

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

This Bill gives effect to the deed of settlement signed on 29 October 2021 in which the Crown and Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (**Ngāti Kahungunu**) agreed to the final settlement of the historical Treaty of Waitangi claims of Ngāti Kahungunu. Legislation is necessary to give effect to certain aspects of the settlement. Other aspects of the settlement are provided for only in the deed of settlement. The Te Rohe o Rongokako Joint Redress Bill will give effect to specific cultural redress shared between Ngāti Kahungunu and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and provided for in the respective deeds of settlement.

Scope of settlement

Ngāti Kahungunu has a population of approximately 12,000 people and consists of 2 of the 6 taiwhenua (regions) that make up the Ngāti Kahungunu iwi: Ngāti Kahungunu ki Wairarapa and Ngāti Kahungunu ki Tāmaki nui-a-Rua. The Ngāti Kahungunu area of interest spans from Cape Turnagain down to Cape Palliser, and encompasses the wider Wairarapa and Tamaki nui-ā-Rua regions.

History of claim

Following 9 weeks of hearings between March 2004 and March 2005, the Waitangi Tribunal released the *Wairarapa ki Tararua* report in June 2010 at Te Ore Ore Marae in Masterton. The report covered 28 claims filed by members of Ngāti Kahungunu and Rangitāne hapū, and other claimant groups. The inquiry district covered the south-eastern corner of the North Island inland to the Ruahine and Tararua Ranges and northward to southern Hawke's Bay.

The claims investigated by the Waitangi Tribunal concerning Wairarapa ki Tararua covered the Crown's purchase of land (including land around Wairarapa Moana) and the compulsory acquisition of Māori land for public works.

The grievances of Ngāti Kahungunu included the Crown's forced cession at Maungaroa and acquisition of vast lands throughout their rohe that left Ngāti Kahungunu virtually landless, the loss and degradation of Wairarapa Moana, and the Crown's failure to protect Ngāti Kahungunu from the erosion of their tribal structures and the social deprivation and loss of te reo Māori that followed.

Negotiations and deed of settlement

In November 2011, the Crown recognised the mandate of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Trust (the **Trust**) to represent Ngāti Kahungunu in negotiating a comprehensive historical Treaty settlement. The Trust and the Crown signed terms of negotiation in June 2013 that agreed the scope, objectives, and general procedures for the negotiations. An agreement in principle was signed on 7 May 2016.

On 22 March 2018, the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust (the **Settlement Trust**) and the Crown initialled a deed of settlement (the **deed**). The deed was ratified with a participation rate of 33% of eligible voting members. The deed was approved by 72% of those eligible voting members and was signed on 29 October 2021.

Governance entity

In November 2016, members of the claimant community ratified the Ngāti Kahungunu post-settlement governance entity, the Settlement Trust, and agreed to transfer the mandate to the Settlement Trust to continue with negotiations. Approximately 35% of the eligible Ngāti Kahungunu members participated in the ratification process and 93% of the participants voted in favour of the Settlement Trust. The Settlement Trust was subsequently established in March 2017.

Summary of settlement

The deed will be the final settlement of all the historical Treaty of Waitangi claims of Ngāti Kahungunu resulting from acts or omissions by the Crown before 21 September 1992 and is made up of a package that includes—

- an agreed historical account, and acknowledgements and an apology by the Crown to Ngāti Kahungunu; and
- cultural redress; and
- commercial redress.

Ngāti Kahungunu and the Crown have agreed to the removal of the jurisdiction of the courts and the Waitangi Tribunal in respect of the Kahungunu historical claims, the deed, the settlement redress, this Bill, and the related Te Rohe o Rongokako Joint Redress Bill (but not in respect of the interpretation or implementation of the deed or

the 2 Bills). The Bill provides for this in *Part 1* and deals with related issues, including the removal of certain resumptive memorials.

The settlement redress is to be managed for the benefit of all members of Ngāti Kahungunu, wherever they live.

Departmental disclosure statement

The Office for Māori Crown Relations—Te Arawhiti is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2021&no=100>

Clause by clause analysis

Clause 1 states the Bill's Title.

Clause 2 specifies the Bill's commencement date.

Part 1

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

Part 1 provides for preliminary matters and the settlement of the historical claims.

Preliminary matters

Clause 3 states the purpose of the Bill.

Clause 4 provides that the provisions of the Bill take effect on the settlement date unless a provision states otherwise.

Clause 5 provides that the Bill binds the Crown.

Clause 6 provides an outline of the Bill.

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

Clauses 7 to 10 summarise the historical account in the deed of settlement and record the acknowledgements and apology given by the Crown to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, and the requital of the apology, in the deed of settlement.

Interpretation provisions

Clause 11 provides that the Bill is to be interpreted in a manner that best furthers the agreements in the deed of settlement.

Clause 12 defines certain terms used in the Bill.

Clause 13 defines Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.

Clause 14 defines historical claims.

Historical claims settled and jurisdiction of courts, etc, removed

Clause 15 settles the historical claims and provides that the settlement is final. It removes the jurisdiction of courts, tribunals, and other judicial bodies in respect of the historical claims, the deed of settlement, the Bill, the related *Te Rohe o Rongokako Joint Redress Bill*, and the settlement redress (but not in respect of the interpretation or implementation of the deed of settlement, the Bill, or the *Te Rohe o Rongokako Joint Redress Bill*).

Amendment to Treaty of Waitangi Act 1975

Clause 16 amends the Treaty of Waitangi Act 1975 to remove the jurisdiction of the Waitangi Tribunal as provided in *clause 15*.

Resumptive memorials no longer to apply

Clause 17 provides that certain enactments do not apply to specified land.

Clause 18 provides for the removal of existing memorials from the records of title relating to the specified land.

Miscellaneous matters

Clause 19 overrides the rule under trust law that limits the life of a trust and of any documents that give effect to the deed of settlement.

Clause 20 requires the deed of settlement to be available for inspection or purchase.

Part 2

Cultural redress

Part 2 provides for cultural redress.

Subpart 1—Protocols

Subpart 1 (clauses 21 to 26) provides for the issue of a Crown minerals protocol by the Minister of Energy and Resources and a taonga tūturu protocol by the Minister for Arts, Culture and Heritage. The subpart provides that the protocols are subject to the Crown's obligations and limits the rights arising under the protocols.

Subpart 2—Statutory acknowledgement and deed of recognition

Subpart 2 (clauses 27 to 39) contains the Crown's acknowledgement of the statements made by Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua of their association with certain statutory areas. The purposes and limits of the statutory acknowledgement are specified. The subpart also provides that the Crown must issue, and may amend, a deed of recognition.

Subpart 3—Manawatu River catchment advisory board

Subpart 3 (clause 40) provides that the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust may appoint a member to an advisory board. The advisory board was established by the Rangitāne o Manawatu Claims Settlement Act 2016 to provide advice to the Manawatu–Wanganui Regional Council in relation to freshwater management issues concerning the Manawatu River catchment.

Subpart 4—Official geographic names

Subpart 4 (clauses 41 to 44) provides for changes to official geographic names, sets out the requirements for publishing a notice of a new official geographic name, and provides for the process for altering any new official geographic name.

Subpart 5—Vesting of cultural redress properties

Subpart 5 (clauses 45 to 87) provides for the vesting of 27 cultural redress properties in the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust. Of those properties, 4 vest in fee simple, 22 vest in fee simple to be administered as reserves, and 1 vests in fee simple subject to a conservation covenant.

Subpart 6—Vesting and gifting back of property

Subpart 6 (clause 88) provides for the vesting of Castlepoint Scenic Reserve in the trustees and the gifting back of the reserve to the Crown.

Subpart 7—Te Upoko Taiao

Subpart 7 (clauses 89 to 91) provide for the continuation of a committee of Wellington Regional Council under the name Te Upoko Taiao with restrictions on its discharge and on amendment of its terms of reference.

Part 3

Commercial redress

Part 3 provides for commercial redress.

Clause 92 defines certain terms used in *subparts 1 to 3*.

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

Subpart 1 (clauses 93 to 101) contains provisions relating to the transfer of commercial redress properties and deferred selection properties and provides for the creation of records of title for the properties and other related matters.

Subpart 2—Licensed land

Subpart 2 (clauses 102 to 104) provides for the status of the licensed land. The provisions set out the respective rights and obligations of the Crown and the trustees in relation to the licensed land.

Subpart 3—Access to protected sites

Subpart 3 (clauses 105 to 107) provides a right of access to certain protected sites on the licensed land to Māori for whom the sites are of special cultural, historical, or spiritual significance.

Subpart 4—Right of first refusal over RFR land

Subpart 4 (clauses 108 to 137) provides the trustees with a right of first refusal in relation to RFR land. The owner of RFR land must not dispose of the land to a person other than the trustees or their nominee without first offering it to the trustees on the same or better terms, unless a specified exception applies. The right of first refusal lasts for 178 years.

Schedules

There are 4 schedules, as follows:

- *Schedule 1* lists the hapū of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua:
- *Schedule 2* describes the statutory areas to which the statutory acknowledgement relates and for which (in some cases) a deed of recognition is issued:
- *Schedule 3* describes the cultural redress properties:
- *Schedule 4* sets out provisions that apply to notices given in relation to RFR land.

Hon Andrew Little

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act **2021**.

2 Commencement

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

5

Part 1
**Preliminary matters, historical account, acknowledgements and
apology, and settlement of historical claims**

Preliminary matters

- 3 Purpose** 5
- The purpose of this Act is—
- (a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, and the requital of the apology, in the deed of settlement; and
 - (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua. 10
- 4 Provisions to take effect on settlement date**
- (1) The provisions of this Act take effect on the settlement date unless stated otherwise. 15
 - (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—
 - (a) the provision to have full effect on that date; or
 - (b) a power to be exercised under the provision on that date; or
 - (c) a duty to be performed under the provision on that date. 20
- 5 Act binds the Crown**
- This Act binds the Crown.
- 6 Outline**
- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement. 25
 - (2) This Part—
 - (a) sets out the purpose of this Act; and
 - (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and 30
 - (c) specifies that the Act binds the Crown; and
 - (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, and of the requital of the apology, as recorded in the deed of settlement; and 35

- (e) defines terms used in this Act, including key terms such as Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and historical claims; and
- (f) provides that the settlement of the historical claims is final; and
- (g) provides for—
- (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims and of the joint redress provided under the **Te Rohe o Rongokako Joint Redress Act 2021**; and 5
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and 10
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the limit on the duration of a trust; and
 - (v) access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, including—
- (a) cultural redress that does not involve the vesting of land, namely,— 15
 - (i) protocols for Crown minerals and taonga tūturu on the terms set out in the documents schedule; and
 - (ii) a statutory acknowledgement by the Crown of the statements made by Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for most of the statutory areas; and 20
 - (iii) the appointment of a member to an advisory board (established by the Rangitāne o Manawatu Claims Settlement Act 2016) to provide advice to the Manawatu–Wanganui Regional Council in relation to freshwater management issues concerning the Manawatu River catchment; and 25
 - (iv) the provision of official geographic names; and
 - (v) the vesting of Castlepoint Scenic Reserve in the trustees and the gifting back of the reserve to the Crown; and 30
 - (vi) the continuation of Te Upoko Taiao—Natural Resources Plan Committee, a committee of Wellington Regional Council, with restrictions on its discharge and on amendment of its terms of reference; and 35
 - (b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties.
- (4) **Part 3** provides for commercial redress, including—

- (a) authorisation for the transfer of commercial redress properties (including licensed land) and deferred selection properties to the trustees to give effect to the deed of settlement; and
 - (b) provision for a right of access to certain protected sites on the licensed land; and 5
 - (c) a right of first refusal in relation to RFR land.
- (5) There are 4 schedules, as follows:
- (a) **Schedule 1** lists the hapū of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua:
 - (b) **Schedule 2** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which the deed of recognition is issued: 10
 - (c) **Schedule 3** describes the cultural redress properties:
 - (d) **Schedule 4** sets out provisions that apply to notices given in relation to RFR land. 15

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

7 Summary of historical account, acknowledgements, and apology

- (1) **Section 8** summarises in te reo Māori and English the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.
- (2) **Sections 9 and 10** record in te reo Māori and English the text of the acknowledgements and apology given by the Crown to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, and of the requital of the apology, in the deed of settlement. 20

8 Summary of historical account

Te reo Māori

- (1) Kāore a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i waitohu i te Tiriti o Waitangi. Ahakoa tonu, ko ngā mahi a te Karauna ki te Māori i raro i te Tiriti e hāngai ana ki a Ngāti Kahungunu. Mai i te tekau tau 1840, rāhiritia ai e Ngāti Kahungunu ngā tauīwi whakatū kāinga ki Wairarapa me Tāmaki-nui-a-Rua, ā, i pai rātou ki te whai rawa, ki ngā hua hoki i ahu mai i te utu rīhi me te tauhokohoko. 25 30
- (2) I te tau 1845, i te tūtakitanga tuatahitanga o te Karauna ki a Ngāti Kahungunu, i wawe te whakatau a te Karauna i hē rātou i tētahi tautohenga me ētahi tauīwi whakatū kāinga, me te aha ka ākina a Ngāti Kahungunu kia tukuna atu e rātou te hia tekau mano eka ki Maungaroa i runga i te whakatumatuma ka pāngia rātou e ngā rākau o te riri. 35
- (3) I te whiore o te tekau tau 1840, ā, i te upoko hoki o te tekau tau 1850, ka whakatumatuma atu te Karauna māna e mutu ai tā te Pākehā whakatū kāinga ki Wairarapa me Tāmaki-nui-a-Rua mehemea kāore e hokona e Ngāti Kahungunu

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Part 1 cl 8

ō rātou whenua ki te Karauna, mehemea hoki kāore e tukuna ngā rīhi whenua whakataka nā reira a Ngāti Kahungunu i whai moni ai, i whai painga tauhokohoko ai hoki me te pupuri tonu ki te whenua.

- (4) I a Pipiri, i te tau 1853, ka waitohungia e “Ngā rangatira me te iwi o Ngāti Kahungunu” te whakaaetanga ā-pukapuka mō Rangiwihakaoma, te tuatahi o ā 5
rātou hokotanga atu i te whenua ki te Karauna. I a Here-turi-kōkā, ka whakatū hui a Ngāti Kahungunu me Kāwana Hōri Kerei i te Komiti Nui kia rongō ai te iwi i ana whakaritenga mō ngā hokotanga o te whenua ka hua ake ā tōna wā. He mea taki a Ngāti Kahungunu e mahara ai rātou ko ngā painga nui ā- 10
mātauranga, ā-hauora, ā-ōhanga kē ka ahu mai i tā te tauiwi whakatū kāinga ngā utu motuhenga ki a rātou mō te hoko whenua. I whakaae te Karauna ki te tango mai i ētahi o ngā moni hua i ahu mai i te hokotanga anō o ētahi whenua hei tahua koha kia whakahaeretia e “tētahi Komiti” me Ngāti Kahungunu hei āpiti atu ki ētahi o ēnei painga.
- (5) I muri tonu iho i te Komiti Nui, ka hokona e te Karauna ko tōna 1.5 miriona 15
eka, i tua noa atu i te haurua o te rohe taketake ake o Ngāti Kahungunu. Kāore te Karauna i whakatutuki i ōna herenga e pā ana ki te tahua koha, ā, he iti noa iho te whakawhiwhia o Ngāti Kahungunu ki ngā painga i mahara ai rātou ka tukuna ki a rātou.
- (6) I ngā hokotanga tōmua a te Karauna, i whakaae te Karauna kia wehea ko tōna 20
63,000 eka puta noa i ngā rāhui 100 mō Ngāti Kahungunu engari kāore te katoa o ēnei rāhui i whakaritea. Tae rawa ake ki te tau 1900, e 44,000 eka noa iho e toe ana i ngā rāhui e 65. I tēnei rā, e 80 ōrau o ngā whenua kei a Ngāti Kahungunu tonu, ko tōna 18,000 eka te nui, kei te rāhui o Mātaikonā mai i te hokotanga o Rangiwihakaoma. 25
- (7) Mai i te tau 1866, ka tū te Kōti Whenua Taketake ki roto o Wairarapa me Tāmaki-nui-a-Rua ki te whakatau nō wai ngā whenua Māori, ā, ki te huri hoki i ngā taitara tuku iho hei taitara nā te Karauna i tuku, koia nei tētahi tukanga i whiua ai ngā kaipupuri whenua o Ngāti Kahungunu ki ngā utu nui. Tae noa ki te tau 1873, nā te ture i herea ai te tokomaha i āhei te pupuri taitara o ngā 30
poraka whenua ki te 10 tāngata, ki te tokoiti ake rānei i tērā. Nā te āhua o tā te Karauna tuku taitara ki te takitahi i horo ai ngā mana whakahaere o te iwi ki te whenua, ka mutu, nā reira hoki i noho whakaraerae ai te whenua ki tōna porotanga me tōna hokotanga. Nā konā, he mea hoko e te Karauna me ngā tauiwi whakatū kāinga ētahi wāhanga nui o ngā whenua o Ngāti Kahungunu i raro i ngā taitara nā te Kōti Whenua Taketake i tuku. 35
- (8) Ko te urupare a Ngāti Kahungunu ki te nui o ngā mahi hoko a te Karauna, ki ētahi atu nawe hoki, ko te tohe horopū i raro i te korowai o te rangimārie, ko te whai ki te mahi tahi me te Karauna ki te aro ki ngā take mā te Kīngitanga, mā te Kotahitanga, mā te kaupapa o te whakahētanga o te hoko whenua, mā te 40
hāngai tonu hoki o te pāhekoheko.
- (9) I te tau 1888, i pikitia e te Karauna ō Ngāti Kahungunu mana pupuri taonga, ōna mana hoki e tiakina ana e te Tiriti o Waitangi i tana tautoko i ērā e kerī ana

- i tētahi awakeri ki Ōnoke Moana, nā reira ētahi wāhanga o te wai o Wairarapa Moana i rere atu ai. E tiakina ai a Wairarapa Moana me ngā rawa kai mārire o te moana, e mutu ai hoki te hia tekau tau o ngā tohe mō te whakataunga o ngā taumata o te moana me te pūwaha i Ōnoke, nā Ngāti Kahungunu i tuku rangatira atu ō rātou moana ki te Karauna i te tau 1896. 5
- (10) Kāore te Karauna i whakarite i ngā rāhui i ngā taha moana i oatihia ai i te tuku rangatira. Engari kē ia, i ngā tau e hia i muri mai, ka whakaritea e te Karauna tētahi rāhui ki Pouākani, e hia rau kiromita nei te tawhiti atu, ki rohe kē o iwi kē. Nā tēnei i wehe ai te tokomaha o ngā whānau o Ngāti Kahungunu i ō rātou hapū me ō rātou kāinga tuku iho. Me āhua rahi tonu te haumitanga atu ki tētahi wāhanga nui o ngā whenua o Pouākani e whai hua ā-ōhanga tonu ai, ā, nō muri iho ka tangohia e te Karauna ngā whenua tōnui katoa mō ngā mahi tūmatanui, i tīmatahia rā i mua i te whakamōhiotanga, i te whakapānga rānei o ngā kaipupuri taitara o Ngāti Kahungunu. 10
- (11) I riro tonu atu i a Ngāti Kahungunu ō rātou whenua i te roanga o te rautau rua tekau, mā roto hoki i ngā tangohanga mō ngā mahi tūmatanui. I tēnei rā, kua tata whenua kore rātou, ka mutu e hapa ana ngā ara ā-ture, ā-tikanga rānei ki te nuīnga o ngā whenua kei a rātou tonu. Kua kite hoki a Ngāti Kahungunu i te hekenga o te kounga o ō rātou whenua me ō rātou ara wai o mua hei hāpai i te whakawhanaketanga ā-ōhanga. 15 20
- (12) I roa rawa te korenga o te pūnaha mātauranga ā-motu i manaaki i ngā mōhiotanga ā-ahurea Māori, ka mutu i iti noa hoki ngā tūmanako mō te angitu o te Māori i te mātauranga, me te aha, ko te kikokore o ngā hua mātauranga i puta kua pā kino ki ngā whakareanga tamariki o Ngāti Kahungunu, ki ō rātou whānau me ō rātou hapū anō. Nā ngā kura i whakatūria ai e te Karauna i nui ai hoki te pā kinotia o ngā tamariki o Ngāti Kahungunu, nā te whakapāhunu i te kōrerotia o te reo Māori i ngā kura, nā te whiu hoki i a rātou mō te kōrero i tō rātou ake reo nō rātou i te kura. 25
- (13) Inā kē te nui o tā Ngāti Kahungunu manaaki i te motu mā te mahi i te ope a Tū, mā te huanga hoki o ngā rawa i ahu mai i ō rātou whenua, he mea tuku hoki ētahi pēnei i a Wairarapa Moana rā. Ahakoa tēnei, nā ngā mahi a te Karauna me ōna hapanga i noho manene ai te tokomaha o Ngāti Kahungunu i ō rātou whenua, i tō rātou ahurea me tō rātou reo, ā, kua tino kaha te tūkinotia o te urutaputanga o te ao o ngā hapū me ngā iwi. Kua manawaroa a Ngāti Kahungunu i te waitautanga ā-pāpori, ā-ōhanga hoki i a ratou e oke ana ki te whakamahi i ngā whenua e mau tonu nei i a rātou, ki te whakapūmau i ō rātou hapori ā-marae tuku iho, ki te whakarauora anō i tō rātou ahurea, i tō rātou reo hoki i te rautau rua tekau mā tahi. 30 35
- English**
- (1) Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua did not sign the Treaty of Waitangi. Nevertheless, the Crown’s undertakings to Māori in the Treaty apply to Ngāti Kahungunu. From the 1840s Ngāti Kahungunu welcomed settlers to 40

