorino site D ceases to be a conservation area under the Conservation Act 1987. 25
- (2) The fee simple estate in Whareorino site D vests in the trustees.
- (3) Whareorino site D is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Whareorino D Scenic Reserve.
- 97 Whareroa property** 30
- (1) The Whareroa property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Whareroa property vests in the trustees.
- (3) The Whareroa property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 35

- (4) The reserve is named Whareroa Scenic Reserve.

Properties jointly vested in fee simple to be administered as reserves

98 Hikurangi property

- (1) This section and **section 110** take effect on and from the later of—
- (a) the settlement date; and 5
 - (b) the settlement date under the Ngāti Hāua settlement legislation.
- (2) The reservation of the Hikurangi property (being Hikurangi Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (3) The fee simple estate in the Hikurangi property vests as undivided unequal shares in the following as tenants in common: 10
- (a) a three-quarter share vests in the trustees under this paragraph; and
 - (b) a quarter share vests in the Ngāti Hāua governance entity under the Ngāti Hāua settlement legislation.
- (4) The Hikurangi property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (5) The joint management body is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if that body were the trustees) under section 26 of that Act.
- (6) The reserve is named Hikurangi Scenic Reserve.

99 Tangitu property 20

- (1) This section and **section 110** take effect on and from the later of—
- (a) the settlement date; and
 - (b) the settlement date under the Ngāti Hāua settlement legislation.
- (2) The reservation of the Tangitu property (being part of Tangitu Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (3) The fee simple estate in the Tangitu property vests as undivided half shares in the following as tenants in common:
- (a) a share vests in the trustees under this paragraph; and
 - (b) a share vests in the Ngāti Hāua governance entity under the Ngāti Hāua settlement legislation. 30
- (4) The Tangitu property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (5) The joint management body is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if that body were the trustees) under section 26 of the Reserves Act 1977. 35

- (6) The reserve is named Tangitu A Scenic Reserve.

99A Riverbed adjoining Tangitu property

- (1) This section takes effect on and from the date on which the fee simple estate in the Tangitu property vests in accordance with **section 99(3)**.
- (2) The reserve status declared by section 42(1)(c) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 no longer applies to the adjoining riverbed. 5
- (3) Section 42(2) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 does not apply to the adjoining riverbed.
- (4) In this section, **adjoining riverbed** means that part of the bed of the Ōhura River that adjoins Sections 1 and 2 SO 564045. 10

100 Waihuka property

- (1) This section and **section 110** take effect on and from the later of—
- (a) the settlement date; and
 - (b) the settlement date under the Ngāti Hāua settlement legislation. 15
- (2) The reservation of the Waihuka property (being part of Waihuka Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (3) The fee simple estate in the Waihuka property vests as undivided half shares in the following as tenants in common:
- (a) a share vests in the trustees under this paragraph; and 20
 - (b) a share vests in the Ngāti Hāua governance entity under the Ngāti Hāua settlement legislation.
- (4) The Waihuka property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (5) The joint management body is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if that body were the trustees) under section 26 of the Reserves Act 1977. 25
- (6) The reserve is named Tangitu o Ruaputahanga Scenic Reserve.

General provisions applying to vesting of cultural redress properties 30

101 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 5**.

- 102 Interests in land for certain reserve properties**
- (1) This section applies to all or the part of each reserve property listed in **subsection (2)** that remains a reserve under the Reserves Act 1977 (the **reserve land**), but only while the reserve land has an administering body that is treated as if the land were vested in it. 5
- (2) The reserve properties are—
- (a) the Hikurangi property; and
 - (b) the Tangitu property; and
 - (c) the Waihuka property.
- (3) If the reserve property is affected by an interest in land listed for the property in **Schedule 5**, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land. 10
- (4) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered owner of the reserve land. 15
- (5) **Subsections (3) and (4)** continue to apply despite any subsequent transfer of the reserve land under **section 113**.
- 103 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) that is listed for the property in **Schedule 5**, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 20
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies. 25
- (3) If all or part of the cultural redress property is reserve land to which **section 102** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.
- (4) The interest applies—
- (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 30
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the property.
- 104 Registration of ownership** 35
- (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 (other than a jointly vested property), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate.
- (3) The Registrar-General must, on written application by an authorised person,—
- (a) register the trustees as the owners of the fee simple estate in the property; and 5
 - (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) **Subsection (5)** applies to a cultural redress property (other than a jointly vested property), but only to the extent that **subsection (2)** does not apply to the property. 10
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for the fee simple estate in the property in the names of the trustees; and 15
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (6) For a jointly vested property, the Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for the fee simple estate in the names of the trustees as follows: 20
 - (i) for the Hikurangi property, for an undivided three-quarter share:
 - (ii) for the Tangitu property, for an undivided half share:
 - (iii) for the Waihuka property, an undivided half share; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application. 25
- (7) **Subsections (5) and (6)** are subject to the completion of any survey necessary to create a record of title.
- (8) A record of title must be created under this section as soon as is reasonably practicable after the date on which the property vests, but not later than— 30
- (a) 24 months after that date; or
 - (b) any later date that is agreed in writing,—
 - (i) in the case of a property other than a jointly vested property, by the Crown and the trustees; or
 - (ii) in the case of a jointly vested property, by the Crown, the trustees, and the Ngāti Hāua governance entity. 35
- (9) In this section, **authorised person** means a person authorised by—
- (a) the chief executive of LINZ, for the following properties:

- (i) Mangapehi Railway Station property:
 - (ii) Te Kūiti Pā Railway Yard carpark:
 - (iii) Te Puna o Te Roimata:
 - (b) the Director-General, for all other properties.
- 105 Application of Part 4A of Conservation Act 1987** 5
- (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. 10
 - (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 section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property. 15
 - (4) **Subsections (2) and (3)** do not limit **subsection (1)**.
- 106 Matters to be recorded on record of title**
- (1) The Registrar-General must record on the record of title—
 - (a) for a reserve property (other than a jointly vested 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 20
 - (ii) that the land is subject to **sections 105(3) and 111**; and
 - (b) created under **section 104(6)** for a jointly vested property that is 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 25
 - (ii) that the land is subject to **sections 102(4), 105(3), and 111**; and
 - (c) for any other cultural redress property, that the land is subject to Part 4A of the Conservation Act 1987. 30
 - (2) A notation 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 (other than a jointly vested property), if the reservation of the property under this subpart is revoked for— 35
 - (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—

- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to **sections 105(3) and 111**; or
- (b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on the record of title for the part of the property that remains a reserve. 5
- (4) For a jointly vested property that is a reserve property, if the reservation of the property under this subpart is revoked for—
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from any record of title created under **section 104** for the property the notations that— 10
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to **sections 102(4), 105(3), and 111**; or
- (b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on any record of title, created under **section 104** or derived from a record of title created under that section, for the part of the property that remains a reserve. 15
- (5) The Registrar-General must comply with an application received in accordance with **subsection (3)(a) or (4)(a)**, as relevant. 20
- 107 Application of other enactments**
- (1) The vesting of the fee simple estate in a cultural redress property under this subpart does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals. 25
- (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 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. 30
- (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 35
- (b) any matter incidental to, or required for the purpose of, the vesting.

- 108 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 date on which the property vests, was all or part of a Crown protected area.~~
- (1) **Subsection (2) applies—** 5
- (a) to the land, or the part of the land, in a cultural redress property that, immediately before the date on which the property vests, was all or part of a Crown protected area; and
- (b) in the case of the Tangitu property, to the adjoining riverbed.
- (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
- adjoining riverbed** has the meaning given in **section 99A(4)**
- 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.
- Further provisions applying to reserve properties* 20
- 109 Application of other enactments to reserve properties**
- (1) The trustees are the administering body of a reserve property, except as provided for in relation to the jointly vested properties (*see sections 98(5), 99(5), and 100(5)*).
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property. 25
- (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. 30
- (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. 35
- 110 Joint management body for jointly vested properties**
- (1) A joint management body is established for the jointly vested properties.

- (2) The following are the appointers for the purposes of this section:
- (a) the trustees; and
 - (b) the Ngāti Hāua governance entity.
- (3) Each appointer may appoint 2 members to the joint management body.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointer: 5
- (a) the full name, address, and other contact details of the member; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment. 10
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board. 15
- (8) However, the first meeting of the body must be held not later than 2 months after the date on which the properties vest.

111 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. 20
- (2) In the case of a jointly vested property, the fee simple estate in the reserve land may be transferred only in accordance with **section 113**.
- (3) The fee simple estate in the reserve land in any other property may be transferred only in accordance with **section 112 or 113**. 25
- (4) In this section and **sections 112 to 114**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

112 Transfer of reserve land to new administering body

- (1) The registered owners 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**). 30
- (2) The Minister of Conservation must give written consent to the transfer if the registered owners 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. 35
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners 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 5
 - (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,— 10
- (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. 15

113 Transfer of reserve land if trustees change

The registered owners 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 20
- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' lawyer, verifying that **paragraphs (a) and (b)** apply. 25

114 Reserve land not to be mortgaged

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

115 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. 30
- (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. 35

Subpart 7—Vesting and gifting back of property

116 Delayed vesting and gifting back of Te Ara-o-Tūrongo

- (1) The fee simple estate in Te Ara-o-Tūrongo vests in the trustees on the vesting date.
- (2) Immediately after that vesting, the fee simple estate in Te Ara-o-Tūrongo vests in the Crown as a gifting back to the Crown by the trustees for the people of New Zealand. 5
- (3) However, the following matters continue to apply as if the vestings had not occurred:
- (a) Te Ara-o-Tūrongo remains land that is held for railway purposes, and part of the railway corridor; and 10
- (b) any enactment, instrument, or interest that applied to Te Ara-o-Tūrongo immediately before the vesting date continues to apply to it; and
- (c) the Crown and the New Zealand Railways Corporation retain all liability for Te Ara-o-Tūrongo; and 15
- (d) the role of KiwRail and the New Zealand Railways Corporation in relation to Te Ara-o-Tūrongo does not change.
- (4) The vestings are not affected by—
- (a) Part 4A of the Conservation Act 1987; or
- (b) section 10 or 11 of the Crown Minerals Act 1991; or 20
- (c) section 11 or Part 10 of the Resource Management Act 1991; or
- (d) any other enactment relating to the land.
- (5) The vesting referred to in **subsection (1)** is not a disposal of RFR land under **subpart 4 of Part 4**.
- (6) In this section,— 25
- vesting date** means the first occurrence of 15 April following the settlement date
- Te Ara-o-Tūrongo** means the North Island Main Trunk railway line corridor as shown in yellow on deed plan OMCR-049-01.

Subpart 8—Waikato Conservation Management Strategy and effect of environmental plan 30

117 Interpretation

In this subpart,—

conservation general policy means the general policy of that name approved by the Minister of Conservation under section 17B of the Conservation Act 1987 35

environmental plan—

- (a) means the Ko Tā Maniapoto Mahere Taiao—Maniapoto Environmental Management Plan prepared by the Maniapoto Maori Trust Board and issued by the Board in April 2016; or
- (b) if the plan is amended or replaced, means the plan as amended or the replacement plan 5

national and regional objectives, policies, and milestones means the national and regional objectives, policies, and milestones for implementing the general statutory and policy requirements of the Department of Conservation

Tō Pūniu ki Mōkau Takiwā means the area shown on the map included in part 3 of the attachments 10

Tō Pūniu ki Mōkau Takiwā Chapter means the Place, within the meaning of that term in the conservation general policy, that—

- (a) is to be included in the Waikato Conservation Management Strategy in accordance with **sections 118 to 120**; and 15
- (b) is to apply to Tō Pūniu ki Mōkau Takiwā; and
- (c) comprises the outcomes, policies, and milestones that apply exclusively to that Place

Waikato Conservation Management Strategy means any conservation management strategy that— 20

- (a) is prepared and approved under section 17F of the Conservation Act 1987; and
- (b) is in effect from time to time in an area that includes Tō Pūniu ki Mōkau Takiwā, in whole or in part.

118 Requirements relating to Waikato Conservation Management Strategy 25

On and after the date on which the Director-General notifies the trustees under **section 119**, and for all subsequent reviews of, or amendments to, the Waikato Conservation Management Strategy under section 17H or 17I of the Conservation Act 1987,—

- (a) the Waikato Conservation Management Strategy must include Tō Pūniu ki Mōkau Takiwā Chapter; and 30
- (b) despite sections 17D and 17F of the Conservation Act 1987, the trustees and the Director-General must jointly prepare, amend, or review Tō Pūniu ki Mōkau Takiwā Chapter; and
- (c) the Director-General must notify the trustees in writing if the Director-General intends to prepare, amend, or review the Waikato Conservation Management Strategy, to the extent that it applies to Tō Pūniu ki Mōkau Takiwā Chapter; and 35

- (d) the functions of the Minister of Conservation under section 17F(j)(ii), (l)(ii), (n), (o), and (p)(ii) of the Conservation Act 1987 must be carried out jointly by the trustees and the Minister in respect of Tō Pūniu ki Mōkau Takiwā Chapter.
- 119 Partial review to include Tō Pūniu ki Mōkau Takiwā Chapter** 5
- The Director-General must, within 5 years of the settlement date, notify the trustees that the Director-General intends to initiate a review of part of the Waikato Conservation Management Strategy under section 17H of the Conservation Act 1987 for the purpose of including the Tō Pūniu ki Mōkau Takiwā Chapter. 10
- 120 Other responsibilities to continue**
- (1) Nothing in **sections 117 to 119** changes the role, under the Conservation Act 1987, of—
- (a) the New Zealand Conservation Authority in approving the Waikato Conservation Management Strategy: 15
- (b) the relevant Conservation Board in recommending the Waikato Conservation Management Strategy to the New Zealand Conservation Authority for approval:
- (c) the Director-General in determining the boundaries of any conservation management strategy. 20
- (2) The provisions of **sections 117 to 119** apply only to Tō Pūniu ki Mōkau Takiwā Chapter, but not to anything else in the Waikato Conservation Management Strategy, including the national and regional objectives, policies, and milestones set out in that strategy.
- Effect of environmental plan* 25
- 121 Application of sections 122 and 123**
- (1) **Sections 122 and 123** do not take effect until the trustees provide the environmental plan to the Director-General.
- (2) However, if the environmental plan is amended or replaced, **sections 122 and 123** do not take effect until the trustees provide the plan as amended or replaced to the Director-General. 30
- 122 Director-General’s obligation if acting under sections 17D and 17F of Conservation Act 1987**
- (1) This section applies if a conservation management strategy that has effect within the area of interest of Maniapoto is to be prepared, reviewed, or amended under the Conservation Act 1987. 35
- (2) The Director-General must, when performing or exercising the functions, powers, or duties of the Director-General under sections 17D and 17F of the

Conservation Act 1987, have particular regard to the environmental plan, to the extent that its contents relate to a relevant conservation management strategy.

123 Obligations of Director-General and trustees when acting jointly

- (1) **Subsection (2)** applies when the Director-General and the trustees jointly perform or exercise functions, powers, or duties under sections 17D and 17F of the Conservation Act 1987 in preparing, amending, or reviewing Tō Pūniu ki Mōkau Takiwā Chapter. 5
- (2) The Director-General and the trustees must have particular regard to the environmental plan.

