



# Ngati Ruanui Claims Settlement Act 2003

Public Act 2003 No 20  
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Commencement see section 2

## Contents

	Preamble		<i>Resumptive memorials no longer apply</i>
1	Title	17	Enactments relating to resumptive memorials on land subject to Ngati Ruanui historical claims do not apply
	<b>Part 1</b>		
	<b>Acknowledgements and apology by the Crown to Ngati Ruanui, and preliminary provisions</b>	18	Removal of resumptive memorials
2	Commencement		Subpart 2—Miscellaneous matters
3	Purpose		<i>Perpetuities</i>
4	Act to bind the Crown	19	Rule against perpetuities does not apply
5	Outline		<i>Date when actions or matters required under Act occur</i>
6	Acknowledgements and apology	20	Timing of actions or matters
7	Acknowledgements by the Crown		<i>Vesting of properties</i>
8	Text of acknowledgements in Maori He Whakaactanga na te Karauna	21	Action by Registrar-General
9	Apology by the Crown		<i>Consent for rights of way, etc, not required</i>
10	Text of apology in Maori Ko Te Whakapaha a te Karauna	22	Private roads, private ways, and rights of way
	<b>Part 2</b>		<b>Part 4</b>
	<b>Interpretation</b>		<b>Commercial redress properties</b>
11	Interpretation of Act generally	23	Transfer of commercial redress properties
12	Interpretation	24	Creation of computer register
13	Meaning of Ngati Ruanui	25	Application of other enactments
14	Meaning of Ngati Ruanui historical claims		<b>Part 5</b>
	<b>Part 3</b>		<b>Cultural redress</b>
	<b>Settlement of historical claims and miscellaneous matters</b>		Subpart 1—Protocols
	Subpart 1—Settlement of historical claims		<i>General provisions</i>
	<i>Jurisdiction of courts, etc, removed</i>	26	Authority to issue, amend, or cancel protocols
15	Settlement of Ngati Ruanui historical claims final	27	Protocols subject to the Crown's obligations
	<i>Treaty of Waitangi Act 1975 amended</i>		
16	Jurisdiction of Tribunal to consider claims		

28	Enforceability of protocols	60	Compliance with laws, bylaws, and land and water management practices
29	Limitation of rights	61	Rights of governance entity under Ukaipo entitlement not assignable
	<i>Noting of certain protocols</i>		<i>Suspension and termination of Ukaipo entitlement</i>
30	Noting of DOC protocol	62	Suspension of Ukaipo entitlement
31	Noting of fisheries protocol	63	Termination of Ukaipo entitlement
32	Noting of MED protocol	64	Termination of Ukaipo entitlement for breach of obligations
	Subpart 2—Cultural redress properties	65	Notification of termination of Ukaipo entitlement
	<i>Vesting of cultural redress properties</i>		<i>Rights not affected or created</i>
33	Interpretation	66	Rights of other parties not affected
34	Turuturu Mokaï site	67	No creation of rights in entitlement land
35	Pukemoko Pa site		<i>Application of other enactments</i>
36	Whakaahurangi Marae site	68	Part IIIB of Conservation Act 1987 not to apply
37	Kaikura site	69	Local Government (Rating) Act 2002
38	Maben site	70	Section 44 of Reserves Act 1977 not to apply
39	Tarere site	71	Section 11 and Part X of Resource Management Act 1991 do not apply
	<i>Vesting of scenic reserve</i>		Subpart 4—Taki Poipoia o Ngati Ruanui
40	Makino scenic reserve	72	Declaration of Taki Poipoia o Ngati Ruanui
41	Vesting subject to encumbrances	73	Crown's acknowledgement of Ngati Ruanui values
42	Intermediate vesting of certain land in the Crown	74	Purposes of Taki Poipoia o Ngati Ruanui
43	Registration of ownership	75	Agreement on protection principles
44	Application of other enactments	76	Duty of New Zealand Conservation Authority and conservation boards in relation to Taki Poipoia o Ngati Ruanui
45	Successors bound	77	Notification of Taki Poipoia o Ngati Ruanui
	Subpart 3—Ukaipo entitlements	78	Actions by Director-General
	<i>Grant of Ukaipo entitlement</i>	79	Amendment of conservation documents
46	Grant and renewal of Ukaipo entitlements	80	Regulations
47	Notification of Ukaipo entitlement	81	Bylaws
48	Terms and conditions of Ukaipo entitlement may be varied	82	Notification of actions in <i>Gazette</i>
	<i>Purpose of Ukaipo entitlements</i>	83	Existing classification of Taki Poipoia o Ngati Ruanui
49	Purpose of Ukaipo entitlements	84	Termination of Taki Poipoia o Ngati Ruanui status
	<i>Rights under Ukaipo entitlements</i>	85	Exercise of powers, functions, and duties
50	Occupation of Ukaipo sites by members of Ngati Ruanui	86	Rights not affected
51	Period of occupation of Ukaipo sites		
52	Right to erect temporary dwellings		
53	Condition of land when occupation ceases		
54	Activities on Ukaipo sites		
	<i>Obligations relating to Ukaipo entitlements</i>		
55	Ukaipo entitlements must not impede public access		
56	Crown functions to continue		
57	Ukaipo entitlement does not restrict the Crown's right to alienate land		
58	Governance entity may enforce rights against other persons		
59	Crown's obligation to provide lawful access		

87	Limitation of rights		
	Subpart 5—Statutory acknowledgements and deeds of recognition		Subpart 7—Acknowledgement of special association
	<i>Statutory acknowledgements</i>		<i>Nga Taonga a Tane raua ko Tangaroa</i>
88	Statutory acknowledgements by the Crown	109	Special association with Nga Taonga a Tane raua ko Tangaroa
89	Purposes of statutory acknowledgements	110	Purpose of acknowledgement
90	Consent authorities to have regard to statutory acknowledgements		<i>Purangi</i>
91	Environment Court must have regard to statutory acknowledgements	111	Special association with purangi acknowledged
92	New Zealand Historic Places Trust and Environment Court must have regard to statutory acknowledgements		<i>Paua fishery</i>
93	Recording of statutory acknowledgements on statutory plans	112	Customary non-commercial interest acknowledged
94	Distribution of resource consent applications to governance entity		<i>General provisions</i>
95	Use of statutory acknowledgement	113	Exercise of powers, functions, and duties
	<i>Deeds of recognition</i>	114	Rights not affected
96	Authorisation to enter into and amend deeds of recognition	115	Limitation of rights
97	Purpose of deed of recognition		Subpart 8—Shellfish quota
98	Form and terms of deeds of recognition	116	Interpretation
99	Termination of deeds of recognition	117	Consent to holding excess quota
100	Crown management		Subpart 9—Coastal tendering
	<i>Application of statutory acknowledgements and deeds of recognition to rivers</i>	118	Interpretation
101	Statutory acknowledgements in relation to rivers	119	Preferential right to purchase authorisations
102	Deeds of recognition in relation to rivers	120	Limit on proportion of authorisations able to be purchased
	<i>General provisions</i>	121	Governance entity treated as having made tender
103	No limitation on other statutory acknowledgements or deeds of recognition	122	Exercise of powers, functions, and duties
104	Exercise of powers, functions, and duties not affected	123	Rights not affected
105	Rights not affected	124	Limitation of rights
106	Limitation of rights		
	<i>Amendment to Resource Management Act 1991</i>		<b>Schedule 1</b>
107	Amendment to Resource Management Act 1991		<b>Cultural redress properties</b>
	Subpart 6—Place names		<b>Schedule 2</b>
108	Change of place names		<b>Ukaipo sites</b>
			<b>Schedule 3</b>
			<b>Taki Poipoia o Ngati Ruanui</b>
			<b>Schedule 4</b>
			<b>Statutory acknowledgements and deeds of recognition</b>
			<b>Schedule 5</b>
			<b>Statutory acknowledgement for Otoki Gorge Scenic Reserve</b>
			<b>Schedule 6</b>
			<b>Statutory acknowledgement for Te Moananui A Kupe O Ngati Ruanui</b>

**Schedule 7**  
Statutory acknowledgement for  
Tangahoe River

**Schedule 8**  
Statutory acknowledgement for  
Whenuakura River

**Schedule 9**  
Statutory acknowledgement for  
Patea River

**Schedule 10**  
Place names

**Schedule 11**  
Statements of association of Ngati Ruanui

## Preamble

- (1) The Treaty of Waitangi, as set out in English and in Maori in the First Schedule of the Treaty of Waitangi Act 1975, was signed in 1840:
- (2) Recitals (3) to (15) of this Preamble present, in summary form, the background to the Ngati Ruanui historical claims that is set out in Part 6 of the deed of settlement entered into by Ngati Ruanui and the Crown:

### *Pre-1860*

- (3) Ngati Ruanui were prosperous and economically successful in the 1840s and 1850s, and traded extensively with European settlements and overseas traders. Following the signing of the Treaty of Waitangi, Ngati Ruanui consistently opposed the sale of Maori land in Taranaki. By the mid-1860s, Ngati Ruanui and other iwi of Taranaki and elsewhere had entered into a compact to oppose further land sales. By 1860, no Ngati Ruanui land had been sold to the Crown:

### *Taranaki wars*

- (4) In 1860, Ngati Ruanui continued to support the people of Te Atiawa and Nga Rauru who opposed land sale, specifically with respect to the Pekapeka and Waitotara blocks. The Crown proclaimed martial law throughout Taranaki on 22 February 1860 in response to Maori opposition to the Crown's attempts to acquire the Pekapeka block at Waitara. The Taranaki wars of 1860–61 and 1863–69 followed. Ngati Ruanui suffered much loss of life and property during these wars:
- (5) At the end of the war in 1869, some 233 Pakakohi men, women, and children of Ngati Ruanui surrendered, following promises that they would not be killed. Many of these people were tried for treason, and 74 were subsequently sentenced to

death. These sentences were commuted to terms of imprisonment of 3 and 7 years. The prisoners were sent to South Island jails. At least 18 of the 74 imprisoned died before release. The remaining prisoners were released in 1872. Following their release, the Government would not permit them to return to their previous homes:

*Confiscation*

- (6) In 1863, the New Zealand Settlements Act 1863 was enacted. This Act was used to effect the confiscation of lands of Maori whom the Crown assessed to have been engaged in “rebellion” against the authority of the Queen. It was under this Act that, in 1865, the Governor of New Zealand confiscated much of the land of Ngati Ruanui. The confiscation proclamation of 2 September 1865 declared all of southern Taranaki an “eligible site”, liable to be used for the purposes of European settlement:

*Compensation Court*

- (7) A Compensation Court was set up under the New Zealand Settlements Act 1863 to compensate some of those whose land was confiscated by the Crown. Maori who, for the purposes of the New Zealand Settlements Act 1863, had been found to be in arms against the Crown since 1 January 1863, or to have supported those found to be in arms, could not receive compensation. Claimants had to establish both that they had an interest in the land and that they had been loyal to the Crown. Almost all of the resident claimants within the rohe of Ngati Ruanui were rejected for one reason or another. Only 40 people out of 997 were assessed to be resident loyalists and awarded a full share of the entitlement assessed by the Compensation Court for the middle section of the Ngati Ruanui Coast District. None of the awards was properly implemented and by 1880, when the West Coast Commission began its investigations, none of the people of Ngati Ruanui had received grants for the land:

*Late purchases*

- (8) In the period 1874–81, the Crown claimed to acquire Ngati Ruanui lands situated both outside and inside the confiscation area by means of purchase effected through deeds of cession. In purchasing this land, the Crown did not properly investigate the customary title. Purchases both inside and outside the

confiscation boundary were further flawed in that negotiations were not conducted openly, minimal consideration was paid, and very few reserves were promised. Of those reserves that were promised, none had been created by 1880, leaving Ngati Ruanui with very limited land for their support and maintenance:

*Parihaka*

- (9) Following the Taranaki wars, a number of Ngati Ruanui people joined the passive resistance settlement of Parihaka, which had been established before the Taranaki wars ended and, which was under the leadership of Tohu Kakahi and Te Whiti o Rongomai. This settlement was established on land in central Taranaki, the confiscation of which was widely perceived as having been abandoned. The passive resistance campaigns included the removal of survey pegs and fencing, and the ploughing of settler land throughout Taranaki, and led to more than 636 people from throughout Taranaki being arrested and imprisoned. Few of these people received a trial, and special legislation was passed to first defer the remainder of the trials and to then dispense with them altogether. Many prisoners, including people of Ngati Ruanui, were held in prisons in the South Island where conditions were harsh and included hard labour:
- (10) In 1881, more than 1 500 Crown troops invaded and occupied the settlement of Parihaka. Over the following days, some 1 600 men, women, and children, not originally from Parihaka, were forcibly expelled from the settlement. Houses and cultivations in the vicinity were systematically destroyed, and stock was driven away or killed. Maori of Taranaki report that women were raped and otherwise molested by their attackers:
- (11) The leaders of Parihaka, Tohu Kakahi and Te Whiti o Rongomai, were arrested, and special legislation provided for their imprisonment without trial:

*West Coast Commissions and the West Coast Settlement Reserves Act 1881*

- (12) Two West Coast Commissions were appointed in 1880. The first was established to inquire into the Compensation Court awards and specific promises made by the Crown to Maori in Taranaki concerning confiscated lands. The second was

established to implement the recommendations of the first. The North and South of Taranaki had already been substantially settled by European settlers. This meant that land was not available for adequate reserves. A small amount of land was returned in South Taranaki. Most of Ngati Ruanui's productive coastal land was retained by the Crown, and they were left with insufficient agricultural land for their existence and future development:

- (13) Virtually all of the land that was returned was returned under individualised title, overriding the customary forms of land tenure and providing no protection against future alienation:
- (14) The reserves made by the West Coast Commission were vested in the Public Trustee in trust for Maori owners, so that Maori lost their legal ownership. The Public Trustee had full power to sell the alienable reserves and lease the inalienable ones under terms imposed by statute. A substantial proportion of the land was subsequently leased to settlers subject to perpetually renewable leases. This imposed system denied Ngati Ruanui control over their lands and control of the income from their lands:
- (15) In 1926, the Sim Commission was set up to investigate confiscations under the New Zealand Settlements Act 1863 and subsequent legislation. The Commission's recommendations for an annuity of £5,000 for all the Taranaki confiscations and a single payment of £300 for the loss of property at Parihaka were not discussed with the iwi concerned and were never accepted as adequate. The timing of the payment of the annuity was uncertain, and the sums due in the early 1930s were not fully paid:

*Ngati Ruanui have long sought to have their grievances redressed*

- (16) Taranaki Maori, including Ngati Ruanui, have longstanding claims against the Crown. Those claims have been expressed through petitions and protests made by Taranaki Maori, including Ngati Ruanui. Those petitions and protests contributed to the establishment, in the nineteenth and twentieth centuries, of various commissions of inquiry into lands confiscated from Taranaki Maori:

*Claims under the Treaty of Waitangi Act 1975*

- (17) The enactment of the Treaty of Waitangi Amendment Act 1985 made it possible for Maori to bring claims before the Waitangi Tribunal in respect of acts or omissions on or after 6 February 1840 by, or on behalf of, the Crown that were inconsistent with the principles of the Treaty of Waitangi:
- (18) Between 1990 and 1995, the Waitangi Tribunal investigated 21 claims concerning Taranaki Maori, including Ngati Ruanui:

*Interim views of the Waitangi Tribunal*

- (19) The Crown acknowledged to the Waitangi Tribunal, in its interim response to the Taranaki claims, that—
- (a) the Waitara purchase and the wars constituted an injustice and were therefore in breach of the principles of the Treaty of Waitangi:
  - (b) the confiscation of land, as it occurred in Taranaki, also constituted an injustice and was therefore in breach of the principles of the Treaty of Waitangi:
  - (c) confiscation had a severe impact on the welfare, economy, and development of Taranaki iwi:
  - (d) in general terms, the delays in setting aside reserves contributed to the adverse effects of the confiscations:
  - (e) events relating to the implementation of the confiscations leading to the invasion of Parihaka in 1881, the invasion itself, and its aftermath constituted a breach of the principles of the Treaty of Waitangi:
- (20) On 11 June 1996, the Waitangi Tribunal released its interim report on the collective Taranaki Maori claims (Wai 143) entitled *The Taranaki Report: Kaupapa Tuatahi*:
- (21) This report contained the preliminary views of the Waitangi Tribunal and was issued—
- (a) based on the Tribunal's inquiry up to the date of the report (noting, in particular, that the Crown was yet to be heard on many matters raised); and
  - (b) in order to expedite intended negotiations for a settlement in relation to the Taranaki claims:
- (22) The Waitangi Tribunal expressed some preliminary views concerning the Taranaki claims, including that—
- (a) the claims stood on 2 major foundations, land deprivation and disempowerment, with the latter being the

main one. By disempowerment, the Waitangi Tribunal meant the denigration and destruction of Maori autonomy or self-government:

- (b) the Tribunal's Interim Report had introduced the historical claims of the Taranaki hapu and shown the need for a settlement:
- (c) generous reparation policies were needed to remove the prejudice to Maori, to restore the honour of the Government, to ensure cultural survival, and to re-establish effective interaction between the Treaty partners:

*The settlement negotiations*

- (23) In April 1998, the Crown recognised the mandate of the Ngati Ruanui Muru Me Te Raupatu Working Party to represent Ngati Ruanui (including Tangahoe and Pakakohi) in negotiations for a settlement with the Crown:
- (24) The Ngati Ruanui Muru Me Te Raupatu Working Party and the Crown entered into—
  - (a) terms of negotiation on 31 August 1998 that specified the scope, objectives, and general procedures for the negotiations:
  - (b) a heads of agreement on 7 September 1999, recording that Ngati Ruanui and the Crown were, in principle, willing to enter into a deed of settlement on the basis of the Crown's settlement proposal set out in the heads of agreement:
- (25) The Crown and the Ngati Ruanui Muru Me Te Raupatu Working Party initialled a deed of settlement on 1 March 2001:
- (26) Ngati Ruanui ratified the Crown's settlement offer and entered into a deed of settlement on 12 May 2001 that records the matters required to give effect to a full and final settlement of all of Ngati Ruanui's historical claims:

**Kupu Whakataki**

- (1) Ko te Tiriti o Waitangi, e whakatauria atu nei i te Apitihanga Tuatahi ki te Ture o te Tiriti o Waitangi 1975, i nga reo e rua, i hainatia i te tau 1840:
- (2) Kei nga whiti (3) ki te (15) o tenei kupu whakataki ka horaina atu tetehi whakarapopotanga mo nga whakamarama i nga kereme o nehe o Ngati Ruanui, e tuhia ana i te Wahanga 6 o te

whakaaetanga whakataunga i whakataturia e Ngati Ruanui me te Karauna:

*I mua atu i te tau 1860*

- (3) I nga tau mai i 1840 ki 1860 he taurikura te noho o Ngati Ruanui, ka hua he oranga nui ki a ratou, he nui nga mahi hokohoko ki nga taone a te Pakeha, me nga kaihokohoko ano hoki o tawahi. Heoti ano, no muri i te hainatanga o te Tiriti o Waitangi, kihai tonu i mutu te whakahe a Ngati Ruanui ki nga hoko whenua Maori i Taranaki. Kia tae ki waenganui o nga tekau tau mai i 1860 kua oti tetei kawenata na Ngati Ruanui me etehi atu iwi, kia kua rawa e tukuna he whenua kia hokona. I te taenga ki te tau 1860 kaore ano i hokona tetei wahi kotahi o nga whenua o Ngati Ruanui ki te Karauna:

*Ko nga Pakanga i Taranaki*

- (4) I te tau 1860 kaore i nuku a Ngati Ruanui, ka tautoko pumau i nga whanaunga i a Te Atiawa, i a Nga Rauru, i whakahe ki nga hoko whenua. Ko nga poraka i whakahengia ra te hoko ko Pekapeka me Waitotara. Ka panuitia e te Karauna ka mana te ture hoia puta noa i te rohe o Taranaki i te 22 o nga ra o Pepuere i te tau 1860. He whakautu tenei ki nga whakakahore a ngai Maori ki nga whainganga a te Karauna kia riro mai i a ia te poraka i Pekapeka, ki Waitara. Ka whai mai ko nga pakanga o Taranaki o nga tau 1860 ki 1861, me nga pakanga o nga tau 1863 ki 1869. He nui tonu te mate o te tangata me te rironga o nga rawa o Ngati Ruanui i enei pakanga:

- (5) I te mutunga o te pakanga i te tau 1869 e 233 nga tane, nga wahine me nga tamariki o Te Pakakohi o Ngati Ruanui i tuku i o ratou patu, i muri i nga ki taurangi kore rawa ratou e whakamatea. He nui tonu i whakawatia mo te kaikaiwaiu, e 74 i whakawhiua kia whakamatea rawatia. Heoi ano, ka whakangawaritia aua whakawhiu, me mauhere ratou mo te 3 ki te 7 tau. Ka tonoa ki nga whare herehere i Te Wai-pounamu. 18 o te 74, neke atu pea, e mohiotia ana, i mate i mua i te tukunga ki waho. I muri i te putanga ki waho i te herehere kaore i tukua e te Kawanatanga kia hoki ki o ratou kainga ake:

*Ko te Muru Raupatu*

- (6) No te tau 1863 ka whakamanaia te Ture mo te Whakanoho i te Hunga Marie 1863 (New Zealand Settlements Act 1863). Whakamahia ai tenei ture hei muru i nga whenua o nga Maori

i kiia, he whakakeke ta ratou ki te mana o te Kuini o Ingarangi mai i te tau 1863. I raro ano i taua ture i te tau 1865, ka murua e te Kawana o Niu Tireni te maha o nga whenua o Ngati Ruanui. Na te panuitanga raupatu o te 2 o nga ra o Hepetema 1865 i whakapuaki, ko te katoa o te rohe o Taranaki ki te Tonga he wahi ka ahei te tango hei whakanohonoho i te iwi Pakeha:

*Ko te Koti Kapeneihana*

- (7) Ka whakaturia he Koti Kapeneihana i raro i te Ture Whakanoho o 1863, hei utu whakaeatanga ki etehi o te hunga i murua o ratou whenua e te Karauna. Ko nga Maori i kitea—e ai ki te Ture Whakanoho o 1863—kua hapai rakau ki te Karauna mai i te 1 o nga ra o Hanuere 1863, ko te hunga hoki i tautoko i aua Maori hapai rakau, kaore tonu i ahei kia whiwhi whakaeatanga. Ko te ture ia, me matua whakapumau e te kaikereme ona panga ki taua whenua, a, i piripono ratou ki te Karauna i mua. Tata ki te katoa o nga kaikereme e noho ana i roto i te rohe o Ngati Ruanui, i whakakahoretia a ratou tono whakaeatanga. E 40 noa iho o nga tangata 997, i whakatuturu-tia he tangata noho i reira, he piripono, i whakawhiwhia ki te katoa o te whakaeatanga a te Koti Kapeneihana, mo te wahanga o waenganui o te Rohe Takutai o Ngati Ruanui. Kaore kau i tika te whakatinanatanga o nga whiwhinga. No te taenga ki te tau 1880, i te timatatanga o nga mahi tiro tiro a te Komihana mo te Tai Hauauru, kaore ano tetehi o nga tangata o Ngati Ruanui kia whiwhi whakaeatanga:

*Ko nga Hokonga o Muri*

- (8) I nga tau 1874 ki te 1881, ka taunahatia e te Karauna nga whenua o Ngati Ruanui i waho, i roto hoki i te rohe raupatu, na runga i nga hokonga i whakatinanatia i nga whakaeatanga tuku whenua. I te hokonga o enei whenua, kaore te Karauna i ata tiro tiro ki nga take pupuru whenua. Tetehi mate ano i he ai nga hokonga i roto, i waho i te whaitua raupatu, kaore i whitikia e te ra nga whiriwhiringa, he mea huna. Waihoki te utu, he iti rawa, a, i tino iti rawa nga rahui i kiia tera e whakamanaia. Kaore i whakaoti tetehi o aua rahui i te takanga o te tau 1880, no reira ka raruraru a Ngati Ruanui, he tino iti rawa te whenua, a, he iti noa ano hoki te oranga mo ratou:

*Parihaka*

- (9) I muri i nga pakanga o Taranaki ka tuhono a Ngati Ruanui ki nga mahi atete ririkore o Parihaka, i raro i te mana o Tohu Kakahi raua ko Te Whiti o Rongomai. Ka whakaturia taua kainga i etehi whenua i Taranaki ki waenganui, a, ko te murunga o enei whenua e ai ki nga tirohanga, i waiho noa, kihai i oti. Kei raro i tenei kaupapa atete ririkore, ka haere nga mahi tangotango i nga tirau me nga taiapa a nga kairuri, me te parau i te whenua o nga Pakeha nohonoho i te whenua puta noa i te rohe o Taranaki. Neke atu i te 636 nga tangata mai i Taranaki whanui i hopukina, i mauheretia hoki. He torutoru noa enei tangata i whakawatia e te tiati. Ka whakamanaia he ture motuhake, te take tuatahi o taua ture he whakatarewa i te roanga atu o nga whakawa, te take tuarua he whakakore i aua whakawatanga. He nui tonu nga mauhere, ko nga tangata tonu o Ngati Ruanui etehi, i purutia atu ki nga whare herehere i Te Waipounamu, a, he whakawiri te noho, he mahi pakeke te whiu i etehi:
- (10) I te tau 1881 ka whakaekea te kainga o Parihaka e nga hoia a te Karauna, neke atu i 1 500 te ope, ka nohoia te pa. I nga ra i muri, neke atu i te 1 600 nga tane, nga wahine me nga tamariki, ehara no Parihaka taketake enei tangata, i panaia i te kainga. Ka horoa nga whare me nga mara i te takiwa, ka aia atu nga kararehe, ka patua ranei. E ai ki nga Maori o Taranaki i pawheratia etehi wahine, i takakinotia ranei e nga kaiwhakaeke:
- (11) Ko nga tino kaihautu o Parihaka, ko Tohu Kakahi raua ko Te Whiti o Rongomai, ka mauheretia, ka haere hoki he ture motuhake mo te mauheretanga, kaore he whakawatanga:  
*Ko nga Komihana me te Ture mo nga Rahui a te Whakataunga o te Tai Hauauru 1881 (West Coast Settlement Reserves Act 1881)*
- (12) E rua nga Komihana mo Te Tai Hauauru i tohua i te tau 1880. Ko ta te tuatahi he tiro tiro ki nga whakawhiwhinga a te Koti Kopureihana, me nga ki taurangi a te Karauna ki nga tangata Maori o Taranaki mo nga whenua raupatu. Ko te tuarua, i whakaturia hei whakatinana i nga tohutohu a te tuatahi. Kua oti ke a Taranaki ki te raki, me Taranaki ki te tonga te whakanohonoho i te Pakeha. Na konei kaore i watea he whenua nui hei rahui totika. Iti noa te whenua i whakahokia, i

Taranaki ki te tonga. Ko te nuinga o o Ngati Ruanui whenua momona o te takutai i purutia ketia e te Karauna. Heoti ano te whenua i whakahokia ki a ratou he whenua moroiti, kaore i nui rawa hei oranga, hei whanaketanga ranei mo nga ra o muri:

- (13) Tata ki te katoa o nga whenua i whakahokia, he taitara takitahi, na, ka raru nga tikanga me te mana pupuru whenua o te hapu, kaore he arainga atu i nga hoko whai i muri:
- (14) Ko nga rahui i wehea mai e te Komihana mo Te Tai Hauauru ka whakaritea atu ma te Kaitiaki Matua (Public Trustee) e whakahaere, ma nga rangatira Maori o aua whenua, a, ka ngaro i konei o ratou whaingata tika hei rangatira o aua whenua. I te Kaitiaki ano te tino mana hei hoko i nga rahui i ahei ai te hoko, me te rihi i nga rahui kaore i whakaaetia kia hokona i raro ano i nga whakaritenga o te ture. Ko tetehi wahi nui o aua whenua i rihitia ki nga tangata nohonoho i aua whenua, he rihi i ahei te whakahou mo ake tonu atu. Na tenei whakaritenga, kaore i whakaaetia e Ngati Ruanui, i whakaporaru te mana o Ngati Ruanui ki o ratou whenua, me te kaha o Ngati Ruanui ki te tango moni rihi hoki i o ratou whenua:
- (15) No te tau 1926 ka noho te Komihana a Te Himi (Sim Commission) ki te ata tiro tiro i nga murunga raupatu i raro i te Ture Whakanoho o te tau 1863 (New Zealand Settlements Act 1863), me nga ture whai i muri. Ko nga whakaritenga a te Komihana mo tetehi putea a-tau, e 5 000 pauna mo nga whenua raupatu katoa o Taranaki, me tetehi moni e 300 pauna, mo nga rironga taonga i Parihaka, kaore i ata korerotia ki te iwi whai panga, kaore hoki i whakaaetia e te iwi he totika tenei utu. Kaore i ata tau nga wa e utua ai, na konei kaore i utua te katoa o nga moni e tika ana kia utua i nga tau tuatahi o te tekau tau mai i 1930:

*He roa noa a Ngati Ruanui e totohe ana ki tenei take, kia whakaeangia*

- (16) He roa tonu nga kereme a nga Maori o Taranaki, tae atu ki a Ngati Ruanui, ki te Karauna. Ko enei take i whakaputaina ma roto i nga pitihana me nga whakahe a nga Maori o Taranaki, tae atu ki a Ngati Ruanui. Na enei pitihana me enei whakahe, ka whakaturia etehi komihana uiui mo nga whenua Maori i murua i nga Maori o Taranaki, i nga rau tau tekau ma iwa, me te rau tau rua tekau ano hoki:

*Ko nga Kereme i raro i te Ture o te Tiriti o Waitangi 1975*

- (17) Na te whakamananga o te Ture Whakaitatika i te Ture mo te Tiriti o Waitangi 1985 i ahei ai te tangata Maori ki te whakatakoto kereme ki mua i te aroaro o te Ropu Whakamana i te Tiriti o Waitangi mo nga mahi, mo nga hapanga i mahia e te Karauna, mo te Karauna ranei, i te ra 6 o te marama o Pepuere 1840, i muri mai ranei, kaore i hangai ki nga matapono o te Tiriti o Waitangi:
- (18) Mai i te tau 1990 ki te tau 1995, ka tirohia e te Ropu Whakamana i te Tiriti o Waitangi nga take 21 mo nga iwi Maori o Taranaki, ko Ngati Ruanui tetehi wahanga o enei:
- Ko nga Whakatau mo tenei wa o te Ropu Whakamana i te Tiriti o Waitangi*
- (19) Ka whakaae te Karauna ki te Ropu Whakamana i te Tiriti o Waitangi, i tona urupare tuatahi ki nga kereme o Taranaki:
- (a) I tino he te hokonga o Waitara me nga pakanga i whai muri, a, he mahi enei i takahi i nga matapono o te Tiriti o Waitangi:
  - (b) I he hoki te murunga whenua, pera i nga raupatu o Taranaki, na konei i takahia ai nga matapono o te Tiriti o Waitangi:
  - (c) I tino toimaha rawa te papatanga o te mahi muru whenua ki te oranga, ki te ohanga, ki te whanaketanga hoki o nga iwi o Taranaki:
  - (d) kia penei pea te korero, na nga takaroatanga o te whakarite whenua rahui i kino ke ake ai te toimahatanga o nga raupatu:
  - (e) ko nga mahi whakatinana i nga raupatu, i hua ake ai te whakaeketanga a Parihaka i te tau 1881, te whakaeketanga tonutanga, me nga ahuatanga whai i muri, he takahanga katoa enei i nga matapono o te Tiriti o Waitangi:
- (20) No te 11 o nga ra o Hune 1996, ka whakaputaina e te Ropu Whakamana i te Tiriti o Waitangi tana purongo tuatahi mo nga kereme topu o nga iwi Maori o Taranaki (Wai 143). Ko te ingoa, ko “The Taranaki Report: Kaupapa Tuatahi”:
- (21) Kei tenei purongo nga whakaaro tuatahi o te Ropu Whakamana i te Tiriti o Waitangi, a, i whakaputaina:
- (a) i runga ano i nga rapunga korero a te Ropu Whakamana i te Tiriti o Waitangi tae mai ki te ra o taua purongo (me

- tana kupu whakamarama, kaore ano te Karauna kia rangona mo etehi take maha i whakaarahia);
- (b) kia hohoro ai nga whiriwhiringa, kia kite ai he whakataunga e pa ana ki nga take o Taranaki:
- (22) Ka whakaputaina e te Ropu Whakamana i te Tiriti o Waitangi etehi whakaaro tuatahi mo nga kereme o Taranaki, a, ko etehi:
- (a) e rua nga pou matua o enei kereme, ara, ko te rironga o te whenua, ko te turakitanga o te mana, a, ko to muri te mea nui atu. Ko te turakitanga o te mana, e ai ki te Ropu Whakamana i te Tiriti o Waitangi ko te whakahaweatanga me te whakamotitanga o te mana motuhake me te tino rangatiratanga a te Maori:
- (b) na tenei purongo tuatahi a te Ropu Whakamana i te Tiriti o Waitangi i whakauru nga kereme o nehe o Taranaki, nana hoki i waitohu he mea tika kia kitea he whakatau:
- (c) he tika tonu kia hangaia he kaupapa whakahoki taonga, hei whakaea i nga hara o mua, hei whakaora i te mana o te Kawanatanga, hei whakapiki i te oranga o te ahurea Maori, hei whakanoho hoki i te wairua whakawhanaunga i waenganui i nga hoa Tiriti:

*Ko nga Whiriwhiringa mo te Whakataunga*

- (23) No te marama o Aperira 1998, ka whakaae te Karauna ki te mana o te ropu e kiia nei, ko Ngati Ruanui Muru Me Te Raupatu hei kanohi mo Ngati Ruanui (kei roto nei a Tangahoe me Te Pakakohi) i roto i nga whiriwhiringa ki te Karauna:
- (24) Na konei ka whakatauria e te ropu mahi a Ngati Ruanui Muru Me Te Raupatu me te Karauna:
- (a) nga Whakaritenga o nga Whiriwhiringa i te 31 o nga ra o Akuhata 1998, i whakatakotoria ai te whanui o te titiro, nga whainga me nga tikanga whakahaere mo enei whiriwhiringa:
- (b) he Whakaaetanga Taketake i te 7 o nga ra o Hepetema 1999, e whakaatu ana i te hiahia ngatahi o Ngati Ruanui me te Karauna ki te tatu i tetei Whakaaetanga o nga Whakataunga, i runga ano i te kaupapa whakataunga a te Karauna i tatau ai i roto i taua Whakaaetanga Taketake:
- (25) Ka hainatia e te Karauna me te ropu mahi a Ngati Ruanui Muru Me Te Raupatu tetei taurira o te Whakaaetanga

Whakataunga i te 1 o nga ra o Maehe 2001. Na ka whakapumautia e te iwi o Ngati Ruanui te marohitanga a te Karauna mo te whakataunga kereme:

- (26) Ka tatu i te Karauna me Ngati Ruanui tetehi Whakaaetanga o nga Whakataunga i te 12 o nga ra o Mei 2001, e whakatatu ana i nga take katoa e tika ana kia whakatauria tuturutia te katoa o nga kereme o nehe o te iwi o Ngati Ruanui:

**The Parliament of New Zealand therefore enacts as follows:**

**1 Title**

This Act is the Ngati Ruanui Claims Settlement Act 2003.