- Wairarapa and Tāmaki nui-a-Rua and enjoyed wealth and benefits from rents and trade.
- (2) In 1845, during the Crown’s first encounter with Ngāti Kahungunu, the Crown prejudged their guilt in a dispute with settlers and forced Ngāti Kahungunu to cede tens of thousands of acres at Maungaroa with threats of armed violence. 5
 - (3) During the late 1840s and early 1850s, the Crown threatened to end Pākehā settlement in Wairarapa and Tāmaki nui-a-Rua unless Ngāti Kahungunu sold their land to the Crown and gave up the pastoral leases, which were providing Ngāti Kahungunu with income and trade benefits while retaining ownership of the land. 10
 - (4) In June 1853, the “Chiefs and people of Ngatikahungunu” signed the Castlepoint deed, their first land sale to the Crown. In August, Ngāti Kahungunu met Governor George Grey for a Komiti Nui (large meeting) to hear of his plans for future land sales. Ngāti Kahungunu were led to expect substantial educational, health, and economic benefits from settlement as the real payment for land sales. The Crown agreed to use some of the profits it made from on-selling certain lands to provide a koha fund to be managed “in Committee” with Ngāti Kahungunu to supplement some of these benefits. 15
 - (5) Immediately following the Komiti Nui, the Crown purchased approximately 1.5 million acres, well over half of the traditional rohe of Ngāti Kahungunu. The Crown did not fulfil its obligations regarding the koha fund and Ngāti Kahungunu received few of the benefits they had been led to expect. 20
 - (6) During early Crown purchasing the Crown agreed to set aside approximately 63,000 acres across 100 reserves for Ngāti Kahungunu but not all of these reserves were made. By 1900 only 44,000 acres remained across 65 reserves. Today, 80% of the land remaining to Ngāti Kahungunu, almost 18,000 acres, is in the Mataikona reserve from the Castlepoint purchase. 25
 - (7) From 1866, the Native Land Court operated in Wairarapa and Tāmaki nui-a-Rua determining the ownership of Māori land and converting customary title into title derived from the Crown, a process that imposed heavy costs on Ngāti Kahungunu owners. Until 1873, legislation limited the ownership of land blocks to 10 or fewer individuals. The individualised form of title granted by the Crown eroded tribal control of land and rendered it vulnerable to fragmentation and sale. As a result, large areas of Ngāti Kahungunu land under Native Land Court title were purchased by the Crown and settlers. 30
 - (8) Ngāti Kahungunu responded to extensive Crown purchasing and other grievances with staunch but peaceful resistance and tried to work with the Crown to address issues through Kīngitanga, Kotahitanga, the repudiation movement, and direct engagement. 35
 - (9) In 1888, the Crown disregarded Ngāti Kahungunu property rights and rights under te Tiriti o Waitangi when it supported those cutting a channel to Lake Ōnoke, partially draining Wairarapa Moana. To protect Wairarapa Moana and 40

the lakes' bountiful resources as well as to end decades of dispute over control of lake levels and the outlet at Ōnoke, Ngāti Kahungunu made a *tuku rangatira* (chiefly gift) of their lakes to the Crown in 1896.

- (10) The Crown did not provide the lakeside reserves promised in the *tuku rangatira*. Instead, many years later, the Crown provided a reserve at Pouākani, hundreds of kilometres away, in the rohe of other iwi. This separated many Ngāti Kahungunu whānau from their hapū and traditional homes. Much of the Pouākani land required considerable investment to make it economically viable and the Crown subsequently took the most productive land for public works, the construction of which began before Ngāti Kahungunu owners were informed or consulted. 5 10
- (11) Ngāti Kahungunu continued to suffer land loss throughout the twentieth century, including through public works takings. Today they are virtually landless and much of what they retain lacks legal or practicable access. Ngāti Kahungunu have also seen their former lands and waterways degraded to fuel economic development. 15
- (12) The state education system for too long did not value Māori cultural understandings and generally held lower expectations for Māori academic achievement, resulting in poor educational outcomes afflicting generations of Ngāti Kahungunu children, their whānau, and their hapū. Crown-established schools also caused significant harm to Ngāti Kahungunu children by discouraging the use of te reo Māori in schools and punishing them for speaking their own language while at school. 20
- (13) Ngāti Kahungunu have contributed greatly to the nation through military service and wealth created from their lands, some of which had been gifted as with Wairarapa Moana. Despite this, the Crown's actions and omissions resulted in many Ngāti Kahungunu being alienated from their lands, culture and language and the rich fabric of hapū and iwi life has been severely damaged. Ngāti Kahungunu have endured social and economic under-development as they have struggled to make use of the land they retain, maintain their traditional marae communities, and recover their culture and language in the twenty-first century. 25 30

9 Acknowledgements

Te reo Māori

- (1) E whakaae ana te Karauna kāore a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i waitohu i te Tiriti o Waitangi i te tau 1840. Ahakoa tonu, e whakaae ana anō te Karauna e whai pānga ana ngā oati i oatihia ai e ia ki te Māori i roto i te Tiriti o Waitangi, ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua. Nā konei, ka whakaae te Karauna ki te tika o ngā nawe o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, o ā rātou kokoraho o nehe rā anō, ā, ka tāpae ia i ngā whakaaetanga e rārangi iho nei. 35 40

- (2) E whakaae ana te Karauna kua ū a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, e tū nei hei hoa ā-Tiriti, ki ō rātou herenga me ō rātou haepapa i raro i te Tiriti o Waitangi.
- (3) E whakaae ana te Karauna e mau tonu ana ngā āhuatanga o te mamae me te rirohanga i pā ki a Ngāti Kahungunu nā runga tonu i ngā hē o te Karauna. E whakaae ana anō te Karauna kāore anō kia tika tana whakaea i ngā nawe tautini o Ngāti Kahungunu, ā, kua hipa noa atu te wā e tika ana kia arohia ēnei nawe. 5
Te Rirohanga atu o Maungaroa nā te Whakahau
- (4) E whakaae ana te Karauna i takahi tana urupare ki te murunga o Maungaroa, i te pito whakatetonga o Wairarapa, i te Tiriti o Waitangi me ōna mātāpono anō, inā hoki, ko tā te Karauna— 10
- (a) he whakatau wawe i hara ngā hunga o Ngāti Kahungunu i whai wāhi atu, he whakarite wawe hoki i ngā whakawhiunga, nā konei i kore ai a Ngāti Kahungunu e whai wāhi ki ngā tukanga tika, ki te tika rānei o te whāia o ngā ture e hāngai ana; 15
- (b) he whakahau i a Ngāti Kahungunu mā te whakatumatuma ki te riri, kia waitohungia tētahi whakaaetanga ā-pukapuka i riro ai te hia tekau mano eka i Maungaroa, he whakawhiunga i hē, i tuhene rawa hoki mō te āhua o ngā mahi i mahia ai;
- (c) he tango i ētahi whenua, mā te rirohanga, i ētahi tāngata o Ngāti Kahungunu o te takiwā kāore i whai wāhi atu ki te murunga, nā konei i kore ai e tukuna kia whakawāngia tōkekengia a Ngāti Kahungunu e ai ki te ture; 20
- (d) he mau tonu ki ngā whenua i riro rā i te tau 1845, ahakoa tana mahara kāore pea i tika te rirohanga; ā, 25
- (e) he kore i tuku kia kōwhiri a Ngāti Kahungunu mēnā rānei i hiahia rātou kia whakahokia ngā whenua i riro nōna e whakawhiti kōrero ana mō tētahi hokotanga i te tau 1853, he mea inaki ki ngā whenua o te rirohanga.
- Ngā Mahi Hoko a te Karauna Mai i te Tau 1853 ki te Tau 1865* 30
- (5) E whakaae ana te Karauna i whakatumatuma ia ki te aukati i ngā mahi whakatū kāinga Pākehā ki Wairarapa me Tāmaki-nui-a-Rua ki te kore a Ngāti Kahungunu e hoko atu i ō rātou whenua ki te Karauna, ki te kore hoki rātou e tuku i ngā whenua rīhi whakataka i whakawhiwhia ai a Ngāti Kahungunu ki ngā moni me ngā hua tauhoko i te tekau tau 1840 me te upoko o te tekau tau 1850. Nā runga i tērā, kāore i taea e Ngāti Kahungunu te whai wāhi atu ki te ōhanga hou o ngā tauwiwhi whakatū kāinga, i runga tonu i ā rātou ake whakaritenga, ā, koinei te pūtake o ētahi o ngā nawe nui o Ngāti Kahungunu. 35
- (6) E whakaae ana te Karauna,—
- (a) i te Komiti Nui (te huihuinga nui) o te tau 1853, nā Kāwana Hōri Kerei i mahara ai a Ngāti Kahungunu ka riro i a rātou he painga nui ā-

- mātauranga mai, ā-hauora mai, ā-ōhanga mai anō hoki mā te hoko atu i ētahi wāhi nui o ō rātou whenua ki te Karauna mō ngā utu iti;
- (b) whai muri i te Komiti Nui me tā te Karauna hoko atu i ētahi wāhi whenua nui ki ngā tauīwi whakatū kāinga, kāore a Ngāti Kahungunu i whiwhi ki te nui o ngā painga nā te Karauna i mahara ai rātou ka riro atu ki a rātou, ā, koinei te pūtake o ētahi o ngā nawe ukiuki o Ngāti Kahungunu, ā mohoa noa nei; ka mutu 5
- (c) kāore i ea i a ia ana here i raro i ngā āpitihanga mō te koha, he mea whakauru atu ki ētahi whakaaetanga hoko ā-pukapuka whai muri i te Komiti Nui o te tau 1853, i whakawehea ai e te Karauna ētahi pūtea i hua ake i te hokotanga atu o ngā whenua hei painga mō Ngāti Kahungunu. Otirā, kāore i tika tā te Karauna kōrero ki a Ngāti Kahungunu e pā ana ki te whakahaeretanga o te pūtea, ā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono. 10
- (7) E whakaae ana te Karauna kāore ia i mahi i runga i te ngākau pai i ngā wā katoa i te tere me te whānui o āna mahi hoko whenua puta noa i Wairarapa me Tāmaki-nui-a-Rua i te tekau tau 1850, otirā, i te korenga ōna i aro ki ngā kaipupuri mana matua, tae atu hoki ki ngā hunga i noho ki ngā whenua, i takahi ēnei mahi i te Tiriti o Waitangi me ōna mātāpono. 15
- (8) E whakaae ana te Karauna he rite tonu te korenga ōna i rūri, i whakawehe, i tiaki rānei i ngā whenua ko tōna tikanga ka rāhuitia mō Ngāti Kahungunu i ētahi hokotanga kia kore ai e hokona atu ki ngā tauīwi whakatū kāinga, ka mutu, i ētahi wā i whakaupatia take-koretia e ia te tukuhanga atu o ngā rāhui i oatitia ai. I takahi ēnei mahi a te Karauna me ēnei hapa hoki ōna i te Tiriti o Waitangi me ōna mātāpono. 25
- (9) E whakaae ana anō te Karauna kāore ia i mātua whakarite kia tiakina he rāhui rawaka hei pupuri mā Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, otirā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- (10) E mihi ana te Karauna ki te pūkeke o Ngāti Kahungunu kia mana tonu ai te karangatia o Wairarapa me Tāmaki-nui-a-Rua ko “Te Pooti-Riri-Kore” (he whenua riri kore). Ka mihi pū anō te Karauna ki te niwha o Ngāti Kahungunu kia mau ai te rongomau puta noa i ngā Pakanga o Niu Tireni, ahakoa tino kore nei rātou i whakaponu ki te Karauna, hāunga anō hoki te whakatumatumahia o rātou ki te riri ope taua nō te Karauna i whai kia whakatauria ai tētahi tohe whenua i te tau 1864. 30 35
- Ngā Ture Whenua Māori*
- (11) E whakaae ana te Karauna—
- (a) kāore ia i kōrero ki a Ngāti Kahungunu mō te whakaritenga o ērā ture whenua Māori nā reira i taea ai te whakatakitahitanga o te mana ki ngā whenua Māori i noho kē rā i raro i te mana tuku iho ā-iwi i mua, nā reira hoki i whakahaeretia ai tā te Karauna, tā te tangata tūmataiti anō, hokohoko i ngā whenua Māori; 40

- (b) i waenga i te tau 1865 me te tau 1873, i tuku taitara te Kōti Whenua Taketake ki tōna 100 poraka whenua i Wairarapa me Tāmaki-nui-a-Rua, he mea whakakapi i te 650,000 eka neke atu, ā, he mea tuku ia poraka ki ngā kaupuri takitahi tekau, heke iho rānei;
- (c) i mahara a Ngāti Kahungunu ko te hunga nō rātou ngā ingoa i ēnei taitara ka noho hei kaitiaki mā ō rātou whānau me ō rātou hapū, heoi anō, kāore ngā ture whenua Māori i aukati i tā ngā kaupuri nō rātou ngā ingoa i ngā taitara whakamahi i ēnei whenua i raro i te mana o te kaupuri takitahi, nōna te mana ki te whakawhiti atu i te whenua me te korenga o te whakaaetanga a te whānuitanga o ngā kaupuri mana; 5
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- (d) he nui tonu ngā nama i hua i te tukanga whakataunga taitara a te Kōti Whenua Taketake, tae atu ki ngā utu mō ngā rūri me ngā whakawākanga, he utu i whakawhitingia atu ai ētahi anō whenua o Ngāti Kahungunu i ōna wā;
- (e) nā te whakahaerenga me ngā pānga o ngā ture whenua Māori i Wairarapa me Tāmaki-nui-a-Rua i māmā ake ai te whakawehengia, te poroa me te whakawhitingia o ngā whenua o ngā hapori o Ngāti Kahungunu, he tukanga i horo ai ngā hanga ā-iwi tuku iho o Ngāti Kahungunu me ōna hapū; ā, 15
- (f) kāore ia i whai kia tika ai te tiakina o ngā hanga ā-iwi tuku iho o Ngāti Kahungunu, kia whakaritea anō ai tētahi ara ā-ture hei whakahaere ā-tōpū i ngā whenua o Ngāti Kahungunu, tae rā anō ki te tau 1894, ki te wā tonu kua whakawhitingia kētia te nuinga o ngā whenua o Ngāti Kahungunu. I takahi ēnei hapa o te Karauna i te Tiriti o Waitangi me ōna mātāpono. 20
25
- Ngā mahi hoko a te Karauna i muri i te tau 1865*
- (12) E whakaae ana te Karauna i muri i tana hoko i ētahi pito whenua nui i muri i te Komiti Nui, i tīmata anō ana hokotanga whānui i Te Tapere-nui-a-Whātonga i waenganui i te tau 1870 me te tau 1882, kei tōna 390,000 eka te nui, otirā, nā te rirohanga o ēnei whenua tapu i hua ai he nawe e kaha rangona tonutia ana e Ngāti Kahungunu, ā mohoa noa nei. 30
- (13) E whakaae ana te Karauna he wā ōna i mārō rawa tāna akiaki kia riro mai ai ngā waitohu hei whakaea i ngā whakaaetanga hoko ā-pukapuka mō ngā whenua o Te Tapere-nui-a-Whātonga, otirā, i takahi ēnei mahi i te Tiriti o Waitangi me ōna mātāpono. 35
- (14) E whakaae ana te Karauna nōna i hoko i te poraka o Tararua mai i te tau 1873 ki te tau 1881 kāore ia i tautuhi, kāore hoki ia i rūri i te rāhui o Hāpuakōrari i mua i te whakaūnga o tana taitara ki te poraka o Tararua, otirā, kāore i whakaritea te rāhui o Hāpuakōrari i muri iho. 40
- Ngā Urupare ā-Tōrangapū a Ngāti Kahungunu*
- (15) E whakaae ana te Karauna—

- (a) ka hia tekau tau ngā rangatira me ngā hapū o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua e mahi ngātahi ana ki te ātete i ngā mahi hoko whenua me ngā pānga kino o ngā ture whenua Māori me te Kōti Whenua Taketake ki ō rātou hapori, ki te kotahitanga anō hoki o ngā hapū me te iwi, mā roto tonu mai i te Kīngitanga, i te Kaupapa o te Whakahētanga o te Hoko Whenua, i te kaupapa komiti ā-rohe, i te kaupapa poropiti a Pōtangaroa, otirā, i ngā pāremata nui o te Kotahitanga i whakahaerehia rā ki Pāpāwai, ki wāhi kē atu anō hoki puta noa i te motu; ā, 5
- (b) kāore te Karauna i pāhekoheko ki ēnei kaupapa i ngā wā katoa, otirā ki ngā whakaaro i whakapuakina ai e ngā pāremata o te Kotahitanga ki te Karauna, ā, he nui hoki ngā wā kāore i whakatauria e te Karauna ngā nawe i whakahuatia ai. Ko te korenga o te whakamana, o te whakawhiti kōrero hoki e kōrerotia nei tētahi pūtake o te auhitanga me ngā taumahatanga kua pā ki a Ngāti Kahungunu, ā mohoa noa nei. 10 15

Wairarapa Moana

- (16) E whakaae ana te Karauna, ki tā Ngāti Kahungunu, he pātaka tuku iho a Wairarapa Moana me ōna ara wai katoa i pukahu nei ngā kai me ētahi atu rawa tuku iho o roto, he taonga hoki, otirā, he whakatinanatanga nō te mana ā-iwi.
- (17) E whakaae ana te Karauna nōna i hoko i ngā whenua e karapoti ana i ngā roto o Wairarapa, kāore ia i āta tautuhi, i āta whakatau rānei i ngā paenga ki a Ngāti Kahungunu, nā konei i hua ai tētahi tautohenga ukiuki mō te mana pupuri i te whenua i waenga i te paeraro o te wai me te taumata o te wai hōhonu i te hinurangi, i te pāpunitanga o te pūwaha ki Ōnoke Moana i te wā ka pūrena ngā moana, me te aha, koinā te pūtake o ētahi nawe nui o Ngāti Kahungunu. 20 25
- (18) E whakaae ana te Karauna—
- (a) i te tau 1876 i hokona e ia he pānga o ētahi tāngata takitahi ki Wairarapa Moana kāore nei i tautuhia, me te korenga o te whakaaetanga a te hapori whānui, ā, nāwai rā i mate rātou ki te kuhu ki ngā whakawākanga a te Kōti Whenua Taketake ki te tiaki i ō rātou pānga nō te Karauna i tono kia tautuhia ana pānga i te tau 1880; 30
- (b) kāore ia i aro ki ngā pānga tuku iho me ngā mana taonga o Ngāti Kahungunu nōna i tautoko i tētahi poari awa ā-rohe i te tau 1888 ki te keri i tētahi awakeri ki te whenua koure o te Māori ki Ōnoke Moana, i kaha ai te rere o te wai i Wairarapa Moana; 35
- (c) i kōkiri ia i tētahi ture i te tau 1889 i riro ai i te poari awa ā-rohe te mana kia whakawāteahia tonutia te whenua koure, kia whakatau hoki i ngā taumata wai o Wairarapa Moana, engari kāore hoki i whai kia tiakina ngā mana taonga o te Māori ki te whenua koure me ngā roto;
- (d) nā te tukunga o te wai i Wairarapa Moana me ana wairepo i kāwetoweto ai ngā huarahi e toro atu ai a Ngāti Kahungunu ki ngā rawa me ngā wāhi kōhi kai; otirā, 40