Subpart 9—Maniapoto interest in part of exclusive economic zone 10

124 Maniapoto interest in certain part of exclusive economic zone

Maniapoto statement of interest

- (1) The Maniapoto interest in the part of the exclusive economic zone described in **subsection (2)** includes—
 - (a) the Maniapoto commercial fishing rights and interests; and 15
 - (b) the Maniapoto cultural relationship with the marine environment; and
 - (c) the recognition of, and provision for, mātauranga and Maniapoto values in the management of the marine environment; and
 - (d) the role of Maniapoto as rangatira and kaitiaki of the marine environment and their ability to exercise kaitiakitanga and rangatiratanga for the following purposes: 20
 - (i) to protect, care for, and develop the marine environment and enhance the mauri and wairua of marine resources and cultural heritage for future generations; and
 - (ii) to restore and protect marine ecosystems, taonga species, and their habitats and migration routes; and 25
 - (iii) to restore and protect water quality; and
 - (iv) to protect, restore, manage, and develop commercial and customary fisheries, traditional mahinga kai areas, and kaimoana stocks in a manner consistent with te tikanga o Maniapoto, kawa, and mātauranga; and 30
 - (v) to exercise customary uses and practices associated with fishing, collecting kaimoana, and utilising marine resources and tikanga-based customary fisheries management tools; and
 - (vi) to achieve the objectives for customary fisheries management that Maniapoto has set out from time to time in customary fisheries management plans. 35

- (2) The area of the exclusive economic zone referred to in this section and **section 125** is all that part of the exclusive economic zone enclosed by a line (as shown as Maniapoto Historical/Existing Interests in the Exclusive Economic Zone in part 2 of the attachments) that—
- (a) commences at a point at 174°19'36.6"E and 38°02'07.1"S on the boundary between the territorial sea and the exclusive economic zone; and 5
- (b) then proceeds—
- (i) in a generally southerly direction 46 nautical miles to a point at 174°11'47.0"E and 38°46'49.8"S; and
- (ii) then in a generally northerly direction 53 nautical miles along the boundary between the territorial sea and the exclusive economic zone to the point of commencement. 10
- (3) To avoid doubt, nothing in this section or **section 125** changes any interest Maniapoto may have in the remainder of the exclusive economic zone or continental shelf. 15
- (4) In this section and **section 125**,—
- exclusive economic zone** has the meaning given in section 2(1) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977
- existing interest** has the meaning given in section 4(1) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 20
- marine ecosystem** means any system for the interaction of marine life with its natural and physical environment
- marine environment**—
- (a) means the natural and biological resources comprising any marine ecosystem; and 25
- (b) includes all marine life and the oceans and seas where marine life exists
- taonga species** includes—
- (a) īnanga (whitebait); and
- (b) piharau (lamprey); and
- (c) ika matua (southern bluefin tuna); and 30
- (d) pātiki (flounder); and
- (e) kūtai (mussels); and
- (f) tuna (eels); and
- (g) kōura (crayfish); and
- (h) ~~ahuahe~~ ahoaho (Hector's dolphin) 35
- territorial sea** has the meaning given in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

125 The Crown acknowledges Maniapoto statement of interest

The Crown acknowledges that—

- (a) the marine environment is highly valued and important to the culture, tradition, and history of the people of Maniapoto; and
- (b) the Maniapoto interest described in **section 124(1)** is an existing interest in that part of the exclusive economic zone described in **section 124(2)** and shown in the area coloured green on the deed plan OMCR-049–69 included in the attachments, but only for the purposes of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. 5 10

Subpart 10—Cultural materials

126 Interpretation

In this subpart,—

cultural materials means plants, plant materials, and dead protected wildlife for which the Department of Conservation is responsible, provided that— 15

- (a) the material is found within the area of interest of Maniapoto; and
- (b) the material is important to Maniapoto in expressing and maintaining their cultural values and practices

cultural materials plan means a plan that has been agreed in accordance with **section 127** 20

dead protected wildlife—

- (a) means the dead body or any part of the dead body of any wildlife that is protected, whether absolutely or partially, under the conservation legislation; but
- (b) excludes marine mammals 25

possess dead protected wildlife means to have custody of dead protected wildlife.

Cultural materials plan

127 Preparation of cultural materials plan

- (1) The trustees and the Minister of Conservation must jointly agree a cultural materials plan that provides for the members of Maniapoto to collect and possess cultural materials. 30
- (2) The first cultural materials plan must be agreed not later than the fifth anniversary of the settlement date or a later date as the trustees and the Minister of Conservation may agree. 35

128 Scope of cultural materials plan

The cultural materials plan must set out the terms and conditions on which the trustees may grant authorisations, in accordance with **section 129**, to members of Maniapoto to collect and possess cultural materials for non-commercial purposes.

5

*Authorisations for collecting and possessing certain cultural materials***129 Authorisation to collect or possess cultural materials**

- (1) The trustees may issue a written authorisation to a member of Maniapoto,—
 - (a) to collect plants or plant materials:
 - (b) to possess dead protected wildlife.
- (2) An authorisation may be issued without the requirement for a permit or other authorisation under the conservation legislation.
- (3) An authorisation may be issued only if—
 - (a) a cultural materials plan has been agreed and is in effect; and
 - (b) the authorisation is consistent with the cultural materials plan.
- (4) An authorisation to possess dead protected wildlife must not permit the hunting, taking alive, or killing of living wildlife.

10

15

130 Possession of dead protected wildlife

Despite the Wildlife Act 1953 or regulations made under that Act, a member of Maniapoto may possess dead protected wildlife if the member—

20

- (a) holds a written authorisation issued under **section 129(1)**; and
- (b) has acted in accordance with—
 - (i) the terms and conditions of the authorisation; and
 - (ii) the relevant provisions of the cultural materials plan.

Part 3

25

Raumairoa: natural resources redress**131 Interpretation**

In this Part,—

Agreement means the joint management agreement required under **subpart 2**

councils means,—

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- (a) in **subpart 2**, the 3 councils named in **section 134**;
- (b) in **subpart 3**, the 3 councils named in **section 149**

parties means the councils and the trustees

planning document means each of the following as referred to in, and made under, the Resource Management Act 1991:

- (a) a district plan:
- (b) a proposed district plan:
- (c) a regional plan: 5
- (d) a proposed regional plan:
- (e) a regional policy statement:
- (f) a proposed regional policy statement.

Subpart 1—Matters of significance and guiding principles

132 The Crown’s acknowledgement of statement by Maniapoto 10

Statement of significance of Ngā Wai o Maniapoto

- (1) The Crown acknowledges the following statement by Maniapoto of the significance of Ngā Wai o Maniapoto to Maniapoto:
- (a) Ngā Wai o Maniapoto are awa tūpuna and living taonga to Ngāti Maniapoto. The relationship between Ngāti Maniapoto and Ngā Wai o Maniapoto is historic, cultural, physical, and spiritual. Generations of the tribe have long exercised their kaitiakitanga responsibilities and other tikanga in relation to the waterways and the associated beds, banks, fisheries, plants, taniwha, and mauri (life force) of Ngā Wai o Maniapoto: 15
 - (b) Ngā Wai o Maniapoto have been, and continue to be, central to— 20
 - (i) the way of life and the spiritual and physical well-being of Maniapoto; and
 - (ii) their tribal identity and culture:
 - (c) Ngā Wai o Maniapoto include the Waipā, the Mangapu, the Marokopa, the Mōkau, the Mangapechi, the Ongāruē, the Waimiha, the Ōhura, and the Taringamotu rivers. There is a long history of Ngāti Maniapoto occupation along those waterways, a number of which were navigable waters that allowed Ngāti Maniapoto hapū and others to travel and trade afar: 25
 - (d) these waters were also a critical source of sustenance, a fishery for īnanga, tuna, and freshwater crayfish as well as watercress and other plant life: 30
 - (e) there are a number of taniwha associated with Ngā Wai o Maniapoto, not least Waiwaiā and Tūheitia, being spiritual guardians of all things that are the Waipā River. Another is Papaki Rae, 1 of 6 placed along the Ongāruē River. Tradition also talks about Te Rua o te Taniwha, the lair of the taniwha near the mouth of the Marokopa River. These guardians remain there to this day: 35

- (f) Ngā Wai o Maniapoto, including the associated creeks, streams, wetlands, springs, rivers, and lakes within the area of interest, as well as the coastal waters within the area of interest, have a deep historic, intellectual, physical, and spiritual significance to Ngāti Maniapoto. They are living taonga to the iwi. Ngāti Maniapoto have a great obligation and sense of responsibility to restore, maintain, and protect the quality and integrity of Ngā Wai o Maniapoto for present and future generations: 5
- (g) Ngā Wai o Maniapoto provided all manner of sustenance to Ngāti Maniapoto, including physical and spiritual nourishment that has, over generations, maintained the functions of kāinga and marae, and the health and well-being of whānau, hapū, and the iwi: 10
- (h) Ngāti Maniapoto had well-established social structures, with tikanga and kawa or regulatory practices in relation to them. There were distinct belief systems that ordered the exercise of rangatiratanga and kaitiakitanga for Ngā Wai o Maniapoto. There were coastal and riverside settlements and pā, cultivations, burial sites, and other wāhi tapu: 15
- (i) Ngā Wai o Maniapoto were also sources and places of traditional rituals and healing, where the tohi (including purification) rituals were performed and the umbilical rites observed:
- (j) the mauri or the health and well-being, and the mana, of the people of Maniapoto has always been closely linked to the health and well-being of their surrounding waters. The waters are the identity and mana of whānau, hapū and the iwi, as evidenced by their pronouncement in pepeha or family and tribal mottos: 20
- (k) the historic degradation of Ngā Wai o Maniapoto and the exclusion of Ngāti Maniapoto participation in the management of these waters has been a source of distress for Maniapoto but has not diminished the deep significance these waters continue to hold for the people of Maniapoto. 25
- (2) The Crown also acknowledges that the environmental plan—
- (a) sets out a statement and strategy for recognising Ngā Wai o Maniapoto and their relationship with the broader environment; and 30
- (b) provides objectives, policies, and actions for those matters.
- (3) Nothing in this Part limits any other arrangements for natural resources provided by other te Tiriti o Waitangi/Treaty of Waitangi settlement legislation or otherwise, including in relation to co-governance and co-management of the Waipā River and its catchments. 35

133 Vision, principles, and aspirations

- (1) To assist with the interpretation of the redress provided under this Part, this section sets out the vision of Maniapoto, the principles underpinning that vision, and the aspirations of Maniapoto. 40

Maniapoto vision

- (2) The vision of Maniapoto is for a constructive ongoing relationship between Maniapoto, the Crown, and local authorities in relation to Ngā Wai o Maniapoto in a way that—
- (a) respects Maniapoto tikanga; and 5
 - (b) supports the relationship of Maniapoto and their culture and traditions with their ancestral lands, waters, sites, wāhi tapu, and other taonga.
- (3) Maniapoto seek to develop relationship agreements with the Crown to enhance the oranga (well-being) of their people, including developing relationship agreements that will contribute to the social, economic, and cultural aspirations of the individuals, whānau, and hapū of Maniapoto, including their health, well-being, and success. 10

Principles

- (4) The Maniapoto vision is underpinned by the following principles:
- (a) *Te Mana o te Wai*: the quality and integrity of the waters sustaining the physical and spiritual well-being of Maniapoto, and the continuing health and well-being of current and future generations and all living things that depend on water are important to Maniapoto: 15
 - (b) *Ngā Wai o Maniapoto*: the deeply felt obligation of Maniapoto to restore, maintain, and protect the waters within Ngā Wai Maniapoto. Maniapoto participation in decision-making arrangements will ensure that Ngā Wai o Maniapoto are enhanced and protected: 20
 - (c) *Te mana tuku iho o Waiwaiā*: Waiwaiā is the spiritual kaitiaki of the Waipā and other rivers within the Maniapoto rohe. Maniapoto has a deeply felt obligation to care for and protect te mana tuku iho o Waiwaiā and to instil knowledge and understanding in Maniapoto and Ngā Wai o Maniapoto communities about the nature and history of Waiwaiā, and for that reason it is important that Maniapoto are consulted on all matters that impact on Maniapoto: 25
 - (d) *Kaitiakitanga*: kaitiakitanga is integral to the mana of Maniapoto and requires— 30
 - (i) the restoration of the relationship of Maniapoto with wai; and
 - (ii) the restoration and maintenance of the ability of Ngā Wai o Maniapoto to provide for the practice of manaakitanga; and
 - (iii) the recognition and respect for the kawa, tikanga, and kaitiakitanga of Maniapoto; and 35
 - (iv) the encouragement and empowerment of active involvement of Maniapoto in the expression of their kaitiaki responsibilities:

- (e) *Recognition of the mana of Maniapoto*: respect for the mana of Maniapoto and recognition of the significance of Ngā Wai o Maniapoto and the wider environment to the mana of Maniapoto:
- (f) *Recognition of Maniapoto as kaitiaki and rangatira*: recognition of the status and role of Maniapoto as rangatira and kaitiaki within resource management and decision making: 5
- (g) *Te Tiriti o Waitangi/the Treaty of Waitangi*: recognition and respect for Maniapoto and the Crown as Treaty partners under te Tiriti o Waitangi/the Treaty of Waitangi, and the roles and responsibilities of local authorities to act in accordance with provisions that refer to the principles of te Tiriti o Waitangi/the Treaty of Waitangi. 10

Aspirations of Maniapoto

- (5) Maniapoto state that their aspirations are as follows:
 - (a) that resource users and decision makers will collaborate with the people of Maniapoto to ensure that any adverse effects on Maniapoto or the environment arising from resource use are appropriately avoided or mitigated to the extent agreed by Maniapoto, the users, and the decision makers: 15
 - (b) that Maniapoto and the Crown and Maniapoto and local authorities will develop and strengthen 2-way building of capacity and capability in reviewing, regulating, and managing activities that have an impact on Ngā Wai o Maniapoto so as to promote the vision of Maniapoto: 20
 - (c) that Maniapoto perspectives and the strategic documents of Maniapoto, such as the environmental plan, and any that may be developed and implemented in the future for the Maniapoto rohe, will be appropriately recognised and incorporated into the functions and decisions of public agencies: 25
 - (d) that Maniapoto will work with local authorities to co-design and co-govern programmes for—
 - (i) developing appropriate data resources, research services, and Maniapoto data capability; and 30
 - (ii) designing programmes and supporting investment in innovation and research to improve the skills that provide for a process designed by Maniapoto to deliver positive outcomes for Maniapoto; and 35
 - (iii) establishing monitoring and accountability methods for measuring equitable outcomes for Maniapoto and assessing progress towards those outcomes.