**Part 1**

**Acknowledgements and apology by the Crown to  
Ngati Ruanui, and preliminary provisions**

**2 Commencement**

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

**3 Purpose**

The purpose of this Act is to—

- (a) record the acknowledgements and apology given by the Crown to Ngati Ruanui in the deed of settlement dated 12 May 2001 and signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and by Patrick John Heremaia, Hoani Rangiira Heremaia, Spencer Waemura Carr, and Simon Haimoana Maruera, for Ngati Ruanui; and
- (b) give effect to certain provisions of the deed of settlement, which is a deed that settles the Ngati Ruanui historical claims.

**4 Act to bind the Crown**

This Act binds the Crown.

## 5 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.
- (2) Part 1, which follows the title clause, includes preliminary provisions relating to the commencement and purpose of the Act, and records the acknowledgements and apology given by the Crown to Ngati Ruanui in the deed of settlement, with a Maori translation of the acknowledgement and apology.
- (3) Part 2 defines terms used in this Act, including the key terms **Ngati Ruanui** and **Ngati Ruanui historical claims**.
- (4) Part 3 provides that the settlement of the Ngati Ruanui historical claims is final, and deals with related issues, including—
  - (a) the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body to consider the Ngati Ruanui historical claims; and
  - (b) consequential amendments to the Treaty of Waitangi Act 1975; and
  - (c) the effect of the settlement on certain resumptive memorials; and
  - (d) miscellaneous matters relating to the settlement, such as the exclusion of the law against perpetuities and the timing of actions and matters provided for in the Act.
- (5) Part 4 sets out provisions relating to the transfer of commercial redress properties and related matters.
- (6) Part 5 includes provisions relating to the following matters:
  - (a) the issue of protocols by the Ministers of Conservation, Fisheries, and Energy and the Minister for Arts, Culture and Heritage; and
  - (b) the vesting in the governance entity of the fee simple estate of 7 cultural redress properties, including the vesting of the Makino scenic reserve in the governance entity as an administering body under the Reserves Act 1977; and
  - (c) the grant of renewable Ukaipo entitlements over certain Ukaipo sites; and
  - (d) an acknowledgement by the Crown of Ngati Ruanui values in respect of the Taki Poipoia o Ngati Ruanui at Wai-Ariki; and
  - (e) a statutory acknowledgement by the Crown of the statements made by Ngati Ruanui of their cultural, spiritual,

- historical, and traditional association with 5 statutory areas, with provision for entering into deeds of recognition with the governance entity in relation to 4 statutory areas; and
- (f) the alteration of a place name and assignment of place names to specified locations; and
  - (g) an acknowledgement by the Crown of the statements by Ngati Ruanui of their cultural, spiritual, historical, and traditional association with Nga Taonga a Tane raua ko Tangaroa (the indigenous species and certain species of fish and other aquatic life in the DOC and fisheries protocol areas respectively) and purangi in the Ngati Ruanui area of interest; and
  - (h) an acknowledgement by the Crown of the customary non-commercial interest of Ngati Ruanui in the paua fishery within the fisheries protocol area; and
  - (i) a right of first refusal in favour of the governance entity for certain shellfish quota; and
  - (j) a preferential right to purchase authorisations if the Minister of Conservation offers, by public tender under Part VII of the Resource Management Act 1991, authorisations for any part of the specified coastal area.
- (7) There are 11 Schedules providing—
- (a) a description of the cultural redress properties; and
  - (b) a description of the Ukaipo sites; and
  - (c) the Taki Poipoia o Ngati Ruanui and Ngati Ruanui values relating to Wai-Ariki; and
  - (d) a description of the areas over which statutory acknowledgements are made and those for which deeds of recognition may be entered into, and the texts of the statements by Ngati Ruanui of their association with the areas; and
  - (e) the place name to be altered and place names to be assigned; and
  - (f) Ngati Ruanui statements of association with Nga Taonga a Tane raua ko Tangaroa and purangi.

## **6 Acknowledgements and apology**

This Part records the acknowledgements and the apology given by the Crown to Ngati Ruanui in the deed of settlement.

## 7 Acknowledgements by the Crown

The text of the acknowledgements made by the Crown is set out in the deed of settlement as follows:

- “(1) The Crown acknowledges that:
- “(a) the cumulative effect of the Crown’s actions in purchasing land in Taranaki created tensions that led to the outbreak of war; and
  - “(b) Ngati Ruanui suffered loss of life and destruction of property during the Taranaki wars; and
  - “(c) the Taranaki wars constituted an injustice and were in breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi; and
  - “(d) it acted unfairly in labelling Ngati Ruanui as rebels.
- “(2) The Crown sincerely regrets that Ngawaka Taurua and his people suffered a heavy punishment due to a decision of the Government of the day to make an example of them in order to deter other Maori from taking up arms against the Queen’s authority. The Crown acknowledges that:
- “(a) this punishment deprived Pakakohi of Ngati Ruanui of a significant number of their leaders; and
  - “(b) the exile of those leaders from their lands, and the death of 18 of the men imprisoned, had a severe impact on the well-being of Pakakohi of Ngati Ruanui.
- “(3) The Crown acknowledges that:
- “(a) the confiscations were indiscriminate in extent and application and had a devastating effect on the welfare, economy and development of Ngati Ruanui in Taranaki; and
  - “(b) the prejudice created by the confiscations was compounded by the inadequacies in the Compensation Court process; and
  - “(c) as a result of the confiscations in 1865, Ngati Ruanui were deprived of access to their wahi tapu and sites of ancestral significance, traditional sources of food, and other resources on that land; and
  - “(d) the confiscations were wrongful and in breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- “(4) The Crown recognises that the lands and other resources confiscated from Ngati Ruanui have made a significant contribution to the wealth and development of New Zealand.

- “(5) The Crown acknowledges that its conduct in acquiring Ngati Ruanui land outside the confiscation boundary was unreasonable and improper, and contributed to Ngati Ruanui being left with insufficient lands for their present and future needs. This was in breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- “(6) The Crown acknowledges that its treatment of Ngati Ruanui and Taranaki Maori involved in the passive resistance campaign of 1879–1880:
- “(a) deprived them of basic human rights and inflicted unwarranted hardships on them through imprisonment and exile; and
  - “(b) was in breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- “(7) The Crown acknowledges:
- “(a) the serious damage it inflicted on the prosperous Maori village of Parihaka and the people of Ngati Ruanui residing there, its forcible dispersal of many of the inhabitants and its assault on the human rights of the people; and
  - “(b) that these actions caused great distress and were a complete denial of the Maori right to develop and sustain autonomous communities in a peaceful manner; and
  - “(c) that its treatment of the people of Ngati Ruanui residing at Parihaka was unconscionable and unjust and that these actions constituted a breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- “(8) The Crown acknowledges that:
- “(a) the West Coast Commissions were inadequate in their scope and did not fully address the injustices perpetrated by the confiscations; and
  - “(b) the reserves created by the Commissions in the 1880s were not sufficient for the present and future needs of Ngati Ruanui; and
  - “(c) the Crown’s actions with respect to the West Coast Settlement Reserves, considered cumulatively, (including the imposition of a regime of perpetually renewable leases and the sale of large quantities of land by the Public and Maori Trustee):

- “(i) have ultimately deprived Ngati Ruanui of the control and ownership of most of the lands set aside for them in Taranaki; and
  - “(ii) were in breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- “(9) The Crown acknowledges that:
- “(a) despite previous efforts made in the twentieth century, including those of the Sim Commission, it has failed to deal in an appropriate way with the grievances of Ngati Ruanui; and
  - “(b) the sense of grief and loss suffered by Ngati Ruanui remains today.
- “(10) The Crown:
- “(a) recognises the efforts and struggles of Ngati Ruanui in pursuit of their claims for redress and compensation against the Crown for over 130 years; and
  - “(b) acknowledges the legitimacy of those efforts and struggles of Ngati Ruanui; and
  - “(c) acknowledges that recognition by the Crown of the grievances of Ngati Ruanui is overdue.”

## **8 Text of acknowledgements in Maori**

### **He Whakaaetanga na te Karauna**

E rarangi iho nei te kaupapa o nga whakaaetanga a te Karauna kua oti nei te tuhi ki te whakaaetanga o nga whakataunga:

- (1) E whakaae ana te Karauna:
  - (a) ko te hua i puta i nga mahi hokohoko whenua a te Karauna i Taranaki he wene, he mauahara, a, na konei i timata te pakanga; a
  - (b) i ngawhi a Ngati Ruanui i te mate o ona tangata, i te urupatu o ona rawa i te wa o nga pakanga ki Taranaki; a
  - (c) kia meatia nga whawhai ki Taranaki he tukinotanga, he takahanga hoki i Te Tiriti o Waitangi me nga matapono o te Tiriti o Waitangi; a
  - (d) kaore i tika tana whakahua i a Ngati Ruanui he whakakeke.
- (2) E tino whakamomori ana te Karauna ki te karawhiu taimaha i whiua ki runga i a Ngawaka Taurua me tona iwi i runga i te whakatau a te kawanatanga o taua wa kia whakatauirahia ratou kia kore etahi atu Maori e hapai rakau hei whawhai ki te mana o te Kuini. E whakaae ana te Karauna:

- (a) na tenei karawhiu i ngaro i a Te Pakakohi o Ngati Ruanui etahi o ona tino rangatira; a
  - (b) i tino pakino ki te ora o Te Pakakohi o Ngati Ruanui te pananga atu o enei rangatira i o ratou whenua, me te matenga ano hoki o nga tangata e 18 i te herehere.
- (3) E whakaae ana te Karauna:
  - (a) kaore he tikanga o te rahi me te whakapanga mai o nga murunga whenua, a, i pakino mai enei mahi ki te ora, ki nga ahuatanga ohaoha, ki te whanaketanga ano hoki o Ngati Ruanui i Taranaki; a
  - (b) i kino ke atu nga whakararururunga i toko ake i nga murunga whenua i te takarepa o nga mahi a te Koti Kapeneihana; a
  - (c) na runga i nga murunga whenua o te tau 1865, i araitia a Ngati Ruanui i ona wahi tapu me ona nohoanga tupuna, ana mahinga kai, me nga rawa o te whenua; a
  - (d) i he nga murunga whenua, a, he mahi enei i takahi i te Tiriti o Waitangi me nga matapono o te Tiriti o Waitangi.
- (4) E whakaae ana te Karauna, tena ko nga whenua me nga rawa i murua i a Ngati Ruanui i tino whaiwahi ki te whairawatanga me te whanaketanga o Niu Tireni.
- (5) E whakaae ana te Karauna, he kutikuti, he he hoki tana kaitaonga i nga whenua o Ngati Ruanui i waho atu i te rohe o nga murunga whenua. Koinei ano he take e iti rawa nei nga whenua o Ngati Ruanui e tutuki ai o ratou hiahia o te wa, o muri ake nei hoki. He takahanga tenei i te Tiriti o Waitangi me nga matapono o te Tiriti o Waitangi.
- (6) E whakaae ana te Karauna, ko tana karawhiu i a Ngati Ruanui me nga Maori o Taranaki i whaiwahi ki te kaupapa atete ririkore i nga tau 1879–1880:
  - (a) he mahi i hone ai i to ratou mana tangata, he mahi i whakawhiu i te taimahatanga take kore ki runga i a ratou ma te whakaherehere me te pana i a ratou ki whenua ke; a
  - (b) he mahi enei i takahi i te Tiriti o Waitangi me nga matapono o te Tiriti o Waitangi.
- (7) E whakaae ana te Karauna:
  - (a) i kino te tukinotanga i whiua ki runga i a Parihaka me nga tangata o Ngati Ruanui i noho ki tenei kainga

- taurikura i tana mararatanga o nga iwi o taua kainga me tana haupatu i te mana tangata o aua iwi; a
- (b) i nui te mamae i enei mahi, a, he whakakahoretanga enei mahi i te mana a te Maori ki te whakawhanake, ki te whakahaere ano hoki he kainga i runga i te noho marire; a
  - (c) ko tana karawhiu i nga tangata o Ngati Ruanui i noho ai ki Parihaka, he he, he anuanu hoki. He takahanga enei mahi i te Tiriti o Waitangi me nga matapono o te Tiriti o Waitangi.
- (8) E whakaae ana te Karauna:
- (a) he takarepa te whanuitanga o nga Komihana Taihauauru, a, kahore i aro ki te katoa o nga tukinotanga i puta ake i nga murunga whenua; a
  - (b) kahore i rite te nui o nga rahui i whakataua e nga Komihana o nga tau 1880–1890 e tutuki ai nga hiahia o Ngati Ruanui o te wa, o muri ake nei hoki; a
  - (c) ko nga mahi a te Karauna e pa ana ki nga Rahui a Te Whakataunga o te Taihauauru, ina ka whakaarohia kotahitia (tae atu ki te whakatakotoranga mai o tetahi tikanga rihi mutunga kore me te hokohokonga o te maha o nga whenua e te Kaitiaki o te Katoa me te Kaitiaki Maori);
    - (i) i tango i a Ngati Ruanui te mana me te rangatiratanga o te nuinga o nga whenua i rahuihia mo ratou i Taranaki; a
    - (ii) i takahi i te Tiriti o Waitangi me nga matapono o te Tiriti o Waitangi.
- (9) E whakaae ana te Karauna:
- (a) ahakoa ano nga whakamataua o mua i te rau tau 1900–2000, tae atu ki te Komihana a Te Himi, kahore i oti te whakataua totika i nga take a Ngati Ruanui; a
  - (b) e mau tonu nei i a Ngati Ruanui te mamae me te pouri mo enei ahuatanga.
- (10) Ko te Karauna ka:
- (a) whakamihi ki nga mahi me nga nonoke a Ngati Ruanui ki te whai i a ratou take ki te Karauna kia puretumuhia i roto i te 130 tau, neke atu; a
  - (b) whakaae ki te whitake o enei mahi me enei nonoke a Ngati Ruanui; a

- (c) whakaae, tena e takaroa noa nei tenei whakaaetanga a te Karauna ki nga take a Ngati Ruanui.

## 9 Apology by the Crown

The text of the apology made by the Crown to Ngati Ruanui (including Tangahoe and Pakakohi), to their ancestors, to their descendants, and to nga uri o nga hapu o Ngati Ruanui is set out in the deed of settlement as follows:

“The Crown profoundly regrets, and unreservedly apologises to Ngati Ruanui, for its actions which have resulted in the loss of life during the Taranaki wars and the virtual landlessness of Ngati Ruanui in Taranaki and have caused suffering and hardship to Ngati Ruanui over the generations to the present day.

“The Crown profoundly regrets, and unreservedly apologises for, the destructive and demoralising effects of its unconscionable actions on Ngati Ruanui which, over the generations to the present day, have undermined the basis of their society and autonomy and have had a devastating impact on their economy and development.

“The Crown profoundly regrets its failure to acknowledge the mana, manawhenua, and rangatiratanga of Ngati Ruanui.

“The Crown apologises to Ngati Ruanui for all the breaches of the Treaty of Waitangi and its principles acknowledged by the Crown in Part 7 of the deed of settlement.

“Accordingly, the Crown seeks to atone for these wrongs, and to begin the process of healing with the Settlement, and looks forward to building a relationship of mutual trust and co-operation with Ngati Ruanui.”

## 10 Text of apology in Maori

### **Ko Te Whakapaha a te Karauna**

E rarangi iho nei te whakapaha a te Karauna ki a Ngati Ruanui (apiti atu ko Tangahoe me Pakakohi), ki o ratou tupuna, ki o ratou uri, ki nga uri o nga hapu o Ngati Ruanui e takoto nei ki te whakaaetanga o nga whakataunga:

E whakamomori ana, e whakapaha tuturu ana te Karauna mo ana mahi i nga pakanga ki Taranaki i hua ko te ngaro o te tangata ki te po, ko te whenua koretanga o Ngati Ruanui i Taranaki, ko te mamae me te whakawiringa i tau ki nga

whakatipuranga o Ngati Ruanui, a, e mau tonu nei tae mai ki tenei ra.

