

Te Pire Whakataunga i ngā Kerēme a Ngāti Mutunga

Pire Kāwanatanga

Te pūrongo a te Komiti Whiriwhiri Take Māori

Ngā Kōrero

Tūtōhutanga

Kua āta tirohia e te Komiti Whiriwhiri Take Māori te pire whakataunga i ngā kerēme a Ngāti Mutunga, ā, e tūtohu ana kia whakaaetia te pire me ngā whakatikatika.

Kupu Whakataki

E mau ana e te pire nei ngā whakaaetanga me te whakapāha nā te Karauna i hoatu ki a Ngāti Mutunga i roto i te Whakaaetanga Whakataunga o te 31 o Hōngongoi 2005 i waenganui i a ia me Ngāti Mutunga. Tua atu hoki, e whakamana ana i tā te Karauna me Ngāti Mutunga i whakaae i roto i te Whakaaetanga Whakataunga mō tētahi whakataunga whakamutunga o ngā kerēme hītori katoa a Ngāti Mutunga i Taranaki.

I a mātou e whakaaroaro ana i te pire nei i maumahara tonu ki ngā herenga i utaina ki runga i a mātou e ngā tikanga whakaarohanga hanganga ture mō te whakaū whakaaetanga pēnei i ngā whakataunga kerēme Tiriti me ngā whakaaetanga ā-ao. Ko te tikanga o ēnei, e kore e taea e tētahi komiti whiriwhiri, e te Komiti rānei o te Whare Katoa te whakatika whānui aua pire nei mā tētahi huarahi e kore ana ngā rōpū kē ki te whakaaetanga, ki te tiriti rānei e whakaae kia whakakaupapatia. Kei te herea hoki mātou e te tikanga hōkai kua āta whakahautia e te Whakataunga Tū Roa 288(2). He tino whāiti te hōkai o ngā pire whakakaupapa tiriti ā-ao, whakakaupapa whakaaetanga whakataunga kerēme rānei i raro i te Tiriti o Waitangi. Me rite anō hoki ngā whakatikatika ka tohungia mō te tiriti, mō te whakaaetanga rānei e kōrerohia ake nei.

Meatia ai e te wāhanga tuatahi o ngā kōrero nei ngā whakatikatika ki te pire kei te tūtohungia e mātou. Hoatu ai e te toenga o ngā kōrero ngā pārongo e mea ana i puta ake te pire me te hātepe whakataunga tiriti i hea.

Ngā whakatikatika

Te whakatikatika i te Ture Tiaki Taputapu o te tau 1975

Ka tūtohu mātou kia whakatikaina te pire mā te waiho i ngā kōrerotanga mō te Ture Taputapu Onamata o te tau 1975 ki waho me te whakauru mai i ngā kōrerotanga mō te Ture Tiaki Taputapu o te tau 1975. He huhua hoki ngā whakamāramatanga o te pire me whakatikaina kia rite ai ki ērā o te Ture Tiaki Taputapu o te tau 1975.

Ngā Rāhuitanga Whenua Hākinakina i ngā Rohe o Onaero me Urenui

Ka tūtohu mātou kia whakatikaina te rara 39(2) (b) (ii) kia rite ai ki te toenga o te pire mā te tāpiri atu i ngā kupu “(without limitation)” whai muri i te kupu “including”. Tua atu hoki, ka tūtohu mātou kia tāpiritia aua kupu anō ki roto i te rara 39(2)(c)(ii).

Ka tūtohu mātou kia whakatikaina te rara 41 mā te whakakore i te rara 41(5) i te mea ka pānuitia ana, me te mea nei, kei te kī te kōrero he whanaunga a rara 41 rāua ko 46(1), e kore rite ana hoki. Ehara tēnei i te āhua.

Whakatakotoranga hītori, ngā whakaaetanga a te Karauna me tana whakapāha

Ko te whakatakotoranga hītori i roto i te pire ngā tūponotanga i taketake mai ai ngā whakaaetanga me te whakapāha a te Karauna. Pā ai hoki ngā whakaaetanga a te Karauna ki ēnei e whai ake nei, arā,

- ngā riri i Taranaki mō te whenua
- te kore manaaki tika i a Ngāti Mutunga, anō nei e tutū ana rātou
- te raupatu a te Karauna i ngā whenua me ngā rawa a Ngāti Mutunga
- ngā takarepa i roto i te hātepe Kōti Whakarite Paremata
- ngā mahi a te Karauna ki a Ngāti Mutunga me ētahi atu Māori o Taranaki i mauherea, i manenetia nā tō rātou kūpapa i ngā riri atu i te tau 1879, ki te tau 1880

- ngā mahi a te Karauna ki ngā tāngata o Ngāti Mutunga i Parihaka
- ngā takarepa i roto i Ngā Kōmihana o Te Tai Hauāuru.

He whakapāha ōkawa te Whakapāha a te Karauna e whakapuaki ana i tōna pōuri mō āna mahi i pā ai te whakawiringa me te mamae ki a Ngāti Mutunga.

Whakatika hapa mō te taha ahurea, taha umanga, taha pūtea

Piki atu ki te \$14.9 miriona te rahi o te whakatika hapa mō te taha umanga me te taha pūtea, ā, me te tika hoki ki te whakakorenga tuatahi mō tētahi wā 50 tau i runga i ētahi whenua tuwhene a te Karauna i tētahi takiwā kua āta whakahuatia. E ngana ana hoki te whakatika hapa ki te whakatenatena hononga mahi pai mō ngā take ahurea e nui ana ki a Ngāti Mutunga tae atu ki ngā kawa i te taha o Te Papa Atawhai, Te Tautiaki i ngā tini a Tangaroa, Te Manatū Taonga, a Toitū Te Whenua me Te Manatū Ōhanga hoki. Whakaū ai ngā kawa nei me pēhea te whakahaere a te tari, a te manatū rānei i āna mahi me āna kawenga hoki, ā, me te whakahaere i ōna mana tū e hāngai ana ki ngā take kua āta whakahuatia, ā, me pēhea tana mahi i ngā take nei i te taha o Te Rūnanga. Waihoki, ka uru atu ki te whakatika hapa te whakaingoatanga o Te Rūnanga hei komiti hoatu māherehere ki te Minita Hīnga Ika mō ngā take kua āta whakahuatia, ā, he pānga kei roto ki a Ngāti Mutunga. Ka whakatakotoria anō hoki he whakaaetanga e whakahau ana me rapu tohutohu i Te Rūnanga e ai ki te kawa a Ngā Pou Taunaha o Aotearoa mō ngā ingoa Māori o tēnā wāhi, o tēnā wāhi. Ka tukua hoki he reta a tēnā Minita, a tēnā Minita ki ngā whakahaere ā-rohe me ētahi atu rōpū whakahaere ō-waho tari kāwanatanga e whakatenatena ana i a rātou kia whakauru ki roto i tētahi whakaaturanga arotau i te taha o Te Rūnanga.

Tua atu hoki, i whakaūngia te whakatika hapa mō ētahi nohoanga ake, takiwā rānei tae atu ki ēnei e whai ake nei, arā:

- te tuku ā-ture nohoanga 10, he nui te ahurea (tata katoa pea ki te 168 heketea)
- ngā whakaaetanga ā-ture a te Karauna mō ngā rerenga kōrero a Ngāti Mutunga e pā ana ki āna hononga tikanga tuku iho, hītori, ahurea e hāngai ana ki ngā takiwā e 17
- ngā whakaaetanga whakamihī a te Karauna e pā ana ki ngā takiwā 12 kei raro i tētahi whakaaetanga ā-ture, ā, ko te

Karauna te rangatira me te mea whakahaere. Ki tā ngā whakaaetanga whakamihi, me rapu tohutohu i a Ngāti Mutunga mō ngā take kua āta whakahuatia, ā, me aro atu hoki te Minita e pā ana ki ō rātou whakaaro

- he nohoanga mō Ngāti Mutunga ake ki te noho ki reira i raro i te ture ki te hī ika hei kai māna, ki te kohi mātaimai me ētahi atu rawa taiao i raro i te ture mō ngā rā piki atu ki te 210 i te tau. Kei te Rāhuitanga Whenua Whakakitekite i te Rohe o Uruti te nohoanga, ā, tata pea ki te 0.7 heketea te rahi
- he whakaaetanga a te Karauna mō te ahurei me te tūroa o te whanaungatanga o Ngāti Mutunga ki te whenua o tōna pānga takiwā;
- kotahi te ingoa wāhi kia meingia ko (Titoki Ridge), ā, kotahi te ingoa wāhi kia whakatikaina, arā, (a Te Urinui Historic Reserve ki Te Urenui Pā).

Arotahi ai i ētahi atu whakatika hapa taha ahurea e pā ana ki ngā take takutai, arā:

- he tika ki te whakakorenga tuatahi i tētahi ōrautanga motunga ka tāpaetia ki Te Rūnanga mō ngā mātaimai kua āta whakahuatia, ki te tukua e te Karauna ētahi o āna toenga motunga i raro i te pūnaha whakahaere motunga mō aua tūmomo mātaimai
- he aukatinga ki te hopu i ētahi tūmomo ika hei hoko
- he tika pai ake mō te hoko whakamanatanga i tētahi takiwā takutai kua āta whakahuatia piki atu ki te tekau ōrau, ki te tukua aua whakamanatanga.

Te hātepe whakaaetanga whakataunga

I rongohia e te Rōpū Whakamana i te Tiriti o Waitangi ngā kerēme hītori a Ngāti Mutunga i te tau 1990 me te tau 1995 i te taha o ētahi atu kerēme a Taranaki. I te tau 1996, ka whakaputaina e Te Rōpū Whakamana i te Tiriti o Waitangi tana pūrongo mō tēnei wā e pā ana ki ngā kerēme a Taranaki. I whakaputaina te pūrongo kia teretere ai ngā whiriwhiringa i waenganui i te Karauna me ngā Māori o Taranaki.

I te tau 1996, ka whakatakotoria e te Poari Mana Whakahaere o Ngāti Mutunga Iwi tētahi Whakaaetanga Tuku Mana hei māngai mō Ngāti Mutunga i ngā whiriwhiringa ki te Karauna ki te whakatau i ngā kerēme hītori katoa o Taranaki i taketake mai ai ngā kerēme a

Ngāti Mutunga ki te Tiriti o Waitangi. I te marama o Whiringa-ā-rangi 1996, ka whakamihia e te Karauna te Whakaaetanga Tuku Mana a te Mana Whakahaere ā-Iwi.

I whakauru te Karauna me te Mana Whakahaere ā-Iwi ki roto i tētahi whiriwhiringa i te tau 1997. Ka hua mai i aua whiriwhiringa tētahi whakaaetanga upoko here kore i waenganui i a Ngāti Mutunga me te Karauna i te 24 o Mahuru 1999. E ai ki te mātāpono i tuhia ki roto i te whakaaetanga upoko, i te hiahia a Ngāti Mutunga me te Karauna ki te whakatau i ngā kerēme hītori a Ngāti Mutunga i Taranaki.

I te marama o Whiringa-ā-rangi 2002, ka whakatūria tētahi hui motuhake i te taha o te iwi whānui ki te whakaū anō i te mana kōkiri a te Mana Whakahaere ā-Iwi. Nō te 21 o Paenga-whāwhā 2002 tēnei i oti ai i te wā i whakatūria ai tētahi hui kerēme whakahirahira i Urenui, i Taranaki ki te matapaki i te whakataunga a Ngāti Mutunga. I pānuitia te hui i te 30 o Poutū-te-rangi i roto i te nūpepa ā-rohe o Taranaki, o Tāmaki-makau-rau, o Te Whanga-nui-a-Tara me Ōtautahi hoki. Ko te tohutohu a Te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, kāore te mana kōkiri i werohia i te wā e haere ana te hātepe whiriwhiringa.

Nō te 19 o Hōngongoi 2004 i whakaaetia ai e te Rūnanga Kāwanatanga te mōki whakataunga kei te whakatakotoria. Nō te 14 o Hakihea 2004 tētahi Whakaaetanga Whakataunga i retahia e te Mana Whakahaere ā-Iwi rāua tahi ko te Karauna. Whai atu ana i te whakatūturutanga, ka hainatia te Whakaaetanga Whakataunga i te 31 o Hōngongoi 2005. I whakatūturuhia hoki te anga hinonga whakahaere i te wā nei. Nō te 21 o Hakihea 2005 te hinonga whakahaere a Ngāti Mutunga, arā, Te Rūnanga o Ngāti Mutunga, i whakapūmautia ai.

Te whakatūturutanga i te Whakaaetanga Whakataunga me te hinonga whakahaere

I taua wā anō, ka whakarite te Mana Whakahaere ā-Iwi ki te whakatūturu i te Whakaaetanga Whakataunga me te hinonga whakahaere kei te whakatakotoria. I whakaaetia te hinonga whakahaere e te Karauna i te 24 o Haratua 2005 mō te whiwhi me te whakahaere i te whakataunga whakatika hapa a Ngāti Mutunga.

Nā te Minita mō ngā Whiriwhiringa Tiriti o Waitangi i arotake te rautaki whakatūturutanga i whakawhiwhia rā e te Mana Whakahaere ā-Iwi, ā, ka kitea e ia te tika me te urutomo o taua rautaki. I ngā wiki e rima e haere ana te hātepe whakatūturutanga i te marama o Pipiri

me Hōngongoi 2005, i puta te tono ki ngā pākeke katoa kua rēhitatia (o ngā tau 18 piki atu) o Ngāti Mutunga, kia whakarite rātou mehemea e hiahia ana rātou ki te whakaae ki te tāpae whakataunga a te Karauna, i roto i te Whakaaetanga Whakataunga i retahia, ā, me te hinonga whakahaere hoki kei te whakatakotoria. Mō taua hunga kāore anō kia rēhita i te wā i tīmata ai te hātepe whakatūturu, ka whai wā rātou ki te rēhita tae noa ki te wiki i mua mai e kati ai te mahi pōti. I oti pēnei ngā hua, arā:

- I te pōti whakatūturutanga mō te Whakaaetanga Whakataunga, mai i te katoa o te 2,000 tāngata o Ngāti Mutunga, e 48 ōrau (arā, e 635 ngā tāngata) o te 1,313 e āhei ana, i whai mana ki te pōti. O te hunga nei, e 94 ōrau (arā, e 597 ngā tāngata) e pōti ana, i whakaae ki te Whakaaetanga Whakataunga.
- I te pōti whakatūturutanga mō te hinonga whakahaere mai i te katoa o te 2,000 tāngata o Ngāti Mutunga, e 48 ōrau (arā, e 634 ngā tāngata) o te 1,313 e āhei ana, i whai mana ki te pōti. O te hunga nei, e 95 ōrau (arā, e 602 ngā tāngata) i pōti, i whakaae ki te hinonga whakahaere.

I tohutohu mai te Karauna i te 28 o Hōngongoi 2005, i whakaatu ngā otinga o te wā nei mō te hātepe whakatūturutanga i te rahi rawa o te tautoko a te hāpori kaikerēme o Ngāti Mutunga mō te hinonga whakahaere kei te whakatakotoria, ā, mō te Whakaaetanga Whakataunga hoki.

Te rahinga o te whakataunga taha pūtea

Piki atu ki te \$14.9 miriona te whakatika hapa mō te taha pūtea me te taha umanga hoki, ā, me tētahi tika ki te whakakorenga tuatahi mō te wā 50 tau i runga i ngā whenua tuwhene ake a te karauna i tētahi takiwā kua āta whakahuatia.

He huhua ngā māharahara nā Te Rūnanga o Ngāti Mutunga i whakaara i roto i tana tāpaetanga mō te whakatūnga, me te whiriwhiringa i te rahinga whakataunga. Ki a Ngāti Mutunga, kāore he tohu mārama i hoatu ki a ia mō te take i noho ai te uara a te Karauna i tana kerēme ki te \$14.9 miriona. Whakahē ana te tāpaetanga i te kore mārama o te Karauna i te wā e haere ana te hātepe whiriwhiringa. I whakaputa hoki i te muhumuhu o Ngāti Mutunga i te mea, kāore a ia i whakaae ki te Karauna mō te rahi o te whenua i raupatutia i te tau 1865. Ki te whakatau tata a te Karauna e ai ki ngā whakataunga a te Kōmihana o Sim, e 75,000 eka te rahi o te

whenua. Ki a Ngāti Mutunga, e 150,000 eka kē o āna whenua i raupatutia. Ki tā Ngāti Mutunga i mea mai ki a mātou, he mea nui te rere kētanga nei ki te whakaarotia te uara ōhanga o tēnei whenua i te wā nei.

Ko te tohutohu a Te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, kāore te rahinga e tātaitia, e whakahuaina rānei e te Karauna. I whakaaetia te whika mō tēnei rahinga whakamutunga i waenganui i te Karauna me Ngāti Mutunga. Nā ētahi atu pātaitai i whakaae ai Te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi, e kore rawa te Karauna e uru atu ki ngā whiriwhiringa whakataunga Tiriti me tētahi rahinga kua oti kē i a ia te whakaaro i mua, i runga i te kino kē o te takahitanga, te hāngai ki ngā taumata kua takoto mō ngā whakataunga e kōrerotia ake nei, ā, me ngā kerēme hoki e rite ana. Heoi, nā ngā take rauangi ki te ao umanga, kāore te rahinga i whakaarohia i mua, i whākina hoki e Te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi ki te komiti. Ki te whakapono o te komiti, kāore te tāpae whakataunga i tika nā te kino kē o te takahitanga.

Ko te tohutohu a te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, he huhua ngā āhuatanga ka whakaarotia e te Karauna i roto i tana tāpae tōmua. Ko ēnei ngā āhuatanga matua, arā, ko te rahi o te whenua i ngaro, ko te kaha kino o ngā takahitanga i roto me ngā whakataunga e kōrerotia ake nei mō ngā kerēme rite. Ko ēnei ngā āhuatanga tuarua, arā, ko te tokomaha o te rōpū kaikerēme i te rangi nei, mehemea he kerēme a ētahi kei te inaki, ā, ētahi āhuatanga motuhake e whakaawe ana i te kerēme. I mea mai hoki Te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi, i ngana te Karauna ki te whakawātea mai i te maha o te pārongo ka taea e ia mō tāna whakahiato tāpae tōmua. Heoi, ki te pānuitia, ka noho matatapu tonu ētahi pārongo me ētahi tātaritanga i te mea ka toi haratia pea te kaha o te karauna ki te whakahiato tāpae i ngā wā e tū mai.

Ki Te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, i whakaae te Karauna i raupatutia katoatia te rohe o Ngāti Mutunga, ā, kei te tika hoki te tātaitanga rorohiko o te 150,000 eka. Ko ētahi o te 150,000 eka e kerēmetia ana kei te inaki i ā ētahi atu kerēme. I whakamahia te whika 75,000 eka e te Kōmihana o Sim ki te whakaatu i te rahi o ngā whenua a Ngāti Mutunga i raupatutia. Ā, pērā anō ki ētahi atu iwi o Taranaki, ko te taunakitanga me ngā whakataunga a te Kōmihana o Sim tētahi mātāpuna pārongo kua whakamahia e te Karauna ki te whakahiato i ngā tāpae rahinga.

Heoi, i whakatakaina ngā tāpae tōmua ki te whiriwhiringa, ā, ko te mutunga anō, ko te whakaaetanga i waenganui rōpū kē.

I mea mai anō Te Tari Whakatau Take e Pā Ana ki te Tiriti o Waitangi ki a mātou, i roto i ngā whiriwhiringa, āta titiro ai te Karauna mehemea kei te whakaae tahi rātou me ngā rōpū kaikerēme “e ai ki ngā āhuatanga, e tika ana” te whakataunga. Mā tēnei e āta kitea ai, ka mutu atu, ka tūroa hoki te whakataunga. Ka uru atu ana te Karauna ki roto i tētahi whakataunga whakamutunga ki te whakapono o te rōpū whakatau, kāore i te tika, kua kore hoki tērā e rite ki ngā herenga a te Karauna mō te Tiriti. He kītanga noa iho te kupu “tika”, nā reira, kei ngā rōpū kē te mahi ki te whakaae e ai ki ngā āhuatanga, e tika ana tētahi whakataunga.

I mārama te whakahau a Te Rūnanga o Ngāti Mutunga “e ai ki ngā āhuatanga, e tika ana” te rahinga whakataunga, te horopaki rānei. Engari ki a ia ake e ai ki te motuhenga, kāore i tika. Heoi, ahakoa i pērā ō rātou whakaaro i mea mai anō Te Rūnanga, he iwi whai kiko rātou, he iwi kimi oranga mō ngā rā kei te tū mai, ā, nā reira a Ngāti Mutunga i whakaae ai ki te whakataunga.

Whakawhiti mai i te Poari Mana Whakahaere o Ngāti Mutunga Iwi ki Te Rūnanga o Ngāti Mutunga

Ko tētahi o ngā āwangawanga i whakaaratia e Te Rūnanga o Ngāti Mutunga, ko te nui o ngā utu i pā ki a ia muri atu i te hātepe whakataunga mō te wetewete i te Poari Mana Whakahaere o Ngāti Mutunga Iwi, me te whakawhiti i āna hua me āna mahi hoki ki te hinonga whakahaere ā-muri whakataunga, arā, ki te Te Rūnanga o Ngāti Mutunga. E \$20,000 te whakatau tata a Te Rūnanga mō tēnei whakawhitinga. I whakapuaki i tōna pāpōuri i riro māna tēnei e utu, ā, ki te Karauna hoki mō tāna kore whakaatu i te utu nei i te tuatahi. I tohutohu mai Te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, kāore te take mō ngā utu ki te whakawhiti hua i whakaaratia e Ngāti Mutunga kia tae rā anō ki te wā mō rātou ki te whakatakoto tāpaetanga ki te komiti.

Ko te hiahia a te Karauna kia whai hinonga whakahaere tūroa ngā rōpū kaikerēme mō te whiwhi me te whakahaere i ngā hua o tā rātou whakataunga. Me whiwhi māngai hoki te hāpori kaikerēme i runga i te hinonga nei, me ū ona kaupapa whakahaere ki ērā a taua hāpori kaikerēme, me mārama āna hātepe whakatakoto whakaaro, whakatau tohenga hoki. Kua whakamahia e ētahi rōpū kaikerēme he

hanganga ture wehe kē ki te whakatutuki i tēnei whakaritenga engari, he poari kaitiaki wehe kē, tūroa hoki tā te nuinga o rātou.

Ko te tohutohu a Te Tari Whakatau i Ngā Take E Pa Ana ki te Tiriti o Waitangi ki a mātou, ka taea tētahi hinonga kua tawhitotia te wetewete mā te whakauru i te utu ki ērā e hāngai ana ki te whakatūtū hinonga hōu. Hēoi, kāore te wetewetenga hinonga e kōrerotia ake nei i te tonohia e te Karauna. Kua whakaurua he moni i nāiane ki te pūtea āwhina kaikerēme a te Karauna mō ngā utu e hāngai ana ki te whakahaere me te hanganga ture. Koia nā te take i whiwhi ai i a Ngāti Mutunga he tāpiritanga o te \$34,000 kia kapi ai ngā utu wetewetenga i te Mana Whakahaere ā-Iwi. Ko tā te Tari Whakatau i Ngā Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, i koa a Ngāti Mutunga ki te whiwhi i tēnei tāpiritanga pūtea āwhina.