Subpart 2—Joint management agreement

*General requirements***134 Joint management agreement required**

- (1) Not later than 12 months after the commencement date (or a later date agreed in writing), the following councils must enter into a joint management agreement with the trustees: 5
- (a) Waikato Regional Council; and
 - (b) Waitomo District Council; and
 - (c) Ōtorohanga District Council.
- (2) The Agreement entered into under this subpart must relate to the area marked M (**area M**) on the map in part 4 of the attachments. 10

135 Scope of Agreement

- (1) The Agreement—
- (a) applies only within the area marked **M** on the map in part 4 of the attachments; and 15
 - (b) within that area, must include only matters relating to Ngā Wai o Maniapoto and activities within their catchments affecting Ngā Wai o Maniapoto; and
 - (c) must cover the matters described in **section 137**.
- (2) The Agreement must— 20
- (a) contain mechanisms and processes that recognise and reflect the mana of Maniapoto and the relationship of Maniapoto with Ngā Wai o Maniapoto; and
 - (b) provide for the management of the following matters within area M:
 - (i) Ngā Wai o Maniapoto; and 25
 - (ii) activities within the catchments affecting Ngā Wai o Maniapoto; and
 - (iii) any other matters, as provided for in **subsection (3)**, that the councils and the trustees may agree.
- (3) The Agreement must provide for the councils and the trustees to work together to exercise or perform the following functions, powers, and duties under the Resource Management Act 1991: 30
- (a) monitoring and enforcement (*see* **section 138**); and
 - (b) preparation, review, variation, or change of a planning document (*see* **section 139**); and 35

- (c) the functions, powers, and duties under Part 6 of the Resource Management Act 1991 in relation to resource consents (*see* **section 140**).
- (4) The Agreement may cover additional matters agreed under **section 147**.
- 136 Legal framework and other matters**
- Legal framework* 5
- (1) Sections 36B to 36E of the Resource Management Act 1991 do not apply to the Agreement.
- (2) The exercise of a power or performance of a function or duty under the Agreement has the same legal effect as a function, power, or duty exercised or performed by a council. 10
- (3) By written agreement of the parties to the Agreement, the Agreement may be treated as, or as part of, a Mana Whakahono a Rohe under section 58O(7) of the Resource Management Act 1991.
- (4) A council must not use the special consultative procedure under section 83 of the Local Government Act 2002 in relation to the Agreement. 15
- (5) The Agreement is enforceable by the parties.
- Other arrangements*
- (6) The Agreement does not prevent a council from—
- (a) entering into any other joint management agreement with the trustees under the Resource Management Act 1991: 20
- (b) participating in any co-management arrangement with Maniapoto under any other legislation:
- (c) making a transfer or delegation to the trustees.
- (7) A council may exercise or perform a statutory power or function that is affected by the Agreement on its own account and not in accordance with the agreement— 25
- (a) if the statutory time frame for the exercise or performance of that power or function cannot be complied with under the Agreement; or
- (b) in the event of an emergency.
- (8) However, a council must use its best endeavours to work with the trustees and comply with the Agreement if practicable in the circumstances. 30
- 137 Principles for development and operation of Agreement**
- (1) The councils and the trustees must work together—
- (a) to develop the Agreement; and
- (b) to operate under the Agreement. 35
- (2) In working together, the councils and the trustees must act in a manner that is consistent with the principles—

- (a) of promoting the overarching purpose of the Rauairoa (natural resources redress), which is—
 - (i) to care for and protect Ngā Wai o Maniapoto; and
 - (ii) to restore and maintain, for present and future generations, the quality and integrity of the waters that flow into, and form part of, Ngā Wai o Maniapoto; and 5
- (b) of acting in a manner consistent with the principles of te Tiriti o Waitangi/the Treaty of Waitangi; and
- (c) of recognising the statutory functions, powers, and duties of the local authorities within the area where the Agreement applies; and 10
- (d) of respecting the mana of Maniapoto; and
- (e) of jointly committing—
 - (i) to work together in good faith and in a spirit of co-operation; and
 - (ii) to recognise and acknowledge that the parties benefit from working together by sharing their respective vision, knowledge, and expertise; and 15
 - (iii) to participate effectively in co-management; and
 - (iv) to communicate in an open, honest, and transparent way; and
 - (v) to ensure that they work together from an early stage; and
 - (vi) to make their best endeavours to ensure that the purpose of the Agreement is achieved and enduring; and 20
 - (vii) to recognise that the relationship between the parties will evolve; and
 - (viii) to recognise that the Agreement operates within statutory frameworks and the importance of complying with those statutory frameworks; and 25
 - (ix) to commit to meeting statutory time frames and minimising costs and delays associated with those time frames.

138 Monitoring and enforcement

- (1) This section applies to monitoring and enforcement relating to Ngā Wai o Maniapoto and activities within their catchments affecting Ngā Wai o Maniapoto. 30
- (2) The part of the Agreement on monitoring and enforcement must provide for the local authority and the trustees to—
 - (a) meet at least twice each year to— 35
 - (i) discuss and agree the priorities for the monitoring and enforcement of the matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991; and

- (ii) discuss and agree the methods for, and the extent of, the monitoring of those matters; and
- (iii) discuss the opportunities for the trustees to participate in the monitoring of those matters; and
- (b) meet at least twice each year to discuss appropriate responses to deal with the outcomes of the monitoring of those matters, including—
 - (i) the potential for review of planning documents; and
 - (ii) enforcement under the Resource Management Act 1991, including criteria for the commencement of prosecutions, applications for enforcement orders, the service of abatement notices, and the service of infringement notices; and
- (c) agree appropriate procedures for reporting back to the trustees on the enforcement action taken by the councils; and
- (d) discuss and agree the role of the trustees in the 5-yearly review provided for in section 35(2A) of the Resource Management Act 1991; and
- (e) discuss the opportunities for persons nominated by the trustees to participate in enforcement action under the Resource Management Act 1991.
- (3) The councils and the trustees each bear their own costs of complying with this section.
- (4) Schedule 7 of the Local Government Act 2002 does not apply to the councils or the trustees when, under the Agreement, they perform the duties and functions or exercise the powers described in this section.

Planning documents

139 Preparation, review, change, or variation of planning documents

- (1) This section applies to preparing, reviewing, changing, or varying any planning document, to the extent that those processes relate to Ngā Wai o Maniapoto.
- (2) The part of the Agreement on preparing, reviewing, changing, or varying a planning document must provide that,—
 - (a) before beginning the process to prepare, review, change, or vary a planning document, the councils and the trustees must convene a joint working party to discuss and recommend to the councils—
 - (i) the process to be adopted for the preparation, review, change, or variation; and
 - (ii) the general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 of Schedule 1 of the Resource Management Act 1991; and
 - (b) the councils and the trustees must decide jointly on the final recommendation to councils on whether to commence a review of, or to amend, a planning document; and

- (c) the councils and the trustees must decide jointly on the final recommendation to the councils on the content of a planning document to be notified under clause 5 of Schedule 1 of the Resource Management Act 1991; and
- (d) the councils and the trustees must discuss the potential for the trustees to participate in making decisions on the provisions and matters raised in submissions on a planning document under clause 10 of Schedule 1 of the Resource Management Act 1991. 5
- (3) In **subsection (2)(b)**, a final recommendation may, if necessary, include a recommendation that reflects different views on the matter. 10
- (4) However, any recommendation to review or amend a planning document is subject to compliance with—
- (a) any statutory requirement to review or amend the planning document; and
- (b) any relevant statutory time frames. 15
- (5) The part of the Agreement on preparing, reviewing, changing, or varying a planning document must also provide a mechanism for the trustees to participate in processes under Parts 2 and 4 of Schedule 1 of the Resource Management Act 1991.
- (6) The councils and the trustees each bear their own costs of complying with this section. 20
- (7) Schedule 7 of the Local Government Act 2002 does not apply to the local authority or the trustees when, under the Agreement, they perform the duties and functions or exercise the powers described in this section.
- 140 Resource consent process** 25
- (1) This section applies to—
- (a) applications made to the Waikato Regional Council for resource consents to—
- (i) dam, take, use, or divert water from or in Ngā Wai o Maniapoto:
- (ii) discharge a contaminant or water into Ngā Wai o Maniapoto: 30
- (iii) discharge a contaminant onto or into land in circumstances that will result in the contaminant (or any other contaminant deriving from that contaminant as a result of natural processes) entering the Ngā Wai o Maniapoto:
- (iv) use, erect, reconstruct, place, alter, extend, remove, or demolish a structure or part of a structure in, on, under, or over the bed or banks of Ngā Wai o Maniapoto: 35
- (v) excavate, drill, tunnel, or otherwise disturb the bed or banks of Ngā Wai o Maniapoto:

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- (vi) deposit a substance in, on, or under the bed or banks of Ngā Wai o Maniapoto:
 - (vii) reclaim or drain any part of the bed of Ngā Wai o Maniapoto:
 - (viii) enter onto or pass across the bed of Ngā Wai o Maniapoto:
 - (ix) introduce or plant a plant or part of a plant, whether exotic or indigenous, in, on, or under the bed or banks of Ngā Wai o Maniapoto: 5
 - (x) damage, destroy, disturb, or remove a plant or part of a plant, whether exotic or indigenous, in, on, or under the bed or banks of Ngā Wai o Maniapoto: 10
 - (xi) damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed or banks of Ngā Wai o Maniapoto:
 - (xii) damage, destroy, disturb, or remove the habitats of animals or aquatic life in, on, or under the bed or banks of Ngā Wai o Maniapoto; and 15
 - (b) applications to a relevant territorial authority for resource consents for the use of, or activities on, the surface of the water in Ngā Wai o Maniapoto.
 - (2) The part of the Agreement relating to the resource consent process must provide that— 20
 - (a) each council must provide the trustees with a summary of applications for resource consents received by the council; and
 - (b) the information provided under **paragraph (a)** must be—
 - (i) the same as would be given to affected persons through limited notification under section 95B of the Resource Management Act 1991 or as the local authorities and the trustees agree; and 25
 - (ii) provided as soon as is reasonably practicable after the application is received and before a determination is made under sections 95A or 95B of the Resource Management Act 1991: and 30
 - (c) the councils and the trustees must jointly develop and agree criteria to assist local authority decision making under the following processes or sections of the Resource Management Act 1991:
 - (i) best practice for pre-application processes:
 - (ii) best practice for the circumstances in which to commission cultural impact and similar assessments: 35
 - (iii) section 87D (request that an application be determined by the Environment Court rather than the consent authority):
 - (iv) section 88(3) (incomplete application for resource consent):

- (v) section 91 (deferral pending additional consents):
 - (vi) section 92 (requests for further information):
 - (vii) sections 95 to 95F (notification of applications for resource consent):
 - (viii) sections 127 and 128 (change, cancellation, or review of consent conditions). 5
- (3) The criteria developed and agreed under **subsection (2)(c)**—
- (a) are additional to, and must not derogate from, the criteria that the local authorities must apply under the Resource Management Act 1991; and
 - (b) do not impose a requirement on a consent authority to change, cancel, or review consent conditions. 10
- (4) The councils and the trustees each bear their own costs of complying with this section.
- (5) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the trustees when, under the Agreement, they carry out the duties and functions or exercise the powers described in this section. 15

Process for finalising Agreement

141 Joint committee convened

- (1) Not later than 60 working days after the commencement date, the councils and the trustees must convene a joint committee to be responsible for the process of finalising the Agreement. 20
- (2) The councils and the trustees and must work together, through the joint committee, in a positive and constructive manner, to finalise the Agreement, with facilitation by the Crown, within the time frame specified in **section 134(1)**, having particular regard to the principles set out in **section 137**. 25
- (3) The councils and the trustees may seek any facilitation, mediation or other resolution process that they consider would be appropriate to assist in the process of finalising the Agreement.
- (4) The joint committee convened under this section is not a joint committee for the purpose of Schedule 7 of the Local Government Act 2002. 30
- (5) Schedule 7 of the Local Government Act 2002 does not apply to the trustees or a local authority when, in finalising the Agreement under this subpart, they exercise the powers and perform the functions and duties described in this section and **sections 142 and 143**.

142 Minister to be advised of progress

- (1) Not later than 14 months after the settlement date, the councils and the trustees must give notice in writing to the Minister for the Environment,— 35

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- (a) confirming that all matters relating to the Agreement have been finalised; or
- (b) identifying any issues in dispute that the parties have been unable to resolve, the nature of the issues, and the respective positions of the parties on those issues; or 5
- (c) advising under **section 134** that the parties agree to extend the date by which the Agreement will be in force.
- (2) If notice is given under **subsection (1)(a)**, the notice must also specify the date on which the Agreement is to come into force.
- (3) The councils and the trustees may agree that the Agreement is to come into force in stages. 10
- (4) If notice is given under **subsection (1)(b)**, the Minister for the Environment and the trustees, in consultation with the councils, must work to resolve the issues in dispute.
- (5) The Minister and the trustees may work together in accordance with **subsection (4)** for up to 2 months, unless the Minister and the trustees agree in writing to a longer period. 15
- 143 Finalisation of Agreement**
- (1) If, at the end of the 2 month period referred to in **section 142(5)**, all matters relating to the Agreement have been resolved, the councils and the trustees must— 20
- (a) finalise the Agreement; and
- (b) give notice in writing to the Minister for the Environment specifying the date on which the Agreement is to come into force.
- (2) However, if at the end of the 2-month period there remain disputed issues in relation to the Agreement,— 25
- (a) the Minister for the Environment must determine the disputed issues; and
- (b) on the basis of the Minister’s determinations, the councils and the trustees must— 30
- (i) finalise the Agreement; and
- (ii) give notice in writing to the Minister, specifying the date on which the Agreement is to come into force.
- (3) If notice is given in accordance with **subsection (1)**, the councils and the trustees must provide a copy of the Agreement to the Minister for the Environment. 35
- (4) In making a determination under **subsection (2)(a)**, the Minister must have particular regard to the principles set out in **section 137**.

144 If notice given under section 142

- (1) If notice is given under **section 142(1)(c)** at least 4 months before the Agreement is due to come into force under the agreed extended date, the councils and the trustees must give written notice to the Minister for the Environment—
- (a) to confirm that— 5
- (i) all matters relating to the Agreement have been agreed; and
- (ii) the Agreement will be in force on the agreed extended date; or
- (b) to identify the disputed issues not able to be resolved, the nature of the issues in dispute, and the position of the respective parties on those disputed issues. 10
- (2) If notice is given under **subsection (1)(b)**, the Minister for the Environment and the trustees, in consultation with the councils, must work together to resolve the disputed issues, applying the process described in this section and **section 143** (with any necessary modification).
- (3) The Minister for the Environment may appoint a facilitator or take other action considered appropriate to promote the resolution of any issues in dispute between the councils and the trustees. 15

*Suspension and waiver***145 Agreement may be suspended**

- (1) The councils and the trustees may, at any time, agree in writing to suspend, in whole or in part, the operation of the Agreement. 20
- (2) The scope and duration of any suspension must be specified in the written notice.
- (3) There is no right to terminate the Agreement.

146 Waiver of rights under Agreement25

- (1) The trustees may, at any time, notify the councils in writing that—
- (a) they waive any rights provided for in the Agreement:
- (b) they revoke a notice of waiver.
- (2) Notice given under **subsection (1)(a)** must specify the nature and duration of the waiver. 30

*Extension***147 Extension of Agreement**

- (1) The councils and the trustees may agree in writing to extend the Agreement to include functions, powers, and duties that are additional to those set out in the Agreement. 35
- (2) Any extension agreed is subject to the following:

- (a) the limitations set out in **section 135(1) and (2)**; and
 - (b) the powers set out in **sections 145 and 146**.
- (3) Despite **section 145(3)**, an extension to the Agreement may be terminated in whole or in part if either the councils or the trustees give 20 working days' notice to the other party in writing to terminate the specified extension. 5
- (4) Before exercising the power to terminate under **subsection (3)**, the parties must work together to seek to resolve any disputed issues in a manner consistent with—
- (a) the principles set out in **section 137**; and
 - (b) the dispute resolution process contained in the Agreement. 10
- (5) Termination under **subsection (3)** does not affect the remaining parts of the Agreement.

Review and amendment

148 Agreement may be reviewed and amended

- (1) The councils and the trustees may at any time agree in writing to undertake a review of the Agreement. 15
- (2) If, as a result of the review, the councils and the trustees agree in writing to amend the Agreement, they may do so without further formality.
- (3) After completing any amendments, the councils and the trustees must—
- (a) give notice in writing of the amendment to the Minister for the Environment; and 20
 - (b) provide a copy of the amended Agreement to the Minister.

Subpart 3—Relationship agreements

149 Requirement for relationship agreements

- (1) The following councils must enter into a relationship agreement with the trustees not later than 12 months after the commencement date (unless the parties agree to extend that period): 25
- (a) Manawatū-Whanganui Regional Council; and
 - (b) Taranaki Regional Council; and
 - (c) Ruapehu District Council. 30
- (2) The trustees may agree to enter into a combined relationship agreement with more than 1 council, if the parties consider that to be appropriate.
- (3) With the written agreement of the parties to a relationship agreement, the agreement may be treated as, or as part of, a Mana Whakahono a Rohe under section 58O(7) of the Resource Management Act 1991. 35

- (4) The relationship agreements entered into under this subpart must relate to the area marked N (**area N**) on the map in part 4 of the attachments.