E whakamomori ana, e whakapaha tuturu ana te Karauna mo nga hua patu taonga, patu wairua hoki o ana mahi anuanu ki a Ngati Ruanui, me te mohio ano na enei mahi i tukituki te kaupapa me te mana motuhake o te iwi, i pakino hoki ki te taha ohaoha me te whanaketanga o te iwi i roto i nga whakatipuranga, a, tae mai nei ki tenei ra.

E whakamomori ana te Karauna mo tana kore i aro ki te mana, ki te manawhenua, ki te rangatiratanga ano hoki o Ngati Ruanui.

E whakapaha ana te Karauna ki a Ngati Ruanui mo ana mahi i takahi ai i te Tiriti o Waitangi me ana matapono e whakaetia nei e te Karauna.

Na runga i enei ahuatanga, e hiahia ana te Karauna ki te muru i ona hara, ki te timata i nga mahi whakaora ma te whakataunga. Na konei a te Karauna ka titiro whakamua ki te wa ka whiriwhiria he taura tangata ki a Ngati Ruanui i runga i te whakawhirinaki me te mahi ngatahi.

## Part 2 Interpretation

### 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

In this Act, unless the context otherwise requires,—

**antiquities protocol** means a protocol issued under section 26 by the Minister for Arts, Culture and Heritage that—

- (a) sets out how the Ministry for Culture and Heritage will interact with the governance entity in relation to the matters specified in that protocol; and
- (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under section 26

**antiquities protocol area** means the area shown on the map attached to the antiquities protocol, together with the adjacent waters

**archaeological site** has the meaning given to it in section 2 of the Historic Places Act 1993

**business day** means the period of 9 am to 5 pm on any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Labour Day, and Waitangi Day; and
- (b) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year; and
- (c) the days observed as the anniversaries of the provinces of Wellington and Taranaki

**chief executive** means the chief executive of Land Information New Zealand

**commercial redress property** means a property listed in Part 1 of Schedule 1 of the deed of settlement

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

**conservation board** has the meaning given to it in section 2(1) of the Conservation Act 1987

**conservation document** means a national park management plan, conservation management strategy, or conservation management plan

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

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

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

**Crown owned mineral** means a mineral (as that term is defined in section 2(1) of the Crown Minerals Act 1991) that is the property of the Crown under sections 10 and 11 of the Crown Minerals Act 1991 or over which the Crown has jurisdiction under the Continental Shelf Act 1964

**cultural redress property** means a property listed in Schedule 1

**Cultural Redress Schedule** means Schedule 2 set out in 15 Parts in the deed of settlement

**deed of recognition** means a deed of recognition entered into by the Crown and the governance entity under section 96

**deed of settlement and deed**—

- (a) mean the deed of settlement dated 12 May 2001 and signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and by Patrick John Heremaia, Hoani Rangiira Heremaia, Spencer Waemura Carr, and Simon Haimoana Maruera, for Ngati Ruanui; and
- (b) include—
  - (i) the Schedules of the deed; and
  - (ii) amendments to the deed or to its Schedules

**Director-General** has the meaning given to it in section 2(1) of the Conservation Act 1987

**DOC protocol** means a protocol issued under section 26 by the Minister of Conservation that—

- (a) sets out how the Department of Conservation will, on a continuing basis, interact with the governance entity in relation to the matters specified in that protocol; and
- (b) provides for Ngati Ruanui's input into certain Department of Conservation processes in relation to the matters specified in the DOC protocol; and
- (c) includes provisions in relation to the management by the Department of Conservation of the indigenous species; and
- (d) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under section 26

**DOC protocol area** means the area shown on the map attached to the DOC protocol

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

**encumbrance** means,—

- (a) in respect of a commercial redress property, a tenancy, lease, licence, easement, permit, covenant, or other right or interest listed in Part 1 of Schedule 1 of the deed of settlement; and
- (b) in respect of a cultural redress property, a tenancy, lease, licence, easement, permit, covenant, or other right or interest listed in Schedule 1

**fisheries legislation** means—

- (a) the Fisheries Act 1983;
- (b) the Fisheries Act 1996;
- (c) all regulations made under either or both of those Acts

**fisheries protocol** means a protocol issued under section 26 by the Minister of Fisheries that—

- (a) sets out how the Ministry of Fisheries will interact with the governance entity in a way that will enable Ngati Ruanui to provide input into the processes of that Ministry in relation to the matters specified in that protocol; and
- (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under section 26

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

**governance entity** means Te Runanga o Ngaati Ruanui Trust established by deed of trust dated 10 December 2001, in accordance with clause 3.3 of the deed of settlement

**indigenous species** means the indigenous fish, flora, and fauna species found within the DOC protocol area and for which the Department of Conservation has statutory responsibility

**land holding agent** means the Minister of the Crown responsible for the department of State that manages an existing or proposed Ukaipo site, or the Commissioner of Crown Lands, as the case may be

**local authority** has the meaning given to it in section 2(1) of the Resource Management Act 1991

**MED protocol** means a protocol issued under section 26 by the Minister of Energy that—

- (a) sets out how the Ministry of Economic Development will interact with the governance entity in relation to the matters specified in that protocol; and
- (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under section 26

**MED protocol area** means the area shown on the map attached to the MED protocol, together with the adjacent waters

**member of Ngati Ruanui** means every individual referred to in section 13(1)(b)

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

**New Zealand Conservation Authority** has the meaning given to it in section 2(1) of the Conservation Act 1987

**Nga Taonga a Tane raua ko Tangaroa** means the species referred to in section 109

**Ngati Ruanui** has the meaning set out in section 13(1) and has the same meaning as Ngaati Ruanui in the deed of settlement

**Ngati Ruanui area of interest** means the area which Ngati Ruanui identify as their area of interest, as set out in Schedule 4 of the deed of settlement

**Ngati Ruanui historical claims** has the meaning set out in section 14

**Ngati Ruanui values** means, in relation to the Taki Poipoia o Ngati Ruanui, the statement by Ngati Ruanui of the cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Taki Poipoia o Ngati Ruanui, the text of which is set out in Schedule 3

**protection principles** means the principles agreed under section 75

**protocol** means a protocol entered into in accordance with the provisions of subpart 1 of Part 5

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

**resource consent** has the meaning given to it in section 87 of the Resource Management Act 1991

**responsible Minister**, in subpart 1 of Part 5, means 1 of the following Ministers:

- (a) the Minister of Conservation:
- (b) the Minister of Fisheries:
- (c) the Minister of Energy:
- (d) the Minister for Arts, Culture and Heritage:

- (e) any other Minister of the Crown who is authorised by the Prime Minister to exercise powers and perform functions and duties under subpart 1 of Part 5

**responsible Ministry**, in subpart 1 of Part 5, means 1 of the following departments of State:

- (a) the Department of Conservation:
- (b) the Ministry of Fisheries:
- (c) the Ministry of Economic Development:
- (d) the Ministry for Culture and Heritage:
- (e) any other department of State authorised by the Prime Minister to exercise powers and perform functions and duties under subpart 1 of Part 5

**settlement date** means the date that is 20 business days after the date on which this Act comes into force

**statutory acknowledgement** means an acknowledgement made by the Crown under section 88 in respect of a statutory area, on the terms set out in sections 89 to 95 and 101 to 106

**statutory area** means the areas listed in Parts 1 and 2 of Schedule 4, the general locations of which are indicated on the SO plans referred to in Schedule 4 (but which are not intended to establish the precise boundaries of the statutory areas)

**Taki Poipoia o Ngati Ruanui** means the site described in Schedule 3 and declared to be a Taki Poipoia o Ngati Ruanui under section 72

**Ukaipo entitlement** means an entitlement, including a renewal of an entitlement under section 46, granted to the governance entity—

- (a) under subpart 3 of Part 5; and
- (b) over those sites described in Schedule 2, or a site that is granted as a replacement site under section 63 or section 64; and
- (c) in the form provided for under section 46(3)

**Ukaipo site** means a site—

- (a) described in Schedule 2; or
- (b) granted as a replacement site under section 63 or section 64

**waterway** means—

- (a) a lake, being a body of fresh water that is entirely or nearly surrounded by land, or a river, being a continuously or intermittently flowing body of fresh water; and includes a stream and modified water course; and
- (b) coastal waters, including harbours; but
- (c) does not include an artificial water course such as an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal.

### 13 Meaning of Ngati Ruanui

(1) In this Act, **Ngati Ruanui**—

- (a) means the iwi, or collective group, composed of individuals referred to in paragraph (b); and
- (b) means every individual—
  - (i) who is descended from 1 or more Ngati Ruanui ancestors; or
  - (ii) who is a member of a hapu, group, family, or whanau referred to in paragraph (c); or
  - (iii) who is a taurima of Ngati Ruanui; and
- (c) includes—
  - (i) the following hapu, namely, Araukuku, Ahitahi, Hamua, Hapotiki, Kotuku, Nga Ariki, Ngati Hawe, Ngati Hine, Ngati Ringi, Ngati Takou, Ngati Tanewai, Ngati Tupaea, Ngati Tupito, Rangitawhi, Tutahi, and Tuwhakaehu; and
  - (ii) Tangahoe; and
  - (iii) Pakakohi; and
  - (iv) a family, whanau, or group of individuals composed of individuals referred to in paragraph (b).

(2) In this section,—

**customary rights** means rights according to Maori customary law, including—

- (a) rights to occupy land; and
- (b) rights in relation to the use of—
  - (i) land;
  - (ii) other natural or physical resources

**taurima of Ngati Ruanui** means a Maori who is recognised as a taurima in accordance with Ngati Ruanui tikanga (including whanau and hapu endorsements).

- (3) In this section and in section 14, **Ngati Ruanui ancestor** means an individual who, at any time after 6 February 1840, exercised customary rights within the Ngati Ruanui area of interest by virtue of their being descended from 1 or more of the following:
- (a) Ruanui-a-Pokiwa; or
  - (b) a recognised ancestor of—
    - (i) any of the following hapu, namely, Araukuku, Ahitahi, Hamua, Hapotiki, Kotuku, Nga Ariki, Ngati Hawe, Ngati Hine, Ngati Ringi, Ngati Takou, Ngati Tanewai, Ngati Tupaea, Ngati Tupito, Rangitawhi, Tutahi, and Tuwhakaehu; or
    - (ii) Tangahoe; or
    - (iii) Pakakohi.

#### **14 Meaning of Ngati Ruanui historical claims**

- (1) In this Act, **Ngati Ruanui historical claims** means—
- (a) every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date) that Ngati Ruanui (or a representative entity) had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that—
    - (i) is, or is founded on, a right arising—
      - (A) from the Treaty of Waitangi or the principles of the Treaty of Waitangi; or
      - (B) under legislation or at common law (including in relation to aboriginal title or customary law); or
      - (C) from fiduciary duty; or
      - (D) otherwise; and
    - (ii) arises from, or relates to, acts or omissions before 21 September 1992—
      - (A) by, or on behalf of, the Crown; or
      - (B) by or under legislation; and
  - (b) all claims to the Waitangi Tribunal to which paragraph (a) applies and that relate exclusively to Ngati Ruanui (or a representative entity), including—
    - (i) Wai 99 (Te Pakakohi Lands and Fisheries); and
    - (ii) Wai 140 (Ngati Ruanui Land); and
    - (iii) Wai 142 (Tangahoe Land); and

- (iv) Wai 419 (Ngati Ruanui and Pakakohi Lands); and
  - (v) Wai 713 (Patea Township and Lands); and
  - (vi) Wai 758 (Representation of Te Pakakohi in Treaty Negotiations with the Crown); and
- (c) all other claims to the Waitangi Tribunal to which paragraph (a) applies, so far as they relate to Ngati Ruanui (or a representative entity), including—
- (i) Wai 54 (Taranaki Lands, Fisheries and Resources and Sacking of Parihaka); and
  - (ii) Wai 126 (Motuni Lands and Fisheries); and
  - (iii) Wai 131 (Taranaki Lands and Waters); and
  - (iv) Wai 139 (West Coast Settlement Reserve Lands); and
  - (v) Wai 143 (Nga Iwi o Taranaki Lands); and
  - (vi) Wai 552 (Ahitahi and Araukuku Lands, Forest and Fisheries); and
  - (vii) Wai 859 (Waimate Plain Block).
- (2) Subsection (1)(a) is not limited by subsection (1)(b) or subsection (1)(c).
- (3) In this Act, **Ngati Ruanui historical claims** does not include—
- (a) a claim that an individual referred to in section 13(1)(b) may have as a result of being descended from an ancestor who is not a Ngati Ruanui ancestor; or
  - (b) a claim that a hapu, group, family, or whanau referred to in section 13(1)(c) may have as a result of being descended from an ancestor who is not a Ngati Ruanui ancestor; or
  - (c) a claim that Ngati Ruanui may have as a result of loss of interest in land, or natural or physical resources, in the land area outside Taranaki; or
  - (d) a claim that a representative entity may have, to the extent that the claim is, or is based on, a claim referred to in paragraph (a), paragraph (b), or paragraph (c).
- (4) In this section,—
- land area outside Taranaki** means land in New Zealand that is outside the area of land encompassed within the outermost extent of the claimants' boundaries as set out in figure 4 of the interim report by the Waitangi Tribunal entitled *The Taranaki Report: Kaupapa Tuatahi* (1996)

**land in New Zealand** means land within the baseline described in sections 5, 6, and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (being the low-water mark along the coast of New Zealand, including all islands, except as otherwise provided in section 6 or section 6A of that Act)

**representative entity** means—

- (a) the governance entity; and
- (b) a person appointed as an agent for Ngati Ruanui under clause 3.4 of the deed of settlement; and
- (c) a person (including a trust or trustees) acting for, or on behalf of,—
  - (i) the iwi or collective group referred to in section 13(1)(a);
  - (ii) 1 or more of the individuals referred to in section 13(1)(b);
  - (iii) 1 or more of the hapu, groups, families, or whanau referred to in section 13(1)(c).

### **Part 3**

#### **Settlement of historical claims and miscellaneous matters**

##### Subpart 1—Settlement of historical claims

*Jurisdiction of courts, etc, removed*

#### **15 Settlement of Ngati Ruanui historical claims final**

- (1) The settlement of the Ngati Ruanui historical claims effected under the deed of settlement and this Act is final, and the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (2) Subsection (1) does not limit the acknowledgements expressed in, or the provisions of, the deed of settlement.
- (3) Despite any other enactment or rule of law, on and from settlement date, no court, tribunal, or other judicial body has jurisdiction (including, without limitation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—
  - (a) any or all of the Ngati Ruanui historical claims; or
  - (b) the deed of settlement; or

- (c) the redress provided under this Act or under the deed of settlement; or
  - (d) this Act.
- (4) Subsection (3) 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.

*Treaty of Waitangi Act 1975 amended*

**16 Jurisdiction of Tribunal to consider claims**

Section 6 of the Treaty of Waitangi Act 1975 is amended by adding, after subsection (18), the following subsections:

- “(19) Despite anything in this Act or in any other enactment or rule of law, on and from the settlement date (as defined in section 12 of the Ngati Ruanui Claims Settlement Act 2003), the Tribunal does not have jurisdiction (including, without limitation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—
- “(a) any or all of the Ngati Ruanui historical claims, as defined in section 14 of the Ngati Ruanui Claims Settlement Act 2003; or
  - “(b) the deed of settlement, as defined in section 12 of the Ngati Ruanui Claims Settlement Act 2003; or
  - “(c) the redress provided under the deed of settlement or under the Ngati Ruanui Claims Settlement Act 2003; or
  - “(d) the Ngati Ruanui Claims Settlement Act 2003.
- “(20) Subsection (19) does not exclude the jurisdiction of the Tribunal in respect of the interpretation or implementation of the deed of settlement or the Ngati Ruanui Claims Settlement Act 2003.”

*Resumptive memorials no longer apply*

**17 Enactments relating to resumptive memorials on land subject to Ngati Ruanui historical claims do not apply**

- (1) Nothing in the enactments listed in subsection (2) applies in relation to the land shown on SO 14786.
- (2) The enactments are—
  - (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;
  - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986;
  - (c) sections 211 to 213 of the Education Act 1989;

- (d) Part III of the Crown Forest Assets Act 1989:
- (e) Part III of the New Zealand Railways Corporation Restructuring Act 1990.

## **18 Removal of resumptive memorials**

- (1) The chief executive must, as soon as reasonably practicable after the settlement date, issue to the Registrar-General a certificate that identifies each certificate of title or computer register that—
  - (a) relates solely to the land shown on SO 14786; and
  - (b) contains a memorial entered under any of the enactments referred to in section 17(2).
- (2) Each certificate must state that it is issued under this section.
- (3) The Registrar-General must, as soon as reasonably practicable after receiving a certificate issued under subsection (1), and without fee to the registered proprietor or to the governance entity,—
  - (a) register the certificate against each certificate of title or computer register identified in the certificate; and
  - (b) cancel each memorial that, under any of the enactments referred to in section 17(2), is entered on a certificate of title or computer register identified in the certificate.

## Subpart 2—Miscellaneous matters

### *Perpetuities*

## **19 Rule against perpetuities does not apply**

- (1) Neither the rule against perpetuities nor any relevant provisions of the Perpetuities Act 1964—
  - (a) prescribe or restrict the period during which the governance entity—
    - (i) may exist in law; or
    - (ii) may deal with property (including income from property); or
  - (b) apply to a document entered into to give effect to the deed of settlement (including the deeds that grant a right of first refusal referred to in clauses 8.7 and 9.7 of 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.