Ko tā Te Tari Whakatau i Ngā Take E Pā Ana ki te Tiriti o Waitangi anō ki a mātou, ehara te mahi whakatikatika pire mō te wetewete mana whakahaere ā-iwi me te whakatū hinonga whakahaere ā-muri whakataunga i tētahi mea whai kiko. Ko tā Te Tari Tohutohu Pāremata ki a mātou, he mea tino rere kē hoki te whakatika pire kia taea ai te wetewete he hinonga kua tawhitotia, te whakatū poari kaitiaki wehe kē rānei, ā, tērā pea he whakahīrautanga ōna mō ngā whakataunga tōmua. I kī mai rātou he take wehe noa te mahi whakatūtū hinonga whakahaere hōu. Whai take noatia ake ai e te hanganga ture whakataunga ngā take e tino hiahiatia ana kia tutuki ai te whakataunga ki te kore mārika e taea i raro hātepe tonu (arā, kore i raro ture). Ahakoa kua whakamahia te whakataunga hanganga ture i te taha poari kaitiaki wehe kē ki tōna whānuitanga, ā, pūmau noa, ka mahara kē te whakataka ki raro i ngā tikanga whakawhāiti i te oranga o tētahi poari kaitiaki, e kore rawa te Karauna e whakamahi hanganga kāwanatanga ki te whakatū hinonga ā-ture mō te whiwhi me te whakahaere i ngā hua whakataunga.

I mea mai te Tari Whakatau i Ngā Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, i te wā e haere ana ngā whiriwhiringa kāore a Ngāti Mutunga i tono kia whakamahia e te Karauna he whakataunga hanganga ture kia ngāwari ai ngā utu wetewetenga, ā, kāore ētahi atu kōwhiringa i kōrerorerotia.

Te whakamāramatanga o Ngāti Mutunga

Ko tētahi āwangawanga i whakaarahia i roto i te tāpaetanga a Te Rūnanga o Ngāti Mutunga, ko tērā, arā, i whakaurua ki te whakamāramatanga o Ngāti Mutunga i roto i te pire ngā hapū hītori

kua kore kē e kitea i roto i tōna iwi i nāianei. Ko te āwangawanga i whakaaratia e te tāpaetanga, ko tērā, arā, mā taua whakarōpūtanga e pā ai pea te whara ki te kotahitanga wā roa o Ngāti Mutunga.

Ko te tohutohu a te Tari Whakatau i Ngā Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, ko te whakamāramatanga o tētahi rōpū kaikerēme tētahi mea taketake kia tutuki ai he whakataunga whakamutunga mō te kerēme a tētahi rōpū kaikereme. I rapu te Karauna kia mōhio ai ki ngā tāngata katoa i roto i a Ngāti Mutunga, me ōna rōpū whāiti hoki i te mea, ka whakataungia e te whakataunga ngā kerēme whakamutunga katoa tae atu ki ngā kerēme a aua hapū e kōrerotia ake nei e ora ana i ngā rau tau o te 1860 engari, kua memeha kē i nāianei. Mā te waiho kōrerotanga ki waho mō ngā “hapū hītori” e tuwhera ai pea he huarahi mō ngā uri o aua hapū ki te tohe i ngā kerēme a ō rātou hapū kāore i whakaurua ki roto i te whakataunga.

Tua atu hoki, ko te tohutohu mai a te Tari Whakatau i Ngā Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, e whakaae ana te Karauna mā te whakauru hapū hītori ki roto, ka tūpono pā pea te whara ki te kotahitanga o Ngāti Mutunga i ēnei wā engari, i tuhia ngā kōrero ki te whakamārama i ngā āhuatanga hītori o ngā hapū, ā, i mārāma te whakaatu, ehara rātou i a Ngāti Mutunga o ēnei rā.

Ahakoia he aha te whakamāramatanga o Ngāti Mutunga, me rite tonu taua whakamāramatanga ki te Ture Whāngai o te tau 1955. Kei roto i tēnei Ture ngā wāhanga e āta titiro ana kei tētahi tamaiti whāngai ngā tika katoa o tētahi tamaiti i whānau ki te whāmere ahakoa rātou i whāngaitia. He wāhanga nui tēnei mō ngā tika tangata o aua momo tamariki, ā, ki te aukati hoki i te whakatoiharatanga. Whakaae ai te Karauna ki te whakaaro o ētahi iwi, he tukituki te Ture nei i ngā mātāpono o tētahi ki te noho hei mema o te iwi, o te hapū rānei i te mea, ko te heke mai i ngā tūpuna noa te tino hiringa, he uri a ia o te iwi, o te hapū rānei. Ko tā te Tari Whakatau Take E Pā Ana ki te Tiriti o Waitangi ki a mātou, ka noho tonu te kaupapa here a te Karauna ki tērā, arā, kāore he whakataunga hanganga ture e whakamahia ki te whakakore i ngā tika o ngā tamariki whāngai.

I mea mai Te Rūnanga o Ngāti Mutunga ki a matou, i te wā e haere ana te hātepe whiriwhiringa i tohe tonu te Karauna kia whakamahia te Ture Whāngai o te tau 1955, te Ture Tūtohunga Mana Tangata o Aotearoa o te tau 1990 me te Ture Tika Tangata o te tau 1993 hei mea whakakore i ngā tikanga a Ngāti Mutunga.

Kei te kaha ake te pōkaikaha o ētahi o mātou ki te tohenga mō ngā take pērā i te whakamāramatanga o te iwi, ko te mana o te kaupapa here a te Kāwanatanga ki runga ake i te tikanga o te iwi. Ki ētahi o mātou mō aua take pērā, mā te iwi anō a ia e kī ko wai ia.

Ngā Rāhuitanga Whenua Hākinakina i ngā Rohe o Onaero me Urenui

I ngā whiriwhiringa, i rapu whakatika hē a Ngāti Mutunga mō ngā rāhuitanga whenua hākinakina i ngā rohe o Onaero me Urenui, he kaha te nui o te taha ahurea, taha hītori, taha wairua hoki o ngā rohe nei ki te iwi. He kaha hoki ngā hononga o Ngāti Mutunga ki ngā rāhuitanga whenua, ā, ki a rātou, ko waenganui pū o tō rātou rohe. He maha ngā nohoanga pā i te rohe, ā, i noho ētahi o Ngāti Mutunga i te ngutuawa o Urenui i tō rātou hokinga mai i Wharekauri i te tau 1868. Kei roto hoki i te rāhuitanga whenui o Urenui te wāhi i whānau ai a Tā Te Rangi Hīroa (a Sir Peter Buck). Tata ki te 32 heketea te rahi o ngā rāhuitanga whenua i tukua ā-turetia ki te Kaunihera ā-Takiwā o Ngāmotu i raro tekiona 26A o te Ture Rāhuitanga Whenua o te tau 1977 kia whakahaerea hei rāhuitanga whenua hākinakina. Kei roto tonu i ngā ringaringa o te Karauna ngā pānga whakahokinga ki ngā rāhuitanga whenua.

I te wā e haere ana ngā whiriwhiringa mō te whakaaetanga ūpoko i te tau 1999, kāore te Karauna i whakaae ki te hoatu whakatika hapa mō ēnei nohoanga. Hāunga tērā, i te tau 2003, i runga i te hiahia kia tūtuki he whakataunga, ka tahuri te Karauna ki te rapu kōwhiringa whakatika hapa mō ngā nohoanga nei i te taha o te kaunihera me Ngāti Mutunga. Ka whakahiatotia he kaupapa whakatika hapa e tiaki ana i ngā pānga a tangata kē, a te katoa hoki i ngā rāhuitanga whenua engari, me te tāpae anō i tētahi whakatika hapa ki a Ngāti Mutunga. Hei whakarāpopotonga, i roto i te kaupapa, ko te taitara pānga angiangi mō ngā rāhuitanga whenua e rua (engari kāore ngā anga me ētahi atu whakapainga) i tukua ā-turetia ki te hinonga whakahaere o Ngā Mutunga i runga i te pūtake kia noho tonu te mana hākinakina o aua rāhuitanga whenua, kia noho tonu te whakahaere o aua rāhuitanga whenua ki roto i ngā ringaringa o te kaunihera, ā, kia manaakitia tonutia ngā pānga e kōrerotia ake nei a ngā rōpū kē.

Ka huri te kaunihera ki te hora i tēnei kaupapa ki te aroaro o ngā tāngata katoa. He tino maha ngā tāpaetanga i whiwhi, ā, ko te nuinga i whakahē ki te whakatika hapa i whakatakotoria. I te 3 o Here-turi-

kōkā 2004, ka pōti te kaunihera kia kua te kaupapa a te Karauna e tautokona e rātou.

I te marama o Whiringa-ā-rangi 2004, ka whakaae te Rūnanga Kāwanatanga ki te tuku ā-ture i te taitara korehere mō ngā rāhuitanga whenua ki a Ngāti Mutunga engari:

- me noho tonu ngā rāhuitanga whenua hei wāhi hākinakina, kia noho tuwhera hoki ki ngā tāngata katoa
- me noho he wāhanga e mea ana, mō te wā hoki e noho tonu ana aua rāhuitanga whenua hei wāhi hākinakina, me pēneitia aua wāhi anō nei kei roto tonu i ngā ringaringa o te Kaunihera ā-Takiwā o Ngāmotu
- me noho tonu ngā mana ā-ture katoa e pā ana ki roto i ngā ringaringa o te Minita o Te Papa Atawhai
- me manaakitia ngā tika me ngā pānga katoa e kōrerotia ake nei o ngā rōpū kē.

Kua whakaurua ngā wāhanga e pā ana ki roto i te pire. I kī mai Te Tari Whakatau i Ngā Take E Pā Ana ki te Tiriti o Waitangi ki a matou, i haere ki te kimi tohutohu i te kaunihera i te wā e tuhia ana ngā rara o te Whakaaetanga Whakataunga e hāngai ana, ā, kāore tētahi take hōu i whakaarahia e te kaunihera.

I roto i tana tāpaetanga, i whakahē te Kaunihera ā-Takiwā o Ngāmotu ki te pire, otirā, ki te wāhi e pā ana ki te tuku ā-ture i te pānga angiangi mō Ngā Rāhuitanga Whenua Hākinakina i ngā Rohe o Onaero me Urenui. Ko te whakapono a te kaunihera, ka ngaro i a ia tōna kaha ki te whakaara i te taitara, ā, nā tērā, kua iti iho ōna pānga, ōna tika ki te whakahaere. Ki tāna hoki, i raro i te pire kei te whakaurua mai, ka iti iho ōna mana whakahaere ki ērā o te wā nei nā te Ture Rāhuitanga Whenua o te tau 1977 i uta ki runga i a ia hei “rōpū whakahaere”.

I te āwangawanga te kaunihera ka whāiti pea ōna mana i raro rara 39(2)(b)(i) mā ērā kei raro 39(2)(b)(ii) e takoto ana. Ehara te mea a taua rara ki te whakawhāiti i ngā mana whakahaere o te kaunihera e ai ki te raro 39(2)(b)(i), koirā te take i whakamahia ai te kupu “includes” i roto raro 39(2)(b)(ii). Heoi, kua oti tā mātou tūtohu i ngā whakatikatika mō raro 39 kia rite ai ki te toenga o te pire.

I kī te kaunihera, he rerekē te takoto o ngā kōrero mō te Whakaaetanga Whakataunga me te pire mō te whakamahi i tekiona 24 o te Ture Rāhuitanga Whenua, ā, ko tāna e tono ana, mēnā ka noho tonu ki te kaunihera te mana ki te whakarōpū anō i ngā

rāhuitanga whenua, tua atu i ngā mea kei a ia. Kei roto i te Whakaaetanga Whakataunga ngā wāhanga e taketake ana ki tekiona 24, ā, i kuhuna ki roto i te pire ka māhara kē ko ngā kōrerotanga ki tekiona 24. Ko te whakaatu a te Whakaaetanga Whakataunga, kāore a tekione 24 e pā. I pēnei ai tēnei nā te mea, i whakahuatia wehe kēngia ngā wāhanga o tekiona 24 i roto i te Whakaaetanga Whakataunga, ā, kua kore noa iho he take mō tērā i nāiane. Hēoi, ka tae ana ki te wā e tuhia ana te rara nei ki roto i te pire, i mea Te Tari Tohutohu Pāremata, he pai kē ake te whakakomo i a tekiona 24 hei pukapuka āpiti ka mahara te tuhi wāhanga rite hei rara wehe i roto i te pire. Nā, koia rā te take i rere kē ai te takoto o ngā kupu i te Whakaaetanga Whakataunga me te pire. Ko tā te pire e whakapuaki ana, ka pā a tekiona 24 o te Ture Rāhuitanga Whenua ki te whakakorenga o te mana rāhuitanga o ngā whenua. Nā reira, kei te kaunihera te mana ki te whakakore i te mana rāhuitanga engari, kāore a ia e kaha ki te whakarōpū ānō i aua rāhuitanga whenua.

Ki te kaunihera, kāore a rara 41(5) me rara 46 i te noho rata. Hāunga a rara 41 me rara 46, kei te noho rata ērā. Pā ai a rara 46 ki ngā tū āhuatanga whakatika hapa taha ahurea, otirā, te mana kua whakakorea i raro wāhanga whāiti 1 o whanga 2 o te pire. Kāore he whakakorenga i raro wāhanga whāiti o te mana ki ngā rāhuitanga whenua hākinakina i tukua ā-turetia. Hāunga tērā, ko te tohutohu a te Tari Tohutohu Pāremata ki a mātou, e hē ana taua rara 41(5), ā, ko te tikanga me whakakorea.

Ngā kerēme e inaki ana

He kerēme a Ngāti Mutunga e inaki ana i ērā a Ngāti Tama, a Ngāti Maru me Te Āti Awa hoki. I whakahē a Ngāti Rahiri, he hapū nō Te Āti Awa kei te taha o ngā rohe o Ngāti Mutunga e noho ana, ki te whakatika hapa kei te tāpaeatia ki a Ngāti Mutunga mō ngā pānga o te rohe e inaki ana i ōna pānga ki tōna ake rohe. I tohe a Ngāti Rahiri, ko tōna wāhi, he rohe e motuhake ana ki a ia anake, ā, e whakahē ana ki te tāpae whakatika hapa a te Karauna ki a Ngāti Mutunga i roto i te rohe e kerēmetia ana e Ngāti Rahiri. Kāore mātou i whiwhi tāpaeatanga mai i a Ngāti Rahiri.

Nā te mea ko te tāpae ki a Ngāti Mutunga i roto i te wāhi e inaki ana he wāhi hapa whakatika kore motuhake anake, ko te whakataunga whakamutunga i tutuki i te Karauna i te 13 o Hakihea 2004, kia kua te whakatika hapa i whakaarotia mā Ngāti Mutunga e whakarere kēngia. Ki te Karauna, kāore te whakaratonga o tētahi whakatika

hapa kore motuhake ki te wāhi e inaki ana, e whakatoihara i tōna kaha, arā, tō te Karauna, ki te whakatutuki i tētahi whakataunga tika e pā ana ki ngā kerēme a Te Ātiawa (a Ngāti Rahiri hoki) i ngā rā e tū mai ana. Mai i te hainatanga o te Whakaaetanga Whakataunga, kāore anō te Karauna kia whiwhi whakahēnga ā-tuhituhi mai i a Ngāti Rahiri mō te mōki whakataunga a Ngāti Mutunga.

Kāore he take e pā ana ki ngā kerēme inaki i ara ake i a Ngāti Tama me Ngāti Maru.

Tāpiritanga

Hātepe Komiti

Nō te 27 o Hōngongoi 2006 Te Pire Whakataunga i ngā Kerēme a Ngāti Mutunga i tonoa ai ki te Komiti Whiriwhiri Take Māori. Ko te 4 o Mahuru 2006 te rā i kati ai ngā tāpaetanga. E rima ngā tāpaetanga i tae mai ki a mātou mai i ngā rōpū me ngā tāngata takitahi e whai pānga ana. I āta whakaarohia ēnei e mātou. E rua i rongo ā-tarīngahia e mātou i Ngāmotu. Nā Te Tari Whakatau i Ngā Take E Pā Ana ki te Tiriti o Waitangi ētahi whakamāherehere ki a mātou.

Ko ngā mema o te komiti, ko

Dave Hereora (Heamana)

Tākuta Pita Sharples (Heamana tuarua)

Gerry Brownlee

Hōnore Tau Henare

Hōnore Mahara Okeroa

Pita Paraone

Hōnore Mita Ririnui

Hōnore Georgina te Heuheu

Mētiria Tūrei (he mema kore panga pōti mō tēnei o ngā take a te komiti)

Ngāti Mutunga Claims Settlement Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

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

Introduction

This bill records the acknowledgements and apology given by the Crown to Ngāti Mutunga in the deed of settlement dated 31 July 2005 between the Crown and Ngāti Mutunga. In addition, it gives effect to the deed of settlement in which the Crown and Ngāti Mutunga agree to a final settlement of all the Ngāti Mutunga historical claims in Taranaki.

In considering this bill we have been mindful of the constraints placed on us by the rules relating to the consideration of legislation to confirm agreements, such as settlements of Treaty grievances and international agreements. These mean that neither a select committee nor the committee of the whole House can substantively amend such bills in a way that is not acceptable to the parties to the deed or treaty being implemented. We are also constrained by the scope rule as prescribed by Standing Order 288(2). Bills that implement international treaties or deeds of settlement of claims under the Treaty of Waitangi have a particularly narrow scope. Any amendments recommended must be consistent with the treaty or the deed concerned.

The first section of this commentary details the amendments to the bill that we are recommending. The remainder of the commentary provides background information to the bill and the settlement process.

Amendments

Amendment of the Protected Objects Act 1975

We recommend that the bill be amended so that any reference to Antiquities Act 1975 will be replaced by a reference to the Protected Objects Act 1975. This will require a number of definitions in the bill to be amended to reflect those in the Protected Objects Act.

Onaero and Urenui Domain Recreation Reserves

We recommend amending clause 39(2)(b)(ii) to make it consistent with the rest of the bill, by adding “(without limitation)” after “including”. In addition, we recommend adding the same wording in clause 39(2)(c)(ii).

We recommend amending clause 41 by deleting clause 41(5) because it could be read to imply that clauses 41 and 46(1) are interrelated and inconsistent, when this is not the case.

Historical account, Crown acknowledgements, and apology

The historical account in the bill represents the events upon which the Crown’s acknowledgements and apology are based. Acknowledgements by the Crown relate to the following:

- the Taranaki Land Wars
- the unfair treatment of Ngāti Mutunga as if they were in rebellion
- confiscation by the Crown of the lands and resources of Ngāti Mutunga
- inadequacies in the Compensation Court process
- the treatment of Ngāti Mutunga and other Taranaki Māori imprisoned and exiled as a result of passive resistance campaigns from 1879 to 1880
- the treatment of Ngāti Mutunga people at Parihaka
- inadequacies in the West Coast Commissions.

The Crown apology is a formal apology by the Crown expressing regret for its actions, which have caused hardship and suffering to Ngāti Mutunga.

Financial, commercial, and cultural redress

Financial and commercial redress amounts to \$14.9 million and a right of first refusal for a term of 50 years over certain surplus Crown-owned land within a specified area. The redress is also intended to encourage good working relationships on matters of cultural importance to Ngāti Mutunga, including protocols with the Department of Conservation, the Ministry of Fisheries, the Ministry for Culture and Heritage, Land Information New Zealand, and the Ministry of Economic Development. These protocols establish how the relevant department or ministry will perform its functions and duties and exercise its powers in relation to specified matters, and how it will interact with Te Rūnanga on these matters. The redress will include the appointment of Te Rūnanga as an advisory committee to provide advice to the Minister of Fisheries on specified matters of interest to Ngāti Mutunga. There will also be an agreement that Te Rūnanga will be consulted in accordance with the New Zealand Geographic Board Ngā Pou Tahana o Aotearoa protocol for Māori place names. Ministerial letters to local authorities and other non-governmental organisations will be circulated encouraging them to enter into memoranda of understanding with Te Rūnanga.

In addition, redress is established regarding certain sites or areas, including the following:

- the vesting of 10 sites of cultural significance (totalling approximately 168 hectares)
- statutory acknowledgements by the Crown of statements by Ngāti Mutunga of its cultural, historical, and traditional associations with 17 areas
- deeds of recognition by the Crown regarding 12 areas covered by a statutory acknowledgment, and which are Crown-owned and managed. The deeds of recognition provide that Ngāti Mutunga must be consulted on specified matters, and that the relevant Minister must have regard to their views.
- a Nohoanga entitlement, giving Ngāti Mutunga an exclusive right to occupy the Nohoanga site for the purposes of non-commercial lawful fishing and lawful gathering of other natural resources for up to 210 days a year. The site is in the Uruti Domain Scenic Reserve and covers approximately 0.7 hectares.

- an acknowledgement by the Crown of the unique and enduring relationship that Ngāti Mutunga has with land in its area of interest
- one place name to be assigned (Titoki Ridge) and one place name to be amended (Te Urinui Historic Reserve to Te Urenui Pā).

Other cultural redress focuses on coastal issues:

- a right of first refusal under which Te Rūnanga is offered a certain percentage of quota for specified shellfish if the Crown tenders any residual holdings of quota for those species under the quota management system
- a prohibition on the taking of certain fish species for commercial purposes
- a preferential right to purchase up to ten percent of any authorisations within a specified coastal area if they are tendered.

Process of deed of settlement

The historical claims of Ngāti Mutunga were heard by the Waitangi Tribunal between 1990 and 1995, along with other Taranaki claims. In 1996 the Waitangi Tribunal released its interim report on the Taranaki claims. The report was issued to expedite negotiations between the Crown and Taranaki Māori.

In 1996 the Ngāti Mutunga Iwi Authority Board submitted a deed of mandate to represent Ngāti Mutunga in negotiations with the Crown to settle all the historical Taranaki-based Treaty of Waitangi claims of Ngāti Mutunga. In November 1996, the Crown recognised the deed of mandate of the Iwi Authority.

The Crown and the Iwi Authority entered into negotiation in 1997. The negotiations resulted in Ngāti Mutunga and the Crown entering into a non-binding heads of agreement on 24 September 1999. The heads of agreement recorded that, in principle, Ngāti Mutunga and the Crown were willing to settle Ngāti Mutunga's historical claims in Taranaki.

In November 2002, a special hui was held with the wider iwi to reconfirm the Iwi Authority's mandate. This was done on 21 April 2002 when a special land claim meeting was held at Urenui in Taranaki to discuss the Ngāti Mutunga settlement. The meeting was advertised on 30 March in the local Taranaki paper, and in the daily

papers in Auckland, Wellington, and Christchurch. The Office of Treaty Settlements advised us that no challenges have been made to the mandate during the negotiations process.

On 19 July 2004, the proposed settlement package was approved by Cabinet. On 14 December 2004, the Iwi Authority and the Crown initialled a deed of settlement. Following ratification, the deed of settlement was signed on 31 July 2005. The governance entity structure was also ratified at this time. On 21 December 2005 the Ngāti Mutunga governance entity, Te Rūnanga o Ngāti Mutunga, was established.

Ratification of the deed of settlement and the governance entity

The Iwi Authority decided to ratify the deed of settlement and the proposed governance entity at the same time. On 24 May 2005 the Crown accepted the proposed governance entity to receive and manage the settlement redress on behalf of Ngāti Mutunga.

The Minister in Charge of Treaty of Waitangi Negotiations reviewed the ratification strategy provided by the Iwi Authority and found it to be appropriate and inclusive. Over a five-week ratification process in June and July 2005, all registered adult members (18 years of age and over) of Ngāti Mutunga were asked to consider whether they wished to accept the Crown's settlement offer contained in the initialled deed of settlement, and the proposed governance entity. Those who were not registered at the time the ratification process began had the opportunity to register up until a week before the voting closed. The results were as follows:

- In the ratification vote on the deed of settlement, from the total 2,000 members of Ngāti Mutunga, 48 percent (635 people) of the 1,313 eligible members voted validly. Of these, 94 percent (597 people) voted in favour of accepting the deed of settlement.
- In the ratification vote on the governance entity, from the total 2,000 members of Ngāti Mutunga, 48 percent (634 people) of the 1,313 eligible members voted validly. Of these, 95 percent (602 people) voted in favour of accepting the governance entity.