150 Scope of relationship agreement

- (1) The relationship agreements—
- (a) apply only within area N; and 5
 - (b) must cover all of the following matters:
 - (i) Ngā Wai o Maniapoto; and
 - (ii) activities within their catchment affecting Ngā Wai o Maniapoto; and
 - (iii) the matters described in **subsection (2)**; and 10
 - (c) must contain mechanisms and processes that recognise and reflect the mana of Maniapoto and the relationship of Maniapoto with Ngā Wai o Maniapoto; and
 - (d) may cover additional matters, including functions, powers, and duties agreed by the parties, and matters relating to capacity and capability building for the parties, to better provide for the aspirations for the relationship agreement to be realised. 15
- (2) The Agreement must provide for the councils and the trustees to work together under the Resource Management Act 1991 in relation to the following matters:
- (a) monitoring and enforcement; and 20
 - (b) preparation, review, or change of a planning document; and
 - (c) the functions, powers, and duties under Part 6 of that Act in relation to applications for resource consents; and
 - (d) identification of customary activities for which a resource consent should not be required under that Act; and 25
 - (e) provision of opportunities for the parties to work together on non-regulatory initiatives relating to Ngā Wai o Maniapoto and activities within their catchments that affect Ngā Wai o Maniapoto.
- (3) A relationship agreement must also provide that the trustees are to be given a summary of resource consent applications that are relevant to Ngā Wai o Maniapoto; the summary must be similar to that given under the limited notification process under the Resource Management Act 1991. 30

151 Guiding principles for development and operation of relationship agreement

- The trustees and a council must work together to develop a relationship agreement in a manner consistent with the guiding principles— 35
- (a) of promoting the overarching purpose of the Raumaioa (natural resources redress), which is—

- (i) to care for and protect Ngā Wai o Maniapoto; and
 - (ii) to restore and maintain, for present and future generations, the quality and integrity of the waters that flow into, and form part of, Ngā Wai o Maniapoto; and
 - (b) of respecting the mana of Maniapoto; and 5
 - (c) of jointly committing—
 - (i) to work together in good faith and a spirit of co-operation; and
 - (ii) to communicate in an open and honest way; and
 - (iii) to use their best endeavours to ensure that the purpose of the relationship agreement is achieved in an enduring way; and 10
 - (iv) to recognise that the relationship agreement operates within a statutory framework which must be complied with.
- 152 Review**
- (1) The trustees and the regional councils may agree in writing at any time to undertake a review of a relationship agreement. 15
 - (2) If, as a result of a review, the trustees and regional councils agree in writing to amend a relationship agreement, they may do so without further formality.

Part 4

Commercial redress

- 153 Interpretation** 20
- In **subparts 1 to 3**,—
- commercial redress property** means a property described as licensed land in part 3 of the property redress schedule
- Crown forest land** has the meaning given in section 2(1) of the Crown Forest Assets Act 1989 25
- Crown forestry licence**—
- (a) has the meaning given in section 2(1) of the Crown Forest Assets Act 1989; and
 - (b) in relation to a property that is licensed land, means the licence described in column 3 of the table in part 3 of the property redress schedule 30
- Crown forestry rental trust** means the forestry rental trust referred to in section 34 of the Crown Forest Assets Act 1989
- Crown forestry rental trust deed** means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust 35

deferred selection property means a property described in subpart A or C of part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

land holding agency means the land holding agency specified,—

- (a) for a commercial redress property, in part 3 of the property redress schedule; or 5
- (b) for a deferred selection property, in subpart A or C of part 4 of the property redress schedule

licensed land—

- (a) means a commercial redress property; but 10
- (b) excludes—
 - (i) trees growing, standing, or lying on the land; and
 - (ii) improvements that have been—
 - (A) acquired by a purchaser of the trees on the land; or
 - (B) made by the purchaser or the licensee after the purchaser 15
has acquired the trees on the land

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

protected site means any area of land situated in the licensed land that—

- (a) is wāhi tapu or a wāhi tapu area within the meaning of section 6 of the 20
Heritage New Zealand Pouhere Taonga Act 2014; and
- (b) is, at any time, entered on the New Zealand Heritage List/Rārangi
Kōrero as defined in section 6 of that Act

right of access means the right conferred by **section 166**.

Subpart 1—Transfer of commercial redress properties and deferred 25
selection properties

154 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 commercial redress property or a 30
deferred selection property to the trustees; and
- (b) to sign a transfer instrument or other document, or do anything else, as
necessary to effect the transfer.

- 155 Minister of Conservation may grant easements**
- (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 commercial redress property or deferred selection property.
- (2) Any such easement— 5
- (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
- (b) is to be treated as having been granted in accordance with Part 3B of that Act.
- 156 Records of title for deferred selection properties** 10
- (1) This section applies to each deferred selection property that is to be transferred to the trustees under **section 154**.
- (2) However, this section applies only to the extent that—
- (a) the property is not all of the land contained in a record of title for a fee simple estate; or 15
- (b) there is no record of title for the fee simple estate in all or part of the property.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for the fee simple estate in the property in the name of the Crown; and 20
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
- (c) omit any statement of purpose from the record of title.
- (4) In the case of a deferred selection property described in subpart C of part 4 of the property redress schedule, if a property includes a disposal site,— 25
- (a) 1 record of title must be created in the name of the Crown for the fee simple estate in each disposal site; and
- (b) 1 record of title must be created in the name of the Crown for the fee simple estate in the balance of the property; and 30
- (c) the requirements of **subsection (3)(b) and (c)** apply to the records of title created under this subsection.
- (5) **Subsections (3) and (4)** are subject to the completion of any survey necessary to create a record of title.
- (6) In this section and **sections 157 and 158**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 35

- (7) In this section and **section 159(6)**, **disposal site** means each existing disposal site or new disposal site.
- (8) In this section, **existing disposal site** and **new disposal site** have the meanings given in paragraph 9.1 of the property redress schedule.
- 157 Record of title for licensed land** 5
- (1) This section applies to each property that is licensed land and is to be transferred to the trustees under **section 154**.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title in the name of the Crown for the fee simple estate in the property; and 10
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
- (c) omit any statement of purpose from the record of title.
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title. 15
- 158 Authorised person may grant covenant for later creation of record of title**
- (1) For the purposes of **sections 156 and 157**, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any commercial redress property or deferred selection property. 20
- (2) Despite the Land Transfer Act 2017,—
- (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and
- (b) the Registrar-General must comply with the request. 25
- 159 Application of other enactments**
- (1) This section applies if the fee simple estate in a commercial redress property or deferred selection property is transferred to the trustees.
- (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. 30
- (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.
- (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 35

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. 5
- (6) If a deferred selection property described in subpart C of part 4 of the property redress schedule includes a disposal site, section 134(1) of the Resource Management Act 1991 (land use and subdivision consents attach to land) does not apply to the disposal site.
- (7) However, **subsection (6)** applies only if a land use consent for a disposal site is held by the Crown but not by any other person. 10
- (8) In exercising the powers conferred by **section 154**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.
- (9) **Subsection (8)** is subject to **subsections (2) and (3)**. 15
- (10) In this section, **land use consent** has the meaning given to that term in section 87(a) of the Resource Management Act 1991.

160 Transfer of properties subject to lease

- (1) This section applies to a deferred selection property—
- (a) for which the land holding agency is the Ministry of Education or the Ministry of Justice; and 20
- (b) the ownership of which is to be transferred to the trustees; and
- (c) that, after the transfer, is to be subject to a lease back to the Crown.
- (2) Section 24 of the Conservation Act 1987 does not apply to the transfer of the property. 25
- (3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to **section 161** upon the registration of the transfer.
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that— 30
- (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (b) the land is subject to **section 161**.
- (5) A notation made under **subsection (4)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance 35 with section 24D(1) of that Act.

161 Requirements if lease terminates or expires

- (1) This section applies if the lease referred to in **section 160(1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.
- (2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property. 5
- (3) The registered owners of the property must apply in writing to the Registrar-General,—
- (a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that— 10
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to this section; or
- (b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,— 15
- (i) section 24 of the Conservation Act 1987 does not apply to that part; and
- (ii) that part is subject to this section. 20
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)** free of charge to the applicant.

Subpart 2—Licensed land**162 Licensed land ceases to be Crown forest land**

- (1) The licensed land ceases to be Crown forest land upon the registration of the transfer of the fee simple estate in the land to the trustees. 25
- (2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 6 of the deed of settlement, or part 6 of the property redress schedule. 30

163 Trustees are confirmed beneficiaries and licensors of licensed land

- (1) The trustees are the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed in relation to the licensed land.
- (2) The effect of **subsection (1)** is that— 35
- (a) the trustees are entitled to the rental proceeds payable for the licensed land to the trustees of the Crown forestry rental trust under a Crown forestry licence since the commencement of the licence; and

- (b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustees are the confirmed beneficiaries in relation to the licensed land.
- (3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of a Crown forestry licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land. 5
- (4) Notice given by the Crown under **subsection (3)** has effect as if—
- (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and 10
- (b) the recommendation became final on the settlement date.
- (5) The trustees are the licensors under each Crown forestry licence as if the licensed land were returned to Māori ownership—
- (a) on the settlement date; and 15
- (b) under section 36 of the Crown Forest Assets Act 1989.
- (6) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the licensed land.

164 Effect of transfer of licensed land

Section 163 applies whether or not the transfer of the fee simple estate in the licensed land has been registered. 20

Subpart 3—Access to protected sites

165 Right of access to protected sites

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site. 25
- (2) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.
- (3) The right of access is subject to the following conditions: 30
- (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and
- (b) the right of access may be exercised only at reasonable times and during daylight hours; and 35
- (c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—

- (i) for the safety of people; or
 - (ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
 - (iii) for operational reasons.
- 166 Right of access over licensed land** 5
- (1) A right of access over licensed land is subject to the terms of any Crown forestry licence.
 - (2) However, **subsection (1)** does not apply if the licensee has agreed to the right of access being exercised.
 - (3) An amendment to a Crown forestry licence is of no effect to the extent that it would— 10
 - (a) delay the date from which a person may exercise a right of access; or
 - (b) adversely affect a right of access in any other way.
- 167 Right of access to be recorded on records of title**
- (1) This section applies to the transfer to the trustees of any licensed land. 15
 - (2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land.
 - (3) The Registrar-General must, upon the registration of the transfer of the land, record on any record of title for the land that the land is subject to a right of access to protected sites on the land. 20
- Subpart 4—Right of first refusal over RFR land
- Interpretation*
- 168 Interpretation**
- In this subpart and **Schedule 6**,—
- control**, for the purposes of **paragraph (d)** of the definition of Crown body, means,— 25
- (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
- Crown body** means— 30
- (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
 - (c) the New Zealand Railways Corporation; and 35

- (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:
 - (iii) a State enterprise: 5
 - (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,—
- (a) means— 10
 - (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
 - (b) to avoid doubt, does not include— 15
 - (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
 - (iv) to remove an improvement, a fixture, or a fitting from the land 20
- expiry date**, in relation to an offer, means its expiry date under **sections 171(2)(a) and 172**
- notice** means a notice given under this subpart
- offer** means an offer by an RFR landowner, made in accordance with **section 171**, to dispose of RFR land to the trustees 25
- public work** has the meaning given in section 2 of the Public Works Act 1981
- related company** has the meaning given in section 2(3) of the Companies Act 1993
- RFR area** means the area shown on SO 556044
- RFR landowner**, in relation to RFR land,— 30
- (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 177(1)**; but 35

- (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 178(1)**

RFR period means the period of 177 years on and from the settlement date 5
subsidiary has the meaning given in section 5 of the Companies Act 1993.

169 Meaning of RFR land

- (1) In this subpart, **RFR land** means—
 - (a) the land described in part 9 of the attachments that, on the settlement date,— 10
 - (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown, Kāinga Ora—Homes and Communities, or the Waikato District Health Board; 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 15
 - (b) the land that is within the RFR area that on the settlement date—
 - (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown; or 20
 - (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
 - (c) land that is, on the settlement date, owned by the Crown and administered by the New Zealand Railways Corporation and forms part of Te Ara-o-Tūrongo located between point 1802320mE, 5787540mN and point 1794100mE, 5696056mN on SO 556044; and 25
 - (d) any land obtained in exchange for a disposal of RFR land under **section 182(1)(c) or 183.** 30
- (2) RFR land does not include a commercial redress property.
- (3) Land ceases to be RFR land if—
 - (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under **section 154** in the case of a deferred selection property or under a contract formed under **section 175**); or 35
 - (ii) any other person (including the Crown or a Crown body) under **section 170(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—
 - (i) under any of **sections 179 to 186** (which relate to permitted disposals of RFR land); or
 - (ii) under any matter referred to in **section 187(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or
- (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 195**; or
- (d) the RFR period for the land ends.

Restrictions on disposal of RFR land

170 Restrictions on disposal of RFR land

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

- (a) under any of **sections 176 to 186**; or
- (b) under any matter referred to in **section 187(1)**; or
- (c) in accordance with a waiver or variation given under **section 195**; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees if the offer to the trustees was—
 - (i) made in accordance with **section 171**; and
 - (ii) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
 - (iii) not withdrawn under **section 173**; and
 - (iv) not accepted under **section 174**.

Trustees' right of first refusal

171 Requirements for offer

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees.
- (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 record of title for the land; and
 - (c) a street address for the land (if applicable); and
 - (d) a street address, postal address, and fax number or electronic address for the trustees to give notices to the RFR landowner in relation to the offer.

172 Expiry date of offer

- (1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the trustees receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the trustees receive notice of the offer if—
 - (a) the trustees received an earlier offer to dispose of the land; and
 - (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. 10

173 Withdrawal of offer

The RFR landowner may, by notice to the trustees, withdraw an offer at any time before it is accepted.

174 Acceptance of offer

- (1) The trustees may, by notice to the RFR landowner who made an offer, accept the offer if—
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed. 15
- (2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less. 20

175 Formation of contract

- (1) If the trustees accept 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 the trustees on the terms in the offer.
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees. 25
- (3) Under the contract, the trustees may nominate any person (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees may nominate a nominee only if—
 - (a) the nominee is lawfully able to hold the RFR land; and 30
 - (b) notice is given 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—
 - (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. 35

- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

Disposals to others where land remains RFR land

176 Disposal to the Crown or Crown bodies

- (1) An RFR landowner may dispose of RFR land to— 5
- (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 563 of the Education and Training Act 2020.

177 Disposal of existing public works to local authorities 10

- (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.
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes— 15
- (a) the RFR landowner of the land; and
- (b) subject to the obligations of an RFR landowner under this subpart.

178 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. 20
- (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—
- (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— 25
- (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

179 Disposal in accordance with obligations under enactment or rule of law 30

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

180 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
 - (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.

181 Disposal under certain legislation

- An RFR landowner may dispose of RFR land in accordance with— 10
- (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
 - (c) section 355(3) of the Resource Management Act 1991; or
 - (d) an Act that— 15
 - (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. 20

182 Disposal of land held for public works

- (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 25
 - (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
 - (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 30
 - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Māori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981. 35

- 183 Disposal for reserve or conservation purposes**
- An RFR landowner may dispose of RFR land in accordance with—
- (a) section 15 of the Reserves Act 1977; or
 - (b) section 16A or 24E of the Conservation Act 1987.
- 184 Disposal for charitable purposes** 5
- An RFR landowner may dispose of RFR land as a gift for charitable purposes.
- 185 Disposal to tenants**
- The Crown may dispose of RFR land,—
- (a) if the land 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 10
 - (b) under section 67 of the Land Act 1948, if the disposal of the land is to a lessee under a lease of the land granted—
 - (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 15
 - (c) under section 93(4) of the Land Act 1948.
- 186 Disposal by Waikato District Health Board**
- The Waikato District Health Board (established by section 19(1) of the New Zealand Public Health and Disability Act 2000), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees that, in the Minister’s opinion, the disposal will achieve, or assist in achieving, the district health board’s objectives. 20
- RFR landowner obligations*
- 187 RFR landowner’s obligations subject to other matters** 25
- (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 30
 - (b) any interest or legal or equitable obligation—
 - (i) that prevents or limits an RFR landowner’s disposal of RFR land to the trustees; and
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and 35
 - (c) the terms of a mortgage over, or security interest in, RFR land.

- (2) **Reasonable steps**, for the purposes of **subsection (1)(b)(ii)**, does not include steps to promote the passing of an enactment.

Notices about RFR land

188 Notice to LINZ of RFR land with record of title after settlement date

- (1) If a record of title 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. 5
- (2) If land for which there is a record of title 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. 10
- (3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the legal description of the land and the reference for the record of title.