- (2) Subsection (1)(a) does not apply if the governance entity is, or becomes, a charitable trust.

*Date when actions or matters required under Act occur*

**20 Timing of actions or matters**

- (1) Subject to subsection (2), actions and matters that occur under this Act occur or take effect on the settlement date.
- (2) If a provision of this Act requires an action or matter to occur or take effect on a date other than the settlement date, that action or matter occurs or takes effect on that other date.

*Vesting of properties*

**21 Action by Registrar-General**

If an action is required to be undertaken by the Registrar-General under this Act, it is without fee to the registered proprietor or to the governance entity.

*Consent for rights of way, etc, not required*

**22 Private roads, private ways, and rights of way**

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 that may be required to fulfil the terms of the deed of settlement in relation to a commercial redress property or a cultural redress property.

**Part 4**

**Commercial redress properties**

**23 Transfer of commercial redress properties**

- (1) The provisions of this Part give effect to clauses 8.3 and 8.5 of Part 8 of the deed of settlement.
- (2) The Crown, acting through the Commissioner of Crown Lands, is authorised to do either or both of the following:
- (a) transfer the fee simple estate in a commercial redress property to the governance entity:
  - (b) sign a memorandum of transfer or other document, or do any other thing to effect such a transfer.

- (3) The Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property to the governance entity.

## **24 Creation of computer register**

- (1) This section applies to a commercial redress property to the extent that 1 or more allotments of the property are not included in a certificate of title or computer freehold register.
- (2) The Registrar-General must, in accordance with a written application by a person authorised by the chief executive, create 1 or more computer freehold registers in the name of the Crown subject to, and together with, any encumbrances that are registrable or notifiable and that are described in the written application.
- (3) If, immediately before the creation of a computer freehold register, the allotments of the property are held for different purposes, the register may be created without a statement of purpose.
- (4) A computer freehold register must be created under this section as soon as reasonably practicable after the settlement date but not later than—
  - (a) 24 months after the settlement date; or
  - (b) any later date that may be agreed in writing by the governance entity and the Crown.
- (5) The Crown may grant a covenant for the later creation of 1 or more computer freehold registers for a commercial redress property that is to be transferred to the governance entity.
- (6) Despite the Land Transfer Act 1952,—
  - (a) the Crown may request the Registrar-General to register a covenant referred to in subsection (5) under the Land Transfer Act 1952 by creating a computer interest register; and
  - (b) the Registrar-General must register the covenant in accordance with paragraph (a).
- (7) In this section, **allotment** has the meaning given to it in section 2(1) of the Resource Management Act 1991.

## **25 Application of other enactments**

- (1) Nothing in section 11 or Part X of the Resource Management Act 1991 applies to—

- (a) the transfer of a commercial redress property to the governance entity; or
  - (b) a matter incidental to, or required for the purpose of, the transfer of a commercial redress property to the governance entity.
- (2) The transfer of a commercial redress property to the governance entity does not limit sections 10 or 11 of the Crown Minerals Act 1991.
- (3) The transfer of a commercial redress property to the governance entity is a disposition for the purposes of Part IVA of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

## **Part 5**

### **Cultural redress**

#### Subpart 1—Protocols

##### *General provisions*

#### **26 Authority to issue, amend, or cancel protocols**

- (1) Each responsible Minister may—
- (a) issue a protocol to the governance entity in the form set out in the Cultural Redress Schedule; and
  - (b) amend or cancel that protocol.
- (2) A protocol may be amended or cancelled under subsection (1) at the initiative of either—
- (a) the governance entity; or
  - (b) the Minister who issued the protocol.
- (3) The Minister who issued the protocol may amend or cancel that protocol only after consulting with, and having particular regard to the views of, the governance entity.

#### **27 Protocols subject to the Crown's obligations**

Protocols do not restrict—

- (a) the ability of the Crown to perform its functions and duties and exercise its powers in accordance with the law and government policy, which includes (without limitation) the ability to—
  - (i) introduce legislation and change government policy; and

- (ii) interact or consult with any person the Crown considers appropriate, including, without limitation, any iwi, hapu, marae, whanau, or other representative of tangata whenua; or
- (b) the responsibilities of a responsible Minister and responsible Ministry; or
- (c) the legal rights of Ngati Ruanui.

## **28 Enforceability of protocols**

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails without good cause to comply with its obligations under a protocol, the governance entity may, subject to the Crown Proceedings Act 1950, enforce the protocol.
- (3) Despite subsection (2), damages or any form of monetary compensation are not available as a remedy for failure to comply with a protocol.
- (4) To avoid doubt,—
  - (a) subsections (1) and (2) do not apply to guidelines developed for the implementation of a protocol:
  - (b) subsection (3) does not affect the ability of a court to award costs in relation to proceedings referred to in subsection (2).

## **29 Limitation of rights**

- (1) The DOC protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, land held, managed, or administered, or flora or fauna managed or administered, under—
  - (a) the Conservation Act 1987; or
  - (b) the statutes listed in the First Schedule of that Act.
- (2) The fisheries protocol does not have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, assets or other property rights held, managed, or administered under fisheries legislation (including fish, aquatic life, and seaweed).
- (3) The MED protocol does not have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, Crown owned minerals held, managed, or administered under the Crown Minerals Act 1991 or other relevant legislation.

- (4) The antiquities protocol does not have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, antiquities or artifacts held, managed, or administered under the Antiquities Act 1975.
- (5) In this section,—  
**antiquity** and **artifact** have the meaning given to them in section 2 of the Antiquities Act 1975.

### *Noting of certain protocols*

#### **30 Noting of DOC protocol**

- (1) The existence of the DOC protocol must be noted in the conservation documents that affect the DOC protocol area.
- (2) The noting of the DOC protocol must include a summary of the terms under which the protocol is issued, as set out in attachment B of the DOC protocol.
- (3) The noting of the DOC protocol—
  - (a) is for the purpose of public notice only; and
  - (b) is not an amendment to a conservation document for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

#### **31 Noting of fisheries protocol**

- (1) The existence of the fisheries protocol must be noted in fisheries plans affecting the fisheries protocol area.
- (2) The noting of the fisheries protocol must include a summary of the terms under which the protocol is issued, as set out in attachment B of the fisheries protocol.
- (3) The noting of the fisheries protocol 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.
- (4) In this section, **fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996.

#### **32 Noting of MED protocol**

- (1) The existence of the MED protocol must be noted in minerals programmes affecting the MED protocol area.

- (2) The noting of the MED protocol must include a summary of the terms under which the protocol is issued, as set out in attachment B of the MED protocol.
- (3) The noting of the MED protocol is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to the relevant minerals programme.
- (4) In this section, **minerals programme** has the meaning given to it in section 2(1) of the Crown Minerals Act 1991.

## Subpart 2—Cultural redress properties

### *Vesting of cultural redress properties*

#### 33 Interpretation

In this Act,—

**Kaikura site** means the land described by that name in Part 1 of Schedule 1

**Maben site** means the land described by that name in Part 1 of Schedule 1

**Makino scenic reserve** means the land described by that name in Part 2 of Schedule 1

**Pukemoko Pa site** means the land described by that name in Part 1 of Schedule 1

**Tarere site** means the land described by that name in Part 1 of Schedule 1

**Turuturu Mokai site** means the land described by that name in Part 1 of Schedule 1

**Whakaahurangi Marae site** means the land described by that name in Part 1 of Schedule 1.

#### 34 Turuturu Mokai site

- (1) The reservations under the Reserves Act 1977 over the Turuturu Mokai site are revoked.
- (2) The fee simple estate in the Turuturu Mokai site vests in the governance entity, subject to the easement referred to in clause 9.2.4 of the deed of settlement.

#### 35 Pukemoko Pa site

- (1) The reservation under the Reserves Act 1977 over the Pukemoko Pa site is revoked.

- (2) The fee simple estate in the Pukemoko Pa site vests in the governance entity.

### **36 Whakaahurangi Marae site**

- (1) The reservations under the Reserves Act 1977 over the Whakaahurangi Marae site are revoked.
- (2) The fee simple estate in the Whakaahurangi Marae site vests in the governance entity.

### **37 Kaikura site**

- (1) The Kaikura site ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Kaikura site vests in the governance entity.
- (3) Part IVA of the Conservation Act 1987 does not apply to the vesting under subsection (2).

### **38 Maben site**

- (1) The Maben site ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Maben site vests in the governance entity, subject to the easement referred to in clause 9.2.10(d) of the deed of settlement.
- (3) Part IVA of the Conservation Act 1987 does not apply to the vesting under subsection (2).

### **39 Tarere site**

- (1) The Tarere site ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Tarere site vests in the governance entity.

### *Vesting of scenic reserve*

### **40 Makino scenic reserve**

- (1) The Makino scenic reserve vests in the governance entity to hold and administer as a scenic reserve under section 26 of the Reserves Act 1977, subject to section 19(1)(a) of that Act.

- (2) The governance entity is an administering body, as defined in section 2(1) of the Reserves Act 1977, for the Makino scenic reserve.
- (3) Section 24(7B) of the Conservation Act 1987 applies to the vesting under subsection (1).

#### **41 Vesting subject to encumbrances**

The vesting of each cultural redress property is subject to the encumbrances (if any) listed in column 3 of Schedule 1.

#### **42 Intermediate vesting of certain land in the Crown**

- (1) This section applies to—
  - (a) that part of the Turuturu Mokai site that was derived from the Crown as identified in Part 1 of Schedule 1:
  - (b) the Pukemoko Pa site:
  - (c) the Whakaahurangi Marae site.
- (2) On revocation under this subpart of the reserve status of the sites identified in subsection (1), the sites vest in the Crown as Crown land and become subject to section 82 of the Reserves Act 1977 before they vest in the governance entity.

#### **43 Registration of ownership**

- (1) This section applies to the fee simple estate in a cultural redress property that vests in the governance entity by this Act.
- (2) The Registrar-General must, on written application by a person authorised by the chief executive, comply with subsections (3) and (4).
- (3) To the extent that the property comprises all the land in a certificate of title or computer freehold register, the Registrar-General must—
  - (a) register the governance entity as the proprietor of the fee simple estate in the land; and
  - (b) make those entries in the register and generally do all things necessary to give effect to this subpart and Part 9 of the deed of settlement.
- (4) To the extent that the property does not comprise all the land in a certificate of title or computer freehold register, the Registrar-General must, in accordance with the application referred

to in subsection (2), create 1 or more computer freehold registers in the name of the governance entity subject to, and together with, any encumbrances that are registrable or notifiable and that are described in the written application.

- (5) Subsection (4) applies subject to completing any survey necessary to create a computer freehold register.
- (6) A computer freehold register must be created under this section as soon as reasonably practicable after the settlement date but no later than—
  - (a) 24 months after the cultural redress property vests in the governance entity; or
  - (b) any later date that may be agreed in writing by the governance entity and the Crown.

#### **44 Application of other enactments**

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to a revocation under this Act of the reserve status of a cultural redress property vested under this Act.
- (2) Section 11 and Part X 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 Act; or
  - (b) a matter incidental to, or required for the purpose of, the vesting of a cultural redress property under this Act.
- (3) The vesting of the fee simple estate in a cultural redress property under this Act does not limit section 10 or section 11 of the Crown Minerals Act 1991.
- (4) Except as provided for in sections 37 and 38, the vesting of the fee simple estate in a cultural redress property listed in Part 1 of Schedule 1 is a disposition for the purposes of Part IVA of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

#### **45 Successors bound**

- (1) The terms on which the fee simple estate in a cultural redress property vests in the governance entity bind successors in title to that property unless the Crown and the governance entity agree otherwise.

- (2) The Registrar-General must record on the certificate of title of a cultural redress property whether or not successors are bound, as provided for in subsection (1).

### Subpart 3—Ukaipo entitlements

#### *Grant of Ukaipo entitlement*

#### **46 Grant and renewal of Ukaipo entitlements**

- (1) The Crown must, in accordance with this subpart, grant to the governance entity an Ukaipo entitlement over each Ukaipo site.
- (2) The grant of an Ukaipo entitlement must be for an initial term of 10 years beginning on the settlement date.
- (3) The grant referred to in subsection (1) must be made in the form set out in Part 6 of the Cultural Redress Schedule, or as varied in accordance with section 48.
- (4) If there is inconsistency between the provisions of the form used for the Ukaipo entitlement under subsection (3) and the provisions of this subpart, the provisions of this subpart prevail.
- (5) An Ukaipo entitlement must be renewed for further terms of 10 years unless the Ukaipo entitlement is terminated under section 53 or section 64.

#### **47 Notification of Ukaipo entitlement**

- (1) The land holding agent must notify the grant of an Ukaipo entitlement in the *Gazette*.
- (2) The chief executive must note in his or her records the grant of an Ukaipo entitlement and the notice in the *Gazette* relating to it.
- (3) Subsections (1) and (2) apply to the renewal of an Ukaipo entitlement as if it were the grant of the Ukaipo entitlement.

#### **48 Terms and conditions of Ukaipo entitlement may be varied**

- (1) The form of an Ukaipo entitlement granted under section 46 may be varied from the form used under section 46(3) by—
  - (a) the addition, at the time of the grant of an Ukaipo entitlement, of terms reasonably required by the Crown to protect and preserve—

- (i) the land over which the Ukaipo entitlement is granted:
  - (ii) the surrounding land:
  - (iii) associated flora and fauna; or
  - (b) agreement between the land holding agent and the governance entity.
- (2) Additional terms and terms varied under subsection (1) must be in writing and must not be inconsistent with this subpart.

### *Purpose of Ukaipo entitlements*

#### **49 Purpose of Ukaipo entitlements**

An Ukaipo entitlement is granted to the governance entity for the purpose of permitting members of Ngati Ruanui to occupy land, temporarily, exclusively, and on a non-commercial basis,—

- (a) so as to have access to a waterway for lawful fishing; and
- (b) for the lawful gathering of other natural resources in the vicinity of the Ukaipo site.

### *Rights under Ukaipo entitlements*

#### **50 Occupation of Ukaipo sites by members of Ngati Ruanui**

- (1) The governance entity has the right to permit members of Ngati Ruanui to occupy an Ukaipo site—
- (a) for the purpose of the Ukaipo entitlement, as set out in section 49; and
  - (b) to the exclusion of other persons during the period or periods that it exercises the right to occupy the site.
- (2) Subsection (1) applies subject to sections 51 and 56.

#### **51 Period of occupation of Ukaipo sites**

- (1) The governance entity may permit members of Ngati Ruanui to occupy the Ukaipo sites for any period or periods in a calendar year that do not exceed 210 days in total.
- (2) The governance entity must not permit members of Ngati Ruanui to occupy the Ukaipo sites in a calendar year during the period beginning on 1 May and ending at the close of 15 August.

**52 Right to erect temporary dwellings**

- (1) The governance entity may permit members of Ngati Ruanui, while occupying the Ukaipo sites under an Ukaipo entitlement, to erect camping shelters or similar temporary dwellings on the land.
- (2) The governance entity must ensure the removal of camping shelters or similar temporary dwellings erected on an Ukaipo site whenever the right to occupy that Ukaipo site is not being exercised.

**53 Condition of land when occupation ceases**

- (1) The governance entity must, whenever members of Ngati Ruanui permitted to occupy an Ukaipo site under section 50 cease to occupy an Ukaipo site, leave the site in substantially the same condition as it was in at the beginning of the period when the governance entity was last entitled to permit members of Ngati Ruanui to occupy the site.
- (2) Subsection (1) does not apply to temporary effects normally associated with occupation of an Ukaipo site under an Ukaipo entitlement.

**54 Activities on Ukaipo sites**

- (1) This section applies subject to section 52.
- (2) The governance entity may, with the consent of the land holding agent, undertake other activities on Ukaipo sites that are reasonably necessary for the Ukaipo entitlement to be used for the purpose set out in section 49.
- (3) When applying for the land holding agent's consent, the governance entity must provide to the land holding agent details relating to the proposed activities, including (but not limited to)—
  - (a) the effect of the activities—
    - (i) on the Ukaipo sites; and
    - (ii) if an Ukaipo site is held under the Conservation Act 1987 or an Act listed in the First Schedule of that Act, on the surrounding land and wildlife; and
  - (b) measures that the governance entity proposes to take (if the land holding agent's consent is given) to avoid, remedy, or mitigate adverse effects.

- (4) In considering whether to give consent in relation to land held under the Conservation Act 1987 or an Act listed in the First Schedule of that Act, the land holding agent may require the governance entity to obtain, at the expense of the governance entity, an environmental impact report about the proposed activities and an audit of that report.
- (5) The giving of consent is at the complete discretion of the land holding agent.
- (6) The land holding agent may give consent subject to any conditions that he or she thinks fit to impose.
- (7) Without limiting subsection (6), in giving consent in relation to land held under the Conservation Act 1987 or an Act listed in the First Schedule of that Act, the land holding agent may impose reasonable conditions to avoid, remedy, or mitigate adverse effects of the proposed activities on the Ukaipo sites, surrounding land, or wildlife.
- (8) If the Crown has complied with its obligations under an Ukaipo entitlement, the Crown is not liable to compensate the governance entity (whether on termination of an Ukaipo entitlement or at another time) for activities undertaken by the governance entity on the Ukaipo site.