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- (e) nā te whakatōpūtanga o ēnei mahi a te Karauna, o ēnei hapa anō hoki
ōna e pā ana ki te whenua koure i Ōnoke Moana me te taumata o te wai i
Wairarapa Moana i takahi te Tiriti o Waitangi me ōna mātāpono, otirā,
koinei tētahi pūtake o te auhitanga me ngā nawe e rongō nei a Ngāti
Kahungunu. 5
- (19) E whakaae ana te Karauna—
- (a) i whakaae ia ki tōna whakawhiwhinga ki Wairarapa Moana i tētahi tuku
rangatira nā ngā Māori o Wairarapa, nā konei i rangatira ai te āhua
whakaea i ngā tohe ki ō rātou mana pupuri;
- (b) i whai painga tonu hoki te Karauna i te tuku rangatira, i tōna 10
whakawhiwhinga ki tētahi taitara motuhake ki Wairarapa Moana, i taea
ai e ia te aro ki ngā āwangawanga o ngā tauwiwhi whakatū kāinga e pā ana
ki te waipuketanga o ngā whenua e takoto pātata ana ki ngā roto;
- (c) kāore i ea i a ia tōna here i raro i te tuku rangatira kia rāhuitia he whenua
e rawaka ana i te takiwā o ngā roto, engari kē i rāhuitia he whenua 15
tūhāhā me uaua ka tae atu te tangata, i te taha whakateraki atu i Taupō-
nui-a-Tia, i Pouākani, e rua tekau tau i muri mai;
- (d) nā te whakaritenga o ētahi whenua i Pouākani e takoto tawhiti ana i te
rohe o iwi kē, i kounutia ai ētahi o ngā whānau o Ngāti Kahungunu i ō
rātou hapū, i ō rātou kāinga tuku iho hoki, ā, nā reira hoki i tino raruraru 20
ai ngā hononga o Ngāti Kahungunu ki iwi kē;
- (e) he nui ngā whenua o Pouākani me whai haumitanga nui e whai hua ā-
ōhanga ai;
- (f) nā te korenga ōna i whakarite i ētahi whenua rāhui e pātata ana ki
Wairarapa Moana, nā te korenga hoki ōna i tiaki i ngā mahinga ika tuku 25
iho o ngā roto i ngā momo hou i whakauruhia i panaia ai a Ngāti
Kahungunu ki waho o ngā mahi ohaoha, waihoki, i heke tōna mana me
tōna tūranga ki tōna anō rohe, ā, koinei tētahi o ngā nawe nui o te iwi;
otirā,
- (g) ko te whakatōpūtanga o ēnei mahi āna, o ēnei hapa hoki ōna e pā ana ki 30
te whakaaetanga mō ngā roto tētahi takahitanga o te Tiriti o Waitangi me
ōna mātāpono.
- (20) E whakaae ana te Karauna—
- (a) ko Takapūtao, i te pūtahitanga o Ōnoke Moana me ngā awa o
Ruamāhanga me Tūranganui, tētahi wāhi tāpua ā-ahurea ki a Ngāti 35
Kahungunu;
- (b) i muri i tā te Karauna hoko i te poraka o Tūranganui, ka hua ake he
rangiruatanga mō te whai wāhi atu o Takapūtao ki te hokotanga;
- (c) i āta whai a Ngāti Kahungunu ki te tiaki i ō rātou pānga ki Takapūtao mā
te tāpae petihana ki te Kāwanatanga me ngā whakawākanga i te Kōti 40
Whenua Taketake;

- (d) i kōkirihia e te Karauna tētahi whakatewhatewhatanga takarepa mō te taitara ki Takapūtao;
- (e) i whakakorengia ngā pānga tuku iho o Ngāti Kahungunu i te kīia o Takapūtao he whenua Karauna i raro i tētahi tono a te Karauna ki te Kōti Whenua Taketake i tētahi whakawākanga i tū ki rohe kē atu, he kaupapa kāore i whakamōhiohia atu ki a Ngāti Kahungunu, me te aha, kāore rātou i tae atu; otirā, 5
- (f) kāore te Karauna i āta whai ki te tiaki i ngā pānga o Ngāti Kahungunu ki ngā whenua i hiahia ai rātou kia puritia tonutia, otirā, he takahitanga tēnei i te Tiriti o Waitangi me ōna mātāpono. 10

Ngā Tangohanga mō ngā Mahi Tūmatanui

- (21) E whakaae ana te Karauna, ahakoa ngā whakaritenga kia whakahaerehia te kaupapa hiko ā-awa i ngā whenua o Pouākani mai i te tau 1920 rā anō, me te pupuri whenua tonu kia kore ai e whakawhitihia, e taea ai te pērā, kāore ia i whakamōhio i ngā kaipupuri taitara o Ngāti Kahungunu, kāore hoki ia i whakawhiti kōrero e pā ana ki te whakaaro kia tangohia atu he whenua i Pouākani mō te kaupapa hiko o Mangakino i mua i tā te Karauna kuhu atu ki aua whenua i te tau 1940, ka mutu, nō te tau 1946 rawa a Ngāti Kahungunu i whakamōhiohia ai, otirā, kua whakatūria kētia ētahi hanganga i taua wā. Nā tēnei korenga o te whakamōhio i a Ngāti Kahungunu i takahia ai te Tiriti o Waitangi me ōna mātāpono. 15 20
- (22) E whakaae ana hoki te Karauna, ka kino kē atu te whakatoiharatia o Ngāti Kahungunu i hua ake rā nā tēnei takahitanga i te korenga o te Karauna i utu i taua tangohanga tae noa ki te tau 1956, ki te tau tekau mā ono tau i muri i te kuhunga tuatahitanga o aua whenua e te Karauna. Waihoki, ko tētahi haurua o te utu he mea whakaea mā roto i te “painga” o te whenua, mā te pikinga o tōna uara i ngā whakawhanaketanga o te kaupapa me tētahi tāone ki Mangakino, engari kīhai a Ngāti Kahungunu i whiwhi i ngā hua ōhanga o te tāone i tāria rā e rātou nā runga i ngā kōrero ki a rātou. 25
- (23) E whakaae ana te Karauna, i muri mai i ētahi hokotanga whenua whānui a te Karauna i Wairarapa me Tāmaki-nui-a-Rua, i riro tonu atu he whenua anō nō ngā haporī o Ngāti Kahungunu nā runga i ngā tangohanga mō ngā mahi tūmatanui, ā, koinei te pūtake o ētahi nawe ukiuki o Ngāti Kahungunu. E whakaae ana anō te Karauna, ko ētahi o ngā whenua i tangohia atu ai i raro i te ture mō ngā mahi tūmatanui, he wāhi tāpua ā-ahurea, he mea tū tata rānei ki aua tūmomo wāhi, ā, nā konā i rerekē ai te āhua o aua wāhi mō ake tonu atu, me te aha, koinei te pūtake o ētahi nawe ukiuki o Ngāti Kahungunu. 30 35
- (24) E whakaae ana te Karauna, mō te taha ki ngā tangohanga mō ngā mahi tūmatanui i Wairarapa me Tāmaki-nui-a-Rua, he iti noa rānei te kōrero, kāore kau rānei he kōrero i whakaritea ki a Ngāti Kahungunu mō te kaupapa here me te whakaturetanga o ngā ture mahi tūmatanui i te rautau tekau mā iwa me tētahi wāhi nui o te rautau rua tekau. E whakaae ana anō te Karauna ko ngā kōrero ki 40

ētahi hapori o Ngāti Kahungunu i mua i ētahi tangohanga whenua, i hauarea noa, i korekore nei rānei, ā, arā ōna wā, ko ngā whenua i tangohia rā mō ngā mahi tūmatanui, i tukuna ki a wai ake rānei, tē whakahokia kētia ai ki ngā Māori e pupuri taitara ana.

Te Whenua-koretanga

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(25) E whakaae ana te Karauna, nā te whakatōpūngia o ngā hokotanga a te Karauna, o te whakahaerenga me ngā pānga o ngā ture whenua Māori, o ngā tangohanga mō ngā mahi tūmatanui hoki i tata whenua-kore tonu ai a Ngāti Kahungunu i te tau 1900. E whakaae ana anō te Karauna, i te roanga o te rautau rua tekau i haere tonu tāna hoko me tāna tango i ētahi pito o ngā whenua iti noa i mau tonu rā i a Ngāti Kahungunu, mō ngā mahi tūmatanui. Nā ēnei mahi i ngaukinotia ai a Ngāti Kahungunu e te whakatoihara mauroa, i raru ai tō rātou whakawhanaketanga ā-ōhanga, ā-pāpori, ā-ahurea hoki. Ko te korenga o tā te Karauna whakarite kia mau tonu ai i a Ngāti Kahungunu he whenua e rahi ana kia ea ai ō rātou matenui o te wā, o anamata hoki i takahi i te Tiriti o Waitangi me ōna mātāpono. 10 15

(26) E whakaae ana anō te Karauna, he nui ngā whenua, e mau tonu nei i a Ngāti Kahungunu, he whenua rori-kore. Nā konei i uaua ai tā ngā kaipupuri taitara whakatinana i ō rātou mana pupuri, i uaua ai rānei tā rātou whakatutuki i ō rātou here ā-ahurea hei kaitiaki, ka mutu, e noho tonu nei tēnei hei pūtake mō te auhitanga me ngā taumahatanga e rongu nei a Ngāti Kahungunu i ēnei rā nei. 20

(27) E whakaae ana te Karauna, mai i te tau 1912, kāore i taurite te āhua o ngā here-nga ā-ture ki ngā whenua i a Tauwiwi me ō te Māori mō ngā whenua rori rā. Mai i te tau 1922, i unuhia te nuinga o aua herenga whakaae rā, hāunga ia ngā whenua kāore i ngā Māori e puritia ana i mua i te tau 1913. Nā te mea i whaka-whitihia atu te nuinga o ngā whenua o Wairarapa me Tāmaki-nui-a-Rua i mua i te tau 1913, i tino pāngia a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua e taua unuhanga. Tae noa atu ki te tau 1975, kāore i wātea mai tētahi rongōā ā-ture kotahi hei whakamāmā ake i ngā uaua o te toro ki ngā whenua i mau i a rātou, hāunga i te whakaaetanga a ō rātou kiritata. Ko te hua o ēnei herenga, ko te korenga i taurite o te arohia o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, ko te whakatoihara autakihia hoki o rātou mai i te tau 1912 ki te tau 1975, ka mutu, nā reira te aro a te Karauna ki ngā Māori e pupuri taitara ana i kore ai e taurite, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono. 25 30

Ngā Whenua Tuku i Pāpāwai me Kaikōkirikiri

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(28) E whakaae ana te Karauna ko ngā takarepa i te whakahaeretanga o ngā whenua i Pāpāwai me Kaikōkirikiri, he mea takoha ki te Hāhi Mihinare i te tau 1853 mō te tuku mātauranga ki ngā Māori o Wairarapa, kāore i whakatikaina e te ture, e ara kē atu rānei, kia tata pau rā anō tētahi rautau, ā, ko ēnei takarepa me ēnei whakaupatanga tētahi pūtake o ngā nawe o Ngāti Kahungunu. 40

Te Whakakinotanga ā-Taiao

(29) E whakaae ana te Karauna ka kīia e Ngāti Kahungunu he taonga o rātou whenua, o rātou maunga, o rātou ngahere, o rātou takutai moana, o rātou awa, o rātou roto, me o rātou wairepo, otirā, he wāhi e nui ana ki tō rātou tuakiri, he puna tuku iho tāpua mō ngā kai, mō ngā rongoā, mō rawa kē atu anō, ka mutu, he wāhi e nui ana ki tō rātou orange ā-wairua, ā-kikokiko anō hoki. 5

(30) E whakaae ana te Karauna, i roto i ngā tau kua whakakinotia te taiao o Ngāti Kahungunu, otirā Te Tapere-nui-a-Whātonga ki te raki me Wairarapa Moana ki te tonga, nā te whakamāraake, nā te horo o te whenua, nā ngā mahi raweke awa, nā te parahanga o ngā ara wai, nā te kaha hoki o te tukuhanga o ngā wai i ngā wairepo. Nā ēnei mahi whakakino i te taiao, kua heke te nui o ngā momo taketake e whai take nui ana ki a Ngāti Kahungunu, otirā, ko ētahi kua korehāhā. 10

(31) E whakaae ana anō te Karauna kāore ngā ture taiao tawhito nō mua i te hiku o te tekau tau 1980 i whakaū i ngā uara, i ngā mahi rānei o te ahurea Māori, otirā, i whakatinahia kētia te āheinga o Ngāti Kahungunu ki te whakatinana i te kaitiakitanga ki tōna taiao, ki ana taonga anō hoki. Ko ēnei mahi, ko ēnei hapa hoki te pūtake o ētahi nawe nui o Ngāti Kahungunu. 15

Te Rironga o ngā Taonga me ngā Wāhi Tapu

(32) E whakaae ana te Karauna kua pāngia kinotia a Ngāti Kahungunu e te rirohanga, e te whakakinotanga rānei o te maha o o rātou wāhi me ngā taonga tāpua ā-ahurea, tae atu rā ki ngā taonga ka taea te kawē haere, me te aha, koinei tētahi pūtake o te auhitanga me ngā nawe e rongo nei a Ngāti Kahungunu. 20

Te Koha ki a Niu Tireni

(33) E whakaae ana te Karauna kua whakaaturia e Ngāti Kahungunu o rātou ngākau pono hei kirirarau mō te motu i tā rātou wawao i a Niu Tireni i tāwāhi, me te aha, e mihi ana te Karauna ki ā rātou mahi me ā rātou whakahere. 25

(34) E whakaae ana te Karauna he nui te whai wāhitanga atu o ngā whenua tuku iho o Ngāti Kahungunu ki te whai rawa me te whanaketanga o Niu Tireni, engari kāore i āhei tā Ngāti Kahungunu whai wāhi taurite atu ki aua hua. 30

Te Waitautanga ā-Ōhanga me ngā Pānga ā-Ahurea

(35) E whakaae ana te Karauna ki ngā hua tūkinu o tētahi pūnaha mātauranga ā-kāwanatanga i roa rawa e arokore ana ki te uara o ngā māramatanga ā-ahurea Māori, i iti noa hoki ngā tūmanako mō te angitu o te Māori i te mātauranga, me te aha, ko te kikokore o ngā hua mātauranga i puta kua pā kino ki ngā whakareanga tamariki o Ngāti Kahungunu, ki o rātou whānau me o rātou hapū anō. 35

(36) E whakaae ana te Karauna nā ngā kura i whakatūria ai e ia i pāngia kinotia rā ngā tamariki o Ngāti Kahungunu i runga i te whakapāhunu i te kōrerotia o te reo Māori i ngā kura, nā te whakawhiu hoki i a rātou mō te kōrero i tō rātou ake reo nō rātou i te kura. 40

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Claims Settlement Bill**

Part 1 cl 9

- (37) E whakaae ana te Karauna kāore ia i āta whai ki te tiaki i te reo Māori, kāore hoki i ākina kia whakapuakina e ngā iwi me ngāi Māori, he tūāhua i pā kino ki te reo Māori i Wairarapa me Tāmaki-nui-a-Rua, me te aha, koinei tētahi takahitanga o te Tiriti o Waitangi me ōna mātāpono.
- (38) E whakaae ana te Karauna he wāhi nui tō te whenua-koretanga me te nohonoho tāone i wheakotia rā e Ngāti Kahungunu puta noa i te rautau tekau mā iwa me te rautau rua tekau, ki te waitautanga ā-pāpori, ā-ōhanga hoki kua pā ki a Ngāti Kahungunu, inā hoki kua rangona te uaua nui nō rātou e oke ana ki te whakamahi i ngā whenua e mau tonu nei i a rātou, ki te whakapūmau i ō rātou hāpori ā-marae tuku iho, ki te whakarauora anō i tō rātou ahurea, i tō rātou reo anō hoki i te rautau rua tekau mā tahi. E whakaae ana te Karauna ko te wheako o te tāmitanga o Ngāti Kahungunu tētahi nawe e kaha rangona ana e te iwi.

English

- (1) The Crown acknowledges that Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua did not sign te Tiriti o Waitangi/the Treaty of Waitangi in 1840. Nevertheless, the Crown further acknowledges that the undertakings it made to Māori in the Treaty of Waitangi apply to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua. The Crown hereby recognises the legitimacy of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua’s grievances and historical claims, and makes the following acknowledgements.
- (2) The Crown acknowledges that as a Treaty partner Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua have honoured their obligations and responsibilities under te Tiriti o Waitangi/the Treaty of Waitangi.
- (3) The Crown acknowledges that the sense of grief and loss suffered by Ngāti Kahungunu as a result of the Crown’s failings endures today. The Crown further acknowledges that it has failed to deal with the longstanding grievances of Ngāti Kahungunu in an appropriate way and that recognition of these grievances is long overdue.

Maungaroa forced cession

- (4) The Crown acknowledges that its response to the muru at Maungaroa in southern Wairarapa breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles in that the Crown—
- (a) prejudged the guilt of the Ngāti Kahungunu parties involved and predetermined the punishment, denying Ngāti Kahungunu due process and the fair application of relevant law; and
- (b) coerced Ngāti Kahungunu through threats of force to sign a deed ceding tens of thousands of acres at Maungaroa, a punishment that was inappropriate and disproportionate to the actions committed; and
- (c) took land through the cession from local Ngāti Kahungunu people who were not involved in the muru, denying Ngāti Kahungunu the equitable application of law; and

- (d) retained the land ceded in 1845 despite its doubts about the justice of the cession; and
- (e) did not give Ngāti Kahungunu a choice as to whether they wanted the cession land returned when negotiating a purchase in 1853, which overlapped with the cession land. 5
- Crown purchasing, 1853 to 1865*
- (5) The Crown acknowledges that it threatened to end Pākehā settlement in Wairarapa and Tāmaki nui-a-Rua unless Ngāti Kahungunu sold their land to the Crown and gave up the pastoral leases, which were providing Ngāti Kahungunu with income and trade benefits in the 1840s and early 1850s. As a result, Ngāti Kahungunu could not participate in the new settler economy on their own terms and this has been a source of considerable grievance for Ngāti Kahungunu. 10
- (6) The Crown acknowledges that,—
- (a) during the Komiti Nui (large assembly) of 1853, Governor George Grey led Ngāti Kahungunu to expect significant education, health and other economic benefits from selling considerable areas of their land to the Crown at low prices; and 15
- (b) following the Komiti Nui and the Crown’s sale of large areas of land to settlers, Ngāti Kahungunu did not receive many of the benefits the Crown led them to expect and this has been a source of ongoing grievance for Ngāti Kahungunu to the present day; and 20
- (c) it failed to adequately discharge its obligations under the “koha” clauses, that were incorporated into certain purchase deeds after the 1853 Komiti Nui, under which the Crown set aside funds for Ngāti Kahungunu benefit derived from on-selling the land. In particular, the Crown failed to adequately consult with Ngāti Kahungunu in relation to the administration of the fund, in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 25
- (7) The Crown acknowledges that it did not always act in good faith when it conducted rapid and extensive land purchases throughout Wairarapa and Tāmaki nui-a-Rua in the 1850s, and that by not dealing with key right holders, including residents on the land, these actions were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 30
- (8) The Crown acknowledges that it repeatedly failed to survey, set aside or protect from being on-sold to settlers lands intended to be reserved for Ngāti Kahungunu from some purchases and in some instances it unreasonably delayed the issuing of reserves where these were promised. These Crown acts and omissions breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35
- (9) The Crown further acknowledges that it failed to ensure adequate reserves were protected in the ownership of Ngāti Kahungunu ki Wairarapa Tāmaki nui- 40

a-Rua and that this breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- (10) The Crown pays tribute to the determination of Ngāti Kahungunu to maintain Wairarapa and Tāmaki nui-a-Rua as “Te Pooti-Riri-Kore” (a land without war). The Crown particularly acknowledges the resolve of Ngāti Kahungunu to maintain peace throughout the New Zealand Wars despite feeling a deep sense of distrust towards the Crown and even when faced with threats of military force as the Crown attempted to settle a land dispute in 1864. 5

Native land laws

- (11) The Crown acknowledges that— 10
- (a) it did not consult Ngāti Kahungunu about the introduction of the native land laws, which provided for the individualisation of Māori land which had previously been held in tribal tenure, and facilitated Crown and private purchasing of Māori land; and
 - (b) between 1865 and 1873, the Native Land Court awarded titles for approximately 100 land blocks in Wairarapa and Tāmaki nui-a-Rua, covering more than 650,000 acres to ten or fewer individuals in each case; and 15
 - (c) Ngāti Kahungunu understood that the individuals named on these titles were to be trustees for their whānau and hapū, but the native land laws did not prevent the named owners from dealing with these lands as sole owners, able to alienate land without the consent of the wider community of right holders; and 20
 - (d) the Native Land Court title determination process carried significant costs, including survey and hearing costs, which at times led to further alienations of Ngāti Kahungunu land; and 25
 - (e) the operation and impact of the native land laws in Wairarapa and in Tāmaki nui-a-Rua made the lands of Ngāti Kahungunu communities more susceptible to partition, fragmentation and alienation, a process that contributed to the erosion of the customary tribal structures of Ngāti Kahungunu and its hapū; and 30
 - (f) it failed to take steps to adequately protect the traditional tribal structures of Ngāti Kahungunu and also to provide a legal means for the collective administration of Ngāti Kahungunu land until 1894, by which time the bulk of Ngāti Kahungunu land had been alienated. These Crown failures were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35

Crown purchasing after 1865

- (12) The Crown acknowledges that having purchased large areas of land after the Komiti Nui it resumed large scale purchasing in Te Tapere-nui-a-Whātonga (Seventy Mile Bush) between 1870 and 1882, covering about 390,000 acres, 40

and that this loss of sacred lands gave rise to grievances felt deeply by Ngāti Kahungunu today.