189 Notice to trustees of disposal of RFR land to others 15

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.
- (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— 20
- (a) the legal description of the land, including any interests affecting it; and
 - (b) the reference for any record of title 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 170**; and 25
 - (f) if the disposal is to be made under **section 170(d)**, a copy of any written contract for the disposal.

190 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a record of title is to cease being RFR land because— 30
- (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under **section 154** in the case of a deferred selection property, or under a contract formed under **section 175**); or 35
 - (ii) any other person (including the Crown or a Crown body) under **section 170(d)**; or

- (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 179 to 186**; or
 - (ii) under any matter referred to in **section 187(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 195**. 5
- (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. 10
- (3) The notice must include—
- (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) the details of the transfer or vesting of the land.
- 191 Notice requirements** 15
- Schedule 6** applies to notices given under this subpart by or to—
- (a) an RFR landowner; or
 - (b) the trustees.
- Right of first refusal recorded on records of title*
- 192 Right of first refusal to be recorded on records of title for RFR land** 20
- (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 records of title for,—
- (a) the RFR land for which there is a record of title on the settlement date; and 25
 - (b) the RFR land for which a record of title is first created after the settlement date; and
 - (c) land for which there is a record of title that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable— 30
- (a) after the settlement date, for RFR land for which there is a record of title on the settlement date; or
 - (b) after receiving a notice under **section 188** that a record of title has been created for the RFR land or that the land has become RFR land, for any other land. 35
- (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 as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is— 5
- (a) RFR land, as defined in **section 169**; and
- (b) subject to this subpart (which restricts disposal, including leasing, of the land).
- 193 Removal of notations 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 190(2)**, issue to the Registrar-General a certificate that includes— 10
- (a) the legal description of the land; and
- (b) the reference for the record of title for the land; and
- (c) the details of the transfer or vesting of the land; and 15
- (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 as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under **section 192** for the land described in the certificate. 20
- 194 Removal of notations 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— 25
- (a) the reference for each record of title for that RFR land that still has a notation recorded under **section 192**; and
- (b) a statement that the certificate is issued under this section. 30
- (2) The chief executive must provide a copy of each certificate to the trustees 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 notation recorded under **section 192** from any record of title identified in the certificate. 35

*General provisions applying to right of first refusal***195 Waiver and variation**

- (1) The trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this subpart.
- (2) The trustees 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. 5
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

196 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. 10

197 Assignment of rights and obligations under this subpart

- (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 15
- (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give notices to each RFR landowner that—
- (a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and 20
- (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
- (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees. 25
- (3) This subpart and **Schedule 6** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.
- (4) In this section,—
- constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder 30
- RFR holder** means the 1 or more persons who have the rights and obligations of the trustees under this subpart, because—
- (a) they are the trustees; or
- (b) they have previously been assigned those rights and obligations under this section. 35

Part 5

Huiputea property

198 Huiputea property

In this Part, **Huiputea property** means the land held in the following records of title: 5

- (a) SA51C/898; and
- (b) SA51C/899.

199 Application of this Part

This Part (except **section 202**) takes effect only if the trustees are, not later than 5 years after the settlement date, a party to an unconditional agreement with the Ōtorohanga District Council for the sale and purchase of the fee simple estate in the Huiputea property. 10

200 Revocation of reserve status

- (1) Immediately before the transfer of the fee simple estate in the Huiputea property to the trustees under an agreement described in **section 199**,— 15
 - (a) the reservation of the part of the Huiputea property that is a local purpose (access) reserve subject to the Reserves Act 1977 is revoked; and
 - (b) the reservation of the part of the Huiputea property that is a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status under **subsection (1)**. 20

201 Reclassification of Huiputea property

- (1) Immediately after the transfer referred to in **section 200(1)**, the Huiputea property is declared a reserve and classified as a local purpose (historic) reserve, subject to section 23 of the Reserves Act 1977. 25
- (2) The reserve created by **subsection (1)** is named the Huiputea Local Purpose (Historic) Reserve.
- (3) The trustees are the administering body of the reserve as if the reserve were vested in the trustees under section 26 of the Reserves Act 1977.

202 Right of sale 30

For the purposes of **section 199**, the Ōtorohanga District Council may enter into an agreement for sale and purchase of the Huiputea property with the trustees.

Part 6

Governance reorganisation and taxation matters

203 Interpretation

- (1) In subpart 1 and subpart 2, unless the context otherwise requires,—
- assets and liabilities**— 5
- (a) means the assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement date, by the Maniapoto Maori Trust Board, the Maniapoto Fisheries Trust, and the relevant subsidiary; and
- (b) includes— 10
- (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and
- (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) 15
- date of transfer** means the day on which the assets and liabilities vest under **section 206**
- exempt income** has the meaning given in section YA 1 of the Income Tax Act 2007
- final report** means— 20
- (a) a statement of the financial position of the Maniapoto Maori Trust Board and other information required by **section 212(1) and (2)**; and
- (b) an audit report prepared by the Auditor-General on the statement and information referred to in **paragraph (a)**
- Inland Revenue Acts** has the meaning given in section 3(1) of the Tax Administration Act 1994 25
- iwi aquaculture organisation** means an organisation recognised under section 33(1) of the Maori Commercial Aquaculture Claims Settlement Act 2004
- mandated iwi organisation** means an organisation recognised under section 13(1) of the Maori Fisheries Act 2004 30
- mandated organisation** means,—
- (a) for the purposes of the Maori Fisheries Act 2004, a mandated iwi organisation; and
- (b) for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004, an iwi aquaculture organisation 35
- Maniapoto Fisheries Trust** and **Trust** mean the charitable trust of that name established by the Maniapoto Fisheries Trust Deed dated 28 July 2008

- Maniapoto Maori Trust Board** and **Board** mean the Board constituted for the purposes of the Maori Trust Boards Act 1955 by section 4 of the Maniapoto Maori Trust Board Act 1988
- relevant subsidiary** means Te Kupenga o Maniapoto Limited
- reorganisation** means the changes provided for the governance arrangements of Maniapoto in subpart 1 5
- 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
- Te Kupenga o Maniapoto Limited** and **Te Kupenga** mean the subsidiary company owned by the Maniapoto Maori Trust Board and incorporated under company number 1914813, in its capacity as the asset-holding company of— 10
- (a) the mandated iwi organisation of Maniapoto, for the purposes of the Maori Fisheries Act 2004; and
 - (b) the iwi aquaculture organisation, for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004 15
- transferred employee** means a person to whom **section 222** applies.
- (2) In this Part, unless the context requires another meaning, terms and expressions used and not defined in this subpart, but defined in—
- (a) the Maori Fisheries Act 2004 and the Maori Commercial Aquaculture Claims Settlement Act 2004, have the meanings given in those Acts; and 20
 - (b) the Inland Revenue Acts, have the meanings given in those Acts.

Subpart 1—Governance reorganisation

Certain trusts dissolved

- 204 Dissolution of Maniapoto Maori Trust Board** 25
- (1) On the commencement date,—
- (a) the Maniapoto Maori Trust Board is dissolved; and
 - (b) the term of office of the members of the Board expires; and
 - (c) proceedings by or against the Board may be continued, completed, and enforced by or against the trustees of Te Nehenehenui; and 30
 - (d) a reference to the Board (express or implied) in any enactment (other than this Act), or in any instrument, register, agreement, deed (other than the deed of settlement), lease, application, notice, or other document in force immediately before the commencement date must, unless the context otherwise requires, be read as a reference to the trustees of Te Nehenehenui. 35

- (2) A person holding office as a member of the Board immediately before the commencement date is not entitled to compensation as a result of the expiry under this section of the member's term of office.

205 Maniapoto Fisheries Trust dissolved

- (1) On the commencement date,— 5
- (a) the Maniapoto Fisheries Trust is dissolved; and
 - (b) the term of office of the trustees of the Maniapoto Fisheries Trust expires; and
 - (c) proceedings by or against those trustees may be continued, completed, and enforced by or against them; and 10
 - (d) a reference to the Maniapoto Fisheries Trust (express or implied) or its trustees in any enactment (other than this Act), or in any instrument, register, agreement, deed (other than the deed of settlement), lease, application, notice, or other document in force immediately before the commencement date must, unless the context otherwise requires, be read as a reference to the trustees of Te Nehenehenui. 15
- (2) A person holding office as a trustee of the Maniapoto Fisheries Trust immediately before the commencement date is not entitled to compensation as a result of the expiry under this section of that trustee's term of office.

Vesting of assets and liabilities 20

206 Vesting of assets and liabilities of Board and Trust

- (1) On the commencement date, the assets and liabilities of both the Board and the Maniapoto Fisheries Trust—
- (a) vest in the trustees of Te Nehenehenui and become the assets and liabilities of those trustees; and 25
 - (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 30
 - (b) become subject to any trusts expressed in the Te Nehenehenui Trust Deed.

Te Kupenga o Maniapoto Limited

207 Assets and liabilities of relevant subsidiary

- (1) If, on the commencement date, the relevant subsidiary is a tax charity for the purposes of the Inland Revenue Acts, that subsidiary ceases to be a tax charity on that date. 35

- (2) To the extent that the assets and liabilities of the relevant subsidiary are held subject to any charitable trusts, on and from the commencement date,—
- (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 5
 - (b) the constitution of the relevant subsidiary is deemed to have been amended to the extent necessary to give effect to **paragraph (a)**.
- (3) To avoid doubt,—
- (a) nothing in this subpart has the effect, of itself, of causing the relevant subsidiary to be a different person for the purposes of the Inland Revenue Acts; and 10
 - (b) the assets and liabilities of the relevant subsidiary continue to be the assets and liabilities of that subsidiary; and
 - (c) the income of the relevant subsidiary derived from revenue account property is exempt income until immediately before that company ceases to be a registered charitable entity. 15
- (4) In this section, **revenue account property** includes financial arrangements, trading stock, and depreciable property.

Trustees of Te Nehenehenui become mandated organisation

- 208 Recognition of new mandated organisation** 20
- (1) On and from the commencement date,—
- (a) the trustees of Te Nehenehenui are, and are recognised by Te Ohu Kai Moana Trustee Limited as, the mandated organisation for Maniapoto in place of the Board, as if those trustees were recognised as the mandated iwi organisation or the iwi aquaculture organisation, as the case may require; and 25
 - (b) Te Kupenga is the asset-holding company of those trustees.
- (2) However, any reference in the Maori Fisheries Act 2004 to the date on which the mandated organisation is recognised must be treated as a reference to the date on which the first mandated organisation of Maniapoto was recognised. 30
- (3) On and from the commencement date,—
- (a) the Te Nehenehenui Trust Deed is approved by Te Ohu Kai Moana Trustee Limited as the constitutional document of Te Nehenehenui, as if it were approved under section 17 of the Maori Fisheries Act 2004 or section 33 of the Maori Commercial Aquaculture Claims Settlement Act 2004, as the case may be; and 35
 - (b) the trustees of Te Nehenehenui must—
 - (i) meet the criteria for continuing recognition as a mandated organisation in section 14 of the Maori Fisheries Act 2004 or section

33(1) of the Maori Commercial Aquaculture Claims Settlement Act 2004, as the case may be; and

- (ii) satisfy section 12(1)(d) of the Maori Fisheries Act 2004.

209 Certain effects of recognition of new mandated organisation

On and from the commencement date,— 5

- (a) any registered coastline entitlement held by the Board immediately before the commencement date is to be treated as a registered coastline entitlement held by the trustees of Te Nehenehenui; and
- (b) any coastline claim, agreement, or written statement of the Board made under Part 1 of Schedule 6 of the Maori Fisheries Act 2004 before the commencement date is to be treated as a coastline claim, agreement, or written statement of those trustees. 10

210 Exemption from certain voting process

- (1) Te Nehenehenui is not required to comply with Kaupapa 1 of Schedule 7 of the Maori Fisheries Act 2004. 15
- (2) However, **subsection (1)** applies only to the extent that Kaupapa 1 of Schedule 7 of the Maori Fisheries Act 2004 requires the adult members of Maniapoto to have individual voting rights in elections for the appointment of trustees, directors, or office holders of a mandated organisation for Maniapoto.

211 Functions of Te Ohu Kai Moana Trustee Limited 20

- (1) On and from the commencement date, and without further authorisation than this section, Te Ohu Kai Moana Trustee Limited is deemed to have taken, and must continue to take, all actions necessary, in accordance with the requirements of the Maori Fisheries Act 2004 and the Maori Commercial Aquaculture Claims Settlement Act 2004,— 25
- (a) to provide administratively for the matters set out in **sections 208 to 210**, as if those matters had occurred under the Maori Fisheries Act 2004; and
- (b) to make the appropriate changes to the iwi register or iwi aquaculture register, as relevant, in accordance with the relevant legislation. 30
- (2) Te Ohu Kai Moana Trustee Limited is not liable, and no action may be brought against it, for any act described in the deed of settlement that it does or omits to do, in so far as the act is done in good faith and with reasonable cause.

General matters relating to reorganisation

212 Final report of Board and Trust 35

- (1) As soon as is reasonably practicable after the commencement date, the trustees of Te Nehenehenui must prepare a final report (as if the report were an annual report) to show fully the financial results of the operations of both the Board

and the Maniapoto Fisheries Trust for the period beginning on the date of the previous annual report and ending with the close of the day immediately before the commencement date.

- (2) The final report must consist of a statement of—
- (a) the financial position of both the Board and the Maniapoto Fisheries Trust; and
 - (b) other statements of accounts necessary to provide the information required by **subsection (1)**.
- (3) As soon as is reasonably practicable after the completion of the final report, the trustees of Te Nehenehenui must provide it to the Minister for Māori Development, who must present it to the House of Representatives as soon as is reasonably practicable after receiving it from those trustees.

213 Matters not affected by transfer

Nothing given effect to, or authorised by, this subpart—

- (a) places any person in breach of a contract or confidence, or makes them guilty of a civil wrong; or
- (b) gives rise to 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, rule of law, or contract that prohibits, restricts, or regulates the assignment or transfer of an asset or 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.

214 Status of existing instruments

- (1) The trustees of Te Nehenehenui are to be treated as if they are the members of the Board or the trustees of the Maniapoto Fisheries Trust, as the case may be, under any existing instrument—
- (a) to which those members were a party; or
 - (b) that the members of the Board or of the Maniapoto Fisheries Trust gave, received, or were to give or receive.
- (2) An express or implied reference to the Board or the Maniapoto Fisheries Trust in an existing instrument or in a register must be read as a reference to the trustees of Te Nehenehenui, unless the context otherwise requires.
- (3) In this section, **existing instrument** means any agreement, application, deed, notice, undertaking, instrument recording an interest in land, or other document in effect immediately before the commencement date.

215 Status of existing securities

- (1) **Subsection (2)** applies to a security held by the Board or the Maniapoto Fisheries Trust as security for a debt or other liability to the Board or that Trust incurred before the commencement date.
- (2) A security described in **subsection (1)**— 5
- (a) is available to the trustees of Te Nehenehenui as security for the discharge of that debt or liability; and
- (b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to the trustee incurred on or after the commencement date. 10
- (3) The trustees of Te Nehenehenui are entitled to the same rights and priorities, and are subject to the same liabilities, in relation to the security as the Board or the Maniapoto Fisheries Trust would be if this Act had not been passed.

216 Continuation of proceedings

- (1) An action, arbitration, proceeding, or cause of action that was pending or existing by, against, or in favour of the Board or the Maniapoto Fisheries Trust before the commencement date may be continued and enforced by, against, or in favour of the trustees of Te Nehenehenui. 15
- (2) It is not necessary to amend a pleading, writ, or other document to continue the action, arbitration, proceeding, or cause of action. 20

217 Books and documents to remain evidence

- (1) A document, matter, or thing that would have been admissible in evidence for or against the Board or the Maniapoto Fisheries Trust is, on and from the commencement date, admissible in evidence for or against the trustees of Te Nehenehenui. 25
- (2) For the purpose of this section, **document** has the same meaning as in section 4(1) of the Evidence Act 2006.