On 28 July 2005, the Crown advised that the interim results of the ratification process demonstrated sufficient support from the Ngāti Mutunga claimant community for the proposed governance entity and for the deed of settlement.

Quantum of financial settlement

Financial and commercial redress amounts to \$14.9 million and a right of first refusal for a term of 50 years over certain surplus Crown-owned land within a specified area.

Te Rūnanga o Ngāti Mutunga raised a number of concerns in its submission regarding the establishment and negotiation of the settlement quantum. Ngāti Mutunga submitted that it was not given a clear indication as to how the Crown valued its claim at \$14.9 million. The submission was critical of the Crown's lack of transparency during the negotiation process. It also expressed Ngāti Mutunga's frustration because it did not agree with the Crown on the amount of land confiscated in 1865. The Crown has estimated it at 75,000 acres of land adopting the findings of the Sim Commission. Ngāti Mutunga calculated its confiscated land at 150,000 acres. Ngāti Mutunga told us that this difference is significant given the current actual economic value of this land.

The Office of Treaty Settlements advised us that settlement quanta are not calculated or determined by the Crown. The final quantum of this settlement was a figure agreed between the Crown and Ngāti Mutunga. On further questioning, the Office of Treaty Settlements agreed that the Crown does enter Treaty settlement negotiations with a predetermined quantum in mind based on the severity of the breach and relativity with benchmarks set for existing settlements and similar grievances. However, the committee was not told by the Office of Treaty Settlements what that pre-determined quantum was due to issues of commercial sensitivity. The committee does not believe that the offer of settlement was a fair assessment of the severity of the breach.

We were advised by the Office of Treaty Settlements that, when determining its initial offer, the Crown takes a number of factors into account. Primary factors are the amount of land lost, the relative seriousness of the breaches involved, and existing settlements for similar grievances. Secondary factors are the size of the claimant group today, whether there are any overlapping claims, and any special factors affecting the claim. The Office of Treaty Settlements told us that the Crown endeavours to provide as much information as possible on the way it develops initial offers. However, some information and analysis remain confidential because its release would prejudice the Crown's ability to develop future offers.

The Office of Treaty Settlements told us that the Crown accepted that all Ngāti Mutunga's rohe was confiscated, and that the digital calculation of 150,000 acres is correct. Some of the 150,000 acres claimed are overlapped by other iwi. The figure of 75,000 acres was used by the Sim Commission as the amount of land confiscated from Ngāti Mutunga. As with other Taranaki iwi, the Crown has used the Sim Commission evidence and findings as one source of information in developing quantum offers. However, initial offers were subject to negotiation and, ultimately, agreement between the parties.

The Office of Treaty Settlements also told us that in negotiations the Crown seeks to ensure that claimant groups and the Crown jointly acknowledge that the settlement is "fair in the circumstances". This ensures that the settlement will be final and durable. It would be inconsistent with its Treaty obligations for the Crown to enter into a final settlement that the settling group believed was unfair. However, "fairness" is a relative term and it is up to the parties to agree that a settlement is fair in the circumstances.

Te Rūnanga o Ngāti Mutunga emphasised that the settlement quantum was "fair in the circumstances" or in context, but that it did not regard it as fair in reality. However, it explained to us how it considers this to be a practical approach by a pragmatic iwi, and that Ngāti Mutunga agreed to the settlement for the sake of its future.

Transfer from Ngāti Mutunga Iwi Authority Board to Te Rūnanga o Ngāti Mutunga

One of the concerns raised by Te Rūnanga o Ngāti Mutunga was that after the settlement process, Ngāti Mutunga incurred significant costs disestablishing the Ngāti Mutunga Iwi Authority Board and transferring its assets and functions to the post-settlement governance entity, Te Rūnanga o Ngāti Mutunga. It estimated the costs of this transfer at \$20,000 and expressed its disappointment at incurring this cost and in the Crown for not initially disclosing this cost. The Office of Treaty Settlements advised us that Ngāti Mutunga had not raised the issue of the cost of asset transfer until it did so in its submission to the committee.

The Crown requires that claimant groups have an established governance entity to receive and manage their settlement assets. This entity must be representative, accountable to the claimant community, and have transparent decision-making and dispute resolution processes. Some claimant groups have used private legislation to fulfil this requirement, but most have established private trusts.

The Office of Treaty Settlements advised us that winding up an entity that has become obsolete could be considered an associated cost of setting up a new entity. However, the Crown does not require that the existing entity be disestablished. The Crown's claimant funding contribution now includes a sum for costs associated with governance and legislation. This has resulted in Ngāti Mutunga receiving an additional \$34,000, part of which was to cover the costs of the disestablishment of the Iwi Authority. The Office of Treaty Settlements told us that Ngāti Mutunga were pleased to receive this additional funding.

The Office of Treaty Settlements advised us that amending the bill to provide for the disestablishment of the iwi authority and the establishment of the post-settlement governance entity was not feasible. The Parliamentary Counsel Office advised us that amending the bill to disestablish or establish private trusts would be very unusual and could have implications for previous settlements. They told us that establishing a new governance entity is a private matter. Settlement legislation addresses matters necessary to achieve the settlement which cannot be achieved with certainty under normal (non-legislative) processes. Although settlement legislation has been used in association with private trusts to the extent that the trusts are made perpetual instead of being subject to the rules that limit the life of a trust, the Crown will not use government legislation to establish a legal entity to receive and manage settlement assets.

The Office of Treaty Settlements told us that during negotiations Ngāti Mutunga did not request that the Crown use settlement legislation to minimise disestablishment costs, and that no other options were discussed.

Definition of Ngāti Mutunga

A concern raised in the submission of Te Rūnanga o Ngāti Mutunga was that the definition of Ngāti Mutunga contained in the bill includes historical hāpu that no longer form distinct communities within its iwi. The submission raised the concern that such a classification might be a potential risk to Ngāti Mutunga's long-term internal unity.

The Office of Treaty Settlements advised us that the definition of a claimant group is fundamental to achieving final settlement of a group's claim. The Crown sought to identify all the individuals in, and sub-groups of, Ngāti Mutunga, because the settlement finally settles all claims, including those of hāpu existing in the 1860s but

since dissolved. Omitting reference to the “historical hāpu” would leave open the potential for descendants of those hāpu to argue in the future that their hāpu claims were not included in the settlement.

In addition, the Office of Treaty Settlements advised us that the Crown accepts that including historical hāpu has risks for the unity of Ngāti Mutunga in modern times, but the drafting was done in a way that explains the historical aspects of the hāpu and made it clear that they were not part of modern Ngāti Mutunga.

Any definition of Ngāti Mutunga is required to be consistent with the Adoption Act 1955. This Act includes provisions ensuring that an adopted child has all the rights of a birth child, regardless of their having been adopted. This is an important provision regarding the human rights of such children and the prevention of discrimination. The Crown accepts that the Act, in the view of some iwi, has the effect of undermining the principles of membership of iwi or hāpu, in that the key determination of membership is descent from common ancestors. The Office of Treaty Settlements told us that it remains Crown policy not to use settlement legislation to override the rights of adopted children.

Te Rūnanga o Ngāti Mutunga told us that during the negotiation process, the Crown insisted that the Adoption Act 1955, the New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993 override Ngāti Mutunga tikanga.

Some of us are increasingly frustrated at the insistence that Government policy, on issues such as the definition of iwi, takes precedence over the tikanga of iwi. Some of us consider that tikanga should take preference in such matters, enabling iwi to define themselves in their own terms.

Onaero and Urenui Domain Recreation Reserves

During the negotiations Ngāti Mutunga sought redress over the Onaero and Urenui Domain Recreation Reserves, which have strong cultural, historical, and spiritual importance for the iwi. Ngāti Mutunga has strong tribal associations with the reserves and considers that they are at the heart of its rohe. There are several pā sites in the area, and the Urenui River mouth is where some Ngāti Mutunga resided when they returned from the Chatham Islands in 1868. The Urenui reserve also includes the birth place of Te Rangi Hīroa (Sir Peter Buck). The reserves, comprising approximately 32 hectares, are vested in the New Plymouth District Council under

section 26A of the Reserves Act 1977 for administration as recreation reserves. The Crown retains the reversionary interest in the reserves.

During negotiations for the heads of agreement in 1999, the Crown declined to provide redress over these sites. However, in the interests of reaching a settlement, the Crown in 2003, decided to explore redress options over these sites with the council and Ngāti Mutunga. A redress proposal was developed that protected private and public interests in the reserves, whilst it still offered Ngāti Mutunga some redress. In summary, the proposal consisted of vesting in the Ngāti Mutunga governance entity the fee simple title to the two reserves (which excluded structures and other improvements) on the basis that the recreation status of the reserves remained, the council continues to administer the reserves, and existing interests of third parties are protected.

The council decided to consult the public on the proposal. A large number of submissions were received, the majority of which opposed the proposed redress. On 3 August 2004, the council voted to decline to support the Crown's proposal.

In November 2004, Cabinet agreed to vest the freehold title to the reserves in Ngāti Mutunga, subject to:

- retention of the recreation status of the reserves, including public access
- provision that, for so long as they are classified as recreation reserves, the reserves will be treated as if they remain vested in the New Plymouth District Council
- retention of all relevant statutory powers by the Minister of Conservation
- protection of all existing third party rights and interests.

The relevant provisions have been included in the bill. The Office of Treaty Settlements told us that the council was consulted in the drafting of the corresponding clauses in the deed of settlement and did not raise any new issues.

In its submission, the New Plymouth District Council opposed the bill so far as it related to the vesting of fee simple estate in the Onaero and Urenui Domain Recreation Reserves. The council believed it that will lose its ability to raise title, and would therefore have a lesser proprietary interest. It considered that the bill, as introduced, would provide fewer administrative powers than those

currently conferred on the council as “administering body” under the Reserves Act 1977.

The council was concerned that its powers under clause 39(2)(b)(i) may be limited by the list of powers set out in clause 39(2)(b)(ii). It is not intended that clause 39(2)(b)(ii) limit the exercising of the council’s powers expressed in clause 39(2)(b)(i), which is why the word “includes” is used at 39(2)(b)(ii). We have recommended amendments to clause 39 to make it consistent with the rest of the bill.

The council said that the deed of settlement and the bill had different wording regarding the application of section 24 of the Reserves Act and asked whether the council retained the powers to, among other things, reclassify the reserves. The deed of settlement includes provisions based on section 24 which were to be included in the bill instead of references to section 24. The deed of settlement states that section 24 does not apply. This is because the provisions of section 24 were spelled out separately in the deed of settlement, and section 24 itself became superfluous. However, when drafting this clause in the bill, the Parliamentary Counsel Office suggested that the better way to capture the provisions of section 24 was, rather than specifying similar provisions in a separate clause in the bill, to incorporate section 24 in a schedule to the bill. Hence the wording difference between the deed of settlement and the bill. The bill states that section 24 of the Reserves Act applies to the revocation of the reserve status of the reserves. The council would have the power to revoke the reserve status of the recreation reserves, but not to reclassify those reserves.

The council believed that clause 41(5) was incompatible with clause 46. Clauses 41 and 46 are compatible: clause 46 concerns cultural redress properties, the status of which has been revoked under subpart 1 of part 2 of the bill. There is no revocation under this subpart of the status of the vested recreation reserves. The Parliamentary Counsel Office advised us that clause 41(5) is incorrect and should be omitted.

Overlapping claims

Ngāti Mutunga has overlapping interests with Ngāti Tama, Ngāti Maru, and Te Atiawa. Ngāti Rahiri, hāpu of Te Atiawa that borders Ngāti Mutunga, objected to redress being offered over that part of Ngāti Mutunga’s area of interest that overlaps Ngāti Rahiri’s own area. Ngāti Rahiri argued that its area is an exclusive rohe, and

opposed any Crown offer of redress to Ngāti Mutunga within the area claimed by Ngāti Rahiri. We did not receive a submission from Ngāti Rahiri.

As the offer to Ngāti Mutunga within the overlapped area consists of non-exclusive redress only, the Crown reached a final decision on 13 December 2004 that the redress proposed to Ngāti Mutunga should remain unamended. The Crown considered that the provision of non-exclusive redress to Ngāti Mutunga within the overlapped area does not prejudice its ability to reach a fair settlement of Te Atiawa's (including Ngāti Rahiri's) claims in the future. Since the signing of the deed of settlement, the Crown has not received any further written objections from Ngāti Rahiri to the Ngāti Mutunga settlement package.

No overlapping claims issues have arisen with Ngāti Tama and Ngāti Maru.

Appendix

Committee process

The Ngāti Mutunga Settlement Bill was referred to the Māori Affairs committee on 27 July 2006. The closing date for submissions was 4 September 2006. We received and considered five submissions from interested groups and individuals. We heard two submissions, which were heard in New Plymouth. We received advice from the Office of Treaty Settlements.

Committee membership

Dave Hereora (Chairperson)

Dr Pita Sharples (Deputy Chairperson)

Gerry Brownlee

Hon Tau Henare

Hon Mahara Okeroa

Pita Paraone

Hon Mita Rinui

Hon Georgina te Heuheu

Mētiria Tūrei (non-voting member for this item of business)

Key to symbols used in reprinted bill

As reported from a select committee

Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

New (unanimous)

Subject to this Act,

Text inserted unanimously

(Subject to this Act,)

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

Hon Mark Burton

Ngāti Mutunga Claims Settlement Bill

Government Bill

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Preamble

Background

- (1) The Treaty of Waitangi (te Tiriti o Waitangi), as set out in English and Māori in Schedule 1 of the Treaty of Waitangi Act 1975, was signed in 1840:
- (2) Recitals (3) to (28) of this Preamble present, in summary form, the background to the Ngāti Mutunga historical claims, and a summary of the historical account, that are set out in the deed of settlement entered into by Ngāti Mutunga and the Crown: 5

The rohe of Ngāti Mutunga

- (3) According to Ngāti Mutunga, the traditional rohe of Ngāti Mutunga is indelibly etched into both physical and historical landscapes. The Titoki ridge rising from the marine shelf in the northwest signals interface with Ngāti Tama. From here, the Titoki Stream outlines the extremities of tūpuna mana as far north as the Mangahia Stream from which an easterly direction is struck to Huanui, then northeast to Waitara-iti. The rohe then finds a natural eastern definition in the Waitara River as the river flows southward to the Pouiatoa precinct. From here the border extends further south and then northwest along the Waitara River to a point where the river connects with the Makara Stream. The confines of mana whenua are then traced in a northerly direction skirting slightly west of the Poukekewa, Poutotara, and Pukemai Streams. The Mangahewa Stream then provides an outline for the duration of the course to the coast. The old settlement in the district of Te Rau o te Huia was bounded by the Waiiau River and its remains mark the area of Ngāti Mutunga’s traditional southern boundary:

- (4) The area of the Ngāti Mutunga rohe described above was approximately 63 200 hectares (156 000 acres) according to a digital map calculation in 2003:

Taranaki wars

- (5) The Crown proclaimed martial law throughout Taranaki on 22 February 1860. The Taranaki wars of 1860–61 and 1863–69 followed. During the course of the wars, the Crown built redoubts at Urenui, Wai-iti, and Papatiki to secure military occupation of the surrounding land. These redoubts also provided security for military settlements that were established on confiscated land. The Urenui and Wai-iti redoubts were established on Ngāti Mutunga pā sites, with Urenui being one of the principal kāinga of Ngāti Mutunga:

Confiscation

- (6) In 1863, the New Zealand Settlements Act 1863 was enacted. This Act provided for the confiscation, by the Crown, of lands of Māori whom the Crown assessed to have been in “rebellion” against the authority of the Queen. On 2 September 1865, the Governor declared the confiscation district of “Ngātiawa” and designated “Ngātiawa Coast” as an eligible site

for settlement. The Ngatiawa Coast eligible site took in the entire rohe of Ngāti Mutunga. All of the land of Ngāti Mutunga was confiscated, despite the declaration that land of “loyal inhabitants” would be taken only where “absolutely necessary for the security of the country”:

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Compensation Court

- (7) A Compensation Court was set up under the New Zealand Settlements Act 1863 to compensate some of those whose lands were confiscated by the Crown. The compensation process and its outcomes added to the uncertainty, distress, and confusion among the people of Ngāti Mutunga as to where they were to live and whether they had security of title. Those considered to be “rebels” could not make claims. All of the Compensation Court awards within the rohe of Ngāti Mutunga were based on out-of-court settlements. By the time these were made, most of the readily usable land in the north had already been disposed of by the Crown. These settlements were not properly investigated by the Compensation Court. All of the awards made by the Compensation Court on the basis of these settlements were made to individuals, rather than to hapū. Out of the lands confiscated from Ngāti Mutunga, 9 900 acres were awarded to 87 individuals between Te Rau o te Huia and Titoki. The awards did not reflect customary forms of land tenure and made the land more susceptible to sale. In 1867, the Crown promised an award of 3 000 acres to the absentee owners from Ngāti Mutunga who had taken up residency in Taranaki since the beginning of the Compensation Court hearings. By 1880, the land awarded to the people of Ngāti Mutunga through the compensation process had not been allocated or granted:

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Parihaka

- (8) Before the wars ended, a movement for peace and independence was established at Parihaka under the leadership of Te Whiti o Rongomai and Tohu Kākahi. In 1878, the Government began surveying the central Taranaki district in which the Parihaka block was located. When the survey neared Māori cultivations, Te Whiti and Tohu introduced a policy of passive resistance to the surveyors and European settlers who followed. Ngāti Mutunga and other iwi supported this policy. These passive resistance campaigns led to more than 420 “ploughmen” and 216 “fencers” being arrested. Most were

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- denied a trial and many prisoners, including people of Ngāti Mutunga, were held in the South Island. Prison conditions were harsh and included hard labour. The Ngāti Mutunga person Pitiroi Paekaha was among those who died while in custody: 5
- (9) On 5 November 1881, more than 1 500 Crown troops invaded and occupied Parihaka. Over the following days, some 1 600 Māori were forcibly expelled from the settlement and made to return to their previous homes. Houses and cultivations were systematically destroyed, and stock was driven away or killed. Taranaki Māori assert that women were raped and otherwise molested by the soldiers: 10
- (10) The leaders of Parihaka, Te Whiti o Rongomai and Tohu Kākahi, were arrested, and held until 1883. Special legislation provided for their imprisonment without trial: 15
- West Coast Commissions and West Coast Settlement Reserves*
- (11) 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 Māori in Taranaki concerning confiscated lands. The second was established to implement the recommendations of the first. Almost all of the open coastal land confiscated within the rohe of Ngāti Mutunga had already been allocated to military settlers. Ngāti Mutunga was left with insufficient agricultural land for its present and future needs: 20
- (12) Of the land that was returned to Ngāti Mutunga, all was returned under individualised title. Many of the reserves were protected against permanent alienation when granted, but these restrictions were later removed and much of this land was sold: 25
- (13) The reserves made by the West Coast Commission were vested in the Public Trustee in trust for Māori owners, with Māori thereby losing legal ownership and control of their lands. The Public Trustee had full power to sell or lease the alienable reserves, and lease the inalienable ones under terms imposed by statute. The West Coast Settlement Reserves Act 1892 provided for perpetually renewable leases with rent based on the unimproved value of the land: 30
- (14) In 1926, the Sim Commission was set up to investigate confiscations under the New Zealand Settlements Act 1863 and 35
- 40

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. For the first 17 years, the payments were irregular. The sums due in the early 1930s were not fully paid:

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Public Works acquisitions

- (15) The Crown has acquired Ngāti Mutunga land under Public Works legislation, including Okoki Pā and part of Pukemiro Pā. Both sites are wāhi tapu of particular significance to Ngāti Mutunga:

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Natural resources

- (16) The access of Ngāti Mutunga to rivers, lakes, forests, swamps, and foreshore has been affected by land loss. Much of the land adjacent to waterways is held in private ownership preventing Ngāti Mutunga from maintaining a right of access to its traditional fisheries and other food gathering places:

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Ngāti Mutunga makes submissions to the Waitangi Tribunal

- (17) The enactment of the Treaty of Waitangi Amendment Act 1985 made it possible for Māori 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 (te Tiriti o Waitangi):

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- (18) Between 1990 and 1995, the Waitangi Tribunal investigated 21 claims concerning Taranaki made to the Waitangi Tribunal (the **Taranaki Claims**). The Taranaki Claims included claims of Ngāti Mutunga. A considerable number of submissions and research reports were filed by Taranaki Māori (including Ngāti Mutunga) with the Waitangi Tribunal in relation to the Taranaki Claims:

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The Crown’s acknowledgements to Waitangi Tribunal

- (19) The Crown advised the Waitangi Tribunal, after hearing the claimants’ evidence, that it considered there was a basis for negotiation with claimants and that the Crown had invited claimants to meet with it for that purpose. The Crown asked the Waitangi Tribunal to issue an interim report in order to

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- assist the negotiations process between the Crown and claimants (including Ngāti Mutunga):
- (20) The Waitangi Tribunal asked the Crown to indicate those matters upon which it would not wish to give evidence before the Tribunal. The Crown provided this advice to the Waitangi Tribunal on 28 November 1995 in its Interim Response (which is Document 2.108 on the Waitangi Tribunal’s Record of Inquiry for Taranaki): 5
- (21) The Crown acknowledged to the Waitangi Tribunal in its Interim Response that— 10
- (a) the Waitara purchase and the wars that followed constituted an injustice and were, therefore, in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles; and
 - (b) the confiscation of land, as it occurred in Taranaki, also constituted an injustice and was, therefore, in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles; and 15
 - (c) the confiscation had a severe impact upon the welfare, economy, and development of the iwi of Taranaki; and 20
 - (d) in general terms, the delays in setting aside reserves contributed to the adverse effects of the confiscation; and
 - (e) events relating to the implementation of the confiscation leading to the invasion of Parihaka in 1881, the invasion itself, and its aftermath constituted a breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles: 25
- Interim Taranaki Report of Waitangi Tribunal*
- (22) In June 1996, the Waitangi Tribunal issued an interim report called the “Taranaki Report Kaupapa Tuatahi” (the **Interim Taranaki Report**) giving its preliminary views on the Taranaki Claims: 30
- (23) The Waitangi Tribunal issued the Interim Taranaki Report— 35
- (a) based on the Waitangi Tribunal’s inquiry up to the date of the report (and noted that the Crown had yet to be heard on many matters raised); and
 - (b) in order to expedite negotiations for a settlement of the Taranaki Claims (including the claims of Ngāti Mutunga): 40