### *Obligations relating to Ukaipo entitlements*

- 55 Ukaipo entitlements must not impede public access**  
The grant and exercise of an Ukaipo entitlement must not impede access by members of the public along a waterway.
- 56 Crown functions to continue**  
The grant and exercise of an Ukaipo entitlement does not prevent agents of the Crown or persons exercising statutory powers from undertaking their functions in relation to the land over which an Ukaipo entitlement is granted.
- 57 Ukaipo entitlement does not restrict the Crown's right to alienate land**  
The grant and exercise of an Ukaipo entitlement does not restrict the Crown's right to alienate an Ukaipo site, land adjacent to an Ukaipo site, or land adjacent to a waterway.

**58 Governance entity may enforce rights against other persons**

While members of Ngati Ruanui are occupying an Ukaipo site under an Ukaipo entitlement, the governance entity may enforce its rights under the Ukaipo entitlement against persons who are not parties to the deed of settlement as if the governance entity were the owner of the Ukaipo site.

**59 Crown's obligation to provide lawful access**

- (1) If an event described in subsection (2) occurs during the term of an Ukaipo entitlement, the Crown must ensure that the governance entity continues, for the rest of the term, to have the same type of access to the Ukaipo site as it had before the event occurred.
- (2) The events are—
  - (a) the alienation by the Crown of land adjacent to an Ukaipo site:
  - (b) a change in the classification or status of land adjacent to an Ukaipo site.
- (3) The Crown's obligation in subsection (1) is subject to compliance with all applicable provisions in or under any other enactment.

**60 Compliance with laws, bylaws, and land and water management practices**

- (1) The governance entity, members of Ngati Ruanui permitted to occupy an Ukaipo site under section 50, and activities carried out on that Ukaipo site by them are subject to the laws, regulations, bylaws, and land and water management practices that apply to that Ukaipo site.
- (2) The land holding agent, in carrying out land and water management practices that relate to an Ukaipo site, must have regard to the existence of an Ukaipo entitlement and must—
  - (a) notify the governance entity of an activity that may affect the governance entity; and
  - (b) avoid unreasonable disruption to the governance entity.
- (3) The governance entity is subject to any requirement to apply for resource consents for activities on the Ukaipo sites.
- (4) Subsection (3) does not limit subsection (1).

- (5) In this section, **activities** includes activities undertaken under section 54.

**61 Rights of governance entity under Ukaipo entitlement not assignable**

The rights of the governance entity under an Ukaipo entitlement are not assignable.

*Suspension and termination of Ukaipo entitlement*

**62 Suspension of Ukaipo entitlement**

- (1) The land holding agent may suspend an Ukaipo entitlement in accordance with this section.
- (2) The land holding agent must not suspend an Ukaipo entitlement unless he or she first—
  - (a) consults the governance entity; and
  - (b) has particular regard to the views of the governance entity.
- (3) The land holding agent must not suspend an Ukaipo entitlement unless he or she considers the suspension necessary for the management of the land, having regard to the purposes for which the land is held by the land holding agent.
- (4) If an Ukaipo entitlement is suspended, the governance entity may, after the end of the suspension, permit members of Ngati Ruanui to occupy the Ukaipo site for a period equal to the period of the suspension.
- (5) The occupation of an Ukaipo site under subsection (4) is not subject to the restriction under section 51(2).

**63 Termination of Ukaipo entitlement**

- (1) The governance entity and the Crown may terminate an Ukaipo entitlement by agreement in writing.
- (2) The Crown may terminate an Ukaipo entitlement by giving written notice to the governance entity on 1 or more of the following grounds:
  - (a) that the Crown has alienated the Ukaipo site;
  - (b) that the Ukaipo site has, by a natural cause, been destroyed or permanently and detrimentally affected;
  - (c) that the Ukaipo site is on reserve land that is required for the specific purpose for which it was originally set apart as a reserve:

- (d) that the Ukaipo site is an unformed legal road that becomes formed:
  - (e) subject to section 59, that lawful access to the Ukaipo site has ceased to exist.
- (3) On the termination of an Ukaipo entitlement under this section, the Crown must take all reasonable steps to grant a replacement Ukaipo entitlement to the governance entity.
  - (4) Subsection (3) does not apply in relation to an Ukaipo entitlement if the fee simple estate in the Ukaipo site is vested in the governance entity.
  - (5) The grant of a replacement Ukaipo entitlement under subsection (3) must be over land that—
    - (a) complies with clause 9.2.31 of the deed of settlement; and
    - (b) is identified by similar processes used by the Crown and Ngati Ruanui to identify Ukaipo sites before entering into the deed of settlement.

#### **64 Termination of Ukaipo entitlement for breach of obligations**

- (1) This section applies if the governance entity defaults in performing any of its obligations under an Ukaipo entitlement.
- (2) If the default is capable of remedy, the Crown may give notice to the governance entity in writing, specifying the default and the remedy for the default required by the Crown.
- (3) The remedy required by the Crown must be reasonable in the circumstances.
- (4) If, at the end of 41 business days after notice is given by the Crown under subsection (2), the governance entity has not remedied, or taken appropriate action to remedy, the default as required by the Crown, the Crown may immediately terminate the Ukaipo entitlement by notice in writing to the governance entity.
- (5) If the default is not capable of remedy, the Crown may immediately terminate the Ukaipo entitlement by notice in writing to the governance entity.
- (6) The governance entity may, not earlier than 2 years after the termination of an Ukaipo entitlement under this section, apply to the Minister of Maori Affairs for the grant of a replacement

Ukaipo entitlement that complies with clause 9.2.31 of the deed of settlement.

- (7) On receipt of an application under subsection (6), the Crown may, in its discretion, take reasonable steps to grant a replacement Ukaipo entitlement over land that—
- (a) complies with clause 9.2.31 of the deed of settlement; and
  - (b) is identified by similar processes used by the Crown and Ngati Ruanui to identify Ukaipo sites before entering into the deed of settlement.

**65 Notification of termination of Ukaipo entitlement**

- (1) If an Ukaipo entitlement is terminated under section 63 or section 64, the land holding agent must give notice of the termination in the *Gazette*.
- (2) The chief executive must note in his or her records the termination of the Ukaipo entitlement and its notification in the *Gazette*.

*Rights not affected or created*

**66 Rights of other parties not affected**

Except as expressly provided in this subpart, the grant and exercise of an Ukaipo entitlement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

**67 No creation of rights in entitlement land**

Except as expressly provided in this subpart, the grant and exercise of an Ukaipo entitlement does not have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, an Ukaipo site.

*Application of other enactments*

**68 Part IIIB of Conservation Act 1987 not to apply**

Part IIIB of the Conservation Act 1987 does not apply to the grant of an Ukaipo entitlement.

**69 Local Government (Rating) Act 2002**

- (1) To avoid doubt, section 8(1) and (3) of the Local Government (Rating) Act 2002 applies to land over which an Ukaipo entitlement is granted.
- (2) The governance entity must reimburse the owner of an Ukaipo site for rates payable under section 9 of the Local Government (Rating) Act 2002 for the Ukaipo site in proportion to the period for which the governance entity is entitled to occupy the Ukaipo site.

**70 Section 44 of Reserves Act 1977 not to apply**

Section 44 of the Reserves Act 1977 does not apply in relation to an Ukaipo entitlement granted over land subject to that Act.

**71 Section 11 and Part X of Resource Management Act 1991 do not apply**

The grant of an Ukaipo entitlement is not a subdivision for the purposes of section 11 and Part X of the Resource Management Act 1991.

**Subpart 4—Taki Poipoia o Ngati Ruanui****72 Declaration of Taki Poipoia o Ngati Ruanui**

The site described in Schedule 3 is a Taki Poipoia o Ngati Ruanui.

**73 Crown's acknowledgement of Ngati Ruanui values**

The Crown acknowledges the statement by Ngati Ruanui of Ngati Ruanui values, the text of which is set out in Schedule 3.

**74 Purposes of Taki Poipoia o Ngati Ruanui**

- (1) The only purposes of the declaration of a Taki Poipoia o Ngati Ruanui under section 72 and of the Crown's acknowledgement of Ngati Ruanui values in relation to the site are—
  - (a) to enable agreement on protection principles under section 75:
  - (b) to give effect to the requirement that the New Zealand Conservation Authority and relevant conservation boards must have particular regard to Ngati Ruanui values and the protection principles, as provided in section 76:

- (c) to enable the taking of action under section 78 or section 81.
- (2) This section does not limit sections 75 to 87.

#### **75 Agreement on protection principles**

The governance entity and the Crown may agree on and publicise protection principles that are directed at the Minister of Conservation avoiding—

- (a) harming Ngati Ruanui values; and
- (b) diminishing Ngati Ruanui values.

#### **76 Duty of New Zealand Conservation Authority and conservation boards in relation to Taki Poipoia o Ngati Ruanui**

The New Zealand Conservation Authority or a conservation board must,—

- (a) when considering general policy or a conservation document in relation to the Taki Poipoia o Ngati Ruanui, have particular regard to—
  - (i) Ngati Ruanui values; and
  - (ii) the protection principles; and
- (b) before approving a conservation document in relation to the Taki Poipoia o Ngati Ruanui, consult with the governance entity and have particular regard to its views as to the effect of that conservation document on Ngati Ruanui values.

#### **77 Notification of Taki Poipoia o Ngati Ruanui**

- (1) The declaration of the Taki Poipoia o Ngati Ruanui must be noted in conservation documents affecting the site.
- (2) The noting of the Taki Poipoia o Ngati Ruanui under subsection (1)—
  - (a) is for the purpose of public notice only; and
  - (b) is not an amendment to a conservation document for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

#### **78 Actions by Director-General**

- (1) On notification by the Minister of Conservation in the *Gazette* of the protection principles, the Director-General must take action in relation to those principles.

- (2) The Director-General retains a complete discretion to determine the method and extent of the action to be taken under subsection (1).
- (3) The Director-General must notify the governance entity of what action the Director-General intends to take under subsection (1).
- (4) If requested in writing by the governance entity, the Director-General must not take action in respect of the protection principles to which the request relates.
- (5) Subsection (1) applies subject to subsections (2) to (4).

### **79 Amendment of conservation documents**

- (1) The Director-General may initiate an amendment of a conservation document to incorporate objectives relating to the protection principles (including incorporating a recommendation to promulgate regulations or make bylaws).
- (2) The Director-General must consult with affected conservation boards before initiating an amendment under subsection (1).
- (3) An amendment initiated under subsection (1) 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, as the case may be.
- (4) This section does not limit section 78(2).

### **80 Regulations**

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

- (a) to provide for the implementation of objectives included in a conservation document under section 79(1):
- (b) to regulate or prohibit activities or conduct by members of the public on the Taki Poipoia o Ngati Ruanui:
- (c) to create offences for breaches of regulations made under paragraph (b), and provide for the imposition of fines—
  - (i) not exceeding \$5,000 for those offences; and
  - (ii) if the offence is a continuing one, a further amount not exceeding \$50 for every day during which the offence continues.

**81 Bylaws**

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

- (a) to provide for the implementation of objectives included in a conservation document under section 79(1);
- (b) to regulate or prohibit activities or conduct by members of the public on the Taki Poipoia o Ngati Ruanui;
- (c) to create offences for breaches of bylaws made under paragraph (b) and to provide for the imposition of fines not exceeding \$1,000 for those offences.

**82 Notification of actions in *Gazette***

- (1) The Minister of Conservation must notify in the *Gazette*—
  - (a) the declaration of the Taki Poipoia o Ngati Ruanui; and
  - (b) the protection principles.
- (2) The Director-General may, at his or her discretion, notify in the *Gazette* any action taken or intended to be taken under any of sections 78 to 80.
- (3) The Director-General must notify in the *Gazette* any action taken or intended to be taken under section 81.

**83 Existing classification of Taki Poipoia o Ngati Ruanui**

The purpose or classification of an area as a national park, reserve, or conservation area is not affected by the fact that the area is, or is within, the Taki Poipoia o Ngati Ruanui.

**84 Termination of Taki Poipoia o Ngati Ruanui status**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of the Taki Poipoia o Ngati Ruanui is no longer a Taki Poipoia o Ngati Ruanui.
- (2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—
  - (a) the governance entity and the Minister of Conservation have agreed in writing that the Taki Poipoia o Ngati Ruanui status is no longer appropriate for the area concerned; or
  - (b) the area concerned is alienated by the Crown; or

- (c) the responsibility for managing the area concerned is transferred to a different Minister of the Crown or department of State.
- (3) Subsection (4) applies if—
- (a) either of paragraph (b) or paragraph (c) of subsection (2) applies; or
  - (b) there is a change in the statutory management regime that applies to all or part of the Taki Poipoia o Ngati Ruanui.
- (4) If this subsection applies, the Crown must take reasonable steps to ensure that the governance entity continues to have input into the management of the Taki Poipoia o Ngati Ruanui or that part of it affected by the alienation or change in management responsibility through negotiation with the governance entity by—
- (a) the Minister of the Crown responsible for the new management or the management regimes; or
  - (b) the Commissioner of Crown Lands; or
  - (c) another responsible officer.

## **85 Exercise of powers, functions, and duties**

- (1) Except as expressly provided in this subpart,—
- (a) the declaration under section 72 and the acknowledgement under section 73 do not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to Ngati Ruanui values than that person would give under the relevant statute, regulation, or bylaw if the site had not been declared a Taki Poipoia o Ngati Ruanui and Ngati Ruanui values had not been acknowledged.
- (2) Subsection (1)(b) does not limit subsection (1)(a).

## **86 Rights not affected**

Except as expressly provided in this subpart, sections 72 and 73 do not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

**87 Limitation of rights**

Except as expressly provided in this subpart, sections 72 and 73 do not have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, the Taki Poipoia o Ngati Ruanui.

**Subpart 5—Statutory acknowledgements and deeds of recognition***Statutory acknowledgements***88 Statutory acknowledgements by the Crown**

The Crown acknowledges the statements made by Ngati Ruanui of the particular cultural, spiritual, historical, and traditional association of Ngati Ruanui with the statutory areas listed in Part 1 of Schedule 4, the texts of which are set out in Schedules 5 to 9.

**89 Purposes of statutory acknowledgements**

- (1) The only purposes of the statutory acknowledgements are—
  - (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to the statutory acknowledgements in relation to the statutory areas, as provided for in sections 90 to 92:
  - (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94:
  - (c) to enable the governance entity and a member of Ngati Ruanui to cite the statutory acknowledgements as evidence of the association of Ngati Ruanui with the statutory areas, as provided for in section 95:
  - (d) to enable the Minister of the Crown responsible for the management of the statutory areas, or the Commissioner of Crown Lands, to enter into deeds of recognition, as provided for in section 96.
- (2) This section does not limit the operation of sections 103 to 106.

**90 Consent authorities to have regard to statutory acknowledgements**

- (1) From the effective date, a consent authority must have regard to a statutory acknowledgement relating to a statutory area—

- (a) in forming an opinion under section 93(1)(e) of the Resource Management Act 1991 as to whether the governance entity is a person who is likely to be directly affected by an application for activities within, adjacent to, or impacting directly on the statutory area:
  - (b) in forming an opinion under either section 94(1)(c)(ii) or section 94(3)(c) of the Resource Management Act 1991 as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area:
  - (c) in satisfying itself under section 94(2)(b) of the Resource Management Act 1991 as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area.
- (2) Subsection (1) does not limit the obligations of a consent authority under Part II of the Resource Management Act 1991.

#### **91 Environment Court must have regard to statutory acknowledgements**

- (1) From the effective date, the Environment Court must have regard to a statutory acknowledgement relating to a statutory area in determining, under section 274 of the Resource Management Act 1991, whether the governance entity is a person having an interest in the proceedings greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or impacting directly on the statutory area.
- (2) Subsection (1) does not limit the obligations of the Environment Court under Part II of the Resource Management Act 1991.

#### **92 New Zealand Historic Places Trust and Environment Court must have regard to statutory acknowledgements**

From the effective date, the New Zealand Historic Places Trust and the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion under section 14(6)(a) or section 20(1) of

the Historic Places Act 1993, as the case may be, as to whether the governance entity is a person directly affected in relation to an archaeological site within the statutory area.

### **93 Recording of statutory acknowledgements on statutory plans**

- (1) Local authorities with jurisdiction in an area that includes a statutory area must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area.
- (2) The attachment of information under subsection (1) to a statutory plan—
  - (a) may be by reference to this subpart or by setting out the statutory acknowledgement in full; and
  - (b) is for the purpose of public information only, and the information is not—
    - (i) part of the statutory plan (unless adopted by the relevant regional council or district council); or
    - (ii) subject to the provisions of the First Schedule of the Resource Management Act 1991.
- (3) In this section, **statutory plans** means regional policy statements, regional coastal plans, district plans, regional plans, and proposed plans as defined in section 2(1) of the Resource Management Act 1991; and includes proposed policy statements referred to in the First Schedule of the Resource Management Act 1991.

### **94 Distribution of resource consent applications to governance entity**

- (1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the governance entity a summary of resource consent applications for activities within, adjacent to, or impacting directly on a statutory area.
- (2) The information provided under subsection (1) must be—
  - (a) the same as would be given under section 93 of the Resource Management Act 1991 to persons likely to be directly affected, or as may be agreed between the governance entity and the relevant consent authority; and
  - (b) provided as soon as reasonably practicable after the application is received and before a determination is

made under section 93 or section 94 of the Resource Management Act 1991.