218 Removal of charitable entities from register

- (1) The Board, the Maniapoto Fisheries Trust, and Te Kupenga must be removed from the register of charitable entities under section 31 of the Charities Act 2005, with effect from the commencement date. 30
- (2) This section applies despite anything in the Charities Act 2005.

219 Other registers

- (1) The Registrar-General or any other person charged with keeping books or registers is not required, solely because of the provisions in this subpart, to change the names of the members of the Board or the trustees of the Maniapoto Fisheries Trust, as the case may be, to the names of the trustees of Te Nehenehenui in the books or registers or in a document. 35

- (2) If the trustees of Te Nehenehenui 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— 5
- (a) be executed or purport to be executed by the trustees of Te Nehenehenui; and
 - (b) relate to assets or liabilities held, managed, or controlled, immediately before the commencement date,— 10
 - (i) by the Board or any entity wholly or partly owned or controlled by the Board; or
 - (ii) by the trustees of the Maniapoto Fisheries Trust; and
 - (c) be accompanied by a certificate given by the trustees of Te Nehenehenui or their solicitor stating that the property was vested in those trustees by or under this Act. 15

Employees

220 Transfer of employees

On and from the commencement date, each employee of the Board or the Maniapoto Fisheries Trust, as the case may be, ceases to be an employee of the Board or that Trust and becomes an employee of the trustees of Te Nehenehenui. 20

221 Protection of terms and conditions of employment

- (1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to the employee immediately before the commencement date. 25
- (2) **Subsection (1)**—
- (a) continues to apply to the terms and conditions of employment of a transferred employee until they are varied by agreement between the transferred employee and the trustees of Te Nehenehenui; and 30
 - (b) does not apply to a transferred employee who accepts any subsequent appointment with those trustees.

222 Continuity of employment

For the purposes of an enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee, the transfer of the employee from the Board or the Maniapoto Fisheries Trust, as the case may be, to the trustees of Te Nehenehenui does not, of itself, break the employment 35

of that person, and the period of his or her employment by the Board or the Trust is to be regarded as having been a period of service with those trustees.

223 No compensation for technical redundancy

A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that—

- (a) the position held by the employee with the Board or the Maniapoto Fisheries Trust, as the case may be, has ceased to exist; or
- (b) the employee has ceased, as a result of the person's transfer to the trustees of Te Nehenehenui, to be an employee of the Board or that Trust.

224 Liability of employees and agents

- (1) A person who, at any time before the commencement date, held office as a member of the Board or the Maniapoto Fisheries Trust or who was an officer, employee, agent, or representative of either, is not personally liable in respect of an act or thing done or omitted to be done by that person before the commencement date in the exercise or bona fide purported exercise of an authority conferred by or under—

- (a) the Maori Trust Boards Act 1955 or any other enactment, in the case of the Board; or
- (b) the Maniapoto Fisheries Trust Deed, in the case of the Maniapoto Fisheries Trust.

- (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.

Subpart 2—Transitional taxation provisions

225 Application and interpretation

- (1) This subpart applies, by virtue of the reorganisation of the governance of Maniapoto under **subpart 1**, for the purposes of the Inland Revenue Acts.

- (2) In this subpart,—

taxable Maori authority distribution has the meaning given in section HF 7 of the Income Tax Act 2007

undistributed charitable amounts means the amounts described in **section 226(5)**, but applied as the context may require.

226 Taxation in respect of transfer of assets and liabilities of Board

- (1) On and from the date on which the assets and liabilities of the Board and of the Maniapoto Fisheries Trust vest in the trustees of Te Nehenehenui under **section 206(1)**,—
- (a) those trustees are deemed to be the same person as the Board and the trustees of the Maniapoto Fisheries Trust; and 5
- (b) everything done before that date by the Board or that Trust, as the case may be, is deemed to have been done by the members or the trustees of the Maniapoto Fisheries Trust, as the case may be, on the date that it was done by the Board or that Trust. 10
- (2) Income derived or expenditure incurred by the Board and the Maniapoto Fisheries Trust before the assets and liabilities vest in the trustees of Te Nehenehenui does not become income derived or expenditure incurred by those trustees just because the assets and liabilities vest in those trustees under **section 206(1)**. 15
- (3) **Subsection (4)** applies if income of the Board and of the Maniapoto Fisheries Trust—
- (a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and
- (b) is exempt income of the Board or that Trust, but is not exempt income of the trustees of Te Nehenehenui. 20
- (4) The trustees of Te Nehenehenui 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 25
- (b) for a consideration that is its market value.
- (5) The trustees of Te Nehenehenui must identify the undistributed charitable amounts, using the following formula:
- $$x - y$$
- where— 30
- x is the total amounts derived by the Board or the Maniapoto Fisheries Trust 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 Board or that Trust before the commencement date
- y is the total of the amounts described in variable x that have been distributed before the commencement date. 35
- (6) The undistributed charitable amounts described in **subsection (5)** are excluded from the corpus of the trustees of Te Nehenehenui for the purposes of the Income Tax Act 2007, to the extent to which they are otherwise included but for this subsection. 40

- (7) If the trustees of Te Nehenehenui distribute an undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless **subsection (8)** applies.
- (8) If the trustees of Te Nehenehenui distribute an undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient. 5
- 227 Election of trustees to be Māori authority**
- (1) If the trustees of Te Nehenehenui make an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, to the extent that the amounts referred to in **section 226(5)** are distributed in an income year, that distribution will be— 10
- (a) exempt income if the distribution is applied for a charitable purpose; or
- (b) a taxable Māori authority distribution.
- (2) If this section applies, the amounts must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.
- Relevant subsidiary* 15
- 228 Taxation in respect of assets and liabilities of relevant subsidiary**
- (1) This section applies if—
- (a) the assets and liabilities of the relevant subsidiary remain the assets and liabilities of that subsidiary; and
- (b) income of the relevant subsidiary derived from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of that subsidiary before the commencement date, and ceases to be exempt income as a result of the application of **section 207(1)**. 20
- (2) The relevant 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 date. 25
- 229 Election by relevant subsidiary to be Māori authority**
- (1) This section applies if the relevant subsidiary— 30
- (a) makes an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority; and
- (b) at the time when the election is made, has an undistributed charitable amount arising from income that was exempt income under sections CW 41 and CW 42 of the Income Tax Act 2007 at the time when the income was derived. 35
- (2) The undistributed charitable amount must be calculated on the date on which the relevant subsidiary ceases to be a tax charity under **section 207(1)**.

- (3) A distribution of the undistributed charitable amount by the relevant subsidiary after its election to be a Māori authority is—
- (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. 5
- (4) A distribution that is a taxable Māori authority distribution under **subsection (3)(b)** must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Part 7

Consequential repeal, amendments, and revocations 10

Repeal of Act

230 Repeal of Maniapoto Maori Trust Board Act 1988

The Maniapoto Maori Trust Board Act 1988 (1988 No 229) is repealed.

Amendments to Act and regulations

231 Amendment to Nga Wai o Maniapoto (Waipa River) Act 2012 15

- (1) This section amends the Nga Wai o Maniapoto (Waipa River) Act 2012.
- (2) In section 3(2)(a), delete “but does not include any unconnected waters or artificial watercourse such as an irrigation canal, water supply race, canal for the supply of water for electricity power generation, or farm drainage canal”.

232 Amendments to Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2018 20

- (1) This section amends the Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2018.
- (2) In the Schedule, revoke the item relating to Maniapoto Maori Trust Board.
- (3) In the Schedule, insert in its appropriate alphabetical order: 25
Te Nehenehenui

233 Amendment to Maori Trust Boards Regulations 1985

- (1) This section amends the Maori Trust Boards Regulations 1985.
- (2) In Schedule 2, revoke the item relating to the Maniapoto Maori Trust Board.

Schedule 1
Matters relevant to certain definitions in section 13(2)

s 13(2)

Part 1
Children of Rereahu

5

The following are Maniapoto by virtue of being descended from Rereahu:

- | | | |
|-----|-------------------|----|
| (a) | Te Ihingarangi: | |
| (b) | Maniapoto: | |
| (c) | Matakore: | |
| (d) | Tūwhakahekeao: | 10 |
| (e) | Tūrongotapauarau: | |
| (f) | Te Io Wānanga: | |
| (g) | Kahuariari: | |
| (h) | Kinohaku: | |
| (i) | Te Rongorito. | 15 |

Part 2
Ngā toronga o Maniapoto by descent from certain Maniapoto tūpuna

Ngā toronga o Maniapoto means every whānau, hapū, iwi, or group composed of individuals descended from a Maniapoto tupuna, including the following: 20

- | | | |
|------|-----------------|----|
| (1) | Ngāti Hari: | |
| (2) | Ngāti Hinewai: | |
| (3) | Ngāti Hounuku: | |
| (4) | Ngāti Huiao: | |
| (5) | Ngāti Kahu: | 25 |
| (6) | Ngāti Kaputuhi: | |
| (7) | Ngāti Kinohaku: | |
| (8) | Ngāti Kiriwai: | |
| (9) | Ngāti Mangu: | |
| (10) | Ngāti Matakore: | 30 |
| (11) | Ngāti Ngāupaka: | |
| (12) | Ngāti Ngāwaero: | |
| (13) | Ngāti Paemate: | |

(14) Ngāti Pāhere:	
(15) Ngāti Pare:	
(16) Ngāti Parekaitini:	
(17) Ngāti Paretāpoto:	
(18) Ngāti Parewaeono:	5
(19) Ngāti Peehi:	
(20) Ngāti Pourāhui:	
(21) Ngāti Putaitemuri:	
(22) Ngāti Raerae:	
(23) Ngāti Rereahu:	10
(24) Ngāti Rewa:	
(25) Ngāti Rōrā:	
(26) Ngāti Ruapuha:	
(27) Ngāti Rungaterangi:	
(28) Ngāti Taimainu:	15
(29) Ngāti Taiwa:	
(30) Ngāti Tauhunu:	
(31) Ngāti Te Ihingarangi:	
(32) Ngāti Te Kanawa:	
(33) Ngāti Te Rahurahu:	20
(34) Ngāti Te Rukirangi:	
(35) Ngāti Te Urupare:	
(36) Ngāti Toa-Tūpāhau:	
(37) Ngāti Tupu:	
(38) Ngāti Tūtakamoana:	25
(39) Ngāti Tūwhakahekeao:	
(40) Ngāti Uekaha:	
(41) Ngāti Unu:	
(42) Ngāti Urunumia:	
(43) Ngāti Waikorara:	30
(44) Ngāti Waiora.	

Part 3**Ngā toronga o Maniapoto by affiliation with other iwi**

The following groups are ngā toronga o Maniapoto comprising individuals with historical and contemporary affiliations with other iwi:

- | | | |
|-----|----------------------------|----|
| (a) | Ngāti Hinemihi ki Petania: | 5 |
| (b) | Ngāti Ngutu: | |
| (c) | Ngāti Paiariki: | |
| (d) | Ngāti Paretekawa: | |
| (e) | Ngāti Rākei: | |
| (f) | Ngāti Rangatahi. | 10 |

Schedule 2

Treaty of Waitangi claims relevant to meaning of historical claims

s 14(3)

Part 1

Claims relating exclusively to Maniapoto 5

The following Treaty of Waitangi claims relate exclusively to Maniapoto:

- (1) Wai 74 (Kawhia Fisheries claim):
- (2) Wai 399 (Te Rongoroa A7 claim):
- (3) Wai 424 (Kokomiko and Tarata claim):
- (4) Wai 446 (Kokomiko and Maramataha Blocks claim): 10
- (5) Wai 457 (Hauturu East No 3B2 and 3A claim):
- (6) Wai 472 (Waikowhitiwhiti Block (Otorohanga Town Hall) claim):
- (7) Wai 478 (Pukepoto Farm Trust claim):
- (8) Wai 483 (Umukaimata and Waiaraia Blocks claim):
- (9) Wai 535 (Ngati Maniapoto Lands and Resources claim): 15
- (10) Wai 551 (Ngati Ngawaero Land Blocks claim):
- (11) Wai 556 (Umukaimata Block claim):
- (12) Wai 586 (Ngati Te Puta Hapu claim):
- (13) Wai 587 (Ngati Te Kanawa and Ngati Te Peehi claim):
- (14) Wai 616 (Ngati Rora claim): 20
- (15) Wai 691 (Pio Pio Stores Site claim):
- (16) Wai 753 (Ngati Kinohaku Lands, Forests and Fisheries claim):
- (17) Wai 762 (Waimiha River Eel Fisheries (King Country) claim):
- (18) Wai 788 (Mokau Mohakatino and Other Blocks (Maniapoto) claim):
- (19) Wai 800 (Ngati Maniapoto/Ngati Tama (Mokau) claim): 25
- (20) Wai 846 (Kakepuku Mountain and Kakepuku Block claim):
- (21) Wai 847 (Kopua 1 Block and Other Lands claim):
- (22) Wai 849 (King Country Land Banking claim):
- (23) Wai 870 (Marokopa Reserves claim):
- (24) Wai 928 (Ngati Raerae (Taumarunui) claim): 30
- (25) Wai 948 (Tokanui and Otorohanga Land Confiscation claim):
- (26) Wai 986 (Otorohanga Lands claim):
- (27) Wai 991 (Kinohaku West No. 11 block claim):
- (28) Wai 993 (Neha King Country Lands claim):

(29) Wai 1015 (Ngati Maniapoto and Te Awaroa Block claim):	
(30) Wai 1016 (Te Awaroa B4 Section 4B1 and Hauturu Waipuna C Blocks claim):	
(31) Wai 1031 (Nikora Whanau Te Kuiti Township claim):	
(32) Wai 1054 (Pirongia Allotment No. 265 claim):	
(33) Wai 1058 (Orahiri and Other Blocks claim):	5
(34) Wai 1095 (Huiputea Block claim):	
(35) Wai 1099 (Tokanui Block claim):	
(36) Wai 1100 (Te Mapara and Kahuwera Land Blocks claim):	
(37) Wai 1132 (Otorohanga Land Block claim):	
(38) Wai 1133 (Ouruwhero Land Block claim):	10
(39) Wai 1136 (Tokanui and Pokuru Land Blocks claim):	
(40) Wai 1139 (Ketemaringi-Hurakia Forest Reserve claim):	
(41) Wai 1190 (Te Kuiti Aerodrome and Associated Lands claim):	
(42) Wai 1255 (Te Anapungapunga Lands claim):	
(43) Wai 1352 (Ngati Paemate and Maniapoto Tainui claim):	15
(44) Wai 1360 (Te Uri Te Hira Kingi claim):	
(45) Wai 1361 (Whanau and descendants of Whitinui Joseph of Ngati Kinohaku claim):	
(46) Wai 1376 (Uekaha A11 and part A10 Blocks claim):	
(47) Wai 1377 (Hori Tana (George Turner claim)):	20
(48) Wai 1386 (Ngati Huiao and Kinohaku Lands claim):	
(49) Wai 1387 (Arapae No. 1 Block A4A Kinohaku East claim):	
(50) Wai 1396 (Owners of Taumatotara A5 Block claim):	
(51) Wai 1455 (Ngati Tutakamoana Lands and Resources claim):	
(52) Wai 1481 (Te Kopua Marae, Ngati Nga Waero, and Ngati Unu hapu claim):	25
(53) Wai 1584 (Maniapoto (Bell) claim):	
(54) Wai 1585 (Ngati Tarahuia and Associated Oparure Whanau claim):	
(55) Wai 1586 (Descendants of Te Maawe Uru o Newha and Nathaniel Barrett claim):	
(56) Wai 1593 (Te Whakataute Interests claim):	30
(57) Wai 1595 (Ngati Te Kanawa and Ngati Te Peehi (Green) claim):	
(58) Wai 1597 (Hurakia A1 Owners claim):	
(59) Wai 1598 (Ngati Urunomia Ki Hauauru claim):	
(60) Wai 1606 (Te Korapatu Marae claim):	
(61) Wai 1608 (Taumatotara Blocks claim):	35