Views of the Waitangi Tribunal in the Interim Taranaki Report

- (24) The Waitangi Tribunal, in the Interim Taranaki Report, expressed some preliminary views concerning the Taranaki Claims including that— 5
- (a) “they could be the largest in the country. There may be no others where as many Treaty breaches had equivalent force and effect over a comparable time” (section 1.1); and
- (b) “we see the claims as standing on 2 major foundations, land deprivation and disempowerment, with the latter being the main. By ‘disempowerment’, we mean the denigration and destruction of Māori autonomy or self-government” (section 1.4); and 10
- (c) “this report has introduced the historical claims of the Taranaki hapū. It has shown the need for a settlement” (section 12.3.1); and 15
- (d) “generous reparation policies are needed to remove the prejudice to Māori, to restore the honour of the Government, to ensure cultural survival, and to re-establish effective interaction between the Treaty partners” (section 12.2): 20
- The settlement negotiations with Ngāti Mutunga*
- (25) The Ngāti Mutunga Iwi Authority received in May 1996 a mandate from Ngāti Mutunga to negotiate a deed of settlement with the Crown. The Crown recognised the mandate of the Ngāti Mutunga Iwi Authority in November 1996: 25
- (26) The Ngāti Mutunga Iwi Authority and the Crown entered into—
- (a) a terms of negotiation dated 1 July 1997, which specified the scope, objectives, and general procedures for the negotiations; and 30
- (b) a heads of agreement dated 24 September 1999 recording that Ngāti Mutunga 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: 35
- (27) Ngāti Mutunga ratified the Crown’s final settlement offer and entered into a deed of settlement on 31 July 2005. The deed

records the agreement between Ngāti Mutunga and the Crown to settle the historical claims of Ngāti Mutunga:

Te Rūnanga o Ngāti Mutunga

- (28) In July 2005, Ngāti Mutunga ratified a new governance arrangement to succeed the Ngāti Mutunga Iwi Authority. The governance arrangement is a private trust administered by trustees and known as Te Rūnanga o Ngāti Mutunga. Te Rūnanga o Ngāti Mutunga was established by trust deed dated 21 December 2005. 5
- Kupu Whakataki** 10
- (1) I hainatia te Tiriti o Waitangi, tērā e whakatahia ana i roto i te reo Pākēha me te reo Māori i te Wāhanga Tuatahi o te Ture Tiriti o Waitangi 1975, i te tau 1840:
- (2) Kei ngā Wāhanga (3) ki te (28) o tēnei Kupu Whakataki ka kitea he whakarāpopototanga o ngā kerēme o nehe o Ngāti Mutunga me te tāhuhu kōrero, kua whakatakotoria ki roto i te whakatau taketake i uru tahi ai a Ngāti Mutunga me te Karauna: 15
- Te rohe o Ngāti Mutunga*
- (3) Hei tā ngā kōrero tuku iho o Ngāti Mutunga, kua tāmoua te rohe o Ngāti Mutunga ki ngā tongi whenua, ki ngā tongi kōrero anō hoki. Ki te tongi i Titoki ki tai, tūtata ana ki a Ngāti Tama ki raro rā. Kōkiritia te manga o Titoki, poua whakararo ai te mana o ngā tūpuna ki te paenga ki Te Mangahia, ahu atu ki uta rā ki Huanui, pātuki whakararo te rāwhiti atu ki te whakarua ki Waitara-iti. Kōpiko kau ana ki kō, ki ūta, ki te taha o Waitara, tapatū ake rā, riporipo ai ki Pouiatua. I konei ka piki whakarunga noa ka rere whakararo ki tai ki te awa o Waitara, tutakitaki atu ki te wai o Makara. Kātahi ka kōpiko te mana whenua o Ngāti Mutunga ki raro, ahu moroiti atu ke tai o ngā wai riporipo o Poukekewa, o Poutotara, o Pukemai. Ka rere noa i a Mangahewa puaki atu ai ki tai. Ko Te Rau o Te Huia, te papa ohaoha hei pou rāhui ki te ia o Waiau, ā, ko tēnei tonu te pou rāhui whakarunga o Ngāti Mutunga: 20
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- (4) Ko te rohe kua whakatakotohia i runga ake nei, he āhua 63 200 heketea (156 000 eka) tōna rahi, ki te taturanga a tētehi mapi rorohiko i te tau 2003: 35

Ngā pakanga o Taranaki

- (5) I te 22 o Hui-Tanguru 1860 i whakpuakina te pānui mō te ture taua ki Taranaki e te Karauna. Whai muri mai ko ngā pakanga o Taranaki i ngā tau 1860–61, nawhi nāwhai rā ko te pakanga 1863–69. I taua wā i whakatūngia e te Karauna ētehi pā tūhāhā ki Urenui, ki Wai-iti me Papatiki kia whakanohoa e ia āna hōia ki te whenua hei tiaki i ngā nohoanga hōia i whakaritea i ngā whenua i murua. I whakatūngia ngā pā tūhāhā o Urenui me Wai-iti i ngā pā o Ngāti Mutunga, ko Urenui tētehi o ngā tino noninga kumu o Ngāti Mutunga:

Muru me te Raupatu Whenua

- (6) I te tau 1863 i whakamanangia te Ture Whakatau Manene ki Niu Tireni 1863. Nā te Ture nei i āhei ai te muru i ngā whenua Māori e tirohia ana e te Karauna “i mahi hara” ki te mana o te Kuini. I te 2 o Mahuru i te tau 1865, i whakapuakina e te Kāwana te takiwā muru raupatu “Ngatiawa”, ā i whakaritea te takiwā “Takutai o Ngatiawa” hei wahi whakanoho manene. Ka riro te katoa o te rohe o Ngāti Mutunga i te takiwā “Takutai o Ngatiawa”. I kaingia katoatia te whenua katoa o Ngāti Mutunga e te muru raupatu ahakoa te whakapuakitanga ka kore te whenua o te “hunga harakore” e riro atu, hāunga te wā “hirahira noa mō te marutanga o te motu”:

Te Kōti Utunga

- (7) I whakatūria te Kōti Utunga i raro i te maru o te Ture Whakatau Manene ki Niu Tireni 1863 hei utu i ērā tāngata mō ō rātou whenua i murua e te Karauna. Maranga ake te whakapuna waru ai, te kohuki, te kōripo o te hinengaro i ō te iwi o Ngāti Mutunga, i te mea kāore rātou i mōhio ki hea rātou noho ai, me he purutanga tā rātou ki ngā taitara. Kāore te hunga e meatia nei “he tangata tautohetohe” i āhei ki te kawē kerēme. Ko ngā whakawhiwhinga Kōti Utunga katoa i te rohe o Ngāti Mutunga i ara ake i ngā whakataunga i waho ake o te Kōti. Hei te wā kua rite te tuku i ngā utunga kōti, kua hokona kētia te whenua pai kei te raki hei mahinga e te Karauna. Kāore i āta rangahaungia ēnei whakataunga e te Kōti Utunga. I whakahokia ngā whakawhiwhinga katoa a te Kōti Utunga ki te tangata takitahi, āpā te hapū. Mai i ngā whenua i murua i waenganui i Te Rau o te Huia me Titoki i whakahokia te 9 900 eka ki ngā tāngata takitahi e 87. Kāore i whai wāhi ngā whakawhiwhinga nei ki ngā tikanga tūturu mō te whenua, ā,

mōrearea te noho o te whenua, kei hokona. I te tau 1867, i puta te taunaha a te Karauna, ka tukuna e ia te 3 000 eka ki ngā tāngata i hoki mai ki Taranaki i muri mai i te tīmatatanga o te nohoanga tuatahi o te Kōti Utunga. Tae noa ki te tau 1880, kāhore anō ngā whakawhiwhinga ki ngā tāngata o Ngāti Mutunga kia tukuna, kia tohaina rānei: 5

Parihaka

(8) I mua i te otinga o te pakanga, i taketake mai te kaupapa mō te rongomau me te mana motuhake i Parihaka Taranaki, i raro i te rangatiratanga o ngā manu e rua, o Te Whiti-o-Rongomai rāua ko Tohu Kākahi. I te tau 1878, i tīmata te Kāwanatanga ki te rūri whenua i roto tonu o te takiwā pū o Taranaki. Ko Parihaka tonu kei tērā takiwā. I te wā i tata mai ngā mahi rūri whenua ki ngā māra Māori, i whakaurua mai e Te Whiti rāua ko Tohu te kaupapa maungārongo i runga i a rātou, hei tohu whakautu ki ngā kairūri, ki ngā tāngata whai hoki. Nā Ngāti Mutunga me ētehi atu iwi tēnei kaupapa i tautoko. Nā ēnei kātū mahi maungārongo i mouhere ai “ngā kaiparau” e 420 me “ngā kaiwhakapai taiepa” e 216. Kāhore te nuinga o rātou i whakawākia ki te kōti, he tokomaha anō me ngā uri o Ngāti Mutunga i mouhereheretia ki Te Waipounamu. He wāhi kino te wāhi, he karawhiu i ngā tāngata ki ngā mahi mārō, ki ngā mahi whakauaua tangata. Koia i pērā nā ngā kaupēhipēhi ka aituatia a Pitiroi Paekaha tētehi o ngā mouhere nō Ngāti Mutunga i te whareherehere: 25

(9) I te 5 o Whiringa-ā-rangi 1881, i whakaekea te pā o Parihaka e ngā hōia neke atu i te 1 500 a te Karauna. Ka huri ngā rā, ka panaia ngā Māori 1 600. Ka whakahaua kia hoki atu ki hō rātou kāinga o mua. Ka turakina ngā whare, ka hokarikaringia ngā māra, ā ka peia atu ngā kararehe, ka patua rānei. E ai ki ngā kōrero a ngā Māori o Taranaki, i paheratia, i rawekengia ngā wāhine e ngā hōia: 30

(10) Ka mouhereheretia ngā manu e rua o Parihaka, a Te Whiti o Rongomai rāua ko Tohu Kākahi taea noatia ki te tau 1883. Ka puta tētehi hanganga ture motuhake kia mouheretia rāua, hāunga kē te whakawā: 35

Ngā Komihana Tai Hauāuru me ngā Whenua Rāhui o Te Tai Hauāuru

(11) E rua ngā Komihana Tai Hauāuru i tohungia i te tau 1880. Ko te tuatahi i whakaritea ki te tiroiro ki ngā whakawhiwhinga a 40

- te Kōti Utunga me ngā kōrero taunaha a te Karauna anō ki ngā Māori o Taranaki e pā ana ki ngā whenua muru. Ko te tuarua i whakaritea ki te whakatutuki i ngā tūtohutanga o te Komihana tuatahi. I taua wā kua riro kē ngā mania i te takutai moana i te rohe o Ngāti Mutunga ki te hunga hōia. Nō reira, kāore i pai te rahi o te whenua i waihotia ki a Ngāti Mutunga hei mahinga māna e ea ai ōna wawata ahuwahenua mō ēnei rangi mō ngā rangi kei te tū: 5
- (12) I raro i te tangata takitahi te whenua i hoki mai ai ki a Ngāti Mutunga. He maha ngā whenua rāhui nei i whakarauhi i te hoko i te wā i tukuna mai, engari nāwhi nā whai rā ka hikina ēnei tōngā, ā, he nui te whenua i hokona: 10
- (13) Ko ngā whenua i rāhuitia e te Kōmihana Tai Hauāuru hei whakahokitanga ki te Māori i tukuna kē ki te Kaitiaki Tūmatanui hei tiaki mā ngā Māori nō rātou aua whenua. Ka ngaro i ngā tāngata nō rātou te whenua te mana whakahaere. Ka riro ki te Kaitiaki Tūmatanui te mana whakahaere ki te hoko, ki te rīhi rānei i ngā whenua rāhui me te rīhi i ngā whenua motuhake i raro i ngā takotoranga i utaina mai e te Ture. I raro i te Ture West Coast Settlement Reserves Act 1881 ka whai wāhi ai ngā rīhi pūmou nā runga i ngā whakahekenga mai o ngā utu mō te reti: 15
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- (14) I te tau 1926 i whakatūria Te Komihana Sim hei tiro tiro i ngā murunga i raro i te Ture Whakatau Manene ki Niu Tirenī 1863 me ngā hanganga ture i whai muri iho. I tūtohungia e te Komihana kia £5,000 te nui hei utu mō ngā muru raupatu katoa o Taranaki me tētehi utunga kia £300 mō te ngaromanga o ngā rawa i Parihaka, kīhai i kōrerorero tahi ki te iwi e tika ana nōna aua take, me he tika hoki te rahi o te utunga. Mō te taha ki te moni ā-tau i ngā tau tīmatatanga 17 he kātū pōrarururu ki te wā hei utunga atu, nā, i ngā tau tōmua o ngā tau 1930 he mea kongakonga noa iho i utua: 25
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- Ngā hokonga Public Works*
- (15) Kua riro i te Karauna ētehi whenua o Ngāti Mutunga mā ngā hanganga ture mahi tūmatanui pēnei i te pā o Okoki me tētehi wāhanga o te pā o Pukemiro. E rua e rua he wāhi tapu, he wāhi whakahirahira ki a Ngāti Mutunga: 35
- Ngā taonga o te taiao*
- (16) Nā te ngaromanga haere o te whenua kua āraia te haere a Ngāti Mutunga ki ona awa, moana, ngahere, repo me te 40

takutai moana. Kua aukatingia ētehi o ngā whenua i te taha o ngā awa, ā, kua āraia a Ngāti Mutunga i ona tauranga ika, wāhi hī, wāhi kohikohi kai hoki:

Ka whakatakoto a Ngāti Mutunga i āna tāpaetanga kōrero ki mua i te Rōpū Whakamana i te Tiriti o Waitangi

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- (17) Nā te whakamanatanga o te ture Treaty of Waitangi Amendment Act 1985 i ahei ai a Māori ki te tuku kerēme ki te Rōpū Whakamana i te Tiriti o Waitangi e pā ana ki ngā ture, ki ngā hipanga rānei i mahia e te Karauna, mō te Karauna rānei, i muri iho mai i te 6 o Hui-tanguru 1840. Koia i anga kē ai ērā whakaritenga a te Karauna i ngā mātāpono o Te Tiriti o Waitangi:

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- (18) Mai i te tau 1990 ki te tau 1995 i tirotiro te Rōpū Whakamana i te Tiriti o Waitangi i ngā kerēme e 21 mō Taranaki (ngā **Kerēme o Taranaki**). Ka uru ngā kerēme a Ngāti Mutunga ki aua Kerēme o Taranaki. He tini ngā tāpaetanga me ngā pūrongo rangahau i whakatakotohia e te Māori o Taranaki (ko Ngāti Mutunga hoki i reira) ki mua i te aroaro o te Rōpū Whakamana i te Tiriti o Waitangi e pā ana ki ngā Kerēme o Taranaki:

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Ko ngā tukunga whakaae a te Karauna ki te Rōpū Whakamana i te Tiriti o Waitangi

- (19) I muri iho i ngā whakaaturanga a ngā kaikerēme i whakamōhio atu te Karauna ki te Rōpū Whakamana i te Tiriti o Waitangi, ki tōna whakaaro e whai take ana te āta noho me te āta whiriwhiri ki ngā kaikerēme, ā, i tonono atu te Karauna kia hui rāua tahi ko ngā kaikerēme mō taua take. I tonono te Rōpū Whakamana i te Tiriti o Waitangi e te Karauna kia whakaraua tētehi rīpoata hei āwhina i te huarahi hanga ritenga i waenga i te Karauna rātou ko ngā kaikerēme (ko Ngāti Mutunga hoki tērā):

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- (20) I pātai te Rōpū Whakamana i te Tiriti o Waitangi ki te Karauna kia tohungia ngā take kāore i hiahiatia e ia kia huraina ki te aroaro te Rōpū Whakamana i te Tiriti o Waitangi. I tuku te Karauna i aua kōrero whakamārama ki te Rōpū Whakamana i te Tiriti o Waitangi i te 28 o Whiringa-ārangi 1995 i roto i tana Whakautu Whāiti (arā, ko te Tuhinga Whaimana 2.108 o te Pūrongo Uiu o Taranaki a te Rōpū Whakamana i te Tiriti o Waitangi):

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- (21) I tuku whakaae mai te Karauna ki te Rōpū Whakamana i te Tiriti o Waitangi i tōna Whakautu Whāiti—
- (a) ka noho te hokonga o Waitara, me ngā pakanga i whai muri iho, hei nawe, oti rā he tūkinō i te Tiriti o Waitangi me ōna mātāpono; ā 5
- (b) he mea tūkinō hoki te hanga o te muru whenua i roto i a Taranaki, ko tōna hua tonu he mea tūkinō anō i te Tiriti o Waitangi me ōna mātāpono; ā
- (c) i taimaha tonu te pānga mai o te muru whenua ki te oranga, ki te ōhanga, ki te whanaketanga hoki o ngā iwi o Taranaki; ā 10
- (d) i tōna mutunga, nā te takaroanga o te parepare i ngā wāhinga whenua Māori i kino atu ai ngā hua o te muru; oti rā
- (e) ko ngā āhuatanga i te whakatinanatanga o te muru i horoa ai a Parihaka i te tau 1881, ko taua horonga tonu me ngā huanga o muri iho i tūkinotia ai te Tiriti o Waitangi me ōna mātāpono: 15
- Te Pūrongo Whāiti mō Taranaki a te Rōpū Whakamana i te Tiriti o Waitangi* 20
- (22) I te Pipiri, 1996 i tuku te Rōpū Whakamana i te Tiriti o Waitangi i tētehi purongo whāiti e kīia nei ko “Taranaki Report Kaupapa Tuatahi” (arā ko te **Pūrongo Whāiti mō Taranaki**) e tāpae ake ana i ōna tirohanga tīmatanga mō ngā Kerēme o Taranaki: 25
- (23) I tuku te Rōpū Whakamana i te Tiriti o Waitangi i taua Pūrongo Whāiti mō Taranaki—
- (a) i takea mai te wetewete a te Rōpū Whakamana i te Tiriti o Waitangi i ngā kitenga tae atu ki te wā i puta ai te pūrongo (me tōna mōhio hoki, kāore anō kia rangona ngā tāpaetanga a te Karauna); ā 30
- (b) hei whakatere i ngā whiriwhiringa kia puta mai tētehi whakataunga o ngā Kerēme o Taranaki (me ngā kerēme o Ngāti Mutunga):
- Ngā whakaaro o te Rōpū Whakamana i te Tiriti o Waitangi i roto i te Pūrongo Whāiti mō Taranaki* 35
- (24) Ko tā te Rōpū Whakamana i te Tiriti o Waitangi, i roto i taua Pūrongo Whāiti mō Taranaki, he whakapuaki i ngā whakaaro tīmatanga mō ngā Kerēme o Taranaki e mea ana—

- (a) “koia pea ngā kerēme rarahi tonu i tēnei whenua. Kāore pea he rohe kē atu i ēnei i whēnei ai te tini o ngā tūkinotanga i te Tiriti o Waitangi, i whēnei hoki i te roa o te wā” (wāhanga 1.1); ā
- (b) “ki tō mātou tirohanga kua rua rawa ngā take matua i ū ai ngā kerēme, koia ko ēnei ko te rironga atu o te whenua, ko te rironga atu o te mana, ā, ko te noho mana kore te mea matua o rāua. Ko te ‘rironga atu o te mana’ e hua atu ana ki te whakaitinga, ki te kurukurunga o te mana motuhake, o te tino ranga-tiratanga rānei” (wāhanga 1.4); ā
- (c) “ko tā tēnei pūrongo, he horanga tuatahi o ngā kerēme a ngā hapū o Taranaki. Kua whakaaturia te akiaki nei, kia whai whakataunga” (wāhanga 12.3.1); ā
- (d) “me whakatū huarahi whai kiko, huarahi hāngai tonu e unuhi ai i ngā hanga tāmi i te Māori, e ara ake anō ai te tūnga o te Kāwanatanga, e ora ai ngā ritenga o te Māori, e pūmou ai ngā hunga whai pānga e rua o te Tiriti” (wāhanga 12.2):
- Ngā whiriwhiringa whakatau taketake me Ngāti Mutunga*
- (25) I te Haratua o te tau 1996 i whai te Ngāti Mutunga Iwi Authority i te mana whakahaere mai i ngā uri o Ngāti Mutunga kia whiriwhirihia tētehi whakatau taketake ki te Karauna. I aro atu te Karauna ki te mana whakahaere o te Ngāti Mutunga Iwi Authority i te marama o Whiringa-ā-rangi 1996:
- (26) Ka anga tahi te Ngāti Mutunga Iwi Authority me te Karauna ki roto i—
- (a) tētehi tātai whiriwhiringa i te 1 o Hōngongoi 1997 i tohua te tirohanga whānui, ngā whāinga me ngā tukunga whakahaere mō aua whiriwhiringa rā; ā
- (b) tētehi whakatūnga whakaaetanga i te 24 o Mahuru 1999 e whakatakoto ana i te whakaaro o te Ngāti Mutunga Iwi Authority me te Karauna, i tōna mutunga, kia whāia he whakatau taketake i runga i te tukunga i whakatakotoria ai e te Karauna ki te whakatūnga whakaaetanga:
- (27) I whakamana te iwi o Ngāti Mutunga i te whakataunga whakamutunga rawa o te Karauna, ā, kātahi ka tāmokongia te whakatau taketake i te 31 o Hōngongoi 2005. He mea

whakapurongo tā te whakatauraki i te whakaaetanga i waenganui i a Ngāti Mutunga me te Karauna hei whakatauraki i ngā kerēme o nehe o Ngāti Mutunga:

Te Rūnanga o Ngāti Mutunga

- (28) I te Hōngongoi 2005 i whakamana a Ngāti Mutunga i te rūnanga hou ka whai atu i te Ngāti Mutunga Iwi Authority. He tarahi motuhake te rūnanga hou ka whakahaerehia e ngā kai-tiaki. Ko Te Rūnanga o Ngāti Mutunga tōna ingoa. I whakātūria ai te Rūnanga o Ngāti Mutunga e tōna tuhinga whaimana tarahi i te 21 o Hakihea 2005. 5 10

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Ngāti Mutunga Claims Settlement Act **2006**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 15

Part 1

Purpose of Act, acknowledgements and apology, interpretation provisions, settlement of claims, and miscellaneous matters 20

Subpart 1—Purpose of Act and acknowledgements and apology of the Crown to Ngāti Mutunga

3 Purpose

The purpose of this Act is—

- (a) to record the acknowledgements and the apology given by the Crown to Ngāti Mutunga in the deed of settlement dated 31 July 2005 and signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Mark Burton, for the Crown, and by Dion Tuuta, Jamie Tuuta, Hurimoana (Paddy) Haami, Lewis Callaghan, Miriama Evans, Pikiteataarangi Tapara, and Ewai Tuuta for Ngāti Mutunga; and 25 30
- (b) to give effect to certain provisions of the deed of settlement, which is a deed that settles the Ngāti Mutunga historical claims. 35

- 4 Act binds 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. 5
- (2) **Part 1**—
- (a) sets out the purpose of the Act, records the acknowledgements and the apology given by the Crown to Ngāti Mutunga in the deed of settlement, and specifies that the Act binds the Crown; and 10
- (b) defines terms used in this Act, including key terms such as **Ngāti Mutunga** and **Ngāti Mutunga historical claims**; and
- (c) provides that the settlement of the Ngāti Mutunga historical claims is final, and deals with related issues, including— 15
- (i) a statement of the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body to consider the Ngāti Mutunga historical claims; and 20
- (ii) provision for consequential amendments to the Treaty of Waitangi Act 1975; and
- (iii) a statement of the effect of the settlement on certain memorials; and 25
- (iv) miscellaneous matters relating to the settlement, namely, the exclusion of the law against perpetuities, and the timing of actions or matters provided for in this Act.
- (3) **Part 2** provides for cultural redress and includes provisions relating to the following matters: 30
- (a) the issue, amendment, and cancellation of protocols to the trustees by the Minister for Arts, Culture and Heritage, the Minister of Conservation, the Minister for Economic Development, the Minister of Energy, the Minister of Fisheries, and the Minister for Land Information; and 35
- (b) the vesting in the trustees of the fee simple estate in 9 cultural redress properties; and

-
- (c) the vesting in the trustees of 1 cultural redress property, to be held and administered for the purposes of section 18 of the Reserves Act 1977; and
- (d) acknowledgements by the Crown of the statements made by Ngāti Mutunga of their cultural, spiritual, historical, and traditional association with 17 statutory areas, together with provisions as to the effects of those acknowledgements; and 5
- (e) the grant of a renewable Nohoanga entitlement over the Uruti Domain site; and 10
- (f) a preferential right to purchase authorisations in respect of coastal space if the Minister of Conservation or the Taranaki Regional Council offers, by public tender under Part 7 or Part 7A of the Resource Management Act 1991, as the case may be, authorisations for any part of the specified coastal area; and 15
- (g) the assigning and altering of place names.
- (4) **Part 3** provides for commercial redress and includes provisions relating to the following matters:
- (a) the transfer of commercial redress properties to the trustees in accordance with the deed of settlement; and 20
- (b) the creation of easements in relation to the commercial redress properties; and
- (c) the creation of computer registers in relation to the commercial redress properties; and 25
- (d) the application of other enactments in relation to the transfers; and
- (e) the permission of a council under section 348 of the Local Government Act 1974 in relation to roads that are required under clause 14.3.3(d) of the deed of settlement. 30
- (5) There are 5 schedules that—
- (a) describe the cultural redress properties; and
- (b) describe the Nohoanga site; and
- (c) describe the statutory areas for statutory acknowledgements; and 35
- (d) specify a place name to be assigned and a place name to be changed; and
- (e) set out section 24 of the Reserves Act 1977.