- (3) The governance entity may, by notice in writing to a relevant consent authority,—
  - (a) waive its rights to be notified under this section; and
  - (b) state the scope of any waiver that is given.
- (4) This section does not affect the discretion of a relevant consent authority as to whether—
  - (a) to notify an application under sections 93 and 94 of the Resource Management Act 1991; or
  - (b) the governance entity is a person who is likely to be directly affected under those sections.
- (5) In this section, **relevant consent authority** means a consent authority of the region or district that contains, or is adjacent to, a statutory area.

#### **95 Use of statutory acknowledgement**

- (1) The governance entity and a member of Ngati Ruanui may, as evidence of the association of Ngati Ruanui with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or the New Zealand Historic Places Trust concerning activities within, adjacent to, or impacting directly on the statutory area.
- (2) The content of the statement of association, as recorded in the statutory acknowledgement, is not, by virtue of the statutory acknowledgement, binding as deemed fact on—
  - (a) consent authorities:
  - (b) the Environment Court:
  - (c) the New Zealand Historic Places Trust:
  - (d) parties to proceedings before those bodies:
  - (e) any other person able to participate in those proceedings.
- (3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
- (4) Neither the governance entity nor a member of Ngati Ruanui is precluded from stating that Ngati Ruanui have an association with a statutory area that is not described in the statutory acknowledgement.

- (5) The content and existence of the statutory acknowledgement do not limit a statement made under subsection (4).

### *Deeds of recognition*

#### **96 Authorisation to enter into and amend deeds of recognition**

- (1) The Minister of Conservation or the Commissioner of Crown Lands may—
- (a) enter into a deed of recognition with the governance entity—
    - (i) in respect of the land within a statutory area referred to in Part 2 of Schedule 4; and
    - (ii) in the form set out for each statutory area in Part 11 of the Cultural Redress Schedule; and
  - (b) subject to subsection (2), amend a deed of recognition.
- (2) A deed of recognition may be amended only by written agreement between—
- (a) the Minister of Conservation or the Commissioner of Crown Lands; and
  - (b) the governance entity.

#### **97 Purpose of deed of recognition**

- (1) The only purpose of a deed of recognition is to require that the governance entity be consulted and regard be had to its views, as provided in section 98.
- (2) Subsection (1) does not limit or affect sections 105 and 106.

#### **98 Form and terms of deeds of recognition**

A deed of recognition entered into under section 96 must provide, in relation to the matters it specifies concerning the management or administration by the Minister of Conservation or the Commissioner of Crown Lands of the statutory area (or that part of it to which the deed of recognition applies), that—

- (a) the governance entity must be consulted; and
- (b) regard must be had to the views of the governance entity relating to the association described in the statutory acknowledgement to which the deed of recognition relates.

**99 Termination of deeds of recognition**

A deed of recognition terminates in respect of a statutory area if—

- (a) the governance entity and the Minister of Conservation or the Commissioner of Crown Lands agree in writing that a deed of recognition is no longer appropriate for the area concerned; or
- (b) the area concerned is alienated by the Crown; or
- (c) there is a change in the Minister or the department of State responsible for the management of the area concerned.

**100 Crown management**

The entry into a deed of recognition does not, in relation to a statutory area to which the deed of recognition applies,—

- (a) require the Crown to increase or resume management or administrative functions; or
- (b) preclude the Crown from undertaking only limited management or administrative functions.

*Application of statutory acknowledgements and deeds of recognition to rivers*

**101 Statutory acknowledgements in relation to rivers**

If a statutory acknowledgement relates to a river, the river does not include—

- (a) a part of the bed of the river that is not owned or controlled by the Crown;
- (b) land that the waters of the river do not cover at its fullest flow without overlapping its banks;
- (c) an artificial watercourse;
- (d) a tributary flowing into the river.

**102 Deeds of recognition in relation to rivers**

If a deed of recognition is entered into in relation to a river, that deed of recognition relates only to the bed of the river, but does not include—

- (a) a part of the bed of the river that is not owned or controlled by the Crown;
- (b) land that the waters of the river do not cover at its fullest flow without overlapping its banks;
- (c) the bed of an artificial watercourse;

- (d) the bed of a tributary flowing into the river.

*General provisions*

**103 No limitation on other statutory acknowledgements or deeds of recognition**

Neither the provision of a statutory acknowledgement nor the entry into a deed of recognition precludes the Crown from providing a statutory acknowledgement to, or entering into a deed of recognition with, a person other than Ngati Ruanui.

**104 Exercise of powers, functions, and duties not affected**

- (1) Except as expressly provided in sections 89 to 92, 95, 97, and 98,—

(a) neither a statutory acknowledgement nor a deed of recognition affects, or may be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:

(b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Ruanui with a statutory area (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if no statutory acknowledgement or deed of recognition existed in respect of the statutory area.

- (2) Subsection (1)(b) does not limit subsection (1)(a).

**105 Rights not affected**

Except as expressly provided in this subpart, neither a statutory acknowledgement nor a deed of recognition affects the lawful rights or interests of a person who is not a party to the deed of settlement.

**106 Limitation of rights**

Except as expressly provided in this subpart, neither a statutory acknowledgement nor a deed of recognition has the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

*Amendment to Resource Management Act 1991***107 Amendment to Resource Management Act 1991**

Schedule 11 of the Resource Management Act 1991 is amended by inserting, in its correct alphabetical order, the following item:

“Ngati Ruanui Claims Settlement Act 2003”.

**Subpart 6—Place names****108 Change of place names**

- (1) The existing place name in column 1 of Part 1 of Schedule 10 is altered to the corresponding name in column 2 of that part of the Schedule.
- (2) Each place name in column 1 of Part 2 of Schedule 10 is assigned to the corresponding location set out in column 2 of that part of the Schedule.
- (3) The changes made under subsections (1) and (2) are to be treated as made—
  - (a) with the approval of the New Zealand Geographic Board; and
  - (b) in accordance with the New Zealand Geographic Board Act 1946.

**Subpart 7—Acknowledgement of special association***Nga Taonga a Tane raua ko Tangaroa***109 Special association with Nga Taonga a Tane raua ko Tangaroa**

- (1) The Crown acknowledges the statement by Ngati Ruanui of the cultural, spiritual, historical, and traditional association of Ngati Ruanui with Nga Taonga a Tane raua ko Tangaroa, being—
  - (a) the indigenous species; and
  - (b) the species of fish and other aquatic life found within the fisheries protocol area and managed by the Ministry of Fisheries under the fisheries legislation.
- (2) The text of the statement of association by Ngati Ruanui referred to in subsection (1) is set out in Part 1 of Schedule 11.

**110 Purpose of acknowledgement**

The only purpose of the acknowledgement given in relation to the indigenous species under section 109 is for the acknowledgement to be included in the DOC protocol.

*Purangi***111 Special association with purangi acknowledged**

- (1) The Crown acknowledges the statement by Ngati Ruanui of the cultural, spiritual, historical, and traditional association of Ngati Ruanui with purangi in the Ngati Ruanui area of interest.
- (2) The text of the statement of association by Ngati Ruanui referred to in subsection (1) is set out in Part 2 of Schedule 11:
- (3) In this subpart, **purangi** means the green stone found in the Ngati Ruanui area of interest and described in Part 2 of Schedule 11.

*Paua fishery***112 Customary non-commercial interest acknowledged**

- (1) The Crown acknowledges the customary, non-commercial interest of Ngati Ruanui in the paua fishery.
- (2) In this subpart, **paua fishery** means the fishery of the species of paua named *Haliotis iris* in the fisheries protocol area.

*General provisions***113 Exercise of powers, functions, and duties**

- (1) Except as expressly provided in this subpart,—
  - (a) the acknowledgements given under sections 109, 111, and 112 do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (b) no person, in considering a matter or making a decision under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Ruanui with Nga Taonga a Tane raua ko Tangaroa, purangi, or the interest of Ngati Ruanui in the paua fishery, as acknowledged in sections 109, 111, and 112, than the person would give under the statute, regulation, or bylaw if no acknowledgement of that association existed.

- (2) Subsection (1)(b) does not limit subsection (1)(a).

#### **114 Rights not affected**

Except as expressly provided in this subpart, the acknowledgements given under sections 109, 111, and 112 do not affect the lawful rights or interests of a person who is not party to the deed of settlement.

#### **115 Limitation of rights**

Except as expressly provided in this subpart, the acknowledgements given in sections 109, 111, and 112 do not have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to—

- (a) Nga Taonga a Tane raua ko Tangaroa:
- (b) purangi:
- (c) the paua fishery.

### Subpart 8—Shellfish quota

#### **116 Interpretation**

In this subpart,—

**excess shellfish quota** is the aggregate shellfish quota that—

- (a) exceeds the quota permitted by section 59 of the Fisheries Act 1996; and
- (b) is—
  - (i) purchased by the governance entity under the deed granting a right of first refusal over shellfish quota that is to be entered into by the Minister and the governance entity under clauses 9.7.1 and 9.7.4 of the deed of settlement; and
  - (ii) received by the governance entity from the Treaty of Waitangi Fisheries Commission

**Minister** has the meaning given to it in section 2(1) of the Fisheries Act 1996

**shellfish quota** has the meaning given to it in the deed granting a right of first refusal over shellfish quota referred to in paragraph (b)(i).

**117 Consent to holding excess quota**

- (1) The Minister must be treated as having consented under section 60(1) of the Fisheries Act 1996 to the governance entity owning excess shellfish quota.
- (2) The Minister must be treated as complying with the requirements of section 60 of the Fisheries Act 1996 in relation to the consent referred to in subsection (1).

**Subpart 9—Coastal tendering****118 Interpretation**

In this subpart,—

**authorisation** means an authorisation granted by the Minister of Conservation under section 161 of the Resource Management Act 1991

**coastal marine area** has the meaning given to it in section 2(1) of the Resource Management Act 1991

**Minister** means the Minister of Conservation

**specified coastal area** means the area identified in the map included as Schedule 2 of Part 14 of the Cultural Redress Schedule.

**119 Preferential right to purchase authorisations**

- (1) If the Minister offers authorisations for a part of the specified coastal area by public tender under Part VII of the Resource Management Act 1991, the governance entity has a preferential right to purchase a proportion of the authorisations that are the subject of that tender round.
- (2) The preferential right referred to in subsection (1) must be exercised in accordance with the process set out in Part 15 of the Cultural Redress Schedule.

**120 Limit on proportion of authorisations able to be purchased**

- (1) The authorisations that the governance entity has a preferential right to purchase under section 119 must—
  - (a) not exceed in area 10% of the authorisations granted or proposed to be granted by the Minister in the tender round for the specified coastal area; and
  - (b) be of not less than fair average quality in terms of the relevant portion of the specified coastal area, relative to

the quality of those portions for all other authorisations that are the subject of the tender round.

- (2) The limit specified in subsection (1)(a) may be exceeded if the size and shape of the part of the specified coastal area for the authorisations to which that tender round relates make it impractical to comply with the limitation.

### **121 Governance entity treated as having made tender**

- (1) If the governance entity has a preferential right under section 119 to purchase authorisations, the governance entity must be treated as having lodged a valid tender for the authorisations, for \$1 consideration, in compliance with section 158 of the Resource Management Act 1991.
- (2) The tender of the governance entity under subsection (1) must be treated as the most preferred tender by the Minister for the relevant authorisations if, in response to an offer made by public tender under Part VII of the Resource Management Act 1991, the Minister—
  - (a) receives no tenders; or
  - (b) considers that he or she would reject every tender received.

### **122 Exercise of powers, functions, and duties**

Except as expressly provided in this subpart, nothing in this Act affects the powers, functions, and duties of the Minister under Part VII of the Resource Management Act 1991.

### **123 Rights not affected**

Except as expressly provided in this subpart, the provisions of this subpart do not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

### **124 Limitation of rights**

Except as expressly provided in this subpart,—

- (a) the preferential right provided to the governance entity under this subpart does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the specified coastal area:
- (b) nothing in this subpart limits or affects the rights of Ngati Ruanui to acquire authorisations or otherwise

exercise a statutory right, power, or privilege in respect of the specified coastal area.

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ss 12, 33 to 40

## Schedule 1

### Cultural redress properties

#### Part 1

#### Sites to be vested in fee simple

Name of site	Description	Encumbrances
Turuturu Mokai Site	<p><b>Taranaki Land District-South Taranaki District</b></p> <p><i>Derived from Crown</i></p> <p>9874 square metres, more or less, being Sections 719 and 720, Patea District, All <i>Gazette</i> Notice 147331.</p> <p>1.2242 hectares, more or less, being Section 329 Patea District. All Computer Freehold Register TN 136/107</p> <p>5.8098 hectares, more or less, being Lot 1 DP 2257. All Computer Freehold Register TN 264/10.</p> <p><i>Derived from South Taranaki District Council</i></p> <p>3.7795 hectares, more or less, being Part Section 177 Patea District. All Computer Freehold Register TN B1/614.</p>	<p>Subject to an easement over Section 329 to provide access to that section for the South Taranaki District Council and the public, and protection of a memorial cairn on that section. As referred to in clause 9.2.4 of the deed of settlement.</p>
Pukemoko Pa Site	<p><b>Taranaki Land District-South Taranaki District</b></p> <p>2.1175 hectares, more or less, being Sections 1 and 2 SO 307659. Part <i>Proclamation</i> 200A.</p>	
Whakaahurangi Marae Site	<p><b>Taranaki Land District, Stratford District</b></p> <p>9337 square metres, more or less, being Section 1 SO 13312, Sections 146 and 149 Block II Ngaere Survey District, and Lots 1 and 2 LT 307658. Part Computer Freehold Register TN 94/239</p>	<p>Subject to the rights to construct and maintain a tunnel and use that tunnel as a water race for the free passage and running of water Created by Transfer 9284</p> <p>Subject to an unregistered lease to Whakaahurangi Marae (Incorporated) over Section 146 expiring on 31 March 2005.</p> <p>Subject to an unregistered lease to Whakaahurangi Marae (Incorporated) over Section 149 expiring on 31 March 2005.</p>

Part 1—*continued*

Name of site	Description	Encumbrances
Kaikura Site	<b>Taranaki Land District- South Taranaki District</b> 2.5000 hectares more or less, being Section 1 SO 307661. Part <i>Gazette</i> 1864 page 461	
Maben Site	<b>Taranaki Land District- South Taranaki District</b> 4 7551 hectares, more or less, being Section 8 Block II Opaku Survey District. Part <i>Gazette</i> 1877 pages 733	Subject to an easement for water storage and release in favour of Taranaki Generation Limited As referred to in clause 9 2.10(d) of the deed of settlement.
Tarere Site	<b>Taranaki Land District- South Taranaki District</b> 1 0050 hectares, more or less, being Section 1 SO 307660 Part <i>Gazette</i> 1956 page 301	

## Part 2

Vesting of land in governance entity subject to  
Reserves Act 1977

Name of site	Description	Encumbrances
Makino scenic reserve	<b>Taranaki Land District- South Taranaki District</b> 1 9600 hectares, more or less, being Section 10 Block IV Hawera Survey District Bal- ance <i>Gazette</i> Notice 305526.1 5.6680 hectares, more or less, being Lot 1 DP 14035 All Transfer 306150 3.	Scenic reserve subject to the Reserves Act 1977.

s 12, 46

## Schedule 2

### Ukaipo sites

<b>Name of site</b>	<b>Description</b>
Tarere Ukaipo site 1	<b>Taranaki Land District-South Taranaki District</b> 1 hectare as shown marked A on SO 307662.
Tarere Ukaipo site 2	<b>Taranaki Land District-South Taranaki District</b> 1 hectare as shown marked B on SO 307662.

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### Schedule 3

## Taki Poipoia o Ngati Ruanui

ss 12, 72

#### *Description of area*

The area over which the Taki Poipoia o Ngati Ruanui is created is the area known as Wai-Ariki (part of the Waitotara conservation area), as shown marked A on SO 14735.

#### *Preamble*

Under section 73, the Crown acknowledges Ngati Ruanui's statement of their cultural, spiritual, historical, and traditional values relating to Wai-Ariki, as set out below.

#### *Ngati Ruanui's statement of Ngati Ruanui values relating to Wai-Ariki*

Wai-Ariki is the name of the spring that is the source of the Whenuakura River. It was between the Whenuakura and Patea nui a Turi rivers that Turi Ariki settled with his family and named the 2 rivers. Turi was the Ariki (Rangatira of highest rank) of the Aotea Waka, which he left at Kawhia before travelling overland to settle between the Patea and Whenuakura rivers.

The spring Wai-Ariki was so named because of the spiritual significance it had in relation to the Whenuakura river and the Ariki status of the people who lived beside and were nurtured by the rich resources it provided.