(62) Wai 1612 (Pohatui Marae Trust claim):	
(63) Wai 1759 (Ngati Kaputuhi claim):	
(64) Wai 1760 (Oneroa Whanau claim):	
(65) Wai 1761 (Solomon Opataia Tane Whanau and Ngati Uekaha claim):	
(66) Wai 1762 (Ngati Huiao (Tapara) claim):	5
(67) Wai 1768 (Descendants of Ngati Rora and Ngati Hia (Ormsby and Hetet) claim):	
(68) Wai 1770 (King Country Health Issues (Paki) claim):	
(69) Wai 1771 (Ngati Te Rahurahu and Ngati Paretekawa (Patea) claim):	
(70) Wai 1798 (Descendants of Rewi Manga Maniapoto claim):	10
(71) Wai 1805 (Ruapuha Uekaha Hapu Trust claim):	
(72) Wai 1806 (Ngati Maniapoto (Ingle) claim):	
(73) Wai 1818 (Ngati Paretekawa Health Issues claim):	
(74) Wai 1820 (Descendants of Wharona Paterangi and Rama Rihi claim):	
(75) Wai 1823 (Ngati Urunumia and Ngati Ngutu (Rangitaawa-Schofield) claim):	15
(76) Wai 1824 (Rawiri Wanau claim):	
(77) Wai 1834 (Te Aka-i-Mapuhia Maori Incorporation claim):	
(78) Wai 1965 (Waitomo Lands (Tauariki) claim):	
(79) Wai 1966 (Descendants of Riria Te Wehenga claim):	
(80) Wai 1976 (Marokopa, Mangamahoe and Hauturu West (King) Blocks claim):	20
(81) Wai 1977 (Ngati Maniapoto Natural Resources (Davis) claim):	
(82) Wai 1994 (Te Uranga B2 Incorporation Land claim):	
(83) Wai 2014 (Ngati Paretekawa Non-Raupatu claim):	
(84) Wai 2016 (Raukura Whanau Trust Lands claim):	
(85) Wai 2017 (Aranui Cave (Thompson) claim):	25
(86) Wai 2020 (Descendants of Parehuroro Hopeha Land claim):	
(87) Wai 2068 (Ngati Paretekawa (Maniapoto and Others) Raupatu claim):	
(88) Wai 2074 (Kete and Others Lands claim):	
(89) Wai 2084 (Ngati Tamainu and Ngati Kiriwai Lands (Pu) claim):	
(90) Wai 2085 (Ngati Maniapoto Lands (Green) claim):	30
(91) Wai 2088 (Kinohaku East 4B1 Block (Wana) claim):	
(92) Wai 2101 (Maori Affairs Amendment Act 1967 (Eketone) claim):	
(93) Wai 2120 (Descendants of Uekaha Lands (Aranui) claim):	
(94) Wai 2127 (Ngati Maniapoto Lands and Other Issues (Wirepa) claim):	

- | | |
|---|----|
| (95) Wai 2128 (Ngati Maniapoto and Ngati Uekaha Lands and Other Issues (Tane claim): | |
| (96) Wai 2129 (Waitomo and Other Lands (Tapara) claim): | |
| (97) Wai 2130 (Ngati Maniapoto Lands and Other Issues (Reid) claim): | |
| (98) Wai 2132 (Ngati Maniapoto and Others Lands (Tohengaroa) claim): | 5 |
| (99) Wai 2133 (Descendants of Pohe Paki Titi (Paki) Lands claim): | |
| (100) Wai 2168 (Descendants of Charles Hone Takerei Campbell Lands (Campbell claim): | |
| (101) Wai 2238 (Alienation and Confiscation (Campbell) claim): | |
| (102) Wai 2271 (Ngati Urunumia and Ngati Hari (Herbert) claim): | 10 |
| (103) Wai 2274 (Descendants of Mere Penetita claim): | |
| (104) Wai 2312 (Nga Uri o Ropata (Maniapoto) claim): | |
| (105) Wai 2313 (Te Pae Tapu o Paretekawa and Nga Uri o Te Whiwhi Mokau (Maniapoto) claim): | |
| (106) Wai 2314 (Te Pae Tapu o Paretekawa and Nga Whakatupu o Peehi Tukorehu (Maniapoto) claim): | 15 |
| (107) Wai 2335 (Ngāti Uekaha Taonga and Land (Weno Iti) claim): | |
| (108) Wai 2349 (Ngāti Maniapoto (Stockman) claim). | |

Part 2

Other claims relating to Maniapoto 20

The following Treaty of Waitangi claims are historical claims, to the extent that **section 14(2)** applies to them:

- | | |
|---|----|
| (1) Wai 48 (Whanganui Ki Maniapoto claim): | |
| (2) Wai 50 (Rangitoto Tuhua 55A Block claim): | |
| (3) Wai 146 (King Country Lands claim): | 25 |
| (4) Wai 329 (Rohe Potae Lands claim): | |
| (5) Wai 340 (Newmarket Land claim): | |
| (6) Wai 366 (Hutt Valley Lands claim): | |
| (7) Wai 440 (Tokanui Land claim): | |
| (8) Wai 529 (Mokau Mohakatino Block claim): | 30 |
| (9) Wai 577 (Poutama Land Blocks claim): | |
| (10) Wai 630 (Ngati Rereahu Rohe claim): | |
| (11) Wai 656 (Whanganui Rangitikei Block claim): | |
| (12) Wai 729 (Rangitoto Tuhua Rohe claim): | |
| (13) Wai 845 (Ohura, Niho Niho, Tuhua and Otangiwai claim): | 35 |

(14) Wai 868 (Awakino and Other Lands claim):	
(15) Wai 987 (Rangitoto-Tuhua Land Block claim):	
(16) Wai 1004 (Hauturu West Block claim):	
(17) Wai 1059 (Toi Tu Ki Te Rangi Incorporated Society Te Rohe Potae claim):	
(18) Wai 1064 (Ngati Rangatahi Public Works claim):	5
(19) Wai 1094 (Kahuwera Mountain claim):	
(20) Wai 1097 (Ohura South A (Taringamotu) Survey Block Alienation claim):	
(21) Wai 1098 (Waikeria Regional Prison claim):	
(22) Wai 1115 (Kaipiha Block Alienation claim):	
(23) Wai 1137 (Aotea Land Block claim):	10
(24) Wai 1138 (Waipa River claim):	
(25) Wai 1147 (Te Uhi Ohura South claim):	
(26) Wai 1203 (Ohura South B and associated Land Blocks claim):	
(27) Wai 1230 (Ngati Huru claim):	
(28) Wai 1299 (Ngāti Hekeāwai Land Block claim):	15
(29) Wai 1309 (Ngati Te Ihingarangi claim):	
(30) Wai 1389 (Te Akaiimapuhia Maori Incorporation claim):	
(31) Wai 1409 (Ngati Ngutu/Ngati Hua claim):	
(32) Wai 1437 (Parish of Pirongia Lot 359 claim):	
(33) Wai 1439 (Oparau Station Trust claim):	20
(34) Wai 1450 (Hauturu West and Other Land Blocks claim):	
(35) Wai 1469 (The Ngāti Apakura ki Kahotea Lands claim):	
(36) Wai 1480 (Te Karu o Te Ngira claim):	
(37) Wai 1496 (Matiu Payne and Descendants of Te Herepouname Alias Koteriki claim):	25
(38) Wai 1497 (Ngati Ngutu Hapu claim):	
(39) Wai 1498 (Floyd Kerapa Ngati Ngutu Hapu claim):	
(40) Wai 1499 (Vernon Houppapa Ngati Ngutu Hapu claim):	
(41) Wai 1500 (Taharoa C Inc Land Block claim):	
(42) Wai 1504 (Effects of Crown Government (Searancke and Others) claim):	30
(43) Wai 1523 (Ngati Ingoa (McDonald) claim):	
(44) Wai 1599 (Ngati Rereahu (Chamberlin) claim):	
(45) Wai 1704 (Ngati Rereahu (Emery) claim):	
(46) Wai 1747 (Nga Hapu o Poutama (White and Gibbs) claim):	
(47) Wai 1765 (Te Haate Whanau claim):	35

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- (48) Wai 1803 (Ngati Hari (Turu and Canterbury) claim):
- (49) Wai 1812 (Ongarue, Ohura and Otunui River Areas claim):
- (50) Wai 1819 (King Country Maori Contemporary Health Issues (Paki) claim):
- (51) Wai 1826 (Tekikiri Meroiti Haungurunguru Toangina Toto Whanau Trust claim): 5
- (52) Wai 1894 (Ngati Rereahu (Dyall) claim):
- (53) Wai 1898 (Ngati Ngutu Hapu (Helen Green) claim):
- (54) Wai 1926 (Nga Tupuna Awa (Maniapoto) claim):
- (55) Wai 1962 (Te Kaha Hapu (Thompson and Wi Repa) claim):
- (56) Wai 1974 (Mokoroa, Waipuna and Awaroa Blocks (Hepi) claim): 10
- (57) Wai 1975 (Awaroa and Mokoroa Blocks (Clark) claim):
- (58) Wai 1978 (Hauturu Waipuna C Block (Herbert) claim):
- (59) Wai 1992 (Ngati Mahanga, Ngati Tamaoho and Ngati Apakura (Tahapeehi) Lands claim):
- (60) Wai 1993 (Ngati Ngutu, Ngati Te Kanawa and Ngati Urunumia (Hepi) Lands claim): 15
- (61) Wai 1995 (Ngati Hikairo, Ngati Tamainu, Ngati Taiharuru and Ngati Kiriwai (Jerry) Lands claim):
- (62) Wai 1996 (Ngati Ngutu and Ngati Hua (Toia) Lands claim):
- (63) Wai 2015 (Ngati Paretেকawa Lands (Parangi) claim): 20
- (64) Wai 2018 (Wipaea Manu Trust-Ngati Paia Lands (Farrar) claim):
- (65) Wai 2070 (Te Kanawa, Ngati Kinohaku and Ngati Raukawa (Reihana-Hikuroa) Lands claim):
- (66) Wai 2075 (Railway Lines and Assets (Whanga) claim):
- (67) Wai 2086 (Ngati Hua and Ngati Mahuta Lands (Houpapa) claim): 25
- (68) Wai 2087 (Ngati Kiriwai and Ngati Mahuta Lands (Uerata) claim):
- (69) Wai 2090 (Haputanga and Nga Tatai Tuhononga i a ia Lands (Jensen) claim):
- (70) Wai 2102 (Descendants of Manganui Ngaamo Lands claim):
- (71) Wai 2103 (Descendants of Hiakai Uerata and Others Lands claims):
- (72) Wai 2117 (Ngati Tahinga, Ngati Tanetinorau, Ngati Te Whatu and Others Lands and Resources (Walsh) claim): 30
- (73) Wai 2118 (Descendants of Io Matua Kore (McQueen) claim):
- (74) Wai 2121 (Ngati Tahinga, Ngati Maniapoto and Others Health Issues (McKinnon) claim):
- (75) Wai 2125 (Mana Wahine (Nelson) claim): 35
- (76) Wai 2131 (Ngati Kinohaku and Others Lands (Nerai-Tuaupiki) claim):

- (77) Wai 2136 (Ngati Ngutu and Ngati Kiriwai Lands (Jenkins) claim):
- (78) Wai 2137 (Hapu Rangātiratanga (Brennan) claim):
- (79) Wai 2291 (Mangaroa 2 Lands Alienation (Fenton) claim):
- (80) Wai 2498 (Rangitoto Tuhua 67B 4C1B (Mato) claim).

Schedule 3 Statutory areas

ss 31, 41(2)

Part 1

Areas subject only to statutory acknowledgement

5

Statutory area	Location
Coastal statutory acknowledgement area	As shown on OMCR-049-04
Huioteko Scenic Reserve	As shown on OMCR-049-05
Hutiwai Conservation Area	As shown on OMCR-049-06
Kahuwera Scenic Reserve	As shown on OMCR-049-07
Kawhia Harbour (Rakaunui) Scenic Reserve	As shown on OMCR-049-09
Kawhia Harbour (Waiharakeke) Scenic Reserve	As shown on OMCR-049-10
Mahoenui Conservation Area	As shown on OMCR-049-11
Marokopa Falls Scenic Reserve	As shown on OMCR-049-13
Part Matakana Conservation Area (area linked to Te Puta Spring)	As shown on OMCR-049-14
Moeatoa Scenic Reserve	As shown on OMCR-049-15
Mohakatino Conservation Area	As shown on OMCR-049-16
Mokau River Scenic Reserve	As shown on OMCR-049-17
Ngā Wai o Maniapoto	As shown on OMCR-049-18
Ngatamahine Scenic Reserve	As shown on OMCR-049-19
Ngutunui Stream Scenic Reserve	As shown on OMCR-049-20
Okahukura Scenic Reserve	As shown on OMCR-049-21
Puketapu Historic Reserve	As shown on OMCR-049-23
Rukuhia Domain Recreation Reserve	As shown on OMCR-049-24
Tapuae Scenic Reserve	As shown on OMCR-049-25
Taumatini Scenic Reserve	As shown on OMCR-049-26
Te Kauri Park Scenic Reserve	As shown on OMCR-049-27
Te Kuiti Aerodrome	As shown on OMCR-049-28
Te Nau Nau property	As shown on OMCR-049-29
Totoro Scenic Reserve	As shown on OMCR-049-30
Turaerae Scenic Reserve	As shown on OMCR-049-31
Waitewhena Conservation Area	As shown on OMCR-049-32

Part 2

Areas subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
Kakepuku Mountain Historic Reserve	As shown on OMCR-049-08
Mangapohue Natural Bridge Scenic Reserve	As shown on OMCR-049-12
Part Pirongia Forest Park	As shown on OMCR-049-22

Schedule 4
Overlay areas

s 46

Overlay area

Part of Pureora Forest Park that falls within the area of interest,
including Pureora Peak

Whareorino Conservation Area

Location

As shown on OMCR-049-02

As shown on OMCR-049-03

Schedule 5

Cultural redress properties

ss 64, 101, 102(3), 103(1)

Properties vested in fee simple

Name of property	Description	Interests
Mangapehi Railway Station property	<i>Taranaki Land District— Waitomo District</i> 2.8500 hectares, more or less, being Lot 1 DP 19250. All record of title TNK3/359 for the fee simple estate.	
Te Kūiti Pā Railway Yard carpark	<i>South Auckland Land District— Waitomo District</i> 0.0996 hectares, more or less, being Lot 1 DPS 87195. All record of title SA69B/12 for the fee simple estate. 0.9335 hectares, more or less, being Lot 2 DPS 88766. All record of title SA70A/902 for the fee simple estate.	Subject to a right of way easement in gross created by transfer B628760.1. Subject to a right of way easement in gross created by transfer B628760.2.
Te Puna o Te Roimata	<i>South Auckland Land District— Waitomo District</i> 7.9693 hectares, more or less, being Lots 1, 2, and 3 DP 378307. All Transfer 8173848.2.	Subject to a right of way easement and an electricity, communications easement created by easement instrument 8031662.2.

Properties vested in fee simple to be administered as reserves

5

Name of property	Description	Interests
Aratoro property	<i>Taranaki Land District— Waitomo District</i> 3.0841 hectares, more or less, being Section 1 SO 564373. Part <i>Gazette</i> notice 255618.	Subject to being a scenic reserve, as referred to in section 68(3) .
Arorangi property	<i>South Auckland Land District— Waitomo District</i> 187.3695 hectares, more or less, being Section 1 Block X Awakino North Survey District. All <i>Gazette</i> 1912, p 1389.	Subject to being a scenic reserve, as referred to in section 69(3) .
Awaroa property	<i>South Auckland Land District— Otorohanga District</i> 30.9735 hectares, more or less, being Sections 1, 2, 3, and 4 SO 562226. All Proclamation 4742.	Subject to being a scenic reserve, as referred to in section 70(3) . Subject to an unregistered research and collection permit with the authorisation numbers 56583-RES and 56503-DOA to Waikato Raupatu River Trust.

