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Ngāti Mutunga Claims Settlement Act 2006

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Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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Preamble

Background

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

The rohe of Ngāti Mutunga

- (3) According to Ngāti Mutunga, the traditional rohe of Ngāti Mutunga is indelibly etched into both physical and historical landscapes. The Titoki ridge rising from the marine shelf in the north-west signals interface with Ngāti Tama. From here, the Titoki Stream outlines the extremities of tūpuna mana as far north as the Mangahia Stream from which an easterly direction is struck to Huanui, then north-east to Waitara-iti. The rohe then finds a natural eastern definition in the Waitara River as the river flows southward to the Pouiatoa precinct. From here the border extends further south and then north-west along the Waitara River to a point where the river connects with the Makara Stream. The confines of mana whenua are then traced in a northerly direction skirting slightly west of the Poukekewa, Poutotara, and Pukemai Streams. The Mangahewa Stream then provides an outline for the duration of the course to the coast. The old settlement in the district of Te Rau o te Huia was bounded by the Waiiau River and its remains mark the area of Ngāti Mutunga's traditional southern boundary:
- (4) The area of the Ngāti Mutunga rohe described above was approximately 63 200 hectares (156 000 acres) according to a digital map calculation in 2003:

Taranaki wars

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

Confiscation

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

the land of Ngāti Mutunga was confiscated, despite the declaration that land of “loyal inhabitants” would be taken only where “absolutely necessary for the security of the country”:

Compensation Court

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

Parihaka

- (8) Before the wars ended, a movement for peace and independence was established at Parihaka under the leadership of Te Whiti o Rongomai and Tohu Kākahi. In 1878, the Government began surveying the central Taranaki district in which the Parihaka block was located. When the survey neared Māori cultivations, Te Whiti and Tohu introduced a policy of passive resistance to the surveyors and European settlers who followed. Ngāti Mutunga and other iwi supported this policy. These passive resistance campaigns led to more than 420 “ploughmen” and 216 “fencers” being arrested. Most were denied a trial and many prisoners, including people of Ngāti Mutunga, were held in the South Island. Prison conditions were harsh and included hard labour. The Ngāti Mutunga person Pitiroi Paekaha was among those who died while in custody:
- (9) On 5 November 1881, more than 1 500 Crown troops invaded and occupied Parihaka. Over the following days, some 1 600 Māori were forcibly expelled from the settlement and made to return to their previous homes. Houses and cultivations were systematically destroyed, and stock was driven away or killed. Taranaki Māori assert that women were raped and otherwise molested by the soldiers:

- (10) The leaders of Parihaka, Te Whiti o Rongomai and Tohu Kākahi, were arrested, and held until 1883. Special legislation provided for their imprisonment without trial:

West Coast Commissions and West Coast Settlement Reserves

- (11) Two West Coast Commissions were appointed in 1880. The first was established to inquire into the Compensation Court awards and specific promises made by the Crown to Māori in Taranaki concerning confiscated lands. The second was established to implement the recommendations of the first. Almost all of the open coastal land confiscated within the rohe of Ngāti Mutunga had already been allocated to military settlers. Ngāti Mutunga was left with insufficient agricultural land for its present and future needs:
- (12) Of the land that was returned to Ngāti Mutunga, all was returned under individualised title. Many of the reserves were protected against permanent alienation when granted, but these restrictions were later removed and much of this land was sold:
- (13) The reserves made by the West Coast Commission were vested in the Public Trustee in trust for Māori owners, with Māori thereby losing legal ownership and control of their lands. The Public Trustee had full power to sell or lease the alienable reserves, and lease the inalienable ones under terms imposed by statute. The West Coast Settlement Reserves Act 1892 provided for perpetually renewable leases with rent based on the unimproved value of the land:
- (14) In 1926, the Sim Commission was set up to investigate confiscations under the New Zealand Settlements Act 1863 and subsequent legislation. The Commission's recommendations for an annuity of £5,000 for all the Taranaki confiscations and a single payment of £300 for the loss of property at Parihaka were not discussed with the iwi concerned and were never accepted as adequate. For the first 17 years, the payments were irregular. The sums due in the early 1930s were not fully paid:

Public Works acquisitions

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

Natural resources

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

Ngāti Mutunga makes submissions to the Waitangi Tribunal

- (17) The enactment of the Treaty of Waitangi Amendment Act 1985 made it possible for Māori to bring claims before the Waitangi Tribunal in respect of acts or omissions on or after 6 February 1840 by, or on behalf of, the Crown that

were inconsistent with the principles of the Treaty of Waitangi (te Tiriti o Waitangi):

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

The Crown's acknowledgements to Waitangi Tribunal

- (19) The Crown advised the Waitangi Tribunal, after hearing the claimants' evidence, that it considered there was a basis for negotiation with claimants and that the Crown had invited claimants to meet with it for that purpose. The Crown asked the Waitangi Tribunal to issue an interim report in order to assist the negotiations process between the Crown and claimants (including Ngāti Mutunga):
- (20) The Waitangi Tribunal asked the Crown to indicate those matters upon which it would not wish to give evidence before the Tribunal. The Crown provided this advice to the Waitangi Tribunal on 28 November 1995 in its Interim Response (which is Document 2.108 on the Waitangi Tribunal's Record of Inquiry for Taranaki):
- (21) The Crown acknowledged to the Waitangi Tribunal in its Interim Response that—
- (a) the Waitara purchase and the wars that followed constituted an injustice and were, therefore, in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles; and
 - (b) the confiscation of land, as it occurred in Taranaki, also constituted an injustice and was, therefore, in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles; and
 - (c) the confiscation had a severe impact upon the welfare, economy, and development of the iwi of Taranaki; and
 - (d) in general terms, the delays in setting aside reserves contributed to the adverse effects of the confiscation; and
 - (e) events relating to the implementation of the confiscation leading to the invasion of Parihaka in 1881, the invasion itself, and its aftermath constituted a breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles:

Interim Taranaki Report of Waitangi Tribunal

- (22) In June 1996, the Waitangi Tribunal issued an interim report called the "Taranaki Report Kaupapa Tuatahi" (the **Interim Taranaki Report**) giving its preliminary views on the Taranaki Claims:
- (23) The Waitangi Tribunal issued the Interim Taranaki Report—

- (a) based on the Waitangi Tribunal’s inquiry up to the date of the report (and noted that the Crown had yet to be heard on many matters raised); and
- (b) in order to expedite negotiations for a settlement of the Taranaki Claims (including the claims of Ngāti Mutunga):

Views of the Waitangi Tribunal in the Interim Taranaki Report

- (24) The Waitangi Tribunal, in the Interim Taranaki Report, expressed some preliminary views concerning the Taranaki Claims including that—
- (a) “they could be the largest in the country. There may be no others where as many Treaty breaches had equivalent force and effect over a comparable time” (section 1.1); and
 - (b) “we see the claims as standing on 2 major foundations, land deprivation and disempowerment, with the latter being the main. By “disempowerment”, we mean the denigration and destruction of Māori autonomy or self-government” (section 1.4); and
 - (c) “this report has introduced the historical claims of the Taranaki hapū. It has shown the need for a settlement” (section 12.3.1); and
 - (d) “generous reparation policies are needed to remove the prejudice to Māori, to restore the honour of the Government, to ensure cultural survival, and to re-establish effective interaction between the Treaty partners” (section 12.2):

The settlement negotiations with Ngāti Mutunga

- (25) The Ngāti Mutunga Iwi Authority received in May 1996 a mandate from Ngāti Mutunga to negotiate a deed of settlement with the Crown. The Crown recognised the mandate of the Ngāti Mutunga Iwi Authority in November 1996:
- (26) The Ngāti Mutunga Iwi Authority and the Crown entered into—
- (a) a terms of negotiation dated 1 July 1997, which specified the scope, objectives, and general procedures for the negotiations; and
 - (b) a heads of agreement dated 24 September 1999 recording that Ngāti Mutunga and the Crown were, in principle, willing to enter into a deed of settlement on the basis of the Crown’s settlement proposal set out in the heads of agreement:
- (27) Ngāti Mutunga ratified the Crown’s final settlement offer and entered into a deed of settlement on 31 July 2005. The deed records the agreement between Ngāti Mutunga and the Crown to settle the historical claims of Ngāti Mutunga:

Te Rūnanga o Ngāti Mutunga

- (28) In July 2005, Ngāti Mutunga ratified a new governance arrangement to succeed the Ngāti Mutunga Iwi Authority. The governance arrangement is a private trust administered by trustees and known as Te Rūnanga o Ngāti Mutunga. Te Rūnanga o Ngāti Mutunga was established by trust deed dated 21 December 2005.

Kupu Whakataki

- (1) I hainatia te Tiriti o Waitangi, tērā e whakatahahia ana i roto i te reo Pākēha me te reo Māori i te Wāhanga Tuatahi o te Ture Tiriti o Waitangi 1975, i te tau 1840:
- (2) Kei ngā Wāhanga (3) ki te (28) o tēnei Kupu Whakataki ka kitea he whakarāpopototanga o ngā kerēme o nehe o Ngāti Mutunga me te tāhuhu kōrero, kua whakatakotoria ki roto i te whakatau taketake i uru tahi ai a Ngāti Mutunga me te Karauna:

Te rohe o Ngāti Mutunga

- (3) Hei tā ngā kōrero tuku iho o Ngāti Mutunga, kua tāmoua te rohe o Ngāti Mutunga ki ngā tongi whenua, ki ngā tongi kōrero anō hoki. Ki te tongi i Titoki ki tai, tūtata ana ki a Ngāti Tama ki raro rā. Kōkiritia te manga o Titoki, poua whakararo ai te mana o ngā tūpuna ki te paenga ki Te Mangahia, ahū atu ki uta rā ki Huanui, pātuki whakararo te rāwhiti atu ki te whakarua ki Waitara-iti. Kōpiko kau ana ki kō, ki ūta, ki te taha o Waitara, tapatū ake rā, riporipo ai ki Pouiatoa. I konei ka piki whakarunga noa ka rere whakararo ki tai ki te awa o Waitara, tutakitaki atu ki te wai o Makara. Kātahi ka kōpiko te mana whenua o Ngāti Mutunga ki raro, ahū moroiti atu ke tai o ngā wai riporipo o Poukekewa, o Poutotara, o Pukemai. Ka rere noa i a Mangahewa puaki atu ai ki tai. Ko Te Rau o Te Huia, te papa ohaoha hei pou rāhui ki te ia o Waiau, ā, ko tēnei tonu te pou rāhui whakarunga o Ngāti Mutunga:
- (4) Ko te rohe kua whakatakotohia i runga ake nei, he āhua 63 200 heketea (156 000 eka) tōna rahi, ki te taturanga a tētehi mapi rorohiko i te tau 2003:

Ngā pakanga o Taranaki

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

Muru me te Raupatu Whenua

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

Te Kōti Utunga

- (7) I whakatūria te Kōti Utunga i raro i te maru o te Ture Whakataua Manene ki Niu Tireni 1863 hei utu i ērā tāngata mō ō rātou whenua i murua e te Karauna. Maranga ake te whakapuna waru ai, te kohuki, te kōripo o te hinengaro i ō te iwi o Ngāti Mutunga, i te mea kāore rātou i mōhio ki hea rātou noho ai, me he purutanga tā rātou ki ngā taitara. Kāore te hunga e meatia nei “he tangata tautohetohe” i āhei ki te kawē kerēme. Ko ngā whakawhiwhinga Kōti Utunga katoa i te rohe o Ngāti Mutunga i ara ake i ngā whakataunga i waho ake o te Kōti. Hei te wā kua rite te tuku i ngā utunga kōti, kua hokona kētia te whenua pai kei te raki hei mahinga e te Karauna. Kāore i āta rangahaungia ēnei whakataunga e te Kōti Utunga. I whakahokia ngā whakawhiwhinga katoa a te Kōti Utunga ki te tangata takitahi, āpā te hapū. Mai i ngā whenua i murua i waenganui i Te Rau o te Huia me Titoki i whakahokia te 9 900 eka ki ngā tāngata takitahi e 87. Kāore i whai wāhi ngā whakawhiwhinga nei ki ngā tikanga tūturu mō te whenua, ā, mōrearea te noho o te whenua, kei hokona. I te tau 1867, i puta te taunaha a te Karauna, ka tukuna e ia te 3 000 eka ki ngā tāngata i hoki mai ki Taranaki i muri mai i te tīmatatanga o te nohoanga tuatahi o te Kōti Utunga. Tae noa ki te tau 1880, kāhore anō ngā whakawhiwhinga ki ngā tāngata o Ngāti Mutunga kia tukuna, kia tohaina rānei:

Parihaka

- (8) I mua i te otinga o te pakanga, i taketake mai te kaupapa mō te rongomau me te mana motuhake i Parihaka Taranaki, i raro i te rangatiratanga o ngā manu e rua, o Te Whiti-o-Rongomai rāua ko Tohu Kākahi. I te tau 1878, i tīmata te Kāwanatanga ki te rūri whenua i roto tonu o te takiwā pū o Taranaki. Ko Parihaka tonu kei tērā takiwā. I te wā i tata mai ngā mahi rūri whenua ki ngā māra Māori, i whakaurua mai e Te Whiti rāua ko Tohu te kaupapa maungārongo i runga i a rātou, hei tohu whakautu ki ngā kairūri, ki ngā tāngata whai hoki. Nā Ngāti Mutunga me ētehi atu iwi tēnei kaupapa i tautoko. Nā ēnei kātū mahi maungārongo i mouhere ai “ngā kaiparau” e 420 me “ngā kaiwhakapai taiepa” e 216. Kāhore te nuinga o rātou i whakawākia ki te kōti, he tokomaha anō me ngā uri o Ngāti Mutunga i mouhereheretia ki Te Waipounamu. He wāhi kino te wāhi, he karawhiu i ngā tāngata ki ngā mahi mārō, ki ngā mahi whakauaua tangata. Koia i pērā nā ngā kaupēhipēhi ka aituatia a Pitiroi Paekaha tētehi o ngā mouhere nō Ngāti Mutunga i te whareherehere:
- (9) I te 5 o Whiringa-ā-rangi 1881, i whakaekea te pā o Parihaka e ngā hōia neke atu i te 1 500 a te Karauna. Ka huri ngā rā, ka panaia ngā Māori 1 600. Ka whakahaua kia hoki atu ki hō rātou kāinga o mua. Ka turakina ngā whare, ka hokarikingia ngā māra, ā ka peia atu ngā kararehe, ka patua rānei. E ai ki ngā kōrero a ngā Māori o Taranaki, i paheratia, i rawekengia ngā wāhine e ngā hōia:

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

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

- (11) E rua ngā Komihana Tai Hauāuru i tohungia i te tau 1880. Ko te tuatahi i whakaritea ki te tirotiro ki ngā whakawhiwhinga a te Kōti Utunga me ngā kōrero taunaha a te Karauna anō ki ngā Māori o Taranaki e pā ana ki ngā whenua muru. Ko te tuarua i whakaritea ki te whakatutuki i ngā tūtohunga o te Komihana tuatahi. I taua wā kua riro kē ngā mania i te takutai moana i te rohe o Ngāti Mutunga ki te hunga hōia. Nō reira, kāore i pai te rahi o te whenua i waihotia ki a Ngāti Mutunga hei mahinga māna e ea ai ōna wawata ahuwahenua mō ēnei rangi mō ngā rangi kei te tū:
- (12) I raro i te tangata takitahi te whenua i hoki mai ai ki a Ngāti Mutunga. He maha ngā whenua rāhui nei i whakarauhi i te hoko i te wā i tukuna mai, engari nāwhi nā whai rā ka hikina ēnei tōngā, ā, he nui te whenua i hokona:
- (13) Ko ngā whenua i rāhuitia e te Kōmihana Tai Hauāuru hei whakahokitanga ki te Māori i tukuna kē ki te Kaitiaki Tūmatanui hei tiaki mā ngā Māori nō rātou aua whenua. Ka ngaro i ngā tāngata nō rātou te whenua te mana whakahaere. Ka riro ki te Kaitiaki Tūmatanui te mana whakahaere ki te hoko, ki te rīhi rānei i ngā whenua rāhui me te rīhi i ngā whenua motuhake i raro i ngā takotoranga i utaina mai e te Ture. I raro i te Ture West Coast Settlement Reserves Act 1881 ka whai wāhi ai ngā rīhi pūmou nā runga i ngā whakahekenga mai o ngā utu mō te reti:
- (14) I te tau 1926 i whakatūria Te Komihana Sim hei tirotiro i ngā murunga i raro i te Ture Whakatau Manene ki Niu Tireni 1863 me ngā hanganga ture i whai muri iho. I tūtohungia e te Komihana kia £5,000 te nui hei utu mō ngā muru raupatu katoa o Taranaki me tētehi utunga kia £300 mō te ngaromanga o ngā rawa i Parihaka, kīhai i kōrerorero tahi ki te iwi e tika ana nōna aua take, me he tika hoki te rahi o te utunga. Mō te taha ki te moni ā-tau i ngā tau tīmatatanga 17 he kātū pōrarururu ki te wā hei utunga atu, nā, i ngā tau tōmua o ngā tau 1930 he mea kongakonga noa iho i utua:

Ngā hokonga Public Works

- (15) Kua riro i te Karauna ētehi whenua o Ngāti Mutunga mā ngā hanganga ture mahi tūmatanui pēnei i te pā o Okoki me tētehi wāhanga o te pā o Pukemiro. E rua e rua he wāhi tapu, he wāhi whakahirahira ki a Ngāti Mutunga:

Ngā taonga o te taiao

- (16) Nā te ngaromanga haere o te whenua kua āraia te haere a Ngāti Mutunga ki ona awa, moana, ngahere, repo me te takutai moana. Kua aukatingia ētehi o ngā whenua i te taha o ngā awa, ā, kua āraia a Ngāti Mutunga i ona tauranga ika, wāhi hī, wāhi kohikohi kai hoki:

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

- (17) Nā te whakamanatanga o te ture Treaty of Waitangi Amendment Act 1985 i ahei ai a Māori ki te tuku kerēme ki te Rōpū Whakamana i te Tiriti o Waitangi e pā ana ki ngā ture, ki ngā hipanga rānei i mahia e te Karauna, mō te Karauna rānei, i muri iho mai i te 6 o Hui-tanguru 1840. Koia i anga kē ai ērā whakaritenga a te Karauna i ngā mātāpono o Te Tiriti o Waitangi:
- (18) Mai i te tau 1990 ki te tau 1995 i tirotiro te Rōpū Whakamana i te Tiriti o Waitangi i ngā kerēme e 21 mō Taranaki (ngā **Kerēme o Taranaki**). Ka uru ngā kerēme a Ngāti Mutunga ki aua Kerēme o Taranaki. He tini ngā tāpaetanga me ngā pūrongo rangahau i whakatakotohia e te Māori o Taranaki (ko Ngāti Mutunga hoki i reira) ki mua i te aroaro o te Rōpū Whakamana i te Tiriti o Waitangi e pā ana ki ngā Kerēme o Taranaki:

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

- (19) I muri iho i ngā whakaaturanga a ngā kaikerēme i whakamōhio atu te Karauna ki te Rōpū Whakamana i te Tiriti o Waitangi, ki tōna whakaaro e whai take ana te āta noho me te āta whiriwhiri ki ngā kaikerēme, ā, i tonoa atu te Karauna kia hui rāua tahi ko ngā kaikerēme mō taua take. I tonoa te Rōpū Whakamana