- 6 Acknowledgements and apology**
Sections 7 to 10 record the acknowledgements and the apology given by the Crown to Ngāti Mutunga in the deed of settlement.
- 7 Text of acknowledgements in English** 5
The text of the acknowledgements in English as set out in the deed of settlement is 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 10
 - (b) the wars in Taranaki constituted an injustice and were in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles.
- (2) The Crown acknowledges that— 15
- (a) Ngāti Mutunga as an iwi was not in rebellion and was unfairly treated as being in rebellion; and
 - (b) Ngāti Mutunga was deprived of the lands and resources within its rohe, and as a result was unable to exercise rangatiratanga over them; and 20
 - (c) the confiscation was indiscriminate in extent and application and had a devastating effect on the welfare, economy, and social and economic development of Ngāti Mutunga in Taranaki; and
 - (d) the confiscation deprived Ngāti Mutunga of access to its traditional sources of food and other resources associated with that confiscated land; and 25
 - (e) the confiscation was unjust and unconscionable and in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles. 30
- (3) The Crown recognises that the lands and other resources confiscated from Ngāti Mutunga have made a significant contribution to the wealth and development of New Zealand.
- (4) The Crown acknowledges that—
- (a) the prejudicial effect of the confiscation was compounded by the inadequacies in the Compensation Court process that included long delays in the promised return of land to Ngāti Mutunga individuals; and 35
 - (b) the Compensation Court awarded land to individuals rather than iwi or hapū, which was not consistent with 40

- customary tenure. This system was imposed on Ngāti Mutunga and its views were not sought.
- (5) The Crown acknowledges that the treatment of those Ngāti Mutunga and other Māori of Taranaki imprisoned and exiled as a result of the passive resistance campaign from 1879 to 1880 deprived these British subjects of their basic human rights, inflicted unwarranted hardships on them and their whānau and hapū, and was a breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles. 5
- (6) The Crown acknowledges— 10
- (a) the serious damage it inflicted on the prosperous Māori village of Parihaka and the people 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 Māori right to develop and sustain autonomous communities in a peaceful manner; and 15
- (c) that its treatment of the Ngāti Mutunga people at Parihaka was unconscionable and unjust and that these actions constituted a breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles. 20
- (7) The Crown acknowledges that—
- (a) the West Coast Commissions were inadequate in their scope and therefore did not fully address the injustices perpetrated by the confiscation; and 25
- (b) the reserves created by the Commissions in the 1880s were not sufficient for the present and future needs of Ngāti Mutunga; and
- (c) some reserves created by the Commissions on the basis of entitlements outside the Ngāti Mutunga rohe were allocated within the Ngāti Mutunga rohe; and 30
- (d) the Crown’s actions with respect to the West Coast Settlement Reserves, considered cumulatively (including the imposition of a regime of perpetually renewable leases and the sale of large quantities of land by the Public and Māori Trustee)— 35
- (i) ultimately deprived Ngāti Mutunga of the control and ownership of the lands reserved for it in Taranaki; and
- (ii) were in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles. 40

- (8) The Crown acknowledges that 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 Ngāti Mutunga. In particular, the payments made under the Taranaki Māori Claims Settlement Act 1944 did not sufficiently address the grievances of Ngāti Mutunga. 5
- (9) The Crown recognises the efforts and struggles of Ngāti Mutunga in pursuit of its claims for redress and compensation against the Crown for over 130 years.
- (10) The Crown acknowledges that the cumulative effect of its breaches of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles have significantly undermined the traditional systems of authority, economic capacity and the physical, cultural and spiritual wellbeing of Ngāti Mutunga. The Crown acknowledges that it has failed to protect the rangatiratanga of Ngāti Mutunga in breach of its obligations under Article Two of the Treaty of Waitangi (te Tiriti o Waitangi). 10
15

8 Text of acknowledgements in Māori

The text of the acknowledgements in Māori as set out in the deed of settlement is as follows: 20

- (1) E whakaae ana te Karauna—
- (a) ko te hui katoahia a ngā mahi a te Karauna ki te hoko i ngā whenua o Taranaki te take i pakaru mai te pakanga ki reira; ā
- (b) he mahi hē rawa te pakanga i Taranaki ā, he mea tūkino i te Tiriti o Waitangi me ōna mātāpono. 25
- (2) E whakaae ana te Karauna—
- (a) i hē te uta i ngā kupu “tangata tautohetohe” ki runga i te iwi o Ngāti Mutunga, ka mutu e kore e taea te kī, i te whana rātou; ā 30
- (b) i riro ngā whenua me ngā rawa a Ngāti Mutunga i roto i tona rohe, ko te hua o tēnei ko te rironga atu o te rangatiratanga o te iwi ki runga i ēnei mea; ā
- (c) he mea kino te muru me te raupatu o ngā whenua o Ngāti Mutunga, ā i taimaha tonu te pānga mai o tēnei ki te oranga, ki te ōhanga, ki te whanaketanga hoki o Ngāti Mutunga i Taranaki; ā 35
- (d) i riro te muru raupatu i te āhei a Ngāti Mutunga ki te puta atu ki ona mahinga kai me ērā atu rawa o te whenua i murua; ā 40

- (e) i hē rawa te muru i ngā whenua o Ngāti Mutunga, he mahi mōrikarika, he mahi poka noa, he tūkinotanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- (3) E aro nui ana te Karauna he wāhi nui ngā whenua me ngā rawa i tangohia i a Ngāti Mutunga, i roto i te oranga me te whanaketanga o tēnei whenua. 5
- (4) E whakaae ana te Karauna—
- (a) nā te muru raupatu, i puta ko te whakatoihara, ā, nā ngā tūpuhitanga o te Kōti Utunga whēnā i te takaroanga o te parepare i ngā wāhinga whenua Māori ki ngā tangata takitahi o Ngāti Mutunga, kātahi ka hē rawa atu; ā 10
- (b) ka mahue mai mā te Kōti Utunga e whakahoki whenua ki te hapū, ki te iwi, whakawhiwhia kētia atu ana ki te tangata takitahi. Waihoki, ehara tēnei i te whai i ngā tikanga tūturu mō te whenua. He mea uta kē ēnei tikanga ki runga i a Ngāti Mutunga, kīhai i whāia ko ngā whakaaro ake o te iwi. 15
- (5) E whakaae ana te Karauna he kino te whiu i ngā tāngata o Ngāti Mutunga me ngā Māori o Taranaki ki te whareherehere ki wāhi kē mai i te tau 1879 ki te tau 1880. Ka tīhore mai i aua tāngata o Piritana ō rātou tikanga tangata, ka whiua anō rātou, ō rātou whānau, ō rātou hapū hoki ki ngā whakawiringa poka noa ā he mea tūkinō tēnei i te Tiriti o Waitangi me ōna mātāpono. 20
- (6) E whakaae ana te Karauna— 25
- (a) ki te kino i whakawhiua ki te kāinga rangatira o Parihaka me ngā tāngata e noho ana ki reira, ko te whakamararatanga hoki o ngā tāngata ki te pū me te takahi tūkinotanga o ngā tikanga o te tangata; ā
- (b) nā ēnei mahi te pūtake o te kohukihuki o te iwi me te whakakāhoretanga mai o te mana motuhake o te Māori ki te whakawhanake, ki te whakangūngū hapori motuhake i raro i te rangimārie; ā 30
- (c) he kino he mahi mōrikarika te whiu ki ngā tāngata o Ngāti Mutunga i Parihaka ā he mea tūkinō i te Tiriti o Waitangi me ōna mātāpono. 35
- (7) E whakaae ana te Karauna—
- (a) he koretake, he whāiti noa iho hoki te tiro tiro a ngā Komihana Tai Hauāuru, ā, kāore i whakaea tōtika ai ngā whakamou i hua mai i te muru raupatu; ā 40

- (b) kāore he pai te rahi o ngā whenua rāhui i whakatūria e ngā Kōmihana mō Ngāti Mutunga e ea ai ōna wawata mō ēnei rangi, mō ngā rangi kei te tū; ā
- (c) ko ētehi o ngā whenua rāhui i taketakea mai o waho o te rohe o Ngāti Mutunga i whakaritea kē i roto i te rohe o Ngāti Mutunga; ā 5
- (d) ki te hui katoatia ngā mahi a te Karauna e pā ana ki ngā Whenua Rāhui o Te Tai Hauāuru (me te utaina mai o te kaupapa rīhi pumou me te hokonga o ngā whenua rarahi e te Kaitiaki Tūmatanui rāua ko te Kaitiaki Māori)— 10
- (i) i riro atu ko te rangatiratanga me te mana whakahaere o Ngāti Mutunga ki runga i aua whenua rāhui i rāhuingia mōna i Taranaki; ā
- (ii) he mea tūkino i te Tiriti o Waitangi me ōna mātāpono. 15
- (8) E whakaae ana te Karauna ahakoa ētehi mahi pai āna i te rautau rua tekau, me ērā o te Komihana o Sim, kāore i tōtika te mahi a te Karauna ki te whakatika i ngā whakamou a Ngāti Mutunga. Arā, kāore i tutuki pai ngā utunga i raro i te Ture Taranaki Māori Claims Settlement 1944 hei whakatau pai i ngā whakamou o Ngāti Mutunga. 20
- (9) E aro nui ana te Karauna ki ngā tonono me ngā akiakinga o Ngāti Mutunga i tāna rapu i te utu, i te tika, me te whakaea o āna kerēme i roto i ngā tau 130 kua pahure, mō ngā mahi a te Karauna. 25
- (10) E whakaae ana te Karauna ki te hui katoahia ngā mahi me āna tūkinotanga katoa o te Tiriti o Waitangi me ōna mātāpono kua taimaha rawa te noho tūturu me te mana whakahaere, kua raruraru te whanaketanga taha ōhanga, taha hapori, taha tikanga, taha wairua me te oranga o Ngāti Mutunga. E whakaae ana te Karauna i hapa a ia ki te tiaki i te rangatiratanga o Ngāti Mutunga ā, he mea tūkino tēnei i ana herenga i roto i te Wāhanga Tuarua o te Tiriti o Waitangi. 30
- 9 Text of apology in English**
- The text of the apology in English as set out in the deed of settlement is as follows: 35
- (1) The Crown makes this apology to Ngāti Mutunga, to their ancestors and to their descendants.

- (2) The Crown profoundly regrets, and unreservedly apologises for, the confiscation of Ngāti Mutunga land, which was unconscionable.
- (3) The Crown profoundly regrets, and unreservedly apologises for, its unconscionable actions at Parihaka. 5
- (4) The Crown regrets its failure to acknowledge the mana and rangatiratanga of Ngāti Mutunga.
- (5) The Crown profoundly regrets, and unreservedly apologises for, the destructive and demoralising effects of its actions, which have caused significant damage to the welfare, economy, and social and economic development of Ngāti Mutunga as an iwi. 10
- (6) The Crown profoundly regrets, and unreservedly apologises for, its actions which have resulted in the virtual landlessness of Ngāti Mutunga in Taranaki, and which have caused suffering and hardship to Ngāti Mutunga over the generations to the present day. 15
- (7) The Crown apologises to Ngāti Mutunga for all the breaches of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles acknowledged by the Crown above. 20
- (8) Accordingly, the Crown seeks to atone for these wrongs and to begin the process of healing. The Crown looks forward to building a relationship of mutual trust and co-operation with Ngāti Mutunga.
- 10 Text of apology in Māori** 25
- The text of the apology in Māori as set out in the deed of settlement is as follows:
- (1) E tuku whakapāha ana te Karauna ki a Ngāti Mutunga, ki ōna tūpuna, ki āna rātou uri whakaheke.
- (2) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna, mō tana muru i ngā whenua o Ngāti Mutunga, he mahi mōrikarika. 30
- (3) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna, mō tāna mahi mōrikarika ki Parihaka.
- (4) E tino pōuri ana te Karauna mō tana arokore ki te mana me te rangatiratanga o Ngāti Mutunga. 35
- (5) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna ki a Ngāti Mutunga, mō ngā putanga i hua mai i āna mahi me ngā

- mahi kāore i mahia e ia ā, ko te hua o ēnei, ko te whakaruhinga o Ngāti Mutunga. I pā mai te kino ki te ōhanga, te whanaketanga me te pai o te hapori o Ngāti Mutunga.
- (6) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna ki a Ngāti Mutunga, mō āna mahi me te aha, kua noho tata whenua kore te iwi o Ngāti Mutunga ki Taranaki. Kei te rongo tonu ngā whakatupuranga o ēnei rangi i ngā mamae me ngā taimahatanga i utaina ki runga i a Ngāti Mutunga. 5
- (7) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna ki a Ngāti Mutunga mō ngā tūkinotanga katoa o te Tiriti o Waitangi me ōna mātāpono i whakaaengia kētia e te Karauna i runga ake nei. 10
- (8) Nā reira e ngana ana te Karauna ki te whakatika i ōna hē, ki te timata i te hātepe whakatikatika. Ka titiro whakamua te Karauna ki te whakatū i tētehi hononga kaha ake ki a Ngāti Mutunga. 15

Subpart 2—Interpretation matters

- 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. 20
- 12 Interpretation**
In this Act, unless the context otherwise requires,—
administering body has the meaning given to it in section 2(1) of the Reserves Act 1977 25

Struck out (unanimous)

- antiquities protocol** means a protocol issued under **section 21** by the Minister for Arts, Culture and Heritage that—
- (a) sets out how the chief executive of the Ministry for Culture and Heritage will interact with the trustees in relation to the matters specified in that protocol; and 30
- (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under **section 21**

Struck out (unanimous)

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

5

New (unanimous)

area of interest means the area that Ngāti Mutunga identifies as its area of interest, as set out in Schedule 4 of the deed of settlement

Struck out (unanimous)

artifact has the meaning given to it in section 2 of the Antiquities Act 1975

10

authorisation means an authorisation offered by—

- (a) the Minister of Conservation under section 157 of the Resource Management Act 1991; or
- (b) the Taranaki Regional Council under section 165E(1)(a) or section 165F of the Resource Management Act 1991

15

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

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, ANZAC Day, the Sovereign's Birthday, and Labour 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

20

25

charter—

- (a) means the Te Rūnanga o Ngāti Mutunga Charter, dated 21 December 2005 and signed by the initial trustees; and
- (b) includes—

30

- (i) the schedules to the charter; and
- (ii) amendments to the charter and to the schedules to the charter

chief executive means the chief executive of LINZ

coastal marine area has the meaning given to it in section 2(1) of the Resource Management Act 1991 5

commercial redress property means a property listed in Part 1 of Schedule 2 of the deed of settlement

Commissioner of Crown Lands has the same meaning as **Commissioner** in section 2 of the Land Act 1948 10

consent authority—

- (a) has the meaning given to it in section 2(1) of the Resource Management Act 1991; but
- (b) does not include the Minister of Conservation

Struck out (unanimous)

Conservation Board has the meaning given to it in section 2(1) of the Conservation Act 1987 15

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 20

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 25

Crown land has the meaning given to it in section 2 of the Land Act 1948

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 30

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

Cultural Redress Schedule means Schedule 1 of the deed of settlement

deed of recognition has the meaning given to it in **section 56(2)**

deed of settlement and **deed**—

- (a) mean the deed of settlement dated 31 July 2005 and signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Mark Burton, for the Crown, and by Dion Tuuta, Jamie Tuuta, Hurimoana (Paddy) Haami, Lewis Callaghan, Miriama Evans, Pikiteataarangi Tapara, and Ewai Tuuta for Ngāti Mutunga; and 5
- (b) include— 10
 - (i) the schedules and attachments to the deed; and
 - (ii) any amendments to the deed, its schedules, and attachments 15

Struck out (unanimous)

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 21** by the Minister of Conservation that—

- (a) sets out how the Department of Conservation will interact with the trustees in relation to the matters specified in the protocol; and 20
- (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under **section 21**

DOC protocol area means the area shown on the map attached to the DOC protocol 25

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

encumbrance means,—

- (a) in respect of a cultural redress property, a lease, tenancy, licence to occupy, easement, covenant, or other right affecting that property listed in **the third column of Part 1, 2, or 3 of Schedule 1**; and 30
- (b) in respect of a commercial redress property, a lease, tenancy, licence to occupy, easement, covenant, or other right affecting that property listed in the fourth column of Part 1 of Schedule 2 of the deed of settlement 35

- fisheries protocol** means a protocol issued under **section 21** by the Minister of Fisheries that—
- (a) sets out how the Ministry of Fisheries will interact with the trustees in relation to matters specified in the protocol; and 5
 - (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under **section 21**
- fisheries protocol area** means the area shown on the map attached to the fisheries protocol, together with the adjacent waters 10
- Historic Places Trust** means the New Zealand Historic Places Trust (Pouhere Taonga) continued under section 38 of the Historic Places Act 1993
- initial trustees** means the persons holding office as trustees of the Ngāti Mutunga Iwi Authority Incorporated immediately before the date of the charter 15
- land holding agent** means the Minister of the Crown responsible for the department of State that manages the Nohoanga site, or the Commissioner of Crown Lands, as the case may be 20
- LINZ** means Land Information New Zealand
- LINZ protocol** means a protocol issued under **section 21** by the Minister for Land Information that—
- (a) sets out how LINZ will interact with the trustees before LINZ resumes ownership of unformed roads within the LINZ protocol area from a territorial authority or a regional council under section 323 of the Local Government Act 1974; and 25
 - (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under **section 21** 30
- LINZ protocol area** means the area shown on the map attached to the LINZ protocol
- 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 21** by the Minister of Energy that— 35
- (a) sets out how the Ministry of Economic Development will consult with the trustees in relation to the matters specified in the 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 21**

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

5

member of Ngāti Mutunga (Ngā Uri o Ngā Tūpuna o Ngāti Mutunga) means every person referred to in **section 13(2)**

Minister, in **subparts 2 to 5 of Part 2**, means the Minister of Conservation

national park management plan means a management plan as defined in section 2 of the National Parks Act 1980

10

Struck out (unanimous)

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

New Zealand Geographic Board means the board established under section 3 of the New Zealand Geographic Board Act 1946

15

Ngā Uri o Ngā Tūpuna o Ngāti Mutunga has the meaning set out in **section 13(2)**

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

20

Ngāti Mutunga has the meaning set out in **section 13(1)**

Struck out (unanimous)

Ngāti Mutunga area of interest means the area that Ngāti Mutunga identifies as its area of interest, as set out in Schedule 4 of the deed of settlement

Ngāti Mutunga historical claims has the meaning set out in **section 14**

25

Ngāti Mutunga Tupuna has the meaning set out in **section 13(3)**

Nohoanga entitlement means an entitlement granted to the trustees—

30

- (a) under **subpart 4 of Part 2**; and
- (b) over the Nohoanga site; and

(c) in the form specified in **section 65(2)(b)**

Nohoanga site means—

- (a) the Uruti Domain site described in **Schedule 2**; or
- (b) a site granted as a replacement site under **section 82 or 83**

Okoki Pā Historic Reserve means the land described by that name in **Part 2 of Schedule 1** 5

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

Onaero Domain Recreation Reserve means the land described by that name in **Part 3 of Schedule 1** 10

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

New (unanimous)

protected New Zealand objects protocol means a protocol issued under **section 21** by the Minister for Arts, Culture and Heritage that— 15

- (a) sets out how the chief executive of the Ministry for Culture and Heritage will interact with the trustees 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 21** 20

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

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

Registrar-General means the Registrar-General of Land appointed in accordance with section 4 of the Land Transfer Act 1952 25

relevant consent authority means a consent authority of the region or district that contains, or is adjacent to, a statutory area 30

Struck out (unanimous)

relevant local authority means the local authority within whose district the relevant vested recreation reserve is situated

representative entity means—

- (a) the trustees:
- (b) Ngāti Mutunga Iwi Authority Incorporated:
- (c) a person (including any trust or trustees) acting for, or on behalf of,—
 - (i) the iwi or collective group referred to in **section 13(1)**; or
 - (ii) any 1 or more members of Ngāti Mutunga; or
 - (iii) any 1 or more of the whānau, hapū, or groups of persons referred to in **section 13(1)(a) and (b)**

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

responsible Minister means, as the case may be, one of the following Ministers:

- (a) the Minister for Arts, Culture and Heritage:
- (b) the Minister of Conservation:
- (c) the Minister for Economic Development:
- (d) the Minister of Energy:
- (e) the Minister of Fisheries:
- (f) the Minister for Land Information:
- (g) 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 2**

responsible Ministry means, as the case may be, one of the following departments of State:

- (a) the Ministry for Culture and Heritage:
- (b) the Department of Conservation:
- (c) the Ministry of Economic Development:
- (d) the Ministry of Fisheries:
- (e) LINZ:
- (f) any other department of State authorised by the Prime Minister to exercise powers and perform functions and duties under **subpart 1 of Part 2**

RFR area means the area of land—

- (a) within the boundary on SO 324322; and
- (b) shown, for identification purposes only, on the maps set out in Schedule 3 of the RFR deed

RFR deed means the deed granting a right of first refusal to the trustees—

- (a) signed by the Crown and by the trustees; and

- (b) on the terms and conditions set out in Part 4 of Schedule 2 of the deed of settlement

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

specified coastal area has the same meaning as Shellfish RFR area in clause 16.1 of Part 7 of the Cultural Redress Schedule 5

statements of association has the meaning given to it in **section 48(2)**

statutory acknowledgement means the acknowledgement made by the Crown under **section 48** in respect of a statutory area, on the terms set out in **subpart 3 of Part 2** 10

statutory area means an area described in **Schedule 3**, the general locations of which are indicated on the SO plans referred to in that schedule (but which are not intended to establish the precise boundaries of the statutory areas) 15

New (unanimous)

taonga tūturu—

- (a) has the meaning given to it in section 2 of the Protected Objects Act 1975; and
 (b) includes ngā taonga tūturu (which has the meaning given to it in section 2 of that Act) 20

Taranaki Land District means the area shown on the map in Schedule 5 of the deed of settlement

Te Rau o Te Huia Pā site means the land described by that name in **Part 1 of Schedule 1**

Te Rūnanga o Ngāti Mutunga and **trust** mean the trust established by the charter 25