Name of property	Description	Interests
Hangatiki property	<p><i>South Auckland Land District— Waitomo District</i></p> <p>123.7283 hectares, more or less, being Section 1 SO 561766. Balance transfer B119511.3, balance transfer B119511.7, balance <i>Gazette</i> notice H083781, all <i>Gazette</i> 1910, p 1621 and balance <i>Gazette</i> 1911, p 2308.</p>	Subject to being a scenic reserve, as referred to in section 71(3) .
Hauturu West property	<p><i>South Auckland Land District— Otorohanga District</i></p> <p>398.0520 hectares, more or less, being Sections 1, 2 and 4 SO 561278.</p>	<p>Subject to being a scenic reserve, as referred to in section 72(3).</p> <p>Subject to an unregistered fencing agreement with concession number 3185501.</p>
Herekawe property	<p><i>Taranaki Land District— Waitomo District</i></p> <p>20.0000 hectares, more or less, being Section 1 SO 561860. Part <i>Gazette</i> 1978, p 728.</p>	Subject to being a scenic reserve, as referred to in section 73(3) .
Kahuwera property	<p><i>Taranaki Land District— Waitomo District</i></p> <p>71.5281 hectares, more or less, being Section 41 Block IV Totoro Survey District. All <i>Gazette</i> notice 209602.</p>	<p>Subject to being a scenic reserve, as referred to in section 74(3).</p> <p>Subject to the easement for a right to convey water referred to in section 74(5).</p> <p>Subject to an unregistered grazing licence with the concession number WK-32859-GRA to G Speedy & J Gallagher Family Trust.</p> <p>Together with a right of way easement created by transfer 211019.</p>
Kurukuru property	<p><i>Taranaki Land District— Waitomo District</i></p> <p>56.8020 hectares, more or less, being Section 33 Block VII Mapara Survey District. Part <i>Gazette</i> notice 259542.3.</p>	<p>Subject to being a scenic reserve, as referred to in section 75(3).</p> <p>Subject to an unregistered right of way easement with concession number WK-17376-OTH (and deed of assignment with document number DOCDM-1192868).</p> <p>Together with an unregistered right of way easement with document number DOCDM-1192869 (and deed of assignment with document number DOCDM-1192870).</p>
Mangakahu property	<p><i>South Auckland Land District— Ruapehu District</i></p> <p><u>2.0000 hectares, more or less, being Section 1 SO 562338. Part qualified record of title SAPR116/14 and part <i>Gazette</i> 1935, p 581.</u></p>	<p>Subject to being a scenic reserve, as referred to in section 76(3).</p> <p>Subject to an unregistered Wildlife Act Authority permit with the authorisation number 54271-FAU to East Taranaki Environment Trust.</p>

Name of property	Description	Interests
Mangaokewa property	<p>2.0 hectares, approximately, being Part Waihaha 1 and Part Rangitoto Tuhua 21A. Part <i>Gazette</i> 1935, p 581. Subject to survey.</p> <p>As shown on OMCR-049-42.</p> <p><i>South Auckland Land District—Waitomo District</i></p> <p><u>189.6927 hectares, more or less, being Sections 1 and 2 SO 562942. All <i>Gazette</i> notice H801098, all transfer S562957, balance <i>Gazette</i> notice S593749 and part Proclamation 2980.</u></p> <p>3.2960 hectares, more or less, being Section 1 SO 56158. All <i>Gazette</i> notice H801098.</p> <p>14.9733 hectares, more or less, being Section 6 Block IV Otanake Survey District. All Transfer S562957.</p> <p>171.87 hectares, approximately, being Parts Pukenui 2U1, Part Pukenui 2U2 and 2U3, Rangitoto Tuhua 64I, and Part Rangitoto Tuhua 64J, Balance <i>Gazette</i> 1912, p 1394. Subject to survey.</p> <p>As shown on OMCR-049-43.</p>	<p>Subject to being a scenic reserve, as referred to in section 77(4).</p> <p>Together with the easement for a right of way and a right to place bridge structures referred to in section 77(6)(a).</p> <p>Together with the easement for a right to convey water referred to in section 77(6)(b).</p>
Mapara property	<p><i>Taranaki Land District—Waitomo District</i></p> <p>20.0000 hectares, more or less, being Section 1 SO 562132. Part transfer 339165.4.</p>	<p>Subject to being a scenic reserve, as referred to in section 78(3).</p> <p>Subject to an unregistered Wildlife Act Authority permit with authorisation number 45499-FAU to Auckland Council.</p> <p>Subject to an unregistered Wildlife Act Authority permit with the authorisation number 54210-FAU to Te Aoro o Kahu Restoration Society.</p> <p>Subject to an unregistered Wildlife Authority permit with the authorisation number 56458-FAU to Tiaki te Mauri o Parininihi Trust.</p>
Mokau Estuary property	<p><i>South Auckland Land District—Waitomo District</i></p> <p>9.8515 hectares, more or less, being Sections 1, 2, 3, 4 and 5 SO 563041.</p>	<p>Subject to being a recreation reserve, as referred to in section 79(3).</p> <p>Subject to the easement in gross for a right to convey gas referred to in section 79(5).</p>
Mokau property	<p><i>South Auckland Land District—Waitomo District</i></p>	<p>Subject to being a scenic reserve, as referred to in section 80(3).</p>

Name of property	Description	Interests
Ngaherenga property	346.4312 hectares, more or less, being Section 1 SO 16817/1, Sections 1, 2, 3, and 4 SO 16817/2, and Sections 1 and 2 SO 16871/1. Part Proclamation 4824.	Subject to the right of way easement referred to in section 80(5) .
Omaru Falls property	<i>South Auckland Land District— Waitomo District</i> 13.0190 hectares, more or less, being Section 1 SO 563632. Part record of title 606059 for the fee simple estate. <i>Taranaki Land District— Waitomo District</i> 4.0469 hectares, more or less, being Section 2 Blk VIII Totoro Survey District. All <i>Gazette</i> notice 156195.	Subject to being a scenic reserve, as referred to in section 81(3) . Subject to an unregistered Wildlife Act Authority permit with the authorisation number 54271-FAU to East Taranaki Environment Trust. Subject to being a scenic reserve, as referred to in section 82(3) .
Piropiro Ketemaringi site A	<i>South Auckland Land District— Ruapehu District</i> <u>14.0000 hectares, more or less, being Section 1 SO 561911. Part record of title SA128/79 for the fee simple estate and part <i>Gazette</i> 1935, p 581.</u> 14.0 hectares, approximately, being Part Section 17 Block IX Hurakia Survey District. Part record of title SA128/79 for the fee simple estate and Part <i>Gazette</i> 1935, p 581. Subject to survey. As shown on OMCR-049-50.	Subject to being a scenic reserve, as referred to in section 83(3) . Subject to an unregistered Wildlife Act Authority permit with the authorisation number 54271-FAU to East Taranaki Environment Trust. Subject to an unregistered guiding permit with the concession number 52424-GUI to Real Mountain Biking Adventures NZ Limited.
Piropiro Ketemaringi site B	<i>South Auckland Land District— Ruapehu District</i> <u>6.0000 hectares, more or less, being Section 2 SO 561911. Part record of title SA128/79 for the fee simple estate, part <i>Gazette</i> 1935, p 581 and part <i>Gazette</i> 1960, p 247.</u> 6.0 hectares, approximately, being Part Sections 17 and 26 Block IX and Part Section 2 Block XIII Hurakia Survey District. Part record of title SA128/79 for the fee simple estate, Part <i>Gazette</i> 1935, p 581 and Part <i>Gazette</i> 1960, p 247. Subject to survey. As shown on OMCR-049-51.	Subject to being a scenic reserve, as referred to in section 84(3) . Subject to an unregistered Wildlife Act Authority permit with the authorisation number 54271-FAU to East Taranaki Environment Trust. Subject to an unregistered guiding permit with the concession number 52424-GUI to Real Mountain Biking Adventures NZ Limited.

Name of property	Description	Interests
Rākaunui property	<p><i>South Auckland Land District— Otorohanga District</i></p> <p>14.9900 hectares, more or less, being Section 1 SO 561747. All <i>Gazette</i> 1921, p 2479.</p>	<p>Subject to being a scenic reserve, as referred to in section 85(3).</p> <p>Subject to an unregistered research and collection permit with the authorisation numbers 56583-RES and 56503-DOA to Waikato Raupatu River Trust.</p>
Ranginui property	<p><i>South Auckland Land District— Otorohanga District</i></p> <p>45.0973 hectares, more or less, being Section 1 SO 563658. Part <i>Gazette</i> 1979, p 2096.</p>	<p>Subject to being a scenic reserve, as referred to in section 86(3).</p> <p>Subject to an unregistered Wildlife Act Authority permit with the authorisation number 54271-FAU to East Taranaki Environment Trust.</p> <p>Subject to an unregistered Wildlife Act Authority permit with the authorisation number 64337-FAU to Ian Flux.</p>
Tainui property	<p><i>South Auckland Land District— Waitomo District</i></p> <p>6.7177 hectares, more or less, being Purapura 1C2A. All <i>Gazette</i> notice H330697.</p>	<p>Subject to being a scenic reserve, as referred to in section 87(3).</p>
Tapuae property	<p><i>Taranaki Land District— Waitomo District</i></p> <p>22.9251 hectares, more or less, being Section 1 SO 564040. Balance <i>Gazette</i> 1953, p 1752.</p>	<p>Subject to being a scenic reserve, as referred to in section 88(3).</p> <p>Subject to the right of way easement in gross referred to in section 88(5).</p>
Te Arero property	<p><i>South Auckland Land District— Waitomo District</i></p> <p><u>30.4846 hectares, more or less, being Sections 1, 2 and 3 SO 561887. Part <i>Gazette</i> 1924, p 902.</u></p> <p>30.0 hectares, approximately, being Part Kinohaku West 11D3A, 11D3B2 and 12B2B and Parts Hauturu West 2B4C. Part <i>Gazette</i> 1924, p 902. Subject to survey.</p> <p>As shown on OMCR-049-57.</p>	<p>Subject to being a scenic reserve, as referred to in section 89(3).</p> <p>Subject to an unregistered research and collection permit with the authorisation numbers 56583-RES and 56503-DOA to Waikato Raupatu River Trust.</p>
Te Raumauku Caves property	<p><i>South Auckland Land District— Otorohanga District</i></p> <p>9.0650 hectares, more or less, being Section 1 SO 561170. Part <i>Gazette</i> 1935, p 1021.</p>	<p>Subject to being a scenic reserve, as referred to in section 90(3).</p> <p>Subject to an unregistered research and collection permit with the authorisation numbers 56583-RES and 56503-DOA to the Waikato Raupatu River Trust.</p>
Te Umuroa property	<p><i>South Auckland Land District— Otorohanga District</i></p>	<p>Subject to being a scenic reserve, as referred to in section 91(3).</p> <p>Subject to an unregistered research and collection permit with the</p>

Name of property	Description	Interests
Waiharakeke property	<p>60.6780 hectares, more or less, being Sections 1 and 2 SO 563333. Balance <i>Gazette</i> 1924, p 485 and part <i>Gazette</i> 1924, p 902.</p> <p><i>South Auckland Land District—Otorohanga and Waitomo Districts</i></p> <p>5.5416 hectares, more or less, being Section 20 Block XIV Kawhia North Survey District. All <i>Gazette</i> 1932, p 1325.</p> <p>2.1853 hectares, more or less, being Section 13 Block XIV Kawhia North Survey District. Part <i>Gazette</i> 1914, p 3117.</p> <p>12.6700 hectares, more or less, being Section 1 SO 562766. Part <i>Gazette</i> 1914, p 3117 and all <i>Gazette</i> notice H077478.</p>	<p>authorisation numbers 56583-RES and 56503-DOA to Waikato Raupatu River Trust.</p> <p>Subject to being a scenic reserve, as referred to in section 92(3).</p> <p>Subject to an unregistered research and collection permit with the authorisation numbers 56583-RES and 56503-DOA to Waikato Raupatu River Trust.</p>
Whareorino site A	<p><i>South Auckland Land District—Waitomo District</i></p> <p>15.0000 hectares, more or less, being Section 1 SO 562598. Part <i>Gazette</i> 1973, p 2055.</p>	<p>Subject to being a scenic reserve, as referred to in section 93(3).</p> <p>Subject to an unregistered Wildlife Act Authority permit with the authorisation number 73998-FAU to University of Otago.</p>
Whareorino site B	<p><i>South Auckland Land District—Waitomo District</i></p> <p><u>20.0000 hectares, more or less, being Section 1 SO 562339. Part <i>Gazette</i> 1973, p 2055.</u></p> <p>20.0 hectares, approximately, being Section 6 and Part Section 7 Block VIII Whareorino Survey District. Part <i>Gazette</i> 1973, p 2055. Subject to survey.</p> <p>As shown on OMCR 049-65.</p>	<p>Subject to being a scenic reserve, as referred to in section 94(3).</p> <p>Subject to an unregistered guiding permit with the concession number 38738-GUI to Sidetracks Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with the authorisation number 73998-FAU to University of Otago.</p>
Whareorino site C	<p><i>South Auckland Land District—Waitomo District</i></p> <p>6.0230 hectares, more or less, being Section 1 SO 563923. Part <i>Gazette</i> 1985, p 139.</p>	<p>Subject to being a scenic reserve, as referred to in section 95(3).</p> <p>Subject to an unregistered Wildlife Act Authority permit with the authorisation number 73998-FAU to University of Otago.</p>
Whareorino site D	<p><i>South Auckland Land District—Waitomo District</i></p> <p>19.2740 hectares, more or less, being Section 2 SO 563923. Part <i>Gazette</i> 1985, p 2989.</p>	<p>Subject to being a scenic reserve, as referred to in section 96(3).</p> <p>Subject to an unregistered Wildlife Act Authority permit with the authorisation number 73998-FAU to University of Otago.</p>
Whareroa property	<p><i>Taranaki Land District—Waitomo District</i></p>	<p>Subject to being a scenic reserve, as referred to in section 97(3).</p>

Name of property	Description	Interests
	94.0403 hectares, more or less, being Section 1 SO 562395.	
<i>Properties jointly vested in fee simple to be administered as reserves</i>		
Name of property	Description	Interests
Hikurangi property	<i>South Auckland Land District— Ruapehu District</i> 112.1910 hectares, more or less, being Section 10 and Part Section 11 Block V Tuhua Survey District. Balance <i>Gazette</i> notice S175511.	Subject to being a scenic reserve, as referred to in section 98(4) .
Tangitu property	10.4700 hectares, more or less, being Lot 1 DPS 38085. All Transfer H716397.1. <i>Taranaki Land District— Ruapehu District</i> 40.0000 hectares, more or less, being Sections 1 and 2 SO 564045. Part <i>Gazette</i> 1939, p 311.	Subject to being a scenic reserve, as referred to in section 99(4) . Subject to an unregistered grazing licence with concession number 82522-GRA to M K Gemell Family Trust.
Waihuka property	<i>Taranaki Land District— Ruapehu District</i> 20.0003 hectares, more or less, being Section 1 SO 562858. Part <i>Gazette</i> notice 160471.	Subject to being a scenic reserve, as referred to in section 100(4) .

Schedule 6

Notices in relation to RFR land

ss 168, 191, 197(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under **subpart 4 of Part 4** 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; and
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,— 10
 - (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or 15
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 171**, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and 20
- (c) for a notice given under **section 188 or 190**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and
- (d) given by—
 - (i) delivering it by hand to the recipient's street address; or 25
 - (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

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 226(1)(a) and (b) of the Contract and Commercial Law Act 2017. 30

3 Time when notice received

- (1) A notice is to be treated as having been received— 35
 - (a) at the time of delivery, if delivered by hand; or
 - (b) on the sixth day after posting, if posted; or

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- (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.

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Legislative History

3 December 2021
14 December 2021

Introduction (Bill 104–1)
First reading and referral to Māori Affairs Committee