To the people of Ngati Hine, the names have the following meanings:

Whenuakura:        *the land belonging to those of high rank; and*  
Wai-Ariki:         *the waters of nga Ariki.*

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ss 12, 88, 96

**Schedule 4**  
**Statutory acknowledgements and deeds**  
**of recognition**

Part 1  
Statutory areas for statutory acknowledgements

*Taranaki Land District*

<b>Area</b>	<b>Location</b>
Otoki Gorge Scenic Reserve	As shown on SO 14738.
Te Moananui A Kupe O Ngati Ruanui (Coastal Area)	As shown on SO 14739.
Tangahoe River	As shown on SO 14740.
Whenuakura River	As shown on SO 14741
Patea River	As shown on SO 14742

Part 2  
Statutory areas for which deeds of recognition may be  
entered into

*Taranaki Land District*

<b>Area</b>	<b>Location</b>
Otoki Gorge Scenic Reserve	As shown on SO 14738
Tangahoe River	As shown on SO 14740.
Whenuakura River	As shown on SO 14741.
Patea River	As shown on SO 14742

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## Schedule 5

# Statutory acknowledgement for Otoki Gorge Scenic Reserve

s 88

### *Statutory area*

The area to which this statutory acknowledgement applies is the area known as the Otoki Gorge scenic reserve, as shown on SO 14738.

### *Preamble*

Under section 88, the Crown acknowledges the statement by Ngati Ruanui of the cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Otoki Gorge scenic reserve as set out below.

### *Cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Otoki Gorge scenic reserve*

The Pukemoko Pa site is located within the Otoki Gorge scenic reserve, which can be found within the area of Whakamara. It was within this pa that Wharematangi, a Rangatira of Ngati Hine (a close fighting ally of Hanataua of Tangahoe), resided before joining Hanataua in his battles with Waikato and Te Rauparaha of Ngati Raukawa.

The pa was a large ridge pa, which had general usage. Its strategic geographical position made it ideal as a fortified village. During the time of warfare, sharp contoured hills, thick underbrush, hidden man-made traps, and skilled warriors knowledgeable in the surrounding rugged terrain made life a misery for those who attempted to conquer the pa. In modern times, this manner of warfare is commonly recognised as “guerrilla tactics”.

Within the surrounding valleys, the richness of the soil and waterways provided an abundance of food (birds, animals, fish), building materials, and materials for clothing, gardening, and warfare. Otoki was also used as one of the sites for gathering in times of peace.

The pa remains one of the areas where the footsteps of our Tupuna remain pristine. The area remains uncut, uncultivated, and in its unspoiled state. It is a remote place where the people would be able to sit and reflect on the life of their ancestors sensing the Ihi (power), Wehi (fear), and the Mauri (life force) emanating from the land.

*Purposes of statutory acknowledgement*

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to this statutory acknowledgement in relation to the Otoki Gorge scenic reserve, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngati Ruanui to cite this statutory acknowledgement as evidence of the association of Ngati Ruanui with the Otoki Gorge scenic reserve, as provided for in section 95; and
- (d) to provide a statement by Ngati Ruanui of the association of Ngati Ruanui with the Otoki Gorge scenic reserve for inclusion in a deed of recognition.

*Limitations on effect of statutory acknowledgement*

- (1) Except as expressly provided in sections 89 to 92 and 95,—
  - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
  - (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Ruanui with the Otoki Gorge scenic reserve described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Otoki Gorge scenic reserve.
- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, the Otoki Gorge scenic reserve.
- (4) Clause (1)(b) does not limit clause (1)(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Ruanui in respect of the Otoki Gorge scenic reserve.

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s 88

## Schedule 6

### Statutory acknowledgement for Te Moananui A Kupe O Ngati Ruanui

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area known as Te Moananui A Kupe O Ngati Ruanui (coastal area) as shown on SO 14739.

#### *Preamble*

Under section 88, the Crown acknowledges the statement by Ngati Ruanui of the cultural, spiritual, historical, and traditional association of Ngati Ruanui with Te Moananui A Kupe O Ngati Ruanui (coastal area) as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Ruanui with Te Moananui A Kupe O Ngati Ruanui*

The resources found within Te Moananui A Kupe have, since time immemorial, provided the people of Ngati Ruanui with a constant supply of food resources. The hidden reefs provided koura, paua, kina, pupu, papaka, pipi, tuatua, and many other species of reef inhabitants. Hapuka, moki, kanae, mako, and patiki swim freely between the many reefs that can be found stretching out into the spiritual waters of Te Moananui A Kupe and along the Ngati Ruanui coastline.

Names such as Rangatapu, Ohawe Tokotoko, Waihi, Waokena, Tangahoe, Manawapou, Taumaha, Manutahi, Pipiri, Kaikura, Whitikau, Kenepuru, Te Pou a Turi, Rangitawhi, and Whenuakura depict the whereabouts of either a fishing ground or fishing reef.

All along the shoreline from Rangatapu to Whenuakura food can be gathered, depending on the tides, weather, and time of year.

Tragedies of the sea are also linked to these reefs. Ngati Ruanui oral history records the sinking off Tangahoe of a Chinese trade ship that had just been loaded with a cargo of flax. When the bodies were recovered and brought to shore, none of them had any eyes.

The people of Ngati Hine believe that they did something wrong and in turn were punished by the Ngati Ruanui taniwha named Toi,

kaitiaki (guardian) of the fishing reefs and grounds, who is renowned to this day to eat the eyes of his victims.

*Purposes of statutory acknowledgement*

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to this statutory acknowledgement in relation to Te Moananui A Kupe O Ngati Ruanui, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngati Ruanui to cite this statutory acknowledgement as evidence of the association of Ngati Ruanui with Te Moananui A Kupe O Ngati Ruanui, as provided for in section 95.

*Limitations on effect of statutory acknowledgement*

- (1) Except as expressly provided in sections 89 to 92 and 95,—
  - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
  - (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Ruanui with Te Moananui A Kupe O Ngati Ruanui described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Te Moananui A Kupe O Ngati Ruanui.
- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, Te Moananui A Kupe O Ngati Ruanui.
- (4) Clause (1)(b) does not limit clause (1)(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Ruanui in respect of Te Moananui A Kupe O Ngati Ruanui.

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## Schedule 7

# Statutory acknowledgement for Tangahoe River

s 88

### *Statutory area*

The area to which this statutory acknowledgement applies is the area known as the Tangahoe River, as shown on SO 14740.

### *Preamble*

Under section 88, the Crown acknowledges the statement by Ngati Ruanui of the cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Tangahoe River as set out below.

### *Cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Tangahoe River*

Ngati Ruanui history informs us that the people of the Kahui Maunga (mountain people of the highest rank) inhabited the South Taranaki area prior to the arrival of the Aotea Waka. They in turn were vanquished and enveloped through warfare and intermarriage into the Aotea, Ruanui-a Pokiwa history. One of the areas in which these people were renowned to have flourished is known as the Tangahoe River and valley.

The late Ueroa (Charlie) Ngarewa, an elder of both Tangahoe and Ngati Hine descent, gave one version of the origin of the name Tangahoe. He said the name Tangahoe was given to the river because of an incident that occurred, in which the steering oar was lost from a large deep-sea fishing waka as it attempted to return to the Tauranga waka. The comment was made that “if there were 2 steering oars like that of the Waka Tipua of Turi Ariki, then the flight to its resting place would remain true.” Turi was the Ariki (Rangatira of highest rank) of the Aotea Waka.

Tangahoe:                    *the steering oars of Turi Ariki*

The Tangahoe River has been a major supply of food and water resources to its people both prior to, and since, the arrival of the Aotea Waka. The valley, like the rest of the southern lands, was a fertile paradise. Because of the mild temperatures, it was without extremes and promoted lush vegetation that was checked only by the occasional equinoctial weather patterns. Birds such as manunui (which made its nests amongst the koromiko bushes), kereru (the

food of nga Ariki), pukeko (the treasured species brought on the Aotea Waka), tiwaiwaka (the guardian left by Kupe), kahu (the sentinel), kakapo, kiwi, korimako, miromiro (the custodians of the forest), and pipiwharauoa (the herald of the new year) flourished in the berry-filled trees, like the koromiko, kohia, hinau, pipiriri, mamaku, and rewarewa at the side of the eel- and koura-filled creeks. Fish, such as the piharau, kokopu, tunaheke, patiki, and shellfish, were abundant in the waters and on the reefs at the mouth of the river.

During the time of internal warfare, the valley through which the river runs was a trap for the unwary. The many re-entrants and secondary valleys provided natural hiding and attacking areas and, if necessary, places of refuge.

To the people of Ngati Ruanui, all the rivers and their respective valleys are of the utmost importance because of their physical, spiritual, and social significance in the past, present, and future.

#### *Purposes of statutory acknowledgement*

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to this statutory acknowledgement in relation to the Tangahoe River, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngati Ruanui to cite this statutory acknowledgement as evidence of the association of Ngati Ruanui with the Tangahoe River as provided for in section 95; and
- (d) to provide a statement by Ngati Ruanui of the association of Ngati Ruanui with the Tangahoe River for inclusion in a deed of recognition.

#### *Limitations on effect of statutory acknowledgement*

- (1) Except as expressly provided in sections 89 to 92 and 95,—
  - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a

- power or performing a function or duty under any statute, regulation, or bylaw; and
- (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Ruanui with the Tangahoe River described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Tangahoe River.
- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, the Tangahoe River.
- (4) Clause (1)(b) does not limit clause (1)(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Ruanui in respect of the Tangahoe River.

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s 88

## Schedule 8

### Statutory acknowledgement for Whenuakura River

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area known as the Whenuakura River, as shown on SO 14741.

#### *Preamble*

Under section 88, the Crown acknowledges the statement by Ngati Ruanui of the cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Whenuakura River as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Whenuakura River*

The name of this river originated during the time of Turi Arikinui, Kaihautu of the Waka Tipua Aotea, and his wife Rongorongo Tapairu. They lived with their families between the 2 rivers, Patea nui a Turi and Whenuakura. Turi was the Ariki (Rangatira of highest rank) of the Aotea Waka.

Whenuakura:            *the land belonging to the people of high rank*

Like the Tangahoe River, this river provided the people of the Aotea Waka, and later the people of Ngati Hine and Ngati Tupito, with all the resources of life they required to survive.

The valley through which the river flowed provided multiple bird life, animals, clothing, building, gardening, and warfare implements, as well as places where social activities, fishing, and waka racing could take place. Sporting activities took place within and outside the surrounding forests. There were also places that Tohunga, Rangatira, and other whanau/hapu/iwi representatives used for burial, washing, baptising, and special activities. It was a place where people would go to find peace within themselves.

This river, like the others within the rohe, will always be an integral part of the social, spiritual, and physical lifestyle of the Ngati Ruanui people.

*Purposes of statutory acknowledgement*

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to this statutory acknowledgement in relation to the Whenuakura River, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngati Ruanui to cite this statutory acknowledgement as evidence of the association of Ngati Ruanui with the Whenuakura River as provided for in section 95; and
- (d) to provide a statement by Ngati Ruanui of the association of Ngati Ruanui with the Whenuakura River for inclusion in a deed of recognition.

*Limitations on effect of statutory acknowledgement*

- (1) Except as expressly provided in sections 89 to 92 and 95,—
  - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
  - (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Ruanui with the Whenuakura River described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Whenuakura River.
- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, the Whenuakura River.
- (4) Clause (1)(b) does not limit clause (1)(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Ruanui or the governance entity in respect of the Whenuakura River.

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## Schedule 9

### Statutory acknowledgement for Patea River

s 88

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area known as the Patea River (excluding Lake Rotorangi), as shown on SO 14742.

#### *Preamble*

Under section 88, the Crown acknowledges the statement by Ngati Ruanui of the cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Patea River as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Ruanui with the Patea River*

The full name of this river is Patea nui a Turi. It was named by Turi on his arrival overland after leaving the Aotea Waka at Kawhia. The name Patea was given by Turi Ariki when, upon seeing nga kaitiaki (the guardians) left by Kupe as guides for him and his family, he exclaimed “Ka Patea tatou” – *we have arrived at Patea*.

Since that arrival, the river has played an important part in the lifestyles of the Aotea people. The riverbanks have provided the soil for the gardens of Rongorongō Tapairu called Hekeheke I papa, the karaka grove called Papawhero, and the spring of life of Turi and Rongorongō called Parara-ki-te-Uru.

The source of the Patea River is on the mountain Rua Taranaki and is called Whakapou Karakia.

Whakapou Karakia can be found upon the mountain Rua Taranaki within the rohe of Ngati Ruanui.

Upon the arrival of the Aotea people to South Taranaki from Kawhia, Turi Ariki at Te Pou a Turi laid claim to the surrounding territory and the river, which until then has been known as “Te Awa o Taikehu”, as belonging to him and his descendants. Upon completing the respective rituals to protect the newly gained lands from unwanted entities, he then proceeded to spiritually purify the rest of the area.

The newly claimed river, because of its spiritual and life-giving resources, was then traversed and spiritual Kaitiaki sown in every

location that was to become significant to the people of the Aotea Waka along the total length of the river. These purifying rituals continued to the source of the river on the mountain. It was at this locality upon the mountain that the final Karakia of protection was performed to unite all the Kaitiaki as one in the protection of the waters and resources pertaining to the river, hence—

whaka:	<i>to do</i>
pou:	<i>pillar of strength</i>
karakia:	<i>invocation</i>

#### *Purposes of statutory acknowledgement*

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court, to have regard to this statutory acknowledgement in relation to the Patea River, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngati Ruanui to cite this statutory acknowledgement as evidence of the association of Ngati Ruanui with the Patea River, as provided for in section 95; and
- (d) to provide a statement by Ngati Ruanui of the association of Ngati Ruanui with the Patea River for inclusion in a deed of recognition.

#### *Limitations on effect of statutory acknowledgement*

- (1) Except as expressly provided in sections 89 to 92 and 95,—
  - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
  - (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Ruanui with the Patea River described in

this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Patea River.

- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, the Patea River.
- (4) Clause (1)(b) does not limit clause (1)(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Ruanui in respect of the Patea River.

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s 108

**Schedule 10**  
**Place names***Taranaki Land District***Part 1****Name to be altered****Existing name**

Mangimangi Stream

**New name**

Mangemange Stream

**Part 2****Name to be assigned****Names to be assigned**

Whitikau

Maraeroa

Te Ramanui

**Location NZMS 260 Q21**

Grid Reference 336 610

Grid Reference 445 817

Grid Reference 188 790

## Schedule 11

### Statements of association of Ngati Ruanui

ss 109, 111

#### Part 1

Statement by Ngati Ruanui of cultural, spiritual, historical,  
and traditional association of Ngati Ruanui with Nga Taonga  
a Tane raua ko Tangaroa

The whaikorero (oral history) of our tupuna of old, and now honoured by each generation thereafter, places the utmost importance on the role of Ngati Ruanui as kaitiaki (guardians) for all the life forms of the environment. Ngati Ruanui have always believed that the environment, including all indigenous species of fish, flora, and fauna, are interrelated through whakapapa and are all precious to Ngati Ruanui. All species are important and all play their particular role within the environment. The integration of all species in the environment is woven within the holistic pattern of life itself. Ngati Ruanui as a people are part and parcel of the environment itself.

Ngati Ruanui recognise that any negative effects on one species may cause ill effects for other species. Ngati Ruanui continue to maintain a kaitiaki (guardian) role to look after all species within our environment.

The mauri (life force) of all species is important to Ngati Ruanui, the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All species of the natural environment possess a life force, and all forms of life are related.

#### Part 2

Statement by Ngati Ruanui of cultural, spiritual, historical,  
and traditional association of Ngati Ruanui with purangi

Purangi is the name of the green stone known as argillite found within the rohe of Ngati Ruanui.

The legend of purangi has its origin back in time during the mystical and legendary period of the spiritual bird, Te Manu-nui a Ruakapanga. Ruakapanga was the name given to the manu that flew between the heavens and earth as a Kaitiaki for both Nga Atua me nga Tangata. This manu was believed to drink from the waters of Rua Taranaki at a place named "Nga Wai o Ruakapanga" and then fly on to the inland region of purangi (the place) to feed. Legend has it that purangi was formed from the spittle of Ruakapanga that fell when it fed. Ngati Ruanui used to gather food and natural resources, such as purangi, from that particular region.

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Part 2—*continued*

Purangi is the only known local argillite within the Taranaki region. Although argillite comes in many colours, the only other known source of this green-coloured argillite is on D’Urville Island (known by Ngati Ruanui as “Ngamotu o Raumano”). Purangi is a hard, fine-grained, and distinctly green-coloured kohatu.

Purangi is one of the rock types that was taken from a steep valley in the inland region (near Mangaehu) and made into adzes by Ngati Ruanui. The discovery of a significant percentage of adzes in the coastal belt of Taranaki that could have been made from rocks common in the inland Taranaki region has led historians to infer that there were strong cultural ties between inland and coastal Maori. A common saying within many hapu of Ngati Ruanui is “Ngati Ruanui ki Uta, Ngati Ruanui ki Tai, Ngati Ruanui ki Tai, Ngati Ruanui ki Uta, orite”—*Ngati Ruanui extends from the inland areas to the sea, from the sea to the inland areas.*

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**Legislative history**

15 May 2002	Introduction (Bill 215–1)
3 October 2002	First reading and referral to Māori Affairs Committee
16 December 2002	Reported from Maori Affairs Committee (Bill 215–2)
1 April 2003	Second reading
8 April 2003	Committee of the whole House (Bill 215–3)
1 May 2003	Third reading
5 May 2003	Royal assent

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This Act is administered in the Office of Treaty Settlements.

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