Te Urenui Pā site means the land described by that name in **Part 1 of Schedule 1**

trustees of Te Rūnanga o Ngāti Mutunga and **trustees** mean the trustees appointed from time to time in accordance with the Second Schedule of the charter and, until the appointment or replacement of trustees in accordance with the charter, include the initial trustees 30

Urenui Domain Recreation Reserve means the land described by that name in **Part 3 of Schedule 1** 35

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

vested recreation reserve means—

- (a) the Onaero Domain Recreation Reserve (including any part of that reserve); and 5
- (b) the Urenui Domain Recreation Reserve (including any part of that reserve)

waterway—

- (a) means 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 watercourse; and 10
- (b) includes coastal waters, including harbours; but
- (c) does not include an artificial watercourse such as an irrigation canal, water supply race, canal for the supply of water for electricity power generation, or farm drainage canal. 15

13 Meaning of Ngāti Mutunga and of Ngā Uri o Ngā Tūpuna o Ngāti Mutunga 20

- (1) In this Act, **Ngāti Mutunga** means the iwi, or collective group, composed of Ngā Uri o Ngā Tūpuna o Ngāti Mutunga, and includes—
 - (a) the following historical hapū, which no longer form distinct communities within Ngāti Mutunga: 25
 - (i) Kaitangata:
 - (ii) Ngāti Aurutu:
 - (iii) Ngāti Hinetuhi:
 - (iv) Ngāti Kura:
 - (v) Ngāti Okiokinga: 30
 - (vi) Ngāti Tupawhenua:
 - (vii) Ngāti Uenuku:
 - (viii) Te Kekerewai; and
 - (b) any whānau, hapū, or group of persons to the extent that such persons are referred to in **subsection (2)**. 35
- (2) In this Act, **Ngā Uri o Ngā Tūpuna o Ngāti Mutunga** means every person descended from 1 or more Ngāti Mutunga Tūpuna.
- (3) In this section and **section 14**, **Ngāti Mutunga Tupuna** means a person who exercised customary rights— 40

- (a) by virtue of being descended from—
 - (i) Mutunga (son of Kahukura and Hinemoe), Hinetuhi, and Hineweo; or
 - (ii) a recognised ancestor of any whānau, hapū, or group referred to in **subsection (1)(a) or (b)**; and 5
- (b) predominantly in relation to the area of interest.
- (4) In **subsection (3), customary rights** means rights according to Ngāti Mutungatanga, or Ngāti Mutunga tikanga, including—
 - (a) rights to occupy land; and
 - (b) rights in relation to the use of— 10
 - (i) land:
 - (ii) other natural or physical resources.
- (5) For the purposes of this section, a person may descend from another person through—
 - (a) birth; or 15
 - (b) legal adoption; or
 - (c) customary adoption in accordance with Ngāti Mutunga tikanga.
- 14 Meaning of Ngāti Mutunga historical claims**
- (1) In this Act, **Ngāti Mutunga historical claims**— 20
 - (a) means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Ngāti Mutunga (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— 25
 - (i) is, or is founded on, a right arising—
 - (A) from the Treaty of Waitangi (te Tiriti o Waitangi) or the principles of the Treaty of Waitangi (te Tiriti o Waitangi); or 30
 - (B) under legislation; or
 - (C) at common law (including aboriginal title or customary law); or
 - (D) from fiduciary duty; or
 - (E) otherwise; and 35
 - (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) includes every other claim to the Waitangi Tribunal to which **paragraph (a)** applies as far as it relates to Ngāti Mutunga (or a representative entity), including— 5
- (i) Wai 54 (Nga Iwi o Taranaki claim); and
 (ii) Wai 126 (Motunui Plant and Petrocorp claim); and
 (iii) Wai 131 (Taranaki Māori Trust Board claim); and 10
 (iv) Wai 143 (Taranaki consolidated claims); and
 (v) Wai 583 (Ripeka Elena Ogle claim); and
 (vi) Wai 667 (Tamati Whanganui descendants claim); but
- (c) does not include the following claims: 15
- (i) a claim that a member of Ngāti Mutunga, or a whānau, hapū, or group referred to in **section 13(1)(a) or (b)** may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not a Ngāti Mutunga Tupuna; 20
 or
- (ii) a claim that Ngāti Mutunga may have as a result of a loss of interest in land in New Zealand, or in the natural or physical resources in that land, if the land is outside the Taranaki Land District; or 25
- (iii) a claim that a representative entity may have to the extent that the claim is, or is based on, a claim referred to in **subparagraph (i) or subparagraph (ii)**.
- (2) **Subsection (1)(a)** is not limited by **subsection (1)(b)**. 30
- (3) For the purposes of this section, **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). 35

Subpart 3—Settlement of claims

Jurisdictions of courts, etc, removed

- 15 Settlement of Ngāti Mutunga historical claims final**
- (1) The settlement of Ngāti Mutunga historical claims effected under the deed of settlement and this Act is final, and on and from the settlement date the Crown is released and discharged from all obligations and liabilities in respect of those claims. 5
- (2) Despite any other enactment or rule of law, on and from the 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— 10
- (a) any or all of the Ngāti Mutunga historical claims; or
- (b) the deed of settlement; or
- (c) the redress provided to the trustees under the deed of settlement or under this Act; or 15
- (d) this Act.
- (3) **Subsection (2)** 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. 20

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 the following subsections:
- “(31) 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 Ngāti Mutunga Claims Settlement Act **2006**), 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— 25
- “(a) any or all of the Ngāti Mutunga historical claims, as defined in **section 14** of the Ngāti Mutunga Claims Settlement Act **2006**; or 30
- “(b) the deed of settlement, as defined in **section 12** of the Ngāti Mutunga Claims Settlement Act **2006**; or 35
- “(c) the redress provided to the trustees, as defined in **section 12** of the Ngāti Mutunga Claims Settlement Act **2006**, under the deed of settlement or under the Ngāti Mutunga Claims Settlement Act **2006**; or

- “(d) the Ngāti Mutunga Claims Settlement Act **2006**.
 “(32) **Subsection (31)** does not exclude the jurisdiction of the Tribunal in respect of the interpretation or implementation of the deed of settlement or the Ngāti Mutunga Claims Settlement Act **2006**.”

5

Protections no longer apply

17 Certain enactments do not apply

- (1) Nothing in the enactments listed in **subsection (2)** applies—
- (a) to land in the RFR area; or
 - (b) in respect of Ngāti Mutunga or a representative entity, to land in the Taranaki Land District that is outside the RFR area. 10
- (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: 15
 - (c) sections 211 to 213 of the Education Act 1989:
 - (d) Part 3 of the Crown Forest Assets Act 1989:
 - (e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990. 20

18 Removal of memorials

- (1) The chief executive must, as soon as is reasonably practicable after the settlement date, issue to the Registrar-General a certificate that identifies (by reference to the relevant legal description, certificate of title, or computer register) each allotment that is—
- (a) solely within the RFR area; and
 - (b) contained in a certificate of title or computer register that has a memorial entered under any of the enactments referred to in **section 17(2)**. 30
- (2) Each certificate must state that it is issued under this section.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under **subsection (1)**,—
- (a) register the certificate against each certificate of title or computer register identified in the certificate; and 35
 - (b) cancel, in respect of each allotment identified in the certificate, each memorial that, under an enactment

referred to in **section 17(2)**, is entered on a certificate of title or computer register identified in the certificate.

Subpart 4—Miscellaneous matters

Perpetuities

- 19 Rule against perpetuities does not apply** 5
- (1) Neither the rule against perpetuities nor any relevant provisions of the Perpetuities Act 1964—
- (a) prescribe or restrict the period during which—
- (i) the trust may exist in law; or
- (ii) the trustees, in their capacity as trustees, may hold or deal with property (including income derived from property); or 10
- (b) apply to a document entered into to give effect to particular provisions 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. 15
- (2) However, if the trust becomes a charitable trust, the application (if any) of the rule against perpetuities or any relevant provisions of the Perpetuities Act 1964 must be determined under the general law. 20

Date on which actions or matters must occur

- 20 Timing of actions or matters**
- (1) Subject to **subsection (2)**, actions or matters occurring under this Act occur or take effect on and from the settlement date. 25
- (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 and from that other date.

Part 2 30

Cultural redress

Subpart 1—Protocols

General provisions

- 21 Authority to issue, amend, or cancel protocols**
- (1) Each responsible Minister may— 35

- (a) issue a protocol to the trustees in the form set out in Part 1 of 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— 5
- (a) the trustees; or
- (b) the responsible Minister.
- (3) The responsible Minister may amend or cancel a protocol only after consulting with, and having particular regard to the views of, the trustees. 10
- 22 Protocols subject to rights, functions, and obligations**
- Protocols do not restrict—
- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and government policy, which includes (without limitation) the ability to— 15
- (i) introduce legislation and change government policy; and
- (ii) interact or consult with a person the Crown considers appropriate, including, without limitation, any iwi, hapū, marae, whānau, or other representative of tangata whenua; or 20
- (b) the responsibilities of a responsible Minister or a responsible Ministry; or
- (c) the legal rights of Ngāti Mutunga or a representative entity. 25
- 23 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 a protocol, the trustees may, subject to the Crown Proceedings Act 1950, enforce the protocol. 30
- (3) Despite **subsection (2)**, damages or any form of monetary compensation are not available as a remedy for failure by the Crown to comply with a protocol.
- (4) To avoid doubt,— 35
- (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and

- (b) **subsection (3)** does not affect the ability of a court to award costs incurred in enforcing the protocol under **subsection (2)**.

Noting of certain protocols

- 24 Noting and effect of DOC protocol** 5
- (1) A summary of the terms of the DOC protocol must be noted in the conservation documents affecting the DOC protocol area.
- (2) The noting of the DOC protocol is—
- (a) for the purpose of public notice only; and
- (b) 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. 10
- (3) 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— 15
- (a) the Conservation Act 1987; or
- (b) the statutes listed in Schedule 1 of that Act.
- 25 Noting and effect of fisheries protocol**
- (1) A summary of the terms of the fisheries protocol must be noted in the fisheries plans affecting the fisheries protocol area. 20
- (2) 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 Part 3 of the Fisheries Act 1996. 25
- (3) The fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights held, managed, or administered under the Fisheries Act 1996 or under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (including fish, aquatic life, and seaweed) or under the Maori Fisheries Act 2004. 30
- (4) In this section, **fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996. 35

- 26 Noting and effect of MED protocol**
- (1) A summary of the terms of the MED protocol must be noted in—
- (a) a register of protocols maintained by the chief executive of the Ministry of Economic Development; and 5
- (b) the minerals programmes affecting the MED protocol area when those programmes are replaced.
- (2) The noting of the MED protocol is—
- (a) for the purpose of public notice only; and
- (b) not an amendment to the minerals programme for the purposes of the Crown Minerals Act 1991. 10
- (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.
- (4) In this section, **minerals programme** has the meaning given to it in section 2(1) of the Crown Minerals Act 1991. 15
- 27 Effect of (*antiquities*) protected New Zealand objects protocol**
- The (*antiquities*) protected New Zealand objects protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, (*artifacts*) *taonga tūturu*. 20
- 28 Effect of LINZ protocol**
- The LINZ protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an unformed road. 25
- Subpart 2—Cultural redress properties
- Vesting of cultural redress properties*
- 29 Onaero site**
- (1) The reservation of the Onaero site as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked. 30
- (2) The fee simple estate in the Onaero site vests in the trustees.
- 30 Pukemiro site**
- (1) The reservation of the Pukemiro site as a historic reserve subject to section 18 of the Reserves Act 1977 is revoked. 35

- (2) The fee simple estate in the Pukemiro site vests in the trustees.
- (3) **Subsections (1) and (2)** are subject to the trustees—
- (a) providing the Crown with a registrable covenant—
 - (i) to preserve the natural values of the Pukemiro site; and 5
 - (ii) in the form set out in Part 2 of the Cultural Redress Schedule (the **Pukemiro Covenant**); and
 - (b) signing the Pukemiro Covenant, and returning it to the Crown, within 20 business days after the Crown provides the Pukemiro Covenant to the trustees. 10
- (4) If the trustees comply with **subsection (3)(b)**—
- (a) by or on the settlement date, the Pukemiro site will vest in the trustees on the settlement date; or
 - (b) after the settlement date, the Pukemiro site will vest in the trustees 10 business days after the trustees sign and return the Pukemiro Covenant to the Crown. 15
- (5) The Pukemiro Covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977. 20
- 31 Te Rau o Te Huia Pā site**
- (1) The reservation of the Te Rau o Te Huia Pā site as an historic reserve subject to section 18 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Te Rau o Te Huia Pā site vests in the trustees. 25
- 32 Ngapapa site**
- (1) The reservation under the Reserves Act 1977 over the Ngapapa site is revoked.
- (2) The fee simple estate in the Ngapapa site vests in the trustees. 30
- 33 Urenui site**
- (1) The Urenui site ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Urenui site vests in the trustees.
- (3) **Subsections (1) and (2)** are subject to the trustees— 35
- (a) providing the Crown with a registrable covenant—

-
- (i) for conservation purposes in order to protect the conservation values, including public access, at the Urenui site; and
 - (ii) to preserve the natural values of the Urenui site; and
 - (iii) in the form set out in Part 2 of the Cultural Redress Schedule (the **Urenui Covenant**); and
 - (b) signing the Urenui Covenant, and returning it to the Crown, within 20 business days after the Crown provides the Urenui Covenant to the trustees.
- (4) If the trustees comply with **subsection (3)(b)**—
- (a) by or on the settlement date, the Urenui site will vest in the trustees on the settlement date; or
 - (b) after the settlement date, the Urenui site will vest in the trustees 10 business days after the trustees sign and return the Urenui Covenant to the Crown.
- (5) The Urenui Covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.
- 34 Te Urenui Pā site**
- (1) The reservation of the Te Urenui Pā site as an historic reserve subject to section 18 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Te Urenui Pā site vests in the trustees.
- (3) **Subsections (1) and (2)** are subject to the trustees—
- (a) providing the Crown with a registrable covenant—
 - (i) to preserve the natural values of the Te Urenui Pā site; and
 - (ii) in the form set out in Part 2 of the Cultural Redress Schedule (the **Te Urenui Pā Covenant**); and
 - (b) signing the Te Urenui Pā Covenant, and returning it to the Crown, within 20 business days after the Crown provides the Te Urenui Pā Covenant to the trustees.
- (4) If the trustees comply with **subsection (3)(b)**—
- (a) by or on the settlement date, the Te Urenui Pā site will vest in the trustees on the settlement date; or

- (b) after the settlement date, the Te Urenui Pā site will vest in the trustees 10 business days after the trustees sign and return the Te Urenui Pā Covenant to the Crown.
- (5) The Te Urenui Pā Covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977. 5
- (6) The vesting referred to in **subsection (2)** is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24 and 24B of that Act do not apply to the disposition.
- (7) On the vesting referred to in **subsection (2)**, the Registrar-General must record, in accordance with section 24D(1A) of the Conservation Act 1987, that section 24 of that Act does not apply to the disposition. 10
- 35 Okoki Pā site**
- (1) The reservation of the Okoki Pā site as an historic reserve subject to section 18 of the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in the Okoki Pā site vests in the trustees.
- (3) **Subsections (1) and (2)** are subject to the trustees—
- (a) providing the Crown with a registrable covenant—
- (i) to preserve the natural values of the Okoki Pā site; and 20
- (ii) in the form set out in Part 2 of the Cultural Redress Schedule (the **Okoki Pā Covenant**); and
- (b) signing the Okoki Pā Covenant, and returning it to the Crown, within 20 business days after the Crown provides the Okoki Pā Covenant to the trustees. 25
- (4) If the trustees comply with **subsection (3)(b)**—
- (a) by or on the settlement date, the Okoki Pā site will vest in the trustees on the settlement date; or
- (b) after the settlement date, the Okoki Pā site will vest in the trustees 10 business days after the trustees sign and return the Okoki Pā Covenant to the Crown. 30
- (5) The Okoki Pā Covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977. 35
- 36 Okoki Pā Historic Reserve**
- (1) The Okoki Pā Historic Reserve vests in the trustees.

- (2) The trustees must hold and administer the Okoki Pā Historic Reserve for the purposes of section 18 of the Reserves Act 1977, as if the Reserve had been vested in the trustees under section 26 of the Reserves Act 1977.
- (3) Section 24 of the Conservation Act 1987 does not apply to the vesting referred to in **subsection (1)**. 5
- (4) The trustees are the administering body for the Okoki Pā Historic Reserve.

Vested recreation reserves

- 37 Onaero Domain Recreation Reserve** 10
- (1) The vesting of the Onaero Domain Recreation Reserve in the New Plymouth District Council under section 26A of the Reserves Act 1977 is cancelled.
- (2) The fee simple estate in the Onaero Domain Recreation Reserve vests in the trustees. 15
- 38 Urenui Domain Recreation Reserve**
- (1) The part of the Urenui Domain Recreation Reserve described in **the second column of Part 3 of Schedule 1** as Section 8 Urenui Town Belt is—
- (a) classified as a recreation reserve as if it had been classified under section 16 of the Reserves Act 1977; and 20
- (b) vested in the New Plymouth District Council as if it had been vested under section 26 of the Reserves Act 1977; and
- (c) united with the rest of the Urenui Domain Recreation Reserve as if it had been united with that reserve under section 52 of the Reserves Act 1977. 25
- (2) The vesting of the Urenui Domain Recreation Reserve in the New Plymouth District Council under sections 26 and 26A of the Reserves Act 1977 is cancelled. 30
- (3) The fee simple estate in the Urenui Domain Recreation Reserve vests in the trustees.
- 39 Reserve status of vested recreation reserves preserved**
- (1) Until the reservation of a vested recreation reserve is revoked, the reserve is to be treated for all purposes (unless otherwise provided in this Act) as if it— 35

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| (a) | remains vested in the New Plymouth District Council under— | |
| | (i) section 26A of the Reserves Act 1977, in the case of the Onaero Domain Recreation Reserve; or | |
| | (ii) sections 26 and 26A of the Reserves Act 1977, in the case of the Urenui Domain Recreation Reserve; and | 5 |
| (b) | has not been vested in the trustees under— | |
| | (i) section 37(2) , in the case of the Onaero Domain Recreation Reserve; or | 10 |
| | (ii) section 38(3) , in the case of the Urenui Domain Recreation Reserve. | |
| (2) | In relation to a vested recreation reserve, until its reservation is revoked,— | |
| (a) | the reserve remains a recreation reserve that is subject to the Reserves Act 1977; and | 15 |
| (b) | the New Plymouth District Council— | |
| | (i) continues to be the administering body of the reserve, with all the functions, obligations, and powers of an administering body in which a reserve is vested; and | 20 |
| | (ii) may continue to exercise its powers as an administering body under the Reserves Act 1977, including <u>(without limitation)</u> its powers under— | |
| | (A) section 48 (grants of rights of way and other easements): | 25 |
| | (B) section 53 (powers (other than leasing) in respect of recreation reserves): | |
| | (C) section 54 (leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases)): | 30 |
| | (D) section 73 (leasing of recreation reserves for farming, grazing, afforestation, or other purposes): | |
| | (E) section 74 (licences to occupy reserves temporarily): | 35 |
| | (F) section 75 (afforestation by administering body): | |
| | (G) section 106(2) (bylaws); and | |
| (c) | the Minister— | 40 |
| | (i) has all the Minister’s functions, obligations, and powers under the Reserves Act 1977 and under | |

- any other enactment, as if the fee simple in the reserve had not been vested in the trustees but had remained vested in the New Plymouth District Council; and
- (ii) may continue to exercise the Minister’s powers under the Reserves Act 1977, including (without limitation) those under—
- (A) section 26 (vesting of reserves):
 - (B) section 27 (cancelling vesting of reserves):
 - (C) sections 28, 29, 30, 35, and 36 (appointing a local authority, a voluntary organisation, a board, trustees, or a Minister of the Crown to control and manage a reserve):
 - (D) section 108 (bylaws to be approved by Minister).
- (3) If the Minister exercises his or her power, under section 27 of the Reserves Act 1977, to cancel the deemed continuation of a vesting of a vested recreation reserve under **subsection (1)(a)**—
- (a) the reserve is to be treated as if it were revested in the Crown under section 27(1) or (4) of the Reserves Act 1977, as the case may be; and
 - (b) the Minister may then vest that reserve in a local authority, trustees, or any other lawful authority under section 26 of the Reserves Act 1977, and the reserve is then to be treated as if it were vested in that local authority, those trustees, or that other lawful authority.
- (4) In **subsections (2)(c)(ii)(C) and (3)(b)**, **trustees** has the meaning given to it in section 2(1) of the Reserves Act 1977.
- (5) **Subsections (2) and (3)** do not limit **subsection (1)**.
- (6) **Subsections (2), (3), and (4)** are for the avoidance of doubt.
- 40 Limitations on dealing with vested recreation reserves**
- (1) A vested recreation reserve must not be—
- (a) exchanged for other land under section 15 of the Reserves Act 1977; or
 - (b) united with another reserve, or part of another reserve, under section 52 of the Reserves Act 1977.
- (2) Land purchased, under section 64(1) of the Reserves Act 1977, by an administering body of a vested recreation reserve does not become part of that reserve under section 64(2) of the Reserves Act 1977.

- (3) The vestings of the vested recreation reserves under **sections 37(2) and 38(3)** do not—
- (a) affect the rights or obligations of persons who are not parties to the deed of settlement, including (without limitation) rights or obligations in relation to—
 - (i) the vested recreation reserve (including under any lease or tenancy arrangement) that arise before any revocation of its reserve status; or
 - (ii) the ownership, management, or control of fixtures, structures, or improvements (including trees) attached to, on, or under a vested recreation reserve before any revocation of its reserve status; or
 - (b) confer or impose on the trustees any rights or obligations referred to in **paragraph (a)**.
- (4) The rights and obligations referred to in **subclause (3)(a)** are limited to those rights and obligations that arise before any revocation of the reserve status of a vested recreation reserve.
- (5) The trustees must not dispose of, transfer, or charge (including mortgage) a vested recreation reserve.
- (6) However, **subsection (5)** does not apply to a transfer if the relevant instrument of transfer is accompanied by a certificate, given by the trustees or their solicitor, verifying that the transfer is—
- (a) required to enable the relevant legal title to be transferred from one trustee to another trustee; and
 - (b) solely for the purposes of administering the trust.
- (7) **Subsections (5) and (6)**—
- (a) do not limit **section 39(1)**; and
 - (b) are for the avoidance of doubt.

Revocation of reservation of vested recreation reserves

41 Application of section 24 of the Reserves Act 1977

- (1) Section 24 of the Reserves Act 1977 applies to the revocation of a vested recreation reserve.
- (2) **Subsection (1)** is for the avoidance of doubt.
- (3) For ease of reference, section 24 of the Reserves Act 1977 is replicated in **Schedule 5**.

- (4) However, in the event of inconsistency between section 24 of the Reserves Act 1977 and **Schedule 5** (whether that inconsistency arises through amendment of section 24 or otherwise) section 24 prevails.

Struck out (unanimous)

- | | |
|-------------------------------------------------------|---|
| (5) This section is subject to section 46(1) . | 5 |
|-------------------------------------------------------|---|

42 Effects of revocation

The effects of a revocation under section 24 of the Reserves Act 1977 are that—

- (a) section 25 of the Reserves Act 1977 does not apply and, in particular, the vested recreation reserve— 10
 - (i) does not become Crown land; and
 - (ii) must not be disposed of in accordance with the specifications of the Minister under that section; and
- (b) the fee simple in the vested recreation reserve remains vested in the trustees and is subject to— 15
 - (i) any restrictions, encumbrances, liens, and interests specified in the notice given by the Minister under section 24(1) of the Reserves Act 1977; and 20
 - (ii) (in particular) the rights of persons referred to in **section 40(3)(a) and (b)** to the extent specified in those provisions; and
- (c) **sections 39, 40(1), (2), (5), and (6), and 45** cease to apply to the vested recreation reserve. 25

General provisions relating to vesting of cultural redress properties

43 Vesting subject to encumbrances

The vesting of each cultural redress property is subject to the encumbrances (if any) listed in **the third column of Schedule 1**. 30

44 Registration of ownership

- (1) This section applies to the fee simple estate in a cultural redress property that vests in the trustees under this Act.

- (2) The Registrar-General must, on written application by a person authorised by the Director-General of Conservation, 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— 5
- (a) register the trustees as the proprietors of the fee simple estate in the land; and
- (b) make those entries in the register; and
- (c) do all other things necessary to give effect to this sub-part and Part 10 of the deed of settlement. 10
- (4) To the extent that the property does not comprise all the land in a certificate of title or computer freehold register, or there is no certificate of title or computer freehold register for all or part of the property, the Registrar-General must, in accordance with the application referred to in **subsection (2)** and in relation to the property, create a computer freehold register in the names of the trustees, subject to, and together with, any encumbrances that are registered, notifiable, or notified and that are described in the written application. 15
20
- (5) **Subsection (4)** applies subject to completing any survey necessary to facilitate the creation of the computer freehold register.
- (6) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date but no later than— 25
- (a) 24 months after the cultural redress property vests in the trustees; or
- (b) any later date that may be agreed in writing by the trustees and the Crown.
- (7) **Subsections (3) and (4)** override sections 26A(3) and 116 of the Reserves Act 1977 and, in the event of inconsistency, any other enactment to the contrary. 30
- 45 Notification on register of vested recreation reserves**
- (1) This section applies to the fee simple estate in vested recreation reserves that vest in the trustees under **section 37(2)** or **section 38(3)**. 35
- (2) The computer freehold register created under **section 44**—
- (a) must contain a notification recording that the reserve—
- (i) was vested in accordance with—

- (A) **section 37** (in the case of the Onaero Domain Recreation Reserve):
- (B) **section 38** (in the case of the Urenui Domain Recreation Reserve); and
- (ii) is subject to **sections 39 to 42** (in the case of each of the reserves referred to in **subparagraph (i)**); and 5
- (b) must not contain any noting of the vesting, or cancellation of the vesting, of that vested recreation reserve under the Reserves Act 1977 (except as provided by **subsection (2)(a)**). 10
- (3) **Subsection (2)** overrides—
- (a) section 112(2) of the Reserves Act 1977; and
- (b) section 129(2), (3), and (5) of the Land Transfer Act 1952.
- (4) **Subsection (2)(b)** overrides sections 27(5) and 116 of the Reserves Act 1977 and, in the event of inconsistency, any other enactment to the contrary. 15
- 46 Application of other enactments**
- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation under this subpart of the reserve status of a cultural redress property vested in the trustees under this subpart. 20
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting in the trustees of the fee simple estate in a cultural redress property under this subpart; or 25
- (b) a matter incidental to, or required for the purpose of, the vesting of the fee simple estate in a cultural redress property under this subpart.
- (3) The vesting of the fee simple estate in a cultural redress property under this subpart does not— 30
- (a) limit section 10 or section 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required to lay out, form, grant, or reserve a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property. 35

- (5) The vesting, under this subpart, of a fee simple estate in a cultural redress property listed in **Part 1 of Schedule 1** is a disposition for the purposes of Part 4A of the Conservation Act 1987.
- (6) **Subsection (5)** does not apply to the vesting of the Te Urenui Pā site under **section 34(2)**. 5
- (7) The vesting, under this subpart, of a fee simple estate in a cultural redress property listed in **Part 3 of Schedule 1** is not a disposition for the purposes of Part 4A of the Conservation Act 1987 (and Part 4A does not apply) unless— 10
- (a) the reservation of that vested recreation reserve is revoked (in which case the vesting is a disposition for the purposes of Part 4A); or
- (b) the reservation of part of that vested recreation reserve is revoked (in which case the vesting of that part is a disposition for the purposes of Part 4A). 15
- (8) Sections 24(2A), 24A, and 24AA of the Conservation Act 1987 do not apply to the dispositions referred to in **subsections (5), (7)(a), and (7)(b)**.
- (9) Nothing in **sections 37 to 42** affects the rights of Ngāti Mutunga or the trustees under the *(Antiquities) Protected Objects Act 1975* in relation to *(artifacts (as defined in section 2 of that Act)) taonga tūturu*. 20
- 47 Application of certain amounts**
- (1) The Minister may direct that any payment for any site or reserve listed in **subsection (2)** be paid and applied in the manner specified in section 82(1)(a) of the Reserves Act 1977. 25
- (2) The sites and reserves referred to in **subsection (1)** are—
- (a) the Onaero site:
- (b) the Pukemiro site: 30
- (c) the Te Rau o Te Huia Pā site:
- (d) the Ngapapa site:
- (e) the Te Urenui Pā site:
- (f) the Okoki Pā site:
- (g) both vested recreation reserves. 35
- (3) A direction made under **subsection (1)** is to be treated as if it were a direction under section 82(1)(a) of the Reserves Act 1977.

Subpart 3—Statutory acknowledgements and deeds
of recognition

48 Statutory acknowledgements by the Crown

- (1) The Crown acknowledges the statements of association.
- (2) In this subpart, **statements of association** means the statements,—
- (a) made by Ngāti Mutunga, of the particular cultural, spiritual, historical, and traditional association of Ngāti Mutunga with each statutory area; and
- (b) in the form set out in Part 5 of the Cultural Redress Schedule at the settlement date.

49 Purposes of statutory acknowledgements

- (1) The only purposes of the statutory acknowledgements are—
- (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgements, as provided for in **sections 50 to 52**; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in **section 54**; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgements as evidence of the association of Ngāti Mutunga with the relevant statutory areas, as provided for in **section 55**.
- (2) This section does not limit the operation of **sections 58 to 61**.

50 Relevant consent authorities to have regard to statutory acknowledgements

- (1) On and from the effective date, a relevant consent authority must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of the Resource Management Act 1991 as to whether the trustees are persons 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 relevant consent authority under the Resource Management Act 1991.

- 51 Environment Court to have regard to statutory acknowledgements**
- (1) On and 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 trustees are persons 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. 5
10
- (2) **Subsection (1)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.
- 52 Historic Places Trust and Environment Court to have regard to statutory acknowledgements**
- On and from the effective date, the Historic Places Trust and the Environment Court must have regard to a statutory acknowledgement 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 trustees are (or, for the purposes of section 14(6)(a) of that Act, may be) persons directly affected in relation to an archaeological site within the statutory area. 15
20
- 53 Recording statutory acknowledgements on statutory plans**
- (1) From the effective date, each relevant consent authority must attach information recording a statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area. 25
- (2) The attachment of information under **subsection (1)** to a statutory plan— 30
- (a) must include the relevant provisions of this subpart in full, the description of the statutory area, and the statement of association; and
- (b) is for the purpose of public notice only, and the information is not— 35
- (i) part of the statutory plan (unless adopted by the relevant consent authority); or
- (ii) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

- (3) In this section, **statutory plan**—
- (a) means a district plan, proposed plan, regional coastal plan, regional plan, or regional policy statement as defined in section 2(1) of the Resource Management Act 1991; and 5
 - (b) includes a proposed policy statement provided for in Schedule 1 of the Resource Management Act 1991.
- 54 Distribution of resource consent applications to trustees**
- (1) Each relevant consent authority must, for a period of 20 years from the effective date, forward to the trustees a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on a statutory area. 10
 - (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 adversely affected, or as may be agreed between the trustees and the relevant consent authority; and 15
 - (b) provided as soon as is reasonably practicable after the application is received, and before a determination is made in accordance with sections 93 to 94C of the Resource Management Act 1991. 20
 - (3) The trustees may, by notice in writing to a relevant consent authority,—
 - (a) waive their rights to be notified under this section; and 25
 - (b) state the scope of that waiver and the period it applies for.
 - (4) For the purposes of this section, a regional council dealing with an application to carry out a restricted coastal activity in a statutory area must be treated as if it were the relevant consent authority in relation to that application. 30
 - (5) This section does not affect the obligation of a relevant consent authority to—
 - (a) notify an application in accordance with sections 93 and 94C of the Resource Management Act 1991: 35
 - (b) form an opinion as to whether the trustees are persons who may be adversely affected under those sections.

- 55 Use of statutory acknowledgements**
- (1) The trustees and a member of Ngāti Mutunga may, as evidence of the association of Ngāti Mutunga with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority, the Minister (in relation to a restricted coastal activity in a statutory area), the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on the statutory area. 5
- (2) The content of the statement of association is not, by virtue of the statutory acknowledgement, binding as deemed fact on— 10
- (a) relevant consent authorities:
 - (b) the Minister:
 - (c) the Environment Court:
 - (d) the Historic Places Trust: 15
 - (e) parties to proceedings before those bodies:
 - (f) 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. 20
- (4) Neither the trustees nor a member of Ngāti Mutunga are precluded from stating that Ngāti Mutunga have an association with a statutory area that is not described in the statutory acknowledgement. 25
- (5) The content and existence of the statutory acknowledgement does not limit a statement made under **subsection (4)**.
- 56 Authorisation to enter into and amend deeds of recognition**
- (1) The Minister, or the Commissioner of Crown Lands, or both, as the case may be, (*must*) may— 30
- (a) enter into deeds of recognition with the trustees in respect of the land within the statutory areas:
 - (b) amend a deed of recognition by entering into a deed with the trustees to amend that deed of recognition. 35
- (2) In this section, **deed of recognition** means a deed—
- (a) entered into in accordance with clauses 11.19 to 11.25 of the deed of settlement; and
 - (b) in the form set out in Part 6 of the Cultural Redress Schedule; and 40

- (c) provided to the trustees by the Minister, or the Commissioner of Crown Lands, or both, as specified in **the third column of Schedule 3**.

| | | |
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| 57 | Statutory acknowledgements in relation to rivers | |
| | If a statutory acknowledgement relates to a river, the river— | 5 |
| | (a) includes— | |
| | (i) a continuously or intermittently flowing body of fresh water, including a stream or a modified watercourse; and | |
| | (ii) the bed of the river; but | 10 |
| | (b) does not include— | |
| | (i) an artificial watercourse; or | |
| | (ii) a part of the bed of the river that is not owned by the Crown; or | |
| | (iii) land that the waters of the river do not cover at its fullest flow without overlapping its banks; or | 15 |
| | (iv) a tributary that flows into the river. | |

General provisions

| | | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 58 | Crown not precluded from granting other statutory (acknowledgements) acknowledgement or deed of recognition | 20 |
| | <u>(The) Neither the provision of a statutory acknowledgement (does not preclude) 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, persons other than Ngāti Mutunga or the trustees with respect to the same area.</u> | 25 |
| 59 | Exercise of powers and performance of functions and duties not affected | |
| (1) | Except as expressly provided in this subpart,— | 30 |
| | (a) <u>neither a statutory acknowledgement (does not affect, and may not) 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:</u> | 35 |
| | (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 Ngāti Mutunga 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. 5
- (2) **Subsection (1)(b)** does not affect the operation of **subsection (1)(a)**.
- 60 Rights not affected** 10
 Except as expressly provided in this subpart, neither a statutory acknowledgement (*does not affect*) nor a deed of recognition affects the lawful rights or interests of a person who is not a party to the deed of settlement.
- 61 Limitation of rights** 15
 Except as expressly provided in this subpart, neither a statutory acknowledgement (*does not have the effect*) 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* 20
- 62 Schedule 11 of Resource Management Act 1991 amended**
 Schedule 11 of the Resource Management Act 1991 is amended by inserting, in its appropriate alphabetical order, the following item: 25
 Ngāti Mutunga Claims Settlement Act **2006**.
- (Access to deed of settlement)*
Subpart 3A—Access to deed of settlement
- 63 Access to deed of settlement** 30
 The chief executive of the Ministry of Justice must make copies of the deed of settlement available—
 (a) for inspection free of charge and for purchase at a reasonable price, at the Head Office of the Ministry of Justice in Wellington (*during working hours*) on any business day; and 35

- (b) free of charge, on an Internet site maintained by or on behalf of the Ministry of Justice.

Subpart 4—Nohoanga entitlement

Grant of Nohoanga entitlement

- 64 Stopping of road on Nohoanga site** 5
- (1) The following provisions apply to the Nohoanga site described in **Schedule 2**:
- (a) the road shown as Section 1, SO 9578 Taranaki Land District (containing 7537 sq m more or less) is stopped and ceases to be a road: 10
- (b) on ceasing to be a road, the former road referred to in **paragraph (a)**, together with 376 sq m (being Section 1, SO 369860 Taranaki Land District)—
- (i) vests in the Crown as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977; and 15
- (ii) forms part of the Uruti Domain Scenic Reserve.
- (2) To avoid doubt, section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road under **subsection (1)(a)**.
- 65 Grant and renewal of Nohoanga entitlement** 20
- (1) The Crown must, in accordance with this subpart, grant to the trustees a Nohoanga entitlement over the Nohoanga site.
- (2) The grant must be—
- (a) for an initial term of 10 years beginning on the settlement date; and 25
- (b) made in the form set out in Part 3 of Schedule 1 of the Cultural Redress Schedule, or as varied in accordance with **section 67**.
- (3) If there is inconsistency between the provisions of the form used for the Nohoanga entitlement under **subsection (2)(b)** and the provisions of this subpart, the provisions of this subpart prevail. 30
- (4) The Nohoanga entitlement must, at the option of the trustees, be renewed for further terms of 10 years unless the Nohoanga entitlement is terminated under **section 82 or 83**. 35

- 66 Notification of Nohoanga entitlement**
- (1) The land holding agent must notify the grant or renewal of the Nohoanga entitlement in the *Gazette*.
- (2) The chief executive must note in his or her records—
- (a) the grant or renewal of the Nohoanga entitlement; and 5
 - (b) the notice in the *Gazette* relating to the grant or renewal.
- 67 Terms and conditions of Nohoanga entitlement may be varied**
- (1) The form of the Nohoanga entitlement may be varied from the form specified in **section 65(2)(b)** by— 10
- (a) the addition by the land holding agent, at the time of the grant of the Nohoanga entitlement, of terms reasonably required by the Crown to protect and preserve—
 - (i) the Nohoanga site:
 - (ii) the surrounding land: 15
 - (iii) associated flora and fauna; or
 - (b) agreement between the land holding agent and the trustees.
- (2) Any variations under **subsection (1)** must be in writing and must not be inconsistent with this subpart. 20

Purpose of Nohoanga entitlement

- 68 Purpose of Nohoanga entitlement**
- The Nohoanga entitlement is granted to the trustees for the purpose of permitting members of Ngāti Mutunga to occupy the Nohoanga site, temporarily, exclusively, and on a non-commercial basis,— 25
- (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 Nohoanga site. 30

Rights under Nohoanga entitlement

- 69 Occupation of Nohoanga site by members of Ngāti Mutunga**
- (1) The trustees have the right to permit members of Ngāti Mutunga to occupy the Nohoanga site— 35
- (a) for the purpose referred to in **section 68**; 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 70 to 75**.
- 70 Period of occupation of Nohoanga site**
- (1) The trustees may permit members of Ngāti Mutunga to occupy the Nohoanga site, to the exclusion of other persons, for any period or periods in a calendar year that do not exceed 210 days in total. 5
- (2) The trustees must not permit members of Ngāti Mutunga to occupy the Nohoanga site in a calendar year during the period beginning on 1 May and ending with the close of 15 August. 10
- 71 Right to erect temporary dwellings**
- (1) The trustees may permit members of Ngāti Mutunga, while occupying the Nohoanga site under the Nohoanga entitlement, to erect camping shelters or similar temporary dwellings on the site. 15
- (2) The trustees must ensure the removal of any camping shelters or temporary dwellings erected on the Nohoanga site whenever the right to occupy that Nohoanga site is not being exercised. 20
- 72 Condition of land when occupation ceases**
- (1) The trustees must, whenever members of Ngāti Mutunga who are permitted to occupy the Nohoanga site under **section 69** cease to occupy the Nohoanga site, leave the site in substantially the same condition as it was when the permitted members of Ngāti Mutunga began occupying the site. 25
- (2) **Subsection (1)** does not apply to temporary effects normally associated with occupation of a Nohoanga site under a Nohoanga entitlement.
- 73 Activities on Nohoanga site** 30
- (1) This section applies subject to **section 71**.
- (2) The trustees may, with the written consent of the land holding agent, permit members of Ngāti Mutunga to undertake other activities on the Nohoanga site that are reasonably necessary for the Nohoanga entitlement to be used for the purpose set out in **section 68**. 35

- (3) When applying for the land holding agent’s consent, the trustees must provide to the land holding agent full details of the proposed activities, including (but not limited to)—
- (a) the effect of the proposed activities—
 - (i) on the Nohoanga site; and 5
 - (ii) if the Nohoanga site is held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, on the surrounding land and associated flora and fauna; and
 - (b) any measures that the trustees propose to take (if the land holding agent’s consent is given) to avoid, remedy, or mitigate adverse effects on the Nohoanga site. 10
- (4) In considering whether to give consent in relation to land held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, the land holding agent may require the trustees to obtain, at the expense of the trust, an environmental impact report about the proposed activities and an audit of that report. 15
- (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. 20
- (7) Without limiting **subsection (6)**, in giving consent in relation to land held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, the land holding agent may impose reasonable conditions to avoid, remedy, or mitigate adverse effects of the proposed activities on the Nohoanga site, surrounding land, or associated flora and fauna. 25
- (8) If the Crown has complied with its obligations under the Nohoanga entitlement, the Crown is not liable to compensate the trustees or the trust (whether on termination of the Nohoanga entitlement or at another time) for activities undertaken by the trustees on the Nohoanga site. 30

Obligations relating to Nohoanga entitlement

- 74 Nohoanga entitlement must not impede public access** 35
- The grant and exercise of the Nohoanga entitlement must not impede access by members of the public along a waterway.

-
- 75 Crown functions to continue**
The grant and exercise of the Nohoanga entitlement does not prevent agents of the Crown or persons exercising statutory powers from undertaking their functions in relation to the land over which the Nohoanga entitlement is granted. 5
- 76 Nohoanga entitlement does not restrict Crown’s right to dispose of land**
The grant and exercise of the Nohoanga entitlement does not restrict the Crown’s right to dispose of the Nohoanga site, land adjacent to the Nohoanga site, or land adjacent to a waterway. 10
- 77 Trustees may enforce rights against other persons**
While members of Ngāti Mutunga are occupying the Nohoanga site under the Nohoanga entitlement, the trustees may enforce their rights under the Nohoanga entitlement against persons who are not parties to the deed of settlement as if the trustees were the owners of the Nohoanga site. 15
- 78 Crown’s obligation to provide lawful access**
- (1) If an event described in **subsection (2)** occurs during the term of the Nohoanga entitlement, the Crown must use reasonable endeavours to ensure that members of Ngāti Mutunga continue, for the rest of the term, to have the same type of access to the Nohoanga site as they had before the event occurred. 20
- (2) The events are—
- (a) the Crown disposing of land adjacent to the Nohoanga site: 25
- (b) a change in the classification or status of land adjacent to the Nohoanga site.
- (3) The Crown’s obligation under **subsection (1)** is subject to compliance with all applicable provisions in or under any other enactment. 30
- 79 Compliance with laws, bylaws, and land and water management practices**
- (1) The trustees, members of Ngāti Mutunga permitted to occupy the Nohoanga site under **section 69**, and activities carried out 35

- on the Nohoanga site by them are subject to the laws, regulations, bylaws, and land and water management practices that apply to that Nohoanga site.
- (2) The land holding agent, in carrying out land and water management practices that relate to the Nohoanga site, must have regard to the existence of the Nohoanga entitlement and must— 5
- (a) notify the trustees of an activity that may affect the use of the site; and
- (b) avoid unreasonable disruption to the use of the site. 10
- (3) The trustees are subject to any requirement to apply for resource consents for activities on the Nohoanga site.
- (4) **Subsection (3)** does not limit **subsection (1)**.
- (5) In this section, **activities** includes activities undertaken under **section 73**. 15
- 80 Rights of trustees under Nohoanga entitlement not assignable**
- The rights of the trustees under the Nohoanga entitlement are not assignable.
- Suspension and termination of Nohoanga entitlement* 20
- 81 Suspension of Nohoanga entitlement**
- (1) The land holding agent may suspend the Nohoanga entitlement in accordance with this section.
- (2) The land holding agent must not suspend the Nohoanga entitlement unless he or she first— 25
- (a) consults the trustees; and
- (b) has particular regard to the views of the trustees.
- (3) The land holding agent must not suspend the Nohoanga 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. 30
- (4) If the Nohoanga entitlement is suspended, the trustees may, after the end of the suspension, permit members of Ngāti Mutunga to occupy the Nohoanga site for a period equal to the period of the suspension. 35
- (5) The occupation of the Nohoanga site under **subsection (4)** is not subject to the restriction under **section 70(2)**.

- 82 Termination of Nohoanga entitlement**
- (1) The trustees and the Crown may terminate the Nohoanga entitlement by written agreement.
- (2) The Crown may terminate the Nohoanga entitlement by giving written notice to the trustees on 1 or more of the following grounds: 5
- (a) that the Crown has disposed of the Nohoanga site:
- (b) that the Nohoanga site has been destroyed or permanently and detrimentally affected:
- (c) that the Nohoanga site is on reserve land that may be required for the specific purpose for which it is held as a reserve: 10
- (d) that the Nohoanga site is an unformed legal road that is to be formed:
- (e) that, despite the Crown’s reasonable endeavours, lawful access to the Nohoanga site has ceased to exist because of the occurrence of an event described in **section 78(2)**. 15
- (3) On the termination of the Nohoanga entitlement under this section, the Crown must take all reasonable steps to grant a replacement Nohoanga entitlement to the trustees. 20
- (4) **Subsection (3)** does not apply in relation to the Nohoanga entitlement if the fee simple estate in the Nohoanga site is vested in the trustees.
- (5) The grant of a replacement Nohoanga entitlement under **subsection (3)** must be over land that complies with clause 11.5 of the deed of settlement. 25
- 83 Termination of Nohoanga entitlement for breach of obligations**
- (1) This section applies if the trustees default in performing any of their obligations under the Nohoanga entitlement. 30
- (2) If the default is capable of remedy, the Crown may give notice to the trustees 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. 35
- (4) If, at the end of 41 business days after notice is given by the Crown under **subsection (2)**, the trustees have not remedied, or taken appropriate action to remedy, the default as required by

- the Crown, the Crown may immediately terminate the Nohoanga entitlement by notice in writing to the trustees.
- (5) If the default is not capable of remedy, the Crown may immediately terminate the Nohoanga entitlement by notice in writing to the trustees. 5
- (6) The trustees may, not earlier than 2 years after the termination of the Nohoanga entitlement under this section, apply to the Minister of Māori Affairs for the grant of a replacement Nohoanga entitlement that complies with clause 11.5 of the deed of settlement. 10
- (7) On receipt of an application under **subsection (6)**, the Crown may, in its discretion, take reasonable steps to grant a replacement Nohoanga entitlement over land that complies with clause 11.5 of the deed of settlement.
- 84 Notification of termination of Nohoanga entitlement** 15
- (1) If the Nohoanga entitlement is terminated under **section 82 or 83**, 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 Nohoanga entitlement and its notification in the *Gazette*. 20
- Rights not affected or created*
- 85 Rights of other parties not affected** 25
- Except as expressly provided in this subpart, the grant and exercise of the Nohoanga entitlement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- 86 No creation of rights in Nohoanga site** 30
- Except as expressly provided in this subpart, the grant and exercise of the Nohoanga entitlement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the Nohoanga site.
- Application of other enactments*
- 87 Part 3B of Conservation Act 1987 does not apply** 35
- Part 3B of the Conservation Act 1987 does not apply to the grant of the Nohoanga entitlement.

- 88 Section 8(1) and (3) of Local Government (Rating) Act 2002 applies**
- (1) To avoid doubt, section 8(1) and (3) of the Local Government (Rating) Act 2002 applies to land over which the Nohoanga entitlement is granted. 5
- (2) The trustees must reimburse the person paying the rates for the Nohoanga site for rates payable under section 9 of the Local Government (Rating) Act 2002 for the Nohoanga site in proportion to the period for which the trustees are entitled to occupy the Nohoanga site. 10
- 89 Section 44 of Reserves Act 1977 does not apply**
Section 44 of the Reserves Act 1977 does not apply in relation to the Nohoanga entitlement granted over land subject to that Act.
- 90 Section 11 and Part 10 of Resource Management Act 1991 do not apply** 15
The grant of the Nohoanga entitlement is not a subdivision for the purposes of section 11 and Part 10 of the Resource Management Act 1991.
- Subpart 5—Coastal tendering 20
- 91 Preferential right to purchase authorisations under Part 7 of Resource Management Act 1991**
- (1) If the Minister offers authorisations for a part of the specified coastal area by public tender under Part 7 of the Resource Management Act 1991, the trustees have a preferential right to purchase a proportion of the authorisations that are the subject of that tender. 25
- (2) The preferential right referred to in **subsection (1)** must be provided and exercised in accordance with the process set out in Part 8 of the Cultural Redress Schedule. 30
- (3) Disputes in relation to the preferential right must be resolved in accordance with clause 2 of Part 8 of the Cultural Redress Schedule.

- 92 Preferential right to purchase authorisations under Part 7A of Resource Management Act 1991**
- (1) If the Taranaki Regional Council offers authorisations for a part of the specified coastal area by public tender under Part 7A of the Resource Management Act 1991, the trustees have a preferential right to purchase a proportion of the authorisations that are the subject of that tender. 5
- (2) The preferential right referred to in **subsection (1)** must be provided and exercised in accordance with the process set out in Part 8 of the Cultural Redress Schedule. 10
- (3) Disputes in relation to the preferential right must be resolved in accordance with clause 2 of Part 8 of the Cultural Redress Schedule.
- 93 Limit on proportion of authorisations able to be purchased** 15
- (1) The authorisations that the trustees have a preferential right to purchase under **section 91 or 92**—
- (a) either—
- (i) must equal in area 10% of the authorisations that are the subject of the tender; or 20
- (ii) may equal in area less than 10% of the authorisations that are the subject of the tender, if such smaller area has been agreed to, in writing, by the trustees and the Minister, or the trustees and the Council, as the case may be; and 25
- (b) in either case, must 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.
- (2) The limit specified in **subsection (1)(a)(i)** may be exceeded if the size and shape of the part of the specified coastal area for the authorisations that are the subject of the tender make it impractical to comply with the limitation. 30
- 94 Trustees treated as having made tender**
- (1) If the trustees have a preferential right under **section 91 or 92** to purchase authorisations, the trustees must be treated as having lodged a valid tender for the authorisations, for \$1 consideration, in compliance with section 158 or section 165Q(2) to (4) of the Resource Management Act 1991, as the case may be. 35

- (2) The tender of the trustees under **subsection (1)** must be treated, by the Minister or by the Taranaki Regional Council, as the case may be, as the most preferred tender for the relevant authorisations if, in response to an offer made by public tender under Part 7 or Part 7A of the Resource Management Act 1991, the Minister, or the Taranaki Regional Council,— 5
- (a) receives no tenders; or
- (b) considers that he or she would reject every tender received.
- 95 Exercise of powers and performance of duties and functions not affected** 10
- Except as expressly provided in this subpart, nothing in this subpart affects the powers, duties, or functions of—
- (a) the Minister under Part 7 or Part 7A of the Resource Management Act 1991; or 15
- (b) the Taranaki Regional Council under Part 7A of the Resource Management Act 1991.
- 96 Rights not affected**
- Except as expressly provided in this subpart, nothing in this subpart affects the lawful rights or interests of a person who is not a party to the deed of settlement. 20
- 97 Limitation of rights**
- Except as expressly provided in this subpart,—
- (a) the preferential right provided to the trustees 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: 25
- (b) nothing in this subpart limits or affects the rights of Ngāti Mutunga to acquire authorisations or otherwise exercise a statutory right, power, or privilege in respect of the specified coastal area. 30
- Amendment to Resource Management Act 1991*
- 98 Section 165R of Resource Management Act 1991 amended**
- Section 165R(2) of the Resource Management Act 1991 is amended by adding the following paragraph: 35

“(f) **section 92** of the Ngāti Mutunga Claims Settlement Act **2006.**”

Subpart 6—Place names

- 99 Change and assignment of place names**
- (1) The existing historic reserve name and the unnamed place in **the first column of Schedule 4** are changed to the corresponding names in **the third column** of that schedule. 5
- (2) The changes made under **subsection (1)** are taken to have been made— 10
- (a) with the approval of the New Zealand Geographic Board; and
- (b) in accordance with the New Zealand Geographic Board Act 1946.

Part 3

Commercial redress 15

Transfer of commercial redress properties

- 100 Transfer of commercial redress properties**
- To give effect to clause 14.1 of the deed of settlement, the Crown (acting through the Commissioner of Crown Lands) is authorised to do 1 or more of the following: 20
- (a) transfer the fee simple estate in a commercial redress property to the trustees:
- (b) sign a transfer instrument or other document, or do any other thing, to execute such a transfer.
- 101 Creation of computer register** 25
- (1) This section applies to a commercial redress property to the extent that—
- (a) the property is not all of the land contained in a certificate of title or computer freehold register; or
- (b) there is no certificate of title or computer freehold register for all or part of the property. 30
- (2) The Registrar-General must, on written application by an authorised person, comply with **subsection (3)**.
- (3) The Registrar-General must, in accordance with the application, create a computer freehold register in the name of the Crown subject to, and together with, any encumbrances that 35

- are registered, notifiable, or notified and that are described in the written application.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to facilitate the creation of the computer freehold register.
- (5) A computer freehold register created in accordance with **subsection (3)** must be created in the name of the Crown without any statement of purpose. 5
- (6) The authorised person may grant a covenant to arrange for the later creation of 1 or more computer freehold registers for a property that is to be transferred to the trustees. 10
- (7) Despite the Land Transfer Act 1952,—
- (a) the authorised person may request the Registrar-General to register a covenant referred to in **subsection (6)** under the Land Transfer Act 1952 by creating a computer interest register; and 15
- (b) the Registrar-General must register the covenant in accordance with **paragraph (a)**.
- (8) In this section, **authorised person** means a person—
- (a) who is authorised by the chief executive of the transferor agency (as defined in clause 18.4 of the deed of settlement); and 20
- (b) referred to as an authorised person in clause 14.3.2(a) of the deed of settlement.
- 102 Application of other enactments to transfer of commercial redress properties** 25
- (1) In exercising the powers conferred by **section 100**, 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.
- (2) **Subsection (1)** is subject to **subsections (4) and (5)**. 30
- (3) Nothing in section 11 or Part 10 of the Resource Management Act 1991 applies to—
- (a) the transfer to the trustees of a commercial redress property in accordance with this Act; or
- (b) any matter incidental to, or required for the purpose of, that transfer. 35
- (4) The transfer of a commercial redress property in accordance with this Act does not—

- (a) limit section 10 or 11 of the Crown Minerals Act 1991;
or
 - (b) affect other rights to subsurface minerals.
- (5) The transfer of a commercial redress property in accordance with this Act is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 5
- (6) 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. 10
-

Schedule 1 Cultural redress properties

ss 12, 29–47

Part 1 Cultural redress properties to be vested in fee simple

| Name of site | Description | Encumbrances | |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|----|
| Onaero site | <i>Taranaki Land District—New Plymouth District</i> 4370 square metres, more or less, being Section 89 Urenui District. Part <i>Gazette</i> Notice 263740.1A. | Subject to the informal grazing right of V E Rae. | 5 |
| Pukemiro site | <i>Taranaki Land District—New Plymouth District</i> 2.2950 hectares, more or less, being Section 22 Block III Waitara Survey District. Part Proclamation 240 and Part <i>Gazette</i> Notice 294914.1. | Subject to the conservation covenant referred to in section 30(3) . | 10 |
| Te Rau o Te Huia Pā site | <i>Taranaki Land District—New Plymouth District</i> 1399 square metres, more or less, being Section 11 Block III Waitara Survey District. All <i>Gazette</i> Notice 191566. | Subject to the informal grazing right of R D Paul. | 15 |
| Ngapapa site | <i>Taranaki Land District—New Plymouth District</i> 1012 square metres, more or less, being Section 101 Town of Urenui. All Computer Freehold Register TN152/197. | | 20 |
| Urenui site | <i>Taranaki Land District—New Plymouth District</i> 112.6366 hectares, more or less, being Subdivision 2 of Section 12 Block VIII Waitara Survey District. Part <i>Gazette</i> 1864 page 461. | Subject to the conservation covenant referred to in section 33(3) . | 25 |
| Te Urenui Pā site | <i>Taranaki Land District—New Plymouth District</i> 2.8834 hectares, more or less, being Urenui 2B1. All Proclamation W.2854. | Subject to the conservation covenant referred to in section 34(3) . | 30 |
| | | | 35 |
| | | | 40 |

Part 1—*continued*

| Name of site | Description | Encumbrances | |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Okoki Pā site | <i>Taranaki Land District—New Plymouth District</i> 15.0100 hectares, more or less, being Section 2, SO 365383. Part <i>Gazette</i> Notice 148849. | Subject to the conservation covenant referred to in section 35(3) . Subject to the grazing permit concession (WA-15919B-GRA) dated 22 February 2005 issued under Part 3B of the Conservation Act 1987 to Ashbrook Farms Limited. | 5 10 |

Part 2

Cultural redress property vested to hold and administer as historic reserve

| Name of site | Description | Encumbrances | |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Okoki Pā Historic Reserve | <i>Taranaki Land District—New Plymouth District</i> 2.1750 hectares, more or less, being Section 1, SO 365383. Part <i>Gazette</i> Notice 148849. | To be administered by the trustees as a historic reserve under section 26 of the Reserves Act 1977 and subject to section 18 of that Act. Subject to the grazing permit concession (WA-15919A-GRA) dated 22 February 2005 issued under Part 3B of the Conservation Act 1987 to Ashbrook Farms Limited. | 15 20 25 |

Part 3

Cultural redress properties to be vested in fee simple with recreation reserve status preserved

| Name of site | Description | Encumbrances | |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------|
| Onaero Domain Recreation Reserve | <i>Taranaki Land District—New Plymouth District</i> 6.9103 hectares, more or less, being Section 82 Urenui District and Sections 19, 20, and 23 Block III Waitara Survey District. SOs 9135 and 8500. All <i>Gazette</i> 1958 page 1752, all <i>Gazette</i> 1960 page 1884, and balance <i>Gazette</i> 1909 page 2389. | Subject to the following unregistered leases and interests: 18 leases for cottage sites 1 to 18; | 30 35 40 |

Part 3—*continued*

| Name of site | Description | Encumbrances | |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----|
| | | the lease of (<i>Tony Roy Eva</i>) the New Zealand Motor Caravan Association for the Onaero Domain Motor Camp (NPDC lease 66); | 5 |
| | | the lease of the Waitara Swimming and Surf Life Saving Club (incorporated) over part of Section 82 Urenui District (NPDC lease 61); | 10 |
| | | the grazing lease of Anthony Main over part of Section 82 Urenui District (NPDC lease); | 15 |
| | | the existing forestry plantation of NPDC; | 20 |
| | | the right of the New Plymouth District Council to discharge treated sewage (TRC consent 1389-3). | 20 |
| Urenui Domain Recreation Reserve | <i>Taranaki Land District—New Plymouth District</i> 25.2120 hectares, more or less, being Section 29 Block III Waitara Survey District. SO 11674. All <i>Gazette</i> 1982 page 3780, Balance <i>Gazette</i> 1890 page 307 and Balance <i>Gazette</i> 1932 page 1841. | Subject to the following unregistered leases and interests: | 25 |
| | | 121 leases for bach sites 1 to 121; | 30 |
| | | the lease of the Urenui Golf Club Incorporated for part of Section 29 SO 11674 (NPDC lease 70); | 35 |
| | | the right of the New Plymouth District Council to discharge treated sewage (TRC consent 2046-3); | 40 |
| | | the right of the New Plymouth District Council to construct and maintain riverbank protection works at the boat ramp (TRC consent 4019-2); | 45 |

Part 3—*continued*

| Name of site | Description | Encumbrances | |
|--------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| | | the right of the New Plymouth District Council to construct and maintain riverbank protection works below the camp manager's residence (TRC consent 4183-2); | 5 |
| | | the right of the New Plymouth District Council to place and maintain the boat ramp (TRC consent 96-4065); | 10 |
| | | the right of the New Plymouth District Council to place and maintain the swing bridge, water main, and associated riverbank protection works (TRC consent 94-4591); | 15 |
| | | the right of the New Plymouth District Council to disturb the foreshore by moving sediment and driftwood for dune shaping, access maintenance, and erosion protection (TRC consent 97-5094); | 20 |
| | | the right of the New Plymouth District Council to place and maintain a 295 metre rock rip rap seawall for erosion protection (TRC consent 5761-1); | 25 |
| | | the right of the New Plymouth District Council to place and maintain a 295 metre rock rip rap seawall for erosion protection (TRC consent 5761-1); | 30 |
| | | the right of the New Plymouth District Council to place and maintain a 295 metre rock rip rap seawall for erosion protection (TRC consent 5761-1); | 35 |
| | | <u>the Urenui Motor Camp Operation and Management Agreement (No 67), contract No 02/P02—between the New Plymouth District Council and I and T Hayston, dated 17 October 2002;</u> | 40 |
| | | <u>the Urenui Motor Camp Operation and Management Agreement (No 67), contract No 02/P02—between the New Plymouth District Council and I and T Hayston, dated 17 October 2002;</u> | 45 |

Part 3—*continued*

| Name of site | Description | Encumbrances | 5 |
|--------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----|
| | 8144 square metres, more or less, being Sections 114 and 115 Town of Urenui. All <i>Gazette</i> 1956 page 1425. | the lease of the Scout Association of New Zealand over part of Section 115 Town of Urenui (NPDC lease 106). | |
| | 4477 square metres, more or less, being Section 8 Urenui Town Belt. All <i>Gazette</i> 1981 page 3064. | | 10 |

ss 12, 64–90

Schedule 2
Nohoanga site**Name**

Uruti Domain site

Description*Taranaki Land District—New Plymouth District*
7662 square metres, as shown marked “A-D” on
SO 364013.5

Schedule 3 ss 12, 48–57
**Statutory areas for statutory acknowledgements and
responsibility for providing deed of recognition**

| Area | General description (all within Taranaki Land District–New Plymouth District) | Person responsible for providing deed of recognition | 5 |
|------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------|----------|
| Part of Mimi–Pukearuhe Coast Marginal Strip | As shown on SO 324304. | Minister of Conservation | 5 |
| Waitoetoe Beach Recreation Reserve | As shown on SO 324305. | Minister of Conservation | 10 |
| Mimi Scenic Reserve | As shown on SO 324306. | Minister of Conservation | |
| Mimi Gorge Scientific Reserve | As shown on SO 324307. | Minister of Conservation | 15 |
| Mataro Scenic Reserve | As shown on SO 324309. | Minister of Conservation | |
| Mt Messenger Conservation Area within the area of interest | As shown on SO 324311. | Minister of Conservation | 20 |
| Taramoukou Conservation Area | As shown on SO 324312. | Minister of Conservation | |
| Onaero River Scenic Reserve | As shown on SO 324313. | Minister of Conservation | |
| Onaero Coast Marginal Strip | As shown on SO 324316. | N/A | 25 |
| Onaero River Marginal Strip | As shown on SO 324317. | N/A | |
| Urenui River Marginal Strip | As shown on SO 324319. | N/A | 30 |
| Coastal Marine Area adjoining the area of interest | As shown on SO 324320. | N/A | |
| Tangitu Conservation Area and Miro Scenic Reserve | As shown on SO 336083. | N/A | 35 |
| Onaero River | As shown on SO 336080. | Minister of Conservation and Commissioner of Crown Lands | |
| Urenui River | As shown on SO 324315. | Minister of Conservation and Commissioner of Crown Lands | 40 |
| Waitara River within the area of interest | As shown on SO 324314. | Minister of Conservation and Commissioner of Crown Lands | 45 |

| Area | General description (all within Taranaki Land District–New Plymouth District) | Person responsible for providing deed of recognition | |
|----------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------|---|
| Mimi River within the area of interest | As shown on SO 336081. | Minister of Conservation and Commissioner of Crown Lands | 5 |

Schedule 4 Place names

s 99

Names to be altered

| Existing depiction of place name | Location | New name | 5 |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------|-----------|
| Unnamed coastal ridge | Topographic map 260-Q18, grid reference 381529. | Titoki Ridge | |
| Te Urinui Historic Reserve | Topographic map 260-Q19, grid reference 310448. | Te Urenui Pā* | |
| *The name “Te Urenui Pā” replaces the reference to “Te Urinui Pā”, which was incorrectly shown on topographic map 260-Q19, grid reference 325445. | | | 10 |

s 41

Schedule 5

Section 24 of Reserves Act 1977

- 24 Change of classification or purpose or revocation of reserves**
- (1) Subject to section 13(2) of this Act, where—
- (a) The Minister considers for any reason that a change of classification or purpose of the whole or part of any reserve is advisable or that the reservation of any land as a reserve should be revoked; or
- (b) The local authority within whose district a reserve is situated or the administering body of any reserve notifies the Commissioner in writing that, pursuant to a resolution of the local authority or of the administering body, as the case may be, it considers for any reason, to be stated in the resolution, that the classification or purpose of the whole or part of the reserve should be changed to another classification or purpose, or that the reservation of the whole or part of the land as a reserve should be revoked,—
- then, subject to the succeeding provisions of this section, the Minister may, in his discretion, by notice in the *Gazette*, change the classification or purpose of the whole or part of the reserve, which thereafter shall be held and administered for that changed classification or purpose, or revoke the reservation of the whole or part of the land as a reserve:
- Provided that the classification of any Government purpose reserve for railway purposes shall not be changed and the reservation of the land or any part thereof as such a reserve shall not be revoked except with the consent of the Minister of Railways.
- (2) Before any classification or purpose is changed or any reservation is revoked pursuant to subsection (1) of this section,—
- (a) Where subsection (1)(a) of this section applies and there is an administering body of the reserve, the Commissioner shall notify the administering body in writing as to the Minister’s reasons for considering that a change of classification or purpose is advisable or, as the case may be, that the reservation should be revoked,

- and shall invite the administering body to comment thereon in writing to the Commissioner:
- (b) The administering body of the reserve after consulting the Commissioner, or the Commissioner if there is no administering body, shall publicly notify the proposed change of classification or purpose or proposed revocation of reservation, as the case may be, specifying the reason or reasons for the proposal: 5
- (c) Every person claiming to be affected by the proposed change of classification or purpose or revocation shall have a right of objection to the change or revocation, and may, at any time within 1 month after the date of the first publication of the notice of the proposal, give notice in writing of his objections to the proposed change or revocation and of the grounds thereof to the Commissioner if there is no administering body, and to the principal administrative officer or chief executive of the administering body in any other case, who shall forward all such objections to the Commissioner with a copy of the resolution of the administering body in relation to those objections, after the administering body has considered those objections: 10 15 20
- Provided that, where the date of the first publication of the notice of the proposal falls between the period commencing with the 10th day of December in any year and ending with the 10th day of January in the next succeeding year, notice of objection to the proposed change or revocation may be given at any time before the 10th day of February next following that period: 25
- (d) Where a local authority which is not the administering body initiates action under subsection (1)(b) of this section to change the classification or purpose of or to revoke the reservation of the whole or part of the land as a reserve, the local authority shall notify the administering body in writing of the resolution of the local authority, and the reasons for it, and the administering body shall notify the Commissioner in writing of the attitude of the administering body to the proposed change of classification or purpose or to the proposed revocation: 30 35 40

- (e) The Minister shall as soon as practicable consider the proposed change of classification or purpose or revocation and all objections received thereto and, in the case of objections made to an administering body, the resolution of the administering body thereon, and, in any case where paragraph (d) of this subsection applies, the attitude of the administering body to the proposal: 5
- (f) The Minister shall have power to receive such submissions and make such inquiries as he thinks fit on the proposal: 10
- (g) The procedure to be followed by the Minister in any matter arising under this section shall be as prescribed in regulations made under this Act or, where there are no such regulations or so far as the regulations do not extend, as the Minister determines: 15
- (h) Any person who does not lodge an objection in accordance with this subsection shall be deemed to have assented to the change of classification or purpose or the revocation of reservation set forth in the public notification. 20
- (3) No change of classification or purpose of a scenic, nature, or scientific reserve, or any part thereof, to a recreation, historic, Government purpose, or local purpose reserve shall be made, except where, in the opinion of the Minister, the reserve or the part thereof is by reason of the destruction of the forest, bush, or other vegetation, or of the fauna or scientific or natural features thereon, or for any other like cause, no longer suitable for the purposes of its classification. 25
- (4) No revocation of the reservation of any land as a nature or scientific reserve, or any part thereof, shall be made except where in the opinion of the Minister the reserve or the part thereof is, by reason of the destruction of the forest, bush, or other vegetation, or of the fauna or scientific or natural features thereon, or for any other like cause, no longer suitable for the purposes of its classification. 30
- (5) No change of classification or purpose nor any revocation of reservation of an historic reserve or any part thereof shall be made, except where, in the opinion of the Minister, the 35

- reserve or the part thereof is by reason of the destruction of the historic features or for any other cause no longer suitable for the purpose of its classification, or where, in the opinion of the Minister, the change of classification or purpose or the revocation is required in the public interest. The Minister shall obtain a report from the New Zealand Historic Places Trust before making his decision. 5
- (6) Subsection (2) of this section shall not apply to any Government purpose reserve, but no change of classification or purpose or revocation of the reservation of such a reserve or any part of such a reserve shall be made without the prior approval of the Minister appointed under section 22 or section 36 of this Act to control and manage that reserve. 10
- (7) Subsection (2) of this section shall not apply to any local purpose reserve, other than a reserve made on a subdivision of land under section 13 of the Land Subdivision in Counties Act 1946 or a reserve vested in the Corporation of a borough pursuant to the Municipal Corporations Act 1954 or the Corporation of a county pursuant to Part 2 of the Counties Amendment Act 1961 or section 16 of the Land Act 1924 or section 17 of the Land Laws Amendment Act 1920 or Part 20 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978) or as a condition of any resource consent under the Resource Management Act 1991: 15
20
25
- Provided that the Minister may, after considering such evidence as may be submitted to him, direct that the proposals be publicly notified, and in that case subsection (2) of this section shall apply.

Legislative history

| | |
|--------------|-------------------------------------------------------|
| 20 July 2006 | Introduction (Bill 65–1) |
| 27 July 2006 | First reading and referral to Māori Affairs Committee |