(13) The Crown acknowledges that in some cases it applied unreasonable pressure to obtain signatures to complete purchase deeds for Te Tapere-nui-a-Whātonga lands and that these actions were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5

(14) The Crown acknowledges that in its purchase of the Tararua block from 1873 to 1881 it did not identify and survey the Hāpuakōrari reserve before its title to the Tararua block was confirmed, and did not subsequently set aside the Hāpuakōrari reserve. 10

Ngāti Kahungunu political responses

(15) The Crown acknowledges that—

(a) Ngāti Kahungunu leaders and hapū in Wairarapa and Tāmaki nui-a-Rua were for many decades involved in collective efforts to resist land sales and the detrimental effects of the native land laws and Native Land Court on their communities and on hapū and iwi integrity, principally through Kīngitanga, the repudiation movement, the local committee movement, Pōtangaroa’s prophetic movement, and the Kotahitanga parliaments hosted at Pāpāwai and elsewhere around the country; and 15

(b) the Crown did not always engage with these movements and particularly the views expressed by the Kotahitanga parliaments to the Crown, nor did the Crown address the grievances raised in many instances. This lack of recognition and consultation has been a source of real distress and hardship for Ngāti Kahungunu down to the present day. 20

Wairarapa Moana 25

(16) The Crown acknowledges that for Ngāti Kahungunu, Wairarapa Moana and its associated waterways were traditionally an abundant source of food and other customary resources, a taonga, and an embodiment of tribal mana.

(17) The Crown acknowledges that when it purchased lands surrounding the Wairarapa lakes it did not clearly define or confirm the boundaries with Ngāti Kahungunu which led to an ongoing dispute about the ownership of land between the low and high water levels of the seasonal hinurangi, when the outlet to the sea at Lake Ōnoke closed up and the lakes were full, and that has been a source of considerable grievance for Ngāti Kahungunu. 30

(18) The Crown acknowledges that— 35

(a) in 1876 it purchased the undefined interests in Wairarapa Moana of a few individuals without the consent of the wider community who were then compelled to participate in Native Land Court hearings to protect their interests when in 1880 the Crown applied to have its interests defined; and 40

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- (b) it disregarded the customary interests and property rights of Ngāti Kahungunu when it supported a local river board in 1888 to cut a channel through the Māori owned spit at Lake Ōnoke and significantly drain Wairarapa Moana; and
- (c) it promoted legislation in 1889 that gave authority to the local river board to continue to open the spit and dictate water levels in Wairarapa Moana but did not also act to protect Māori property rights in the spit and lakes; and 5
- (d) the draining of Wairarapa Moana and its associated wetlands diminished Ngāti Kahungunu’s access to traditional resources and food gathering sites; and 10
- (e) these cumulative Crown actions and omissions regarding the spit at Lake Ōnoke and the water level of Wairarapa Moana were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles and were a source of distress and grievance for Ngāti Kahungunu. 15
- (19) The Crown acknowledges that—
- (a) it accepted a *tuku rangatira* (chiefly gift) from Wairarapa Māori of Wairarapa Moana which offered an honourable conclusion to the disputes of their ownership; and
- (b) the *tuku rangatira* immediately benefited the Crown by giving it a clear title over Wairarapa Moana, which enabled it to address settlers’ concerns about flooding of land adjacent to the lakes; and 20
- (c) it failed to meet its obligation under the *tuku rangatira* to provide ample reserves in the vicinity of the Lakes, providing instead remote and inaccessible land north of Lake Taupō, at Pouākani, after a delay of two decades; and 25
- (d) the provision of distant Pouākani land, in the rohe of other iwi, led to the dislocation of some Ngāti Kahungunu whānau from their hapū and traditional homes, and deeply unsettled the relationships between other iwi and Ngāti Kahungunu; and 30
- (e) much of the Pouākani land required considerable investment to make it economically viable; and
- (f) its failure to provide reserve lands near Wairarapa Moana and protect the customary fisheries in the lakes from introduced species contributed to the economic marginalisation and loss of mana and status of Ngāti Kahungunu within its own rohe, a significant grievance for the iwi; and 35
- (g) the Crown acknowledges that its accumulated acts and omissions in relation to the Lakes agreement constituted a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (20) The Crown acknowledges that— 40

- (a) Takapūtao, at the confluence of Lake Ōnoke and the Ruamāhanga and Tūranganui rivers, is a site of cultural significance for Ngāti Kahungunu; and
- (b) after the Crown purchased the Tūranganui block, doubts arose whether Takapūtao was included in the sale; and 5
- (c) Ngāti Kahungunu actively sought to defend their interests in Takapūtao through petitions to the Government and hearings in the Native Land Court; and
- (d) the Crown conducted a flawed investigation into the title for Takapūtao; and 10
- (e) Ngāti Kahungunu customary interests were extinguished when Takapūtao was declared Crown land under an application by the Crown to the Native Land Court in a sitting in another district which Ngāti Kahungunu were not notified of and did not attend; and
- (f) the Crown failed to actively protect Ngāti Kahungunu interests in land they wished to retain, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 15

Public works takings

- (21) The Crown acknowledges that despite planning for hydro-electric power generation on the Pouākani lands from as early as 1920, even withholding lands from transfer to do so, it did not inform Ngāti Kahungunu owners and discuss the proposed taking of Pouākani lands for the Mangakino power scheme prior to the Crown’s entry onto that land in 1940 and only informed Ngāti Kahungunu in 1946, by which time a number of structures had already been built. This failure to inform Ngāti Kahungunu constituted a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20 25
- (22) The Crown further acknowledges that the prejudice arising from this breach was made worse for Ngāti Kahungunu by the Crown not providing compensation for this taking until 1956, 16 years after the Crown first entered the land. Furthermore, half of the compensation was in the form of “betterment” of the land, through its rising value due to the development of the scheme and a town at Mangakino, but Ngāti Kahungunu did not receive the economic benefits of the town they had been led to expect. 30
- (23) The Crown acknowledges that after extensive Crown purchasing in Wairarapa and Tāmaki nui-a-Rua Ngāti Kahungunu communities suffered further land loss through public works takings and this has been a source of ongoing grievance for Ngāti Kahungunu. The Crown further acknowledges that some lands compulsorily taken for public works included, or were adjacent to, areas of great cultural significance, forever altering those sites, and this has been a source of ongoing grievance for Ngāti Kahungunu. 35 40
- (24) The Crown acknowledges that, with respect to public works takings in Wairarapa and Tāmaki nui-a-Rua, there was limited, if any, consultation with Ngāti

Kahungunu about the policy and enactment of the public works legislation in the nineteenth century and for much of the twentieth century. The Crown also acknowledges that consultation with Ngāti Kahungunu communities prior to some takings was negligible or absent and that in some instances lands taken for public works was disposed of to third parties rather than offered back to the Māori owners. 5

Landlessness

(25) The Crown acknowledges that the cumulative effect of Crown purchasing, the operation and impact of the native land laws, and public works takings left Ngāti Kahungunu virtually landless by 1900. The Crown also acknowledges that throughout the twentieth century it continued to purchase and take for public works portions of what little land Ngāti Kahungunu retained. These actions caused real and lasting prejudice to Ngāti Kahungunu, undermining their economic, social and cultural development. The Crown’s failure to ensure Ngāti Kahungunu retained sufficient lands for their present and future needs breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10 15

(26) The Crown further acknowledges that many of the lands Ngāti Kahungunu do retain suffer from being landlocked which has made it difficult for owners to exercise their rights of ownership or maintain their cultural obligations as kai-tiaki, and that this continues to be a source of real distress and hardship for Ngāti Kahungunu today. 20

(27) The Crown acknowledges that, from 1912, legal requirements to obtain consent to access landlocked lands treated non-Māori lands and Māori lands unequally. From 1922, those consenting requirements were largely removed, except where the land had ceased to be Māori land prior to 1913. Because most land in Wairarapa Tāmaki nui-ā-Rua was alienated prior to 1913, that exemption had particular impact on Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua. Until 1975, no effective legal remedy was available to improve access difficulties to lands they retained unless the consent of their neighbours was secured. The effect of these requirements was that, between 1912 and 1975, Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua suffered inequality of treatment and indirect discrimination and that the Crown therefore failed to accord Māori landowners equality of treatment and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 25 30

Pāpāwai and Kaikōkirikiri gifted lands 35

(28) The Crown acknowledges that inadequacies in the administration of lands at Pāpāwai and Kaikōkirikiri, gifted to the Anglican Church in 1853 for the education of Wairarapa Māori, were not remedied by legislative or other means for almost a century, and these inadequacies and delays were a source of grievance for Ngāti Kahungunu. 40

Environmental degradation

- (29) The Crown acknowledges that Ngāti Kahungunu consider their lands, mountains, forests, coastal waters, rivers, lakes, and wetlands as taonga, as part of their identity, as traditionally significant sources of food, medicinal plants, and other resources, and as integral to their spiritual and material well-being. 5
- (30) The Crown acknowledges that over time the Ngāti Kahungunu environment, in particular Te Tapere-nui-a-Whātonga in the north and Wairarapa Moana in the south, has suffered from degradation through deforestation, erosion, river control works, pollution of waterways, and the extensive drainage of wetlands. Through these acts of environmental degradation, indigenous species of importance to Ngāti Kahungunu have suffered a decline in population, some to the point of extinction. 10
- (31) The Crown further acknowledges that historic environmental legislation before the late 1980s did not provide for the recognition of Māori cultural values and practices and limited the ability of Ngāti Kahungunu to exercise kaitiakitanga (or stewardship) over their natural environment or taonga. These acts and omissions have been a source of considerable grievance for Ngāti Kahungunu. 15

Loss of taonga and wāhi tapu

- (32) The Crown acknowledges that Ngāti Kahungunu have suffered the loss or degradation of many of their culturally significant sites and taonga, including movable taonga, and that this has been a source of distress and grievance for Ngāti Kahungunu. 20

Contribution to New Zealand

- (33) The Crown acknowledges that Ngāti Kahungunu have shown their loyalty as citizens of the nation in their defence of New Zealand overseas, and the Crown pays tribute to their service and their sacrifices. 25
- (34) The Crown recognises that the traditional lands of Ngāti Kahungunu have made a significant contribution to the wealth and development of New Zealand, in which Ngāti Kahungunu have not been able to share equally. 30

Economic underdevelopment and cultural impacts

- (35) The Crown acknowledges the harmful effects of a state education system that for too long did not value Māori cultural understandings, generally held lower expectations for Māori academic achievement, and that resulting poor educational outcomes have afflicted generations of Ngāti Kahungunu children, their whānau, and their hapū. 35
- (36) The Crown acknowledges that the schools it established caused significant harm to Ngāti Kahungunu children by discouraging the use of te reo Māori in schools and punishing them for speaking their own language while at school.
- (37) The Crown acknowledges that it failed to actively protect te reo Māori and encourage its use by iwi and Māori, which had a detrimental impact on te reo 40

Māori in Wairarapa and Tāmaki nui-a-Rua, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- (38) The Crown acknowledges that the Ngāti Kahungunu experience of landlessness and urbanisation, throughout the nineteenth and twentieth centuries, has contributed significantly to Ngāti Kahungunu enduring social and economic under-development as they have struggled to make use of the land they retain, maintain their traditional marae communities and recover their culture and language in the twenty-first century. The Crown acknowledges that the Ngāti Kahungunu experience of colonisation is a grievance that the iwi feels deeply. 5

10 Apology 10

The text of the apology offered by the Crown to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, and of the requital of the apology, as set out in the deed of settlement, is as follows:

Te reo Māori

- “(a) E whai whakaaro nui ana te Karauna ki ngā uauatanga i pā ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, ki ō koutou tīpuna hoki i whai rā i te ture hei āki i ngā hē o te Karauna, otirā ki ērā kāore tonu i te ao tūroa nei ki te kite i te whakatutukitanga o tēnei whakataunga. Ki a koutou, e te iwi o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, ki ō koutou tīpuna me ā koutou mokopuna, e whakatakoto ana te Karauna i tēnei whakapāha. 15 20
- (b) Kāore he here o te whakapāha a te Karauna mō tana korenga i whakatutuki i ana herenga ki te whakaaro nui ki te tino rangatiratanga o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua nā te auau o tana takahi i te Tiriti o Waitangi me ōna mātāpono. E kaha rawa atu ana te whakapāha a te Karauna mō ngā tūkinotanga me ngā mamaetanga kua pā ki ngā hapū me ngā whānau o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i ēnei takahitanga. 25
- (c) Hōhonu ana te puna o te whakapāha a te Karauna i tīmata rā tana whai hononga ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua, i te tau 1845, ki te whakatau wawe i hē rātou i tētahi tautohenga ki ngā tauwiwhakātū kāinga, ā, e hia nei ngā tekau mano eka ka tangohia i a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua mā te āki i a rātou kia tukuna taua whenua, i runga i te whakatumatuma ka pāngia rātou e ngā rākau o te riri. 30 35
- (d) E kaha rawa atu ana te whakapāha a te Karauna i tana whakatumatuma māna e mutu ai tā ngā Pākehā whakatū kāinga ki Wairarapa me Tāmaki-nui-a-Rua mehemea kāore ō koutou tīpuna i hoko i ō rātou whenua ki te Karauna, arā, kia riro atu ngā rīhi whenua whakataka i whakaritea ai me ngā Pākehā nā reira a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i whai moni ai, i whai painga tauhokohoko ai hoki me te pupuri tonu ki te whenua, me te aha, nā tana mahi i tukituki atu te āhua o tā 40

koutou pāhekoheko ki ngā mahi whakatū kāinga i runga i tā koutou i pai ai mō ngā tau e hia nei.

- (e) Hōhonu ana te puna o te whakapāha a te Karauna he rite tonu nō tana kore i whakawhiti kōrero i runga i te pono, he rite tonu hoki nō tana kore i āta tiaki i ō koutou pānga ka hokona ana he whenua i Wairarapa me Tāmaki-nui-a-Rua. Tata tonu tā koutou noho whenua kore i tō koutou ake rohe, ka mutu ko te nuinga o ngā whenua i mau tonu i a koutou he whenua kāore nei ōna hua ā-moni, he whenua rori-kore hoki, tē riro kē ai i a koutou ngā painga ā-pāpori, ā-ōhanga, ā-rawa anō hoki i mahara ai koutou o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ka whakawhiwhia ki a koutou i ngā whakaaetanga me te Karauna. E whakapāha ana te Karauna i te mea kua kino kē atu tēnei whakatoiharatanga nā te maha o āna tangohanga mō ngā mahi tūmatanui me te kore i kōrero atu ki a Ngāti Kahungunu, me te kore hoki i whakaaro ki te oranga o ngā hapori o Ngāti Kahungunu. E whakapāha ana te Karauna i ēnei hē i whai wāhi atu rā ki tō koutou whakatānoatanga ā-ahurea, ā-pāpori, ā-ōhanga hoki. 5 10 15
- (f) E kaha rawa atu ana hoki te āwhiti a te Karauna i tana whakapā mamae ki a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua i hua ake ai i tana korenga i tiaki i ō koutou anga ā-iwi i muri i tā te ture whenua taketake whakatakitahi i ngā mana whenua i noho rā hei mana whenua ā-iwi i mua. 20
- (g) Herekore ana te whakapāha a te Karauna i tana kore i hāpai i te wairua o tō tuku rangatira i a Wairarapa Moana i te tau 1896. Nā koutou tēnei taonga nui whakaharahara i tuku ki te Karauna e mutu ai ngā raruraru, e pūmau ai hoki te tiakanga ōna, engari kāore te Karauna i ū ki ana kī taurangi, ki tā koutou rānei i hiahia ai. Engari ia, ka whakahekea te kounga o ō koutou moana matahīapo, ka hokona ki ētahi kē ērā whenua i oatingia ai hei whenua rāhui mō koutou, ka whakanōhia ō koutou uri ki whenua kē, i rohe kē, nō iwi kē, e hia rau kiromita atu i ō rātou whanaunga, ka mutu, ka whakaitihia aua whenua rā nā runga i ngā tangohanga mō ngā mahi tūmatanui. 25 30
- (h) Inā te kaha o te noho whakaiti a te Karauna nā te mea, i te roanga o te hononga ki te Karauna, kua rangatira te tū a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ahakoa te nui o te tūkinō. Nā ngā mahi a ō koutou rangatira i mau ai te rongo taketake i roto o Wairarapa me Tāmaki-nui-a-Rua. E mihi ana te Karauna ki tō koutou tūranga matua i roto i te Kotahitanga, me te rangatira o tā koutou pāhekoheko me te Karauna kāore nei i pērā te whakautua e ia i ngā wā katoa. 35
- (i) Kua kite koutou i te hekenga o te kounga o ō koutou whenua me ngā taonga, mai i Te Tapere-nui-a-Whātonga i te raki ki Wairarapa Moana i te tonga, hei āwhina i te whakawhanaketanga ā-ōhanga, ka mutu, kāore 40

te āhua o tā koutou rongō i ngā painga o aua hua i rite ki te rongō a ētahi atu i ngā painga. Nā konei te Karauna ka tino whakapāha rawa atu.

- (j) E whai ana te Karauna mā tēnei whakapāha me te whakataunga e mauru ake ai ngā hē nei, e tīmata ai hoki te huarahi ki te ora, e mau anō ai hoki tōna mana kua tāharahara. E anga whakamua ana te Karauna ki te whakatō kākano hou e pūmau ai te hononga ki ngā tāngata o Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ko ōna nei pakiaka ko te pono atu me te pono mai, ko te mahi ngātahi, ko te whakaaro nui hoki ki te Tiriti o Waitangi me ōna nei mātāpono. 5

Te Urupare a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua 10

- (k) Mā tēnei whakaaetanga ā-pukapuka houtupu, e whakaae ana a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua ki te whāinga matua o te whakahoki rawa mai i te mana, o te whakatau i te puehu me te koke ngātahi i runga i te maungārongo, ā, i runga hoki i te whakaaro nui o tētahi taha ki te mana o tērā atu. 15

- (l) Nō reira, e whakaae ana ō mātou ngākau me ō mātou hinengaro, i runga hoki i te ngākau pono katoa, ki tēnei whakapāha a te Karauna, ā, e anga whakamua ana te titiro e mahi tahi ai a Ngāti Kahungunu ki Wairarapa me Tāmaki-nui-a-Rua me te Karauna hei hoa pātui e whakahōnore ana i te Tiriti o Waitangi.” 20

English

- “(a) The Crown pays tribute to the struggles of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and your ancestors in pursuit of justice for the Crown’s wrongs and especially to those who have not survived to see this settlement completed. To you, the people of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, to your tīpuna and to your mokopuna, the Crown offers this apology. 25
- (b) The Crown unreservedly apologises for not honouring its obligations to respect te tino rangatiratanga o Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua through repeated breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown profoundly regrets the damage and hurt these breaches have caused to the hapū and whānau of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua. 30
- (c) The Crown is deeply sorry that it began its relationship with Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua in 1845 by prejudging their guilt in a dispute with settlers and depriving Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua of tens of thousands of acres by forcing them to cede this land with threats of armed violence. 35
- (d) The Crown profoundly regrets that it threatened to end Pākehā settlement in Wairarapa and Tāmaki nui-a-Rua unless your tīpuna sold their land to the Crown, giving up the pastoral leases they had negotiated with Pākehā which had provided Ngāti Kahungunu ki Wairarapa Tāmaki nui- 40

- a-Rua with income and trade benefits while retaining ownership of the land, thus undermining how you had been engaging with settlement on your own terms for a number of years.
- (e) The Crown is deeply sorry it often failed to negotiate in good faith and actively protect your interests when purchasing land in Wairarapa and Tāmaki nui-a-Rua. Instead of the social, economic and material benefits Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua were led to expect from agreements with the Crown, you have been left virtually landless in your own rohe and many of the lands you have retained are uneconomic and landlocked. The Crown is sorry that this prejudice has been exacerbated by its many public works takings made without consulting Ngāti Kahungunu, and without regard for the wellbeing of Ngāti Kahungunu communities. The Crown apologises for these failures which have contributed to your cultural, social and economic marginalisation. 5 10
- (f) The Crown also profoundly regrets the harm to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua caused by its failure to protect your tribal structures after the native land legislation had individualised your previously tribal land tenure. 15
- (g) The Crown wholeheartedly apologises for not upholding the spirit of your *tuku rangatira* of Wairarapa Moana in 1896. You gave this great *taonga* to the Crown to end dispute and ensure its protection, and the Crown did not live up to its promises or your expectations. Instead your precious lakes were degraded, the promised reserves sold to others, your people placed on lands hundreds of kilometres from their *whanaunga* in the rohe of other *iwi*, and those lands were reduced by public works takings. 20 25
- (h) The Crown is deeply humbled that throughout its relationship with the Crown, Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua has acted honourably in the face of great injustice. The actions of your *rangatira* ensured there was lasting peace in Wairarapa and Tāmaki nui-a-Rua. The Crown pays tribute to your leading role in *Kotahitanga*, and your honourable interaction with the Crown which it has not always reciprocated. 30
- (i) You have seen your *whenua* and *taonga*, from *Te Tapere-nui-a-Whātonga* in the north and Wairarapa Moana in the south, degraded to fuel economic development and not even been able to share equally in that prosperity. For this the Crown is profoundly sorry. 35
- (j) Through this apology and settlement the Crown seeks to atone for these wrongs, begin the process of healing, and restore its tarnished honour. The Crown looks forward to forging a renewed and enduring relationship with the people of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua that is grounded in mutual trust, co-operation, and respect for *te Tiriti o Waitangi*/ the Treaty of Waitangi and its principles. 40

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Requitā

(k) By this solemn deed, Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Crown recognise the need for the restoration of honour, for reconciliation and mutual advancement in peace and with respect for the mana of each. 5

(l) So with our heart and our mind, and with all goodwill, we accept this Crown apology and look forward to a future in which Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and the Crown work together as partners honouring Te Tiriti o Waitangi.”

Interpretation provisions 10**11 Interpretation of Act generally**

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

12 Interpretation

In this Act, unless the context otherwise requires,— 15

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

attachments means the attachments to the deed of settlement

commercial redress property has the meaning given in **section 92**

consent authority has the meaning given in section 2(1) of the Resource Management Act 1991 20

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

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

cultural redress property has the meaning given in **section 45** 25

deed of recognition—

(a) means the deed of recognition issued under **section 36** by the Minister of Conservation and the Director-General; and

(b) includes any amendments made under **section 36(3)**

deed of settlement— 30

(a) means the deed of settlement dated 29 October 2021 and signed by—

(i) the Honourable Andrew James Little, Minister for Treaty of Waitangi Negotiations, for and on behalf of the Crown; and

(ii) Haami Te Whaiti, Robin Potangaroa, Hayden Hape, Marama Tuuta, Kaylene Kani, Jareth Rikihana Fox, Paul Te Huki, Bryan Te Huki, and Connie Waipuka-Onera, being trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust,— 35

- (A) for and on behalf of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; and
- (B) in their capacity as the trustees of that trust; and
- (b) includes—
- (i) the schedules of, and attachments to, the deed; and 5
- (ii) any amendments to the deed or its schedules and attachments
- deferred selection property** has the meaning given in **section 92**
- Director-General** means the Director-General of Conservation
- documents schedule** means the documents schedule of the deed of settlement
- effective date** means the date that is 6 months after the settlement date 10
- existing improvement**—
- (a) means a structure or other improvement in or on a Wairarapa Moana reserve property, to the extent that the structure or improvement exists immediately before the settlement date; and
- (b) includes a structure or an improvement whether or not it was or is unlawful or unauthorised; and 15
- (c) includes the parts of the existing Development Scheme (as defined in **section 112(8) of the Te Rohe o Rongokako Joint Redress Act 2021**) in or on a Wairarapa Moana reserve property
- historical claims** has the meaning given in **section 14** 20
- interest** means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property
- LINZ** means Land Information New Zealand
- member of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua** means an individual referred to in **section 13(1)(a)** 25
- Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust** means the trust of that name established by a trust deed dated 30 March 2017
- property redress schedule** means the property redress schedule of the deed of settlement
- record of title** has the meaning given in section 5(1) of the Land Transfer Act 2017 30
- Registrar-General** has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017
- representative entity** means—
- (a) the trustees; and 35
- (b) any person, including any trustee, acting for or on behalf of—
- (i) the collective group referred to in **section 13(1)(a)**; or

- (ii) 1 or more members of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; or
- (iii) 1 or more of the whānau, hapū, or groups referred to in **section 13(1)(c)**
- reserve** has the meaning given in section 2(1) of the Reserves Act 1977 5
- reserve property** has the meaning given in **section 45**
- resource consent** has the meaning given in section 2(1) of the Resource Management Act 1991
- RFR** means the right of first refusal provided for by **subpart 4** of **Part 3**
- RFR land** has the meaning given in **section 109** 10
- settlement date** means the date that is 40 working days after the date on which this Act comes into force
- statutory acknowledgement** has the meaning given in **section 27**
- tikanga** means customary values and practices
- trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust** and **trustees** mean the trustees, acting in their capacity as trustees, of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust 15
- Wairarapa Moana reserve property** has the meaning given in **section 45**
- working day** means a day other than—
- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day: 20
- (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year: 25
- (d) the days observed as the anniversaries of the provinces of Hawke’s Bay and Wellington.
- 13 Meaning of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua**
- (1) In this Act, **Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua**—
- (a) means the collective group composed of individuals who are descended from 1 or more Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua tīpuna; and 30
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group, including those set out in **Schedule 1**, to the extent that it is composed of those individuals. 35
- (2) In this section and **section 14**,—

area of interest means the area shown as the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua area of interest in part 1 of the attachments

customary rights means rights exercised according to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua tikanga, including—

- (a) rights to occupy land; and 5
- (b) rights in relation to the use of land or other natural or physical resources

descended means that a person is descended from another person by—

- (a) birth; or
- (b) legal adoption; or
- (c) Māori customary adoption in accordance with Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua tikanga 10

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua tipuna means an individual who—

- (a) exercised customary rights by virtue of being descended from—
 - (i) the tipuna Kahungunu; or 15
 - (ii) a recognised tipuna of any of the hapū referred to in **Schedule 1**; and
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840.

14 Meaning of historical claims 20

(1) In this Act, **historical claims**—

- (a) means the claims described in **subsection (2)**; and
- (b) includes the claims described in **subsection (3)**; but
- (c) does not include the claims described in **subsection (4)**.

(2) The historical claims are every claim that Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

- (a) is founded on a right arising—
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or 30
 - (iii) at common law (including aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or
 - (v) otherwise; and
- (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by or on behalf of the Crown; or 35
 - (ii) by or under legislation.

- (3) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim: 5
- (i) Wai 85 (Mangakino Lands and Waikato River claim):
 - (ii) Wai 429 (Ngāi Tumapūhia-a-Rangi claim):
 - (iii) Wai 743 (Nga Tihanga o Kahungunu claim):
 - (iv) Wai 744 (Wairarapa 5 Percents claim):
 - (v) Wai 818 (Wairarapa Intellectual Property and Whakapapa claim): 10
 - (vi) Wai 886 (Ngai Tumapuhia a Rangi Lands and Resources (Wairarapa) claim):
 - (vii) Wai 897 (Okautete School Lands (Wairarapa) claim):
 - (viii) Wai 939 (Te Hika-o-Pāpāuma o Wairarapa ki Kahungunu claim):
 - (ix) Wai 944 (Hurunui-o-Rangi Marae claim): 15
 - (x) Wai 959 (Ngāti Hinewaka claim):
 - (xi) Wai 962 (Jury Whānau Land claim):
 - (xii) Wai 1019 (The Wairarapa Rohe Crown Consultation claim):
 - (xiii) Wai 1022 (Pāpāwai Marae Committee claim):
 - (xiv) Wai 1023 (The Pouākani Wairarapa Exchange claim): 20
 - (xv) Wai 1049 (Descendants of Taueru claim):
 - (xvi) Wai 1050 (Ngā Aikiha claim):
 - (xvii) Wai 1056 (Part Papawai A42 Block claim):
 - (xviii) Wai 1057 (Akura Marae, Ngāti Hāmua, Ngāti Ahuahu claim):
 - (xix) Wai 1569 (Native Land Court and Succession Laws claim): 25
 - (xx) Wai 2215 (Ngāti Kahungunu Mana Wahine claim); and
- (b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or a representative entity: 30
- (i) Wai 97 (Wairarapa Moana Trust claim):
 - (ii) Wai 161 (Waipukurau Block claim):
 - (iii) Wai 420 (Mataikona A2 claim):
 - (iv) Wai 652 (Ngāti Kahungunu ki Tāmaki Nui-ā-Rua claim):
 - (v) Wai 657 (Aorangi Settlement claim): 35
 - (vi) Wai 687 (Kahungunu-Rongomaiwahine claim):

-
- (vii) Wai 692 (Napier Hospital Services claim):
 - (viii) Wai 741 (Wairarapa Local Government and Resource Management claim):
 - (ix) Wai 770 (Wairarapa Lands and Fisheries claim):
 - (x) Wai 799 (Karanema Reserve-Te Mata Peak claim): 5
 - (xi) Wai 852 (Kahungunu Petroleum claim):
 - (xii) Wai 1021 (Ngāti Whātuiāpiti Land Reserves claim):
 - (xiii) Wai 1232 (Ngati Kere Heretaunga and Tamatea Lands and Resources claim):
 - (xiv) Wai 1233 (Ngai Te Kikiri o Te Rangi Heretaunga and Tamatea Lands and Resources claim): 10
 - (xv) Wai 1234 (Rongo a Tahu Heretaunga and Tamatea Lands and Resources claim):
 - (xvi) Wai 1235 (Ngati Poporo Heretaunga and Tamatea Lands and Resources claim): 15
 - (xvii) Wai 1236 (Ngai Te Rangikoianake Heretaunga and Tamatea Lands and Resources claim):
 - (xviii) Wai 1237 (Hapu of Houngarea Marae Heretaunga and Tamatea Lands and Resources claim):
 - (xix) Wai 1238 (Hapu of Mangaroa Marae Heretaunga and Tamatea Lands and Resources claim): 20
 - (xx) Wai 1239 (Hapu of Matahiwi Marae Heretaunga and Tamatea Lands and Resources claim):
 - (xxi) Wai 1240 (Ngati Mihiroa Heretaunga and Tamatea Lands and Resources claim): 25
 - (xxii) Wai 1241 (Hapu of Omahu Marae Heretaunga and Tamatea Lands and Resources claim):
 - (xxiii) Wai 1242 (Hapu of Ruahapia Marae Heretaunga and Tamatea Lands and Resources claim):
 - (xxiv) Wai 1243 (Hapu of Te Awhina Marae Heretaunga and Tamatea Lands and Resources claim): 30
 - (xxv) Wai 1244 (Hapu of Waipatu Marae Heretaunga and Tamatea Lands and Resources claim):
 - (xxvi) Wai 1245 (Hapu of Waimarama Marae Heretaunga and Tamatea Lands and Resources claim): 35
 - (xxvii) Wai 1246 (Ngai Te Whatuiapiti Heretaunga and Tamatea Lands and Resources claim):

- (xxviii) Wai 1947 (Descendants of Paul Ropiha and Te Wai Ropiha Bell Lands claim):
- (xxix) Wai 2028 (Ngāti Kahungunu Vietnam Veterans claim):
- (xxx) Wai 2211 (Wairarapa Moana and Land Issues claim):
- (xxxii) Wai 2213 (Coastal Resources Claim): 5
- (xxxiii) Wai 2225 (Heritage Management, Crown Purchases and Native Land Court claim):
- (xxxiv) Wai 2241 (Nga Uri o Te Hau claim):
- (xxxv) Wai 2269 (Te Whiti North Block claim).
- (4) However, the historical claims do not include— 10
- (a) a claim that a member of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have that is founded on a right arising by virtue of being descended from—
- (i) a tipuna who is not a Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua tipuna; or 15
- (ii) the tipuna Rangitāne; or
- (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**.
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date. 20
- Historical claims settled and jurisdiction of courts, etc, removed*
- 15 Settlement of historical claims final**
- (1) The historical claims are settled. 25
- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) **Subsections (1) and (2)** do not limit the deed of settlement.
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of— 30
- (a) the historical claims; or
- (b) the deed of settlement; or 35
- (c) this Act or the **Te Rohe o Rongokako Joint Redress Act 2021**; or

- (d) the redress provided under the deed of settlement, this Act, or the **Te Rohe o Rongokako Joint Redress Act 2021**.
- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement, this Act, or the **Te Rohe o Rongokako Joint Redress Act 2021**. 5

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order: 10
- Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act
2021, section 15(4) and (5)

Resumptive memorials no longer to apply

17 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply— 15
- (a) to land within the “Removal of Resumptive Memorials Area” shown on SO 564423; or
- (b) for the benefit of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or a representative entity.
- (2) The enactments are— 20
- (a) Part 3 of the Crown Forest Assets Act 1989;
- (b) sections 568 to 570 of the Education and Training Act 2020;
- (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;
- (d) sections 27A to 27C of the State-Owned Enterprises Act 1986: 25
- (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

18 Resumptive memorials to be cancelled

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the record of title for, each allotment that— 30
- (a) is solely within the “Removal of Resumptive Memorials Area” shown on SO 564423; and
- (b) is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)**.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after the settlement date. 35

- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
- (a) register the certificate against each record of title identified in the certificate; and 5
 - (b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.

Miscellaneous matters

19 Limit on duration of trusts does not apply 10

- (1) A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—
- (a) do not prescribe or restrict the period during which—
 - (i) the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust may exist in law; or 15
 - (ii) the trustees may hold or deal with property or income derived from property; and
 - (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective. 20
- (2) However, if the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

20 Access to deed of settlement 25

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

- (a) for inspection free of charge, and for purchase at a reasonable price, at that Office in Wellington between 9 am and 5 pm on any working day; and 30
- (b) free of charge on an Internet site maintained by or on behalf of that Office.

Part 2 Cultural redress

Subpart 1—Protocols

21 Interpretation

In this subpart,— 5

protocol—

(a) means each of the following protocols issued under **section 22(1)(a)**:

- (i) the Crown minerals protocol;
- (ii) the taonga tūturu protocol; and

(b) includes any amendments made under **section 22(1)(b)** 10

responsible Minister means,—

(a) for the Crown minerals protocol, the Minister of Energy and Resources:

(b) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage:

(c) for either protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol. 15

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

(1) Each responsible Minister— 20

(a) must issue a protocol to the trustees on the terms set out in part 4 of the documents schedule; and

(b) may amend or cancel that protocol.

(2) The responsible Minister may amend or cancel a protocol at the initiative of—

(a) the trustees; or 25

(b) the responsible Minister.

(3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees.

23 Protocols subject to rights, functions, and duties

Protocols do not restrict— 30

(a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability—

- (i) to introduce legislation and change Government policy; and

- (ii) to interact with or consult a person that the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of a responsible Minister or a department of State; or
- (c) the legal rights of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or a representative entity. 5

24 Enforcement of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails to comply with a protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950. 10
- (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.
- (4) To avoid doubt,—
 - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and 15
 - (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under **subsection (2)**.

Crown minerals

25 Crown minerals protocol 20

- (1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—
 - (a) a register of protocols maintained by the chief executive; and
 - (b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed. 25
- (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and
 - (b) not a change to the minerals programmes for the purposes of the Crown Minerals Act 1991. 30
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals.
- (4) In this section,—
 - Crown mineral** means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991,— 35
 - (a) that is the property of the Crown under section 10 or 11 of that Act; or

- (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964

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

minerals programme has the meaning given in section 2(1) of the Crown Minerals Act 1991. 5

Taonga tūturu

26 **Taonga tūturu protocol**

- (1) The taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu. 10
- (2) In this section, **taonga tūturu**—
- (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
- (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act. 15

Subpart 2—Statutory acknowledgement and deed of recognition

27 **Interpretation**

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area 20

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

- (a) made by Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 2 of the documents schedule 25

statutory acknowledgement means the acknowledgement made by the Crown in **section 28** in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in **Schedule 2**, the general location of which is indicated on the deed plan for that area 30

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and
- (b) includes a proposed plan, as defined in section 43AAC of that Act. 35

*Statutory acknowledgement***28 Statutory acknowledgement by the Crown**

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

29 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are— 5

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with **sections 30 to 32**; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with **sections 33 and 34**; and 10
- (c) to enable the trustees and any member of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua to cite the statutory acknowledgement as evidence of the association of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua with a statutory area, in accordance with **section 35**. 15

30 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 20
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991. 25

31 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 30
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991. 35

- 32 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement** 5
- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area. 5
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application. 10
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
- (a) in determining whether the trustees are persons directly affected by the decision; and
- (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application. 15
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.
- 33 Recording statutory acknowledgement on statutory plans** 20
- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 28 to 32, 34, and 35**; and 25
- (b) descriptions of the statutory areas wholly or partly covered by the plan; and
- (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not— 30
- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
- 34 Provision of summary or notice to trustees** 35
- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:

- (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice. 5
- (2) A summary provided under **subsection (1)(a)** must be the same as would be given to an affected person by limited notification under section 95B(4) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided— 10
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice. 15
- (5) The trustees may, by written notice to a relevant consent authority,—
- (a) waive the right to be provided with a summary or copy of a notice under this section; and 20
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application: 25
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

35 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua may, as evidence of the association of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before— 30
- (a) the relevant consent authorities; or
 - (b) the Environment Court; or 35
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.

- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) the bodies referred to in **subsection (1)**; or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings. 5
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
- (a) the trustees and the members of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua may state that Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua has an association with a statutory area that is not described in the statutory acknowledgement; and 10
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Deed of recognition 15

36 Issuing and amending deed of recognition

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

General provisions relating to statutory acknowledgement and deed of recognition 25

37 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement and the deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 30
- (3) **Subsection (2)** does not limit **subsection (1)**. 35
- (4) This section is subject to—
- (a) the other provisions of this subpart; and

- (b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition.

38 Rights not affected

- (1) The statutory acknowledgement and the deed of recognition—
- (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and 5
- (b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

Consequential amendment to Resource Management Act 1991 10

39 Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order:
Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act **2021**

Subpart 3—Manawatu River catchment advisory board 15

40 Appointment of member to advisory board

The trustees may, in accordance with section 43 of the Rangitāne o Manawatu Claims Settlement Act 2016, appoint 1 member to the advisory board established by section 42 of that Act.

Subpart 4—Official geographic names 20

41 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act 25

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

42 Official geographic names

- (1) A name specified in the second column of the table in clause 5.19 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table. 30
- (2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.

43 Publication of official geographic names

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 42**.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date. 5

44 Subsequent alteration of official geographic names

- (1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—
- (a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but 10
- (b) must have the written consent of the trustees.
- (2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the Act.

Subpart 5—Vesting of cultural redress properties

45 Interpretation 15

In this subpart,—

Crown stratum means, for the Pounui lagoon property or the Ruamahanga Cutoff property, the space occupied by—

- (a) the waters of any body of water that is above the property:
- (b) the air above the property 20

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

Properties vested in fee simple

- (1) Akitio property:
- (2) Ngātamatea property: 25
- (3) Remutaka summit property:
- (4) Te Oroī site A:

Properties vested in fee simple to be administered as reserves

- (5) Aorangi property:
- (6) Awakura property: 30
- (7) Hikapu property:
- (8) Kahutara property:
- (9) Kākahimakatea property:
- (10) Mangatārera o Te Whakatūrākau site A:
- (11) Mangatārera o Te Whakatūrākau site B: 35

- (12) Ngā Rā-a-Kupe property:
- (13) Ōwāhanga property:
- (14) Pounui lagoon property:
- (15) Puketoi property:
- (16) Remutaka property: 5
- (17) Ruamahanga Cutoff property:
- (18) Te Hīwawā property:
- (19) Te Oroī site B:
- (20) Te Pouaruhe site A:
- (21) Te Pouaruhe site B: 10
- (22) Tuhirangi property:
- (23) Wairarapa Lake Domain property:
- (24) Wairarapa Lake Shore property:
- (25) Wairarapa Lake Shore Scenic Reserve property:
- (26) Whāwhānui White Rock property: 15
Property vested in fee simple subject to conservation covenant
- (27) Te Kopi property
- reserve property** means each of the properties named in **paragraphs (5) to (26)** of the definition of cultural redress property
- Wairarapa Moana reserve property** means each of the following properties: 20
- (a) Kahutara property:
- (b) Kākahimakatea property:
- (c) Ōwāhanga property:
- (d) Pounui lagoon property:
- (e) Ruamahanga Cutoff property: 25
- (f) Wairarapa Lake Domain property:
- (g) Wairarapa Lake Shore property:
- (h) Wairarapa Lake Shore Scenic Reserve property
- Wairarapa Moana Statutory Board** or **Statutory Board** means the board established by **section 44 of the Te Rohe o Rongokako Joint Redress Act 2021.** 30

Properties vested in fee simple

46 Akitio property

The fee simple estate in the Akitio property vests in the trustees.

- 47 Ngātamatea property**
The fee simple estate in the Ngātamatea property vests in the trustees.
- 48 Remutaka summit property**
- (1) The fee simple estate in the Remutaka summit property vests in the Crown as Crown land subject to the Land Act 1948. 5
- (2) The fee simple estate in the Remutaka summit property vests in the trustees.
- (3) **Subsections (1) and (2)** do not take effect until the trustees have provided—
- (a) South Wairarapa District Council with a registrable easement in gross for a right to access and maintain a structure on the terms and conditions set out in part 5.3B of the documents schedule; and 10
- (b) Wellington Regional Council with a registrable easement in gross for a right of way, and a right to place and maintain a structure, on the terms and conditions set out in part 5.3A of the documents schedule.
- 49 Te Oroī site A**
- (1) The reservation of Te Oroī site A (being part of Tora Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in Te Oroī site A vests in the trustees.
- Properties vested in fee simple to be administered as reserves*
- 50 Aorangi property**
- (1) The Aorangi property (being part of Aorangi Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987. 20
- (2) The fee simple estate in the Aorangi property vests in the trustees.
- (3) The Aorangi property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Aorangi Scenic Reserve. 25
- 51 Awakura property**
- (1) The reservation of the Awakura property as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Awakura property vests in the trustees.
- (3) The Awakura property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 30
- (4) The reserve is named Awakura Scenic Reserve.
- 52 Hikapu property**
- (1) The Hikapu property (being part of Aorangi Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987. 35

- (2) The fee simple estate in the Hikapu property vests in the trustees.
- (3) The Hikapu property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Hikapu Scenic Reserve.
- 53 Kahutara property** 5
- (1) The reservation of the Kahutara property (being part of Matthews and Boggy Pond Wildlife Reserve) as a government purpose reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Kahutara property vests in the trustees.
- (3) The Kahutara property is declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977. 10
- (4) The reserve is named Kahutara Local Purpose Reserve.
- (5) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see section 103 of the Te Rohe o Rongokako Joint Redress Act 2021*). 15
- (6) The existing improvements in or on the Kahutara property do not vest in the trustees, despite the vesting under **subsection (2)**.
- 54 Kākahimakatea property** 20
- (1) The Kākahimakatea property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Kākahimakatea property vests in the trustees.
- (3) The Kākahimakatea property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. 25
- (4) The reserve is named Kākahimakatea Historic Reserve.
- (5) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see section 103 of the Te Rohe o Rongokako Joint Redress Act 2021*).
- (6) The existing improvements in or on the Kākahimakatea property do not vest in the trustees, despite the vesting under **subsection (2)**. 30
- 55 Mangatārera o Te Whakatūrākau site A**
- (1) Mangatārera o Te Whakatūrākau site A (being part of Tararua Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987. 35
- (2) The fee simple estate in Mangatārera o Te Whakatūrākau site A vests in the trustees.

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- (3) Mangatārera o Te Whakatūrākau site A is declared a reserve and classified as a local purpose reserve, for the purposes of culture and education, subject to section 23 of the Reserves Act 1977.
- (4) The reserve is named Mangatārera o Te Whakatūrākau Local Purpose (Culture and Education) Reserve. 5
- 56 Mangatārera o Te Whakatūrākau site B**
- (1) Mangatārera o Te Whakatūrākau site B (being part of Tararua Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Mangatārera o Te Whakatūrākau site B vests in the trustees. 10
- (3) Mangatārera o Te Whakatūrākau site B is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Mangatārera o Te Whakatūrākau Scenic Reserve. 15
- 57 Ngā Rā-a-Kupe property**
- (1) The reservation of Ngā Rā-a-Kupe property as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ngā Rā-a-Kupe property vests in the trustees.
- (3) Ngā Rā-a-Kupe property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. 20
- (4) The reserve is named Ngā Rā-a-Kupe Historic Reserve.
- 58 Ōwāhanga property**
- (1) The reservation of the parts of the Ōwāhanga property that are a reserve for a landing place and site for public buildings subject to the Reserves Act 1977 is revoked. 25
- (2) The parts of the Ōwāhanga property that are a conservation area under the Conservation Act 1987 cease to be a conservation area.
- (3) Sections 15, 17, and 19 on SO 517745, which are road, are stopped.
- (4) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road. 30
- (5) The stopped road vests in the Crown as Crown land subject to the Land Act 1948.
- (6) The fee simple estate in the Ōwāhanga property vests in the trustees.
- (7) The Ōwāhanga property is declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977. 35

- (8) The reserve is named Ōwāhanga Local Purpose Reserve.
- (9) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see section 103 of the Te Rohe o Rongokako Joint Redress Act 2021*).
- (10) The existing improvements in or on the Ōwāhanga property do not vest in the trustees, despite the vesting under **subsection (6)**. 5

59 Pounui lagoon property

- (1) The Pounui lagoon property and the Crown stratum above the property cease to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Pounui lagoon property vests in the trustees. 10
- (3) The Pounui lagoon property and the Crown stratum above the property are declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977.
- (4) The reserve is named Pounui Lagoon Local Purpose Reserve. 15
- (5) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see section 103 of the Te Rohe o Rongokako Joint Redress Act 2021*).
- (6) The existing improvements in or on the Pounui lagoon property do not vest in the trustees, despite the vesting under **subsection (2)**. 20
- (7) To the extent that the Pounui lagoon property has moveable boundaries, the boundaries are governed by the common law rules of accretion, erosion, and avulsion.
- (8) To avoid doubt, the Crown stratum above the Pounui lagoon property remains owned by the Crown. 25

60 Puketoi property

- (1) The Puketoi property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Puketoi property vests in the trustees.
- (3) The Puketoi property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 30
- (4) The reserve is named Puketoi Scenic Reserve.

61 Remutaka property

- (1) The Remutaka property (being part of Remutaka Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987. 35
- (2) The fee simple estate in the Remutaka property vests in the trustees.

- (3) The Remutaka property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Remutaka Scenic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided Wellington Regional Council with a registrable right of way easement in gross on the terms and conditions set out in part 5.4 of the documents schedule. 5
- (6) Despite the provisions of the Reserves Act 1977, the easement—
 - (a) is enforceable in accordance with its terms; and
 - (b) is to be treated as having been granted in accordance with the Reserves Act 1977. 10

62 Ruamahanga Cutoff property

- (1) The reservation of the Ruamahanga Cutoff property and the Crown stratum above the property (together being Ruamahanga Cutoff Wildlife Reserve) as a government purpose reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Ruamahanga Cutoff property vests in the trustees. 15
- (3) The Ruamahanga Cutoff property and the Crown stratum above the property are declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977.
- (4) The reserve is named Ruamahanga Cutoff Local Purpose Reserve. 20
- (5) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see section 103 of the Te Rohe o Rongokako Joint Redress Act 2021*).
- (6) The existing improvements in or on the Ruamahanga Cutoff property do not vest in the trustees, despite the vesting under **subsection (2)**. 25
- (7) To the extent that the Ruamahanga Cutoff property has moveable boundaries, the boundaries are governed by the common law rules of accretion, erosion, and avulsion.
- (8) To avoid doubt, the Crown stratum above the Ruamahanga Cutoff property remains owned by the Crown. 30

63 Te Hīwawā property

- (1) The Te Hīwawā property (being part of Remutaka Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Te Hīwawā property vests in the trustees.
- (3) The Te Hīwawā property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 35
- (4) The reserve is named Te Hīwawā Recreation Reserve.

64 Te Oroī site B

- (1) The reservation of Te Oroī site B (being part of Tora Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Oroī site B vests in the trustees.
- (3) Te Oroī site B is declared a reserve and classified as a scenic reserve for the purposes of section 19(1)(a) of the Reserves Act 1977. 5
- (4) The reserve is named Te Oroī Scenic Reserve.

65 Te Pouaruhe site A

- (1) Te Pouaruhe site A ceases to be a conservation area under the Conservation Act 1987. 10
- (2) The fee simple estate in Te Pouaruhe site A vests in the trustees.
- (3) Te Pouaruhe site A is declared a reserve and classified as a local purpose reserve, for the purposes of culture and education, subject to section 23 of the Reserves Act 1977.
- (4) The reserve is named Te Pouaruhe Local Purpose (Culture and Education) Reserve. 15
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided—
 - (a) the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 5.5A of the documents schedule; and
 - (b) Wellington Regional Council with a registrable right of way easement in gross on the terms and conditions set out in part 5.5B of the documents schedule. 20
- (6) Despite the provisions of the Reserves Act 1977, the easements—
 - (a) are enforceable in accordance with their terms; and
 - (b) are to be treated as having been granted in accordance with the Reserves Act 1977. 25

66 Te Pouaruhe site B

- (1) Te Pouaruhe site B ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Pouaruhe site B vests in the trustees. 30
- (3) Te Pouaruhe site B is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Te Pouaruhe Recreation Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided South Wairarapa District Council with a registrable right of way easement in gross on the terms and conditions set out in part 5.6 of the documents schedule. 35
- (6) Despite the provisions of the Reserves Act 1977, the easement—

- (a) is enforceable in accordance with its terms; and
- (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

67 Tuhirangi property

- (1) The Tuhirangi property (being part of Aorangi Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987. 5
- (2) The fee simple estate in the Tuhirangi property vests in the trustees.
- (3) The Tuhirangi property is declared a reserve and classified as a scenic reserve for the purposes of section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Tuhirangi Scenic Reserve. 10

68 Wairarapa Lake Domain property

- (1) The reservation of the parts of the Wairarapa Lake Domain property that are a recreation reserve subject to Reserves Act 1977 is revoked.
- (2) The parts of the Wairarapa Lake Domain property that are a conservation area under the Conservation Act 1987 cease to be a conservation area. 15
- (3) Sections 22, 24, 25, 26, 27, 28, 29, 30, and 31 on SO 517745, which are road, are stopped.
- (4) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.
- (5) The stopped road vests in the Crown as Crown land subject to the Land Act 1948. 20
- (6) The fee simple estate in the Wairarapa Lake Domain property vests in the trustees.
- (7) The Wairarapa Lake Domain property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 25
- (8) The reserve is named Wairarapa Lake Domain Recreation Reserve.
- (9) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see section 103 of the Te Rohe o Rongokako Joint Redress Act 2021*).
- (10) The existing improvements in or on the Wairarapa Lake Domain property do not vest in the trustees, despite the vesting under **subsection (6)**. 30

69 Wairarapa Lake Shore property

- (1) The parts of the Wairarapa Lake Shore property that are a conservation area under the Conservation Act 1987 cease to be a conservation area.
- (2) Sections 3, 4, 6, 8, 9, 10, 11, 12, 14, 21, 35, 36, 38, 40, 41, 42, 43, and 45 on SO 517745, which are road, are stopped. 35

- (3) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.
- (4) The stopped road vests in the Crown as Crown land subject to the Land Act 1948.
- (5) The fee simple estate in the Wairarapa Lake Shore property vests in the trustees. 5
- (6) The Wairarapa Lake Shore property is declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977. 10
- (7) The reserve is named Wairarapa Lake Shore Local Purpose Reserve.
- (8) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see section 103 of the Te Rohe o Rongokako Joint Redress Act 2021*).
- (9) The existing improvements in or on the Wairarapa Lake Shore property do not vest in the trustees, despite the vesting under **subsection (5)**. 15
- 70 Wairarapa Lake Shore Scenic Reserve property**
- (1) The reservation of the parts of the Wairarapa Lake Shore Scenic Reserve property that are a scenic reserve subject to the Reserves Act 1977 (being part of Wairarapa Lake Shore Scenic Reserve) is revoked. 20
- (2) The fee simple estate in the Wairarapa Lake Shore Scenic Reserve property vests in the trustees.
- (3) The Wairarapa Lake Shore Scenic Reserve property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 25
- (4) The reserve is named Wairarapa Lake Shore Scenic Reserve.
- (5) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see section 103 of the Te Rohe o Rongokako Joint Redress Act 2021*).
- (6) The existing improvements in or on the Wairarapa Lake Shore Scenic Reserve property do not vest in the trustees, despite the vesting under **subsection (2)**. 30
- 71 Whāwhānui White Rock property**
- (1) The reservation of the Whāwhānui White Rock property as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Whāwhānui White Rock property vests in the trustees. 35
- (3) The Whāwhānui White Rock property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

- (4) The reserve is named Whāwhānui White Rock Recreation Reserve.
- (5) The improvements in or on the Whāwhānui White Rock property do not vest in the trustees, despite the vesting under **subsection (2)**.
- (6) Even if there is no relevant concession or authorisation under the Reserves Act 1977,— 5
- (a) the toilet block that is owned by South Wairarapa District Council and is on the Whāwhānui White Rock property immediately before the settlement date may remain on the property; and
- (b) South Wairarapa District Council may demolish that existing toilet block and erect a new toilet block to replace it, as long as— 10
- (i) the Council first consults the trustees; and
- (ii) the new toilet block blends in with the natural surroundings of the area.

Property vested in fee simple subject to conservation covenant

- 72 Te Kopi property** 15
- (1) The Te Kopi property (being part of Aorangi Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Te Kopi property vests in the trustees.
- (3) **Subsections (1) and (2)** do not take effect until the trustees have provided the Crown with— 20
- (a) a registrable right of way easement in gross on the terms and conditions set out in part 5.1 of the documents schedule; and
- (b) a registrable covenant in relation to the Te Kopi property on the terms and conditions set out in part 5.2 of the documents schedule.
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977. 25

General provisions applying to vesting of cultural redress properties

- 73 Properties vest subject to or together with interests**
- Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in **Schedule 3**. 30

74 Interests that are not interests in land

- (1) This section applies if a cultural redress property other than a Wairarapa Moana reserve property is subject to an interest (other than an interest in land) that is listed for the property in **Schedule 3**, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 35

- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property.
- (3) The interest applies—
- (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and 5
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the property.
- 75 Registration of ownership**
- (1) This section applies to a cultural redress property vested in the trustees under this subpart. 10
- (2) **Subsection (3)** applies to a cultural redress property, other than the following, but only to the extent that the property is all of the land contained in a record of title for a fee simple estate:
- (a) the Ngā Rā-a-Kupe property: 15
 - (b) the Wairarapa Lake Shore property:
 - (c) the Whāwhānui White Rock property.
- (3) The Registrar-General must, on written application by an authorised person,—
- (a) register the trustees as the owners of the fee simple estate in the property; and 20
 - (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) **Subsection (5)** applies to—
- (a) the Ngā Rā-a-Kupe property:
 - (b) the Wairarapa Lake Shore property: 25
 - (c) the Whāwhānui White Rock property:
 - (d) any other cultural redress property, but only to the extent that **subsection (2)** does not apply to the property.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,— 30
- (a) create a record of title for the fee simple estate in the property in the names of the trustees; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (6) **Subsection (5)** is subject to the completion of any survey necessary to create a record of title. 35

- (7) A record of title must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—
- (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustees. 5
- (8) In this section, **authorised person** means a person authorised by—
- (a) the chief executive of the Office for Māori Crown Relations—Te Ara-whiti, for the Remutaka summit property;
 - (b) the chief executive of LINZ, for the Akitio property and the Ngātamatea property: 10
 - (c) the Director-General, for all other properties.
- 76 Application of Part 4A of Conservation Act 1987**
- (1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 15
- (2) Part 4A of the Conservation Act 1987 does not apply to the vesting of the Pounui lagoon property.
- (3) Section 24 of the Conservation Act 1987 does not apply to the vesting of any other reserve property. 20
- (4) If the reservation of a reserve property (other than the Pounui lagoon property) under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.
- (5) **Subsections (3) and (4)** do not limit **subsection (1)**. 25
- 77 Matters to be recorded on record of title**
- (1) The Registrar-General must record on the record of title—
- (a) for a reserve property (other than a Wairarapa Moana reserve property)—
 - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 30
 - (ii) that the land is subject to **sections 76(4) and 82**; and
 - (b) for a Wairarapa Moana reserve property (other than the Pounui lagoon property)—
 - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 35

- (ii) that the land is subject to **sections 76(4) and 82** and to **section 108(2) of the Te Rohe o Rongokako Joint Redress Act 2021**; and
- (c) for the Pounui lagoon property—
 - (i) that Part 4A of the Conservation Act 1987 does not apply; and 5
 - (ii) that the land is subject to **section 82** and to **section 108(2) of the Te Rohe o Rongokako Joint Redress Act 2021**; and
- (d) for any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.
- (2) A notation made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act. 10
- (3) For a reserve property, if the reservation of the property under this subpart is revoked for—
 - (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property all of the notations recorded on the record of title in accordance with this section, except for the notation that the land is subject to Part 4A of the Conservation Act 1987 or, for the Pounui lagoon property, that Part 4A of the Conservation Act 1987 does not apply; or 15 20
 - (b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** as notations to be removed remain only on the record of title for the part of the property that remains a reserve.
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)(a)**. 25

78 Application of other enactments

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

- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
- (b) any matter incidental to, or required for the purpose of, the vesting.

79 Minister of Conservation may grant easements

- (1) The Minister of Conservation may grant any easement over a conservation area or reserve required to fulfil the terms of the deed of settlement in relation to a cultural redress property. 5
- (2) Any such easement—
 - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and 10
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act.

80 Names of Crown protected areas discontinued

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property or in the Crown stratum above it that, immediately before the settlement date, was all or part of a Crown protected area. 15
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.
- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 20

Further provisions applying to reserve properties

81 Application of other enactments to reserve properties

- (1) The trustees are the administering body of a reserve property, except as provided for in **sections 53, 54, 58, 59, 62, 68, 69, and 70** (which relate to Wairarapa Moana reserve properties). 25
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property (but *see* **section 107(1) of the Te Rohe o Rongokako Joint Redress Act 2021** in relation to a Wairarapa Moana reserve property). 30
- (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.
- (4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act. 35

- (5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name.

82 Subsequent transfer of reserve land 5

- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.
- (2) The fee simple estate in the reserve land in a Wairarapa Moana reserve property may be transferred only in accordance with **section 85**. 10
- (3) The fee simple estate in the reserve land in any other property may be transferred only in accordance with **section 83 or 84**.
- (4) In this section and **sections 83 to 86**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

83 Transfer of reserve land to new administering body 15

- (1) The registered owners of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).
- (2) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the new owners are able— 20
- (a) to comply with the requirements of the Reserves Act 1977; and
- (b) to perform the duties of an administering body under that Act.
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of the fee simple estate in the reserve land.
- (4) The required documents are— 25
- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and
- (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and 30
- (c) any other document required for the registration of the transfer instrument.
- (5) The new owners, from the time of their registration under this section,— 35
- (a) are the administering body of the reserve land; and
- (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.

- (6) A transfer that complies with this section need not comply with any other requirements.

84 Transfer of reserve land if trustees change

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

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

10

85 Transfer of reserve land to new trustees or custodian trustee

- (1) The registered owners of the reserve land may transfer the fee simple estate in the reserve land if—

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- (a) the transferees are—
(i) the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust (which is the same trust in whose trustees the reserve land was vested by this Act); or
(ii) the custodian trustee of that trust; and
(b) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' lawyer, verifying that **paragraph (a)** applies.

20

- (2) In this section, **custodian trustee** means the custodian trustee of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust that is appointed under clause 28 of the trust deed for that Trust.

25

86 Reserve land not to be mortgaged

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

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

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

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- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

Subpart 6—Vesting and gifting back of property

88 Vesting and gifting back of Castlepoint Scenic Reserve

- (1) The fee simple estate in Castlepoint Scenic Reserve vests in the trustees on the vesting date.
- (2) On the seventh day after the vesting date, the fee simple estate in Castlepoint Scenic Reserve vests in the Crown as a gifting back to the Crown by the trustees on behalf of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua for the people of New Zealand. 5
- (3) However, the following matters apply as if the vestings had not occurred:
- (a) Castlepoint Scenic Reserve remains a reserve under the Reserves Act 1977; and 10
- (b) any enactment, instrument, or interest that applied to Castlepoint Scenic Reserve immediately before the vesting date continues to apply to it; and
- (c) to the extent that the overlay classification declared by **section 10 of the Te Rohe o Rongokako Joint Redress Act 2021** applies to Castlepoint Scenic Reserve immediately before the vesting date, it continues to apply to the property; and 15
- (d) the Crown retains all liability for Castlepoint Scenic Reserve.
- (4) The vestings are not affected by—
- (a) Part 4A of the Conservation Act 1987; or 20
- (b) section 10 or 11 of the Crown Minerals Act 1991; or
- (c) section 11 or Part 10 of the Resource Management Act 1991; or
- (d) any other enactment relating to the land.
- (5) In this section,—
- Castlepoint Scenic Reserve** means the land, as shown on deed plan OTS-203-14, comprising— 25
- (a) Section 1047 Whareama District to the extent that it is not within the coastal marine area (*Gazette* notice B040011.1); and
- (b) 25.2000 hectares, more or less, being Lot 1 DP 51466 (all record of title WN43B/769 for the fee simple estate) 30
- coastal marine area** has the meaning given in section 2(1) of the Resource Management Act 1991
- vesting date** means the first 16 March after the settlement date.

Subpart 7—Te Upoko Taiao

89 Interpretation 35

In this section and **sections 90 and 91**,—

Te Upoko Taiao means Te Upoko Taiao—Natural Resources Plan Committee, being the committee first appointed under the name Natural Resource Management Plan Development Committee by Wellington Regional Council on 18 August 2009 and continued by **section 90**

terms of reference for Te Upoko Taiao means the terms of reference for Te Upoko Taiao as in effect on the settlement date, and includes any amendments made in accordance with **section 91(1)**. 5

90 Te Upoko Taiao continued as permanent committee of council

- (1) Te Upoko Taiao is continued as a committee of Wellington Regional Council appointed under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002. 10
- (2) Despite clause 30(5)(a) of Schedule 7 of that Act, the council must not discharge Te Upoko Taiao except on the recommendation of Te Upoko Taiao.

91 Terms of reference for Te Upoko Taiao

- (1) Wellington Regional Council must not amend the terms of reference for Te Upoko Taiao except on the recommendation of Te Upoko Taiao. 15
- (2) The council and the members of Te Upoko Taiao must comply with the terms of reference.

Part 3
Commercial redress 20

92 Interpretation

In **subparts 1 to 3**,—

commercial redress property means a property described in part 3 of the property redress schedule

Crown forest land has the meaning given in section 2(1) of the Crown Forest Assets Act 1989 25

Crown forestry licence—

- (a) has the meaning given in section 2(1) of the Crown Forest Assets Act 1989; and
- (b) in relation to the licensed land, means the licence described in the third column of the table in part 3 of the property redress schedule 30

Crown forestry rental trust means the forestry rental trust referred to in section 34 of the Crown Forest Assets Act 1989

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust 35

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

land holding agency means the land holding agency specified,—

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

licensed land—

- (a) means the property described as licensed land in part 3 of the property redress schedule; but 10
- (b) excludes—
 - (i) trees growing, standing, or lying on the land; and
 - (ii) improvements that have been—
 - (A) acquired by a purchaser of the trees on the land; or 15
 - (B) made by the purchaser or the licensee after the purchaser has acquired the trees on the land

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

protected site means any area of land situated in the licensed land that— 20

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

right of access means the right conferred by **section 105** 25

Whareama property means the property of that name described in part 3 of the property redress schedule.

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

93 **The Crown may transfer properties** 30

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

- (a) to transfer the fee simple estate in a commercial redress property or a deferred selection property to the trustees; and
- (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer. 35

- 94 Minister of Conservation may grant easements**
- (1) The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to a commercial redress property or deferred selection property.
- (2) Any such easement— 5
- (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
- (b) is to be treated as having been granted in accordance with Part 3B of that Act.
- 95 Records of title for commercial redress properties and deferred selection properties** 10
- (1) This section applies to each of the following properties that is to be transferred to the trustees under **section 93**:
- (a) a commercial redress property (other than licensed land):
- (b) the deferred selection property that is named the former Te Wharau school and dwelling, and is described, in part 4 of the property redress schedule: 15
- (c) any other deferred selection property.
- (2) However, for any property described in **subsection (1)(a) or (c)**, this section applies only to the extent that— 20
- (a) the property is not all of the land contained in a record of title for a fee simple estate; or
- (b) there is no record of title for the fee simple estate in all or part of the property.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,— 25
- (a) create a record of title for the fee simple estate in the property in the name of the Crown; and
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but 30
- (c) omit any statement of purpose from the record of title.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a record of title.
- (5) In this section and **sections 96 and 97**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 35

96 Record of title for licensed land

- (1) This section applies to licensed land that is to be transferred to the trustees under **section 93**.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,— 5
- (a) create a record of title in the name of the Crown for the fee simple estate in the property; and
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
- (c) omit any statement of purpose from the record of title. 10
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title.

97 Authorised person may grant covenant for later creation of record of title

- (1) For the purposes of **sections 95 and 96**, the authorised person may grant a covenant for the later creation of a record of title for the fee simple estate in any commercial redress property or deferred selection property. 15
- (2) Despite the Land Transfer Act 2017,—
- (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and 20
- (b) the Registrar-General must comply with the request.

98 Application of other enactments

- (1) This section applies to the transfer to the trustees of the fee simple estate in a commercial redress property or deferred selection property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but— 25
- (a) sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and
- (b) for the Whareama property, the marginal strip reserved by section 24 of that Act is reduced to a width of 5 metres. 30
- (3) The transfer does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer. 35

- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.
- (6) In exercising the powers conferred by **section 93**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 5
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.
- 99 Transfer of Whareama property**
- (1) The transfer instrument for the transfer of the Whareama property to the trustees must include a statement that **section 98(2)(b)** applies to the property. 10
- (2) The Registrar-General must, upon the registration of the transfer of the Whareama property, record on any record of title for the property that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 5 metres. 15
- (3) A notation made under **subsection (2)** is to be treated as having been made in compliance with section 24D(1) of that Act.
- 100 Transfer of properties subject to lease**
- (1) This section applies to a deferred selection property— 20
- (a) for which the land holding agency is Ministry of Education; and
- (b) the ownership of which is to be transferred to the trustees; and
- (c) that, after the transfer, is to be subject to a lease back to the Crown.
- (2) Section 24 of the Conservation Act 1987 does not apply to the transfer of the property.
- (3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to **section 101** upon the registration of the transfer. 25
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that— 30
- (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (b) the land is subject to **section 101**.
- (5) A notation made under **subsection (4)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act. 35

101 Requirements if lease terminates or expires

- (1) This section applies if the lease referred to in **section 100(1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.
- (2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property. 5
- (3) The registered owners of the property must apply in writing to the Registrar-General,—
- (a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that— 10
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to this section; or
- (b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,— 15
- (i) section 24 of the Conservation Act 1987 does not apply to that part; and
- (ii) that part is subject to this section. 20
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)** free of charge to the applicant.

Subpart 2—Licensed land

102 Licensed land ceases to be Crown forest land

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

103 Trustees are confirmed beneficiaries and licensors of licensed land

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

- (b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustees are the confirmed beneficiaries in relation to the licensed land.
- (3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the Crown forestry licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land. 5
- (4) Notice given by the Crown under **subsection (3)** has effect as if—
- (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and 10
- (b) the recommendation became final on the settlement date.
- (5) The trustees are the licensors under the Crown forestry licence as if the licensed land were returned to Māori ownership—
- (a) on the settlement date; and 15
- (b) under section 36 of the Crown Forest Assets Act 1989.
- (6) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the licensed land.
- 104 Effect of transfer of licensed land**
- (1) **Section 103** applies whether or not— 20
- (a) the transfer of the fee simple estate in the licensed land has been registered; or
- (b) the processes described in clause 17.4 of the Crown forestry licence held in record of title WN1300/9 (for an interest) have been completed as required under section 94(2) of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017. 25
- (2) To the extent that the Crown has not completed the processes referred to in **subsection (1)(b)** before the settlement date, it must continue those processes under the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 until they are completed. 30
- (3) For the period starting on the settlement date and ending on the completion of the processes referred to in **subsection (1)(b)**, the licence fee payable under the Crown forestry licence in respect of the licensed land is the amount calculated in the manner described in paragraphs 6.24 and 6.25 of the property redress schedule. 35
- (4) However, the calculation of the licence fee under **subsection (3)** is overridden by any agreement made by—
- (a) the trustees as licensor; and
- (b) the licensee; and

- (c) the Crown; and
- (d) the trustees of the Rangitāne Tū Mai Rā Trust as licensor of the licensed land under section 93(5) of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017.

Subpart 3—Access to protected sites 5

105 Right of access to protected sites

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site. 10
- (2) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.
- (3) The right of access is subject to the following conditions:
 - (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and 15
 - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
 - (c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required— 20
 - (i) for the safety of people; or
 - (ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
 - (iii) for operational reasons. 25

106 Right of access over licensed land

- (1) A right of access over licensed land is subject to the terms of any Crown forestry licence.
- (2) However, **subsection (1)** does not apply if the licensee has agreed to the right of access being exercised. 30
- (3) An amendment to a Crown forestry licence is of no effect to the extent that it would—
 - (a) delay the date from which a person may exercise a right of access; or
 - (b) adversely affect a right of access in any other way.

107 Right of access to be recorded on record of title 35

- (1) This section applies to the transfer to the trustees of the licensed land.

- (2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land.
- (3) The Registrar-General must, upon the registration of the transfer of the land, record on the record of title for the land that the land is subject to a right of access to protected sites on the land.

5

Subpart 4—Right of first refusal over RFR land

Interpretation

108 Interpretation

In this subpart and **Schedule 4**,—

control, for the purposes of **paragraph (d)** of the definition of Crown body, means,— 10

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

Crown body means— 15

- (a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and
- (b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and

(c) the New Zealand Railways Corporation; and 20

(d) a company or body that is wholly owned or controlled by 1 or more of the following:

- (i) the Crown;
- (ii) a Crown entity;
- (iii) a State enterprise: 25
- (iv) the New Zealand Railways Corporation; and

(e) a subsidiary or related company of a company or body referred to in **paragraph (d)**

dispose of, in relation to RFR land,—

(a) means— 30

- (i) to transfer or vest the fee simple estate in the land; or
- (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but

(b) to avoid doubt, does not include— 35

- (i) to mortgage, or give a security interest in, the land; or

- (ii) to grant an easement over the land; or
- (iii) to consent to an assignment of a lease, or to a sublease, of the land; or
- (iv) to remove an improvement, a fixture, or a fitting from the land

expiry date, in relation to an offer, means its expiry date under **sections 111(2)(a) and 112** 5

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 111**, to dispose of RFR land to the trustees

public work has the meaning given in section 2 of the Public Works Act 1981 10

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

RFR landowner, in relation to RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and 15
- (b) means a Crown body, if the body holds the fee simple estate in the land; and
- (c) includes a local authority to which RFR land has been disposed of under **section 117(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested— 20
 - (i) on the settlement date; or
 - (ii) after the settlement date, under **section 118(1)**

RFR period means the period of 178 years on and from the settlement date

subsidiary has the meaning given in section 5 of the Companies Act 1993. 25

109 Meaning of RFR land

(1) In this subpart, **RFR land** means—

- (a) the land described in part 6 of the attachments that, on the settlement date,—
 - (i) is vested in the Crown; or 30
 - (ii) is held in fee simple by the Crown or by AgResearch Limited; or
 - (iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and 35
- (b) any land obtained in exchange for a disposal of RFR land under **section 122(1)(c) or 123**.

- (2) Land ceases to be RFR land if—
- (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under **section 93** in the case of a deferred selection property or under a contract formed under **section 115**); or 5
 - (ii) any other person (including the Crown or a Crown body) under **section 110(d)**; or
 - (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
 - (i) under any of **sections 119 to 126** (which relate to permitted disposals of RFR land); or 10
 - (ii) under any matter referred to in **section 127(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or
 - (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 135**; or 15
 - (d) the RFR period ends.

Restrictions on disposal of RFR land

- 110 Restrictions on disposal of RFR land** 20
- An RFR landowner must not dispose of RFR land to a person other than the trustees or their nominee unless the land is disposed of—
- (a) under any of **sections 116 to 126**; or
 - (b) under any matter referred to in **section 127(1)**; or
 - (c) in accordance with a waiver or variation given under **section 135**; or 25
 - (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees if the offer to the trustees was—
 - (i) made in accordance with **section 111**; and
 - (ii) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and 30
 - (iii) not withdrawn under **section 113**; and
 - (iv) not accepted under **section 114**.

Trustees' right of first refusal

- 111 Requirements for offer**
- (1) An offer by an RFR landowner to dispose of RFR land to the trustees must be 35
by notice to the trustees.

- (2) The notice must include—
- (a) the terms of the offer, including its expiry date; and
 - (b) the legal description of the land, including any interests affecting it, and the reference for any record of title for the land; and
 - (c) a street address for the land (if applicable); and 5
 - (d) a street address, postal address, and fax number or electronic address for the trustees to give notices to the RFR landowner in relation to the offer.
- 112 Expiry date of offer**
- (1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the trustees receive notice of the offer. 10
- (2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the trustees receive notice of the offer if—
- (a) the trustees received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and 15
 - (c) the earlier offer was not withdrawn.
- 113 Withdrawal of offer**
- The RFR landowner may, by notice to the trustees, withdraw an offer at any time before it is accepted. 20
- 114 Acceptance of offer**
- (1) The trustees may, by notice to the RFR landowner who made an offer, accept the offer if—
- (a) it has not been withdrawn; and
 - (b) its expiry date has not passed. 25
- (2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less.
- 115 Formation of contract**
- (1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer. 30
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person (the **nominee**) to receive the transfer of the RFR land. 35
- (4) The trustees may nominate a nominee only if—

- (a) the nominee is lawfully able to hold the RFR land; and
 - (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify—
- (a) the full name of the nominee; and 5
 - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

Disposals to others where land remains RFR land 10

116 Disposal to the Crown or Crown bodies

- (1) An RFR landowner may dispose of RFR land to—
- (a) the Crown; or
 - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 563 of the Education and Training Act 2020. 15

117 Disposal of existing public works to local authorities

- (1) An RFR landowner may dispose of RFR land that is a public work or part of a public work, in accordance with section 50 of the Public Works Act 1981, to a local authority, as defined in section 2 of that Act. 20
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes—
- (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

118 Disposal of reserves to administering bodies 25

- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become—
- (a) the RFR landowner of the land; or 30
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
- (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart. 35

Disposals to others where land may cease to be RFR land

- 119 Disposal in accordance with obligations under enactment or rule of law**
An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.
- 120 Disposal in accordance with legal or equitable obligations** 5
An RFR landowner may dispose of RFR land in accordance with—
- (a) a legal or an equitable obligation that—
 - (i) was unconditional before the settlement date; or
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or 10
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
 - (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.
- 121 Disposal under certain legislation** 15
An RFR landowner may dispose of RFR land in accordance with—
- (a) section 54(1)(d) of the Land Act 1948; or
 - (b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or
 - (c) section 355(3) of the Resource Management Act 1991; or 20
 - (d) an Act that—
 - (i) excludes the land from a national park within the meaning of the National Parks Act 1980; and
 - (ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977. 25
- 122 Disposal of land held for public works**
- (1) An RFR landowner may dispose of RFR land in accordance with—
 - (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or 30
 - (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
 - (c) section 117(3)(a) of the Public Works Act 1981; or
 - (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or 35

- (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981. 5
- 123 Disposal for reserve or conservation purposes**
An RFR landowner may dispose of RFR land in accordance with—
- (a) section 15 of the Reserves Act 1977; or
- (b) section 16A or 24E of the Conservation Act 1987. 10
- 124 Disposal for charitable purposes**
An RFR landowner may dispose of RFR land as a gift for charitable purposes.
- 125 Disposal to tenants**
The Crown may dispose of RFR land,—
- (a) if the land was held on the settlement date for education purposes, to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or 15
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—
- (i) before the settlement date; or 20
- (ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or
- (c) under section 93(4) of the Land Act 1948.
- 126 Disposal relating to AgResearch Limited**
- (1) Any RFR land that was owned by AgResearch Limited on the settlement date may be disposed of by any of the following entities to any person if the relevant Ministers have given the required notice to the trustees: 25
- (a) AgResearch Limited:
- (b) a subsidiary of AgResearch Limited:
- (c) any partnership, entity, or body in which AgResearch Limited and any other Crown bodies are the only partners or equity participants. 30
- (2) The notice must state that, in the relevant Ministers’ opinion, AgResearch Limited will give effect to, or assist in giving effect to, any research purpose or research objectives because of the disposal.
- (3) This section does not limit a disposal under any of **sections 116 to 125** or under any matter referred to in **section 127(1)**. 35

- (4) In this section,—
- AgResearch Limited** includes an entity that is a successor to the property, rights, and powers of AgResearch Limited and has the same purpose as AgResearch Limited, or a similar purpose
- relevant Ministers** means the Ministers that hold shares in, or hold ministerial responsibility for, AgResearch Limited. 5

RFR landowner obligations

127 RFR landowner’s obligations subject to other matters

- (1) An RFR landowner’s obligations under this subpart in relation to RFR land are subject to— 10
- (a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
- (b) any interest or legal or equitable obligation— 15
- (i) that prevents or limits an RFR landowner’s disposal of RFR land to the trustees; and
- (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
- (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) **Reasonable steps**, for the purposes of **subsection (1)(b)(ii)**, does not include steps to promote the passing of an enactment. 20

Notices about RFR land

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

- (1) If a record of title is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the record of title has been created. 25
- (2) If land for which there is a record of title becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the RFR land or after the land becomes RFR land. 30
- (4) The notice must include the legal description of the land and the reference for the record of title.

129 Notice to trustees of disposal of RFR land to others

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee. 35

- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal.
- (3) The notice must include—
- (a) the legal description of the land, including any interests affecting it; and
 - (b) the reference for any record of title for the land; and 5
 - (c) the street address for the land (if applicable); and
 - (d) the name of the person to whom the land is being disposed of; and
 - (e) an explanation of how the disposal complies with **section 110**; and
 - (f) if the disposal is to be made under **section 110(d)**, a copy of any written contract for the disposal. 10

130 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a record of title is to cease being RFR land because—
- (a) the fee simple estate in the land is to transfer from the RFR landowner to— 15
 - (i) the trustees or their nominee (for example, under **section 93** in the case of a deferred selection property or under a contract formed under **section 115**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 110(d)**; or 20
 - (b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—
 - (i) under any of **sections 119 to 126**; or
 - (ii) under any matter referred to in **section 127(1)**; or
 - (c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 135**. 25
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land. 30
- (3) The notice must include—
- (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) the details of the transfer or vesting of the land.

131 Notice requirements 35

- Schedule 4** applies to notices given under this subpart by or to—
- (a) an RFR landowner; or

- (b) the trustees.

Right of first refusal recorded on records of title

132 Right of first refusal to be recorded on records of title for RFR land

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the records of title for,— 5
- (a) the RFR land for which there is a record of title on the settlement date; and
- (b) the RFR land for which a record of title is first created after the settlement date; and 10
- (c) land for which there is a record of title that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable—
- (a) after the settlement date, for RFR land for which there is a record of title on the settlement date; or 15
- (b) after receiving a notice under **section 128** that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section. 20
- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is— 25
- (a) RFR land, as defined in **section 109**; and
- (b) subject to this subpart (which restricts disposal, including leasing, of the land).

133 Removal of notations when land to be transferred or vested

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 130(2)**, issue to the Registrar-General a certificate that includes— 30
- (a) the legal description of the land; and
- (b) the reference for the record of title for the land; and
- (c) the details of the transfer or vesting of the land; and 35
- (d) a statement that the certificate is issued under this section.

- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notations recorded under **section 132** for the land described in the certificate. 5

134 Removal of notations when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends, issue to the Registrar-General a certificate that includes— 10
 - (a) the reference for each record of title for RFR land that still has a notation recorded under **section 132**; and
 - (b) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate. 15
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notation recorded under **section 132** from any record of title identified in the certificate.

General provisions applying to right of first refusal

135 Waiver and variation 20

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

136 Disposal of Crown bodies not affected

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

137 Assignment of rights and obligations under this subpart 30

- (1) **Subsection (3)** applies if the RFR holder—
 - (a) assigns the RFR holder’s rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder’s constitutional document; and
 - (b) has given the notices required by **subsection (2)**. 35
- (2) The RFR holder must give notices to each RFR landowner that—

-
- (a) state that the RFR holder’s rights and obligations under this subpart are being assigned under this section; and
- (b) specify the date of the assignment; and
- (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and 5
- (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and **Schedule 4** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.
- (4) In this section,— 10
- constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder
- RFR holder** means the 1 or more persons who have the rights and obligations of the trustees under this subpart, because—
- (a) they are the trustees; or 15
- (b) they have previously been assigned those rights and obligations under this section.

Schedule 1
Hapū included in Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua

s 13

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua includes the following hapū to the extent that they are composed of the individuals described in **section 13(1)(a)**: 5

- (1) Ngāti Hakeke:
- (2) Ngāti Hāmua:
- (3) Ngāi Hangarākau/Ngāti/Ngāi Te Hangarākau:
- (4) Ngāti Hikarahui: 10
- (5) Ngāti Hikarara:
- (6) Ngāti Hikawera:
- (7) Ngāti Hinekōrako:
- (8) Ngāti Hinemau:
- (9) Ngāti Hinepare: 15
- (10) Ngāti Hineraumoa:
- (11) Ngāti Hinetauira:
- (12) Ngāti Hinetearorangi:
- (13) Ngāti Hinewaka:
- (14) Ngāti Hōpara: 20
- (15) Ngāti Ihaka Rautahi:
- (16) Ngāti Ira:
- (17) Ngāti Kahukura-a-whitia:
- (18) Ngāti Kahukuranui:
- (19) Ngāti Kaihuitū: 25
- (20) Ngāti Kaingaahi:
- (21) Ngāti Kaiparuparu:
- (22) Ngāti Kakawa:
- (23) Ngāti Kauihi:
- (24) Ngāti Kaumoana: 30
- (25) Ngāti Kere:
- (26) Ngāti Kirikōhatu:
- (27) Ngāti Kōura:
- (28) Ngāti Maahu:
- (29) Ngāti Mariunga: 35

**Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua
Claims Settlement Bill**

Schedule 1

(30) Ngāti Maru:	
(31) Ngāti Mātangiuru:	
(32) Ngāti Matehau:	
(33) Mere Te Huinga:	
(34) Ngāti Meroiti:	5
(35) Ngāti Moe:	
(36) Ngāti Muretū:	
(37) Ngāti Mutuahi:	
(38) Ngāti Ngāpuoterangi:	
(39) Ngāti Pakapaka:	10
(40) Ngāti Pakuahi:	
(41) Ngāti Pākuia:	
(42) Ngāti Parakiore:	
(43) Ngāti Pārera:	
(44) Ngāti Pāteika:	15
(45) Ngāti Pōhatu:	
(46) Ngāti Pōhoi:	
(47) Ngāti Puha:	
(48) Ngāti Punarewa:	
(49) Ngāti Rakāipaaka:	20
(50) Ngāti Rākairangi:	
(51) Ngāti/Ngāi Rākaiwhakairi:	
(52) Ngāti Rangaranga:	
(53) Ngāti Rangitātāia:	
(54) Ngāti Rangitehewa:	25
(55) Ngāti Rangiwhakaewa:	
(56) Ngāti Rongomaiaia:	
(57) Ngāti Rua:	
(58) Ngāti Ruawahine:	
(59) Ngāti Tahitokuru:	30
(60) Ngāi Tahu/Tahu Makakanui:	
(61) Ngāti Tamahau:	
(62) Ngāti Tāmanuhiri:	
(63) Ngāi Tāneroa/Tanereroa:	
(64) Ngāti Tangatakau:	35

(65) Ngāti Tāpatu:	
(66) Ngāti Tauiao:	
(67) Ngāti Te Ahuahu:	
(68) Ngāi Te Ao:	
(69) Ngāti Te Aokino:	5
(70) Ngāti Te Aomatarahi:	
(71) Ngāi/Ngāti Te Aomataura:	
(72) Ngāti Te Atawhā:	
(73) Ngāti Te Hau:	
(74) Te Hika o Pāpāuma:	10
(75) Ngāti Te Hina/Te Hina Ariki:	
(76) Ngāti Te Kai:	
(77) Ngāti Te Kawekairangi:	
(78) Ngāti Te Koro o Ngā Whenua:	
(79) Ngāti Te Korou:	15
(80) Ngāti Te Noti:	
(81) Ngāti Te Opekai:	
(82) Ngāti Te Raetea:	
(83) Ngāti Te Rangi-koia-anake:	
(84) Ngāi / Ngāti Te Rangitāwhanga:	20
(85) Ngāti Te Rangitotohu:	
(86) Ngāi Te Rautangata:	
(87) Ngāi Te Rehunga:	
(88) Ngāti Te Tohinga:	
(89) Ngāti Te Tomo:	25
(90) Ngāti Te Whātui:	
(91) Ngāti Te Whiunga:	
(92) Ngāti Tū:	
(93) Ngāti Tūhakeke:	
(94) Ngāi Tūkaihora:	30
(95) Ngāti Tūkōkō:	
(96) Tūmaiteuru:	
(97) Ngāti Tūmanawa:	
(98) Ngāi Tūmapuhia-a-Rangi:	
(99) Ngāi Tuohungia:	35

(100) Ngāti Tūranga:	
(101) Ngāti Tūtawake:	
(102) Ngāi Tūtemiha:	
(103) Ngāti Tūtohengarangi:	
(104) Ngāti Ūpokoiri:	5
(105) Ngāti Waipūhoro:	
(106) Ngāti Whai-tongarerewa:	
(107) Ngāti Whaiwhati:	
(108) Ngāti Whakamana:	
(109) Ngāti Whatuiāpiti:	10
(110) Ngāti Wheke.	

Schedule 2 Statutory areas

ss 27, 36

Part 1

Area subject only to statutory acknowledgement

5

Statutory area	Location
Coastal marine area within the area of interest	As shown on OTS-203-02

Part 2

Areas subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
Arete (hill)	As shown on OTS-203-03
Carter Scenic Reserve	As shown on OTS-203-04
Lowes Bush Scenic Reserve	As shown on OTS-203-05
Mount Hector (peak)	As shown on OTS-203-06
Oumakura Scenic Reserve	As shown on OTS-203-07
Pahaoa Scientific Reserve	As shown on OTS-203-08
Rewa Bush Conservation Area	As shown on OTS-203-09
Remutaka Forest Park within the area of interest	As shown on OTS-203-10
Rocky Hills Sanctuary Area	As shown on OTS-203-11
Turakirae Head Scientific Reserve	As shown on OTS-203-12

Schedule 3

Cultural redress properties

ss 45, 73, 74

Properties vested in fee simple

Name of property	Description	Interests
Akitio property	<i>Wellington Land District— Tararua District</i> 0.6048 hectares, more or less, being Lot 1 DP 14161 and Section 3 SO 37356. All record of title WN47D/505 for the fee simple estate. 0.0970 hectares, more or less, being Section 1 SO 23080 and Section 2 SO 37356. All record of title WN47D/506 for the fee simple estate.	Subject to a water right created by transfer 79036 (affects the land in record of title WN47D/505 for the fee simple estate).
Ngātamatea property	<i>Wellington Land District— Masterton District</i> 0.5111 hectares, more or less, being Part Lots 1 and 2 DP 4298 and Part Section 365 Whareama District. All record of title 683959 for the fee simple estate.	
Remutaka summit property	<i>Wellington Land District—South Wairarapa District and Upper Hutt City</i> 0.0375 hectares, more or less, being Section 1 SO 527515. Part record of title 649518 for the fee simple estate (limited as to parcels).	Subject to <i>Gazette</i> notice 989186 declaring adjoining State Highway 2 to be a limited access road. Subject to the easement in gross for a right to access and maintain a structure referred to in section 48(3)(a) . Subject to the easement in gross for a right of way, and a right to place and maintain a structure, referred to in section 48(3)(b) .
Te Oroī site A	<i>Wellington Land District—South Wairarapa District</i> 1.0000 hectares, more or less, being Section 1 SO 513864. Part <i>Gazette</i> notices B198133.2 and B134902.1.	Subject to an unregistered permit to mark, capture, transfer, handle, and release species with permit number 34958-FAU to Hawke’s Bay Fish and Game Council.

Properties vested in fee simple to be administered as reserves

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Name of property	Description	Interests
Aorangi property	<i>Wellington Land District—South Wairarapa District</i> 11.3640 hectares, more or less, being Section 1 SO 513862. Part <i>Gazette</i> 1974, p 2975.	Subject to being a scenic reserve, as referred to in section 50(3) .

Name of property	Description	Interests
Awakura property	<p><i>Hawke's Bay Land District— Tararua District</i></p> <p>668.0200 hectares, more or less, being Lot 1 DP 321658. All record of title 86577 for the fee simple estate.</p>	<p>Subject to being a scenic reserve, as referred to in section 51(3).</p> <p>Together with a right of way easement contained in instrument 5696581.3.</p> <p>Subject to an unregistered permit with permit number 34958 FAU to the Eastern Fish and Game Council.</p> <p>Subject to an unregistered licence for placement of beehives with licence number 70925-OTH to Kahungunu Ki Tamaki-Nui-A Rua Trust.</p>
Hikapu property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>10.3970 hectares, more or less, being Section 1 SO 530681. Part record of title WN571/35 for the fee simple estate and part <i>Gazette</i> 1974, p 2975.</p>	<p>Subject to being a scenic reserve, as referred to in section 52(3).</p>
Kahutara property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>30.0790 hectares, more or less, being Section 1 SO 532197. Part <i>Gazette</i> notice B516900.1.</p>	<p>Subject to being a local purpose reserve, as referred to in section 53(3).</p> <p>Subject to an unregistered licence to occupy a lodge site—Eric Kilmore Lodge—with permit number WE 17686 OTH to Fish and Game (Wellington Region).</p>
Kākahimakatea property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>0.3900 hectares, more or less, being Section 138 Western Lake District. Part transfer 560300.</p>	<p>Subject to being a historic reserve, as referred to in section 54(3).</p> <p>Together with a right of way on foot easement in gross created by easement instrument 9585759.2.</p>
Mangatārera o Te Whakatūrākau site A	<p><i>Wellington Land District— Carterton District</i></p> <p>1.0000 hectares, more or less, being Section 1 SO 530010. Part record of title WN428/230 for the fee simple estate.</p>	<p>Subject to being a local purpose reserve, as referred to in section 55(3).</p> <p>Subject to an unregistered permit to carry out guided tours with permit number WE-32736-GUI to Woodnet 2005 Limited.</p> <p>Subject to an unregistered permit to transport hunters to designated sites with permit number 35554-AIR to Kapiti Heliworx Limited.</p> <p>Subject to an unregistered permit to transport hunters to designated</p>

Name of property	Description	Interests
Mangatārera o Te Whakatūrākau site B	<i>Wellington Land District— Carterton District</i> 49.0000 hectares, more or less, being Section 2 SO 530010. Part record of title WN428/230 for the fee simple estate.	sites with permit number 37765-AIR to Tararua Heliwork Limited. Subject to an unregistered permit to run the Big Bang Adventure Race with permit number 39378-SSE to Big Bang Adventure Charitable Trust. Subject to being a scenic reserve, as referred to in section 56(3) . Subject to an unregistered permit to carry out guided tours with permit number WE-32736-GUI to Woodnet 2005 Limited. Subject to an unregistered permit to transport hunters to designated sites with permit number 35554-AIR to Kapiti Heliworx Limited. Subject to an unregistered permit to transport hunters to designated sites with permit number 37765-AIR to Tararua Heliwork Limited. Subject to an unregistered permit to run the Big Bang Adventure Race with permit number 39378-SSE to Big Bang Adventure Charitable Trust.
Ngā Rā-a-Kupe property	<i>Wellington Land District—South Wairarapa District</i> 6.4383 hectares, more or less, being Sections 1, 2, 3, and 4 SO 530759. All record of title WN58C/731 for the fee simple estate and part record of title WN17C/409 for the fee simple estate.	Subject to being a historic reserve, as referred to in section 57(3) . Subject to an unregistered authorisation for trapping and killing ferrets and possums with national permit number 36927-DAM to TBFree New Zealand Limited.
Ōwāhanga property	<i>Wellington Land District—South Wairarapa District</i> 6.7810 hectares, more or less, being Section 19 SO 518213. Part record of title WN424/136 for the fee simple estate and part <i>Gazette</i> notice B432983.1.	Subject to being a local purpose reserve, as referred to in section 58(7) .
Pounui lagoon property	<i>Wellington Land District—South Wairarapa District</i> 44.2200 hectares, more or less, being Section 1 SO 515161. Part record of title WN424/136 for the fee simple estate.	Subject to being a local purpose reserve, as referred to in section 59(3) . Subject to an unregistered permit to collect specimens and samples

Name of property	Description	Interests
Puketoi property	<p><i>Wellington Land District—Tararua District</i></p> <p>54.3900 hectares, more or less, being Section 1 SO 529886. Part record of title 37318 for the fee simple estate and part <i>Gazette</i> notice 5171218.1.</p>	<p>with permit number 67922-RES to the Karori Sanctuary Trust.</p> <p>Subject to an unregistered permit to collect specimens and samples with permit number 62369-RES to the University of Waikato.</p> <p>Subject to being a scenic reserve, as referred to in section 60(3).</p>
Remutaka property	<p><i>Wellington Land District—South Wairarapa District and Upper Hutt City</i></p> <p>10.9760 hectares, more or less, being Section 1 SO 527576. Part <i>Gazettes</i> 1960, p 1302, 1972, p 1641, and 1974, p 610.</p>	<p>Subject to being a scenic reserve, as referred to in section 61(3).</p> <p>Subject to the right of way easement in gross referred to in section 61(5).</p>
Ruamahanga Cutoff property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>50 hectares, approximately, being Part Section 106 Turanganui District, but excluding the Crown stratum as defined in section 45. Part <i>Gazette</i> notice B513385.2. Subject to survey.</p> <p>As shown on OTS-203–34.</p>	<p>Subject to being a local purpose reserve, as referred to in section 62(3).</p>
Te Hīwawā property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>3.0000 hectares, more or less, being Section 1 SO 513863. Part <i>Gazette</i> 1972, p 1641.</p>	<p>Subject to being a recreation reserve, as referred to in section 63(3).</p>
Te Oroī site B	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>3.9550 hectares, more or less, being Section 2 SO 513864. Part <i>Gazette</i> notices B198133.2 and B134902.1.</p>	<p>Subject to being a scenic reserve, as referred to in section 64(3).</p> <p>Subject to an unregistered permit to mark, capture, transfer, handle, and release species with permit number 34958-FAU to Hawke’s Bay Fish and Game Council.</p>
Te Pouaruhe site A	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>1.7630 hectares, more or less, being Section 5 SO 515161. Part record of title 559008 for the fee simple estate.</p>	<p>Subject to being a local purpose reserve, as referred to in section 65(3).</p> <p>Subject to the right of way easement in gross referred to in section 65(5)(a).</p>

Name of property	Description	Interests
Te Pouaruhe site B	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>24.3600 hectares, more or less, being Section 6 SO 515161. Part record of title 559008 for the fee simple estate.</p>	<p>Subject to the right of way easement in gross referred to in section 65(5)(b).</p> <p>Subject to an unregistered permit to carry out Guiding (bird watching) with permit number 39002-GUI to Dougal and Denise Mackenzie.</p> <p>Subject to being a recreation reserve, as referred to in section 66(3).</p> <p>Subject to the right of way easement in gross referred to in section 66(5).</p>
Tuhirangi property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>10.0000 hectares, more or less, being Section 1 SO 513865. Part <i>Gazette</i> 1974, p 2975.</p>	<p>Subject to an unregistered permit to carry out Guiding (bird watching) with permit number 39002-GUI to Dougal and Denise Mackenzie.</p> <p>Subject to being a scenic reserve, as referred to in section 67(3).</p> <p>Subject to an unregistered event permit for a 3-day running event with permit number 81277-SSE to Chris Martin.</p> <p>Subject to an unregistered permit to catch, take, and remove the adult flies, larvae, and pupae of <i>Meniscus</i> and <i>Madicolous</i> midges with permit number 63774-RES to John K Moulton.</p> <p>Subject to an unregistered national permit for the monitoring of population-level effects of 1080 control on a range of small animals, invertebrates, and birds with permit number 66699-RES to Victoria University of Wellington.</p>
Wairarapa Lake Domain property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>97.4650 hectares, more or less, being Sections 29 and 30 SO 518213. Part record of title WN424/136 for the fee simple estate, all <i>Gazette</i> notice 103802.1, part <i>Gazette</i> notice K35756, all <i>Gazette</i> 1951, p 1260, and part <i>Gazette</i> 1912, p 36.</p>	<p>Subject to being a recreation reserve, as referred to in section 68(7).</p> <p>Subject to an unregistered deed of licence to occupy to Wairarapa Yacht Club (dated 21 December 2017).</p>

Name of property	Description	Interests
Wairarapa Lake Shore property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>352.4515 hectares, more or less, being Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41 SO 518213. All transfers 535993 and 669518, balance transfers 508508, 512153, 650910, and 758892, all record of title 619413 for the fee simple estate, and part record of title 605550 for the fee simple estate.</p>	<p>Subject to being a local purpose reserve, as referred to in section 69(6).</p> <p>Subject to an unregistered grazing permit with permit number 36253-GRA to Fraser Donald.</p> <p>Subject to an unregistered Management Agreement (August 2011) with Ducks Unlimited regarding replanting of Wairio wetland area.</p> <p>Subject to an unregistered permit to collect specimens and samples with permit number 67922-RES to the Karori Sanctuary Trust.</p> <p>Subject to an unregistered grazing licence to graze cattle at Lake Wairarapa with concession number 71165-GRA to Jane Donald.</p> <p>Subject to an unregistered easement to construct and maintain a stopbank along with fencing and riparian planting at Lake Wairarapa with concession number 50636-OTH to Kumenga Land Company Limited.</p> <p>Subject to an unregistered grazing licence to graze cattle and sheep at Lake Wairarapa with concession number 68185-GRA to Landcorp Farming Limited.</p>
Wairarapa Lake Shore Scenic Reserve property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>28.0197 hectares, more or less, being Sections 105, 106, 107, 108, 109, 110, 111, 113, 114, and 115 Western Lake District, and Section 3 SO 518213. Part record of title WN194/217 for the fee simple estate.</p>	<p>Subject to being a scenic reserve, as referred to in section 70(3).</p> <p>Subject to an unregistered agreement for a cycle track to remain on the property between South Wairarapa District Council and the Director-General dated 1 July 2016.</p>
Whāwhānui White Rock property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>0.6204 hectares, more or less, being Section 1 SO 513866. All record of title WN29D/492 for the fee simple estate.</p> <p>3.5277 hectares, more or less, being Sections 2 and 4 SO</p>	<p>Subject to being a recreation reserve, as referred to in section 71(3).</p>

Name of property	Description	Interests
	513866. Part record of title WN29D/493 for the fee simple estate.	
<i>Property vested in fee simple subject to conservation covenant</i>		
Name of property	Description	Interests
Te Kopi property	<i>Wellington Land District—South Wairarapa District</i> 29.2330 hectares, more or less, being Section 1 SO 533579. Part <i>Gazette</i> 1983, p 4064.	Subject to the right of way easement in gross referred to in section 72(3)(a) . Subject to the covenant referred to in section 72(3)(b) . Subject to an unregistered community agreement for the maintenance of Waikuku Te Kopi Road to the Akatarawa Recreational Access Committee (ARAC) with agreement number DOC-6482060.

Schedule 4 Notices in relation to RFR land

ss 131, 137

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under **subpart 4** of **Part 3** must be— 5

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, for a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,— 10
 - (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or 15
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 111**, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and 20
- (c) for a notice given under **section 128 or 130**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and
- (d) given by—
 - (i) delivering it by hand to the recipient’s street address; or 25
 - (ii) posting it to the recipient’s postal address; or
 - (iii) faxing it to the recipient’s fax number; or
 - (iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite **clause 1**, a notice given in accordance with **clause 1(a)** may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017. 30

3 Time when notice received

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

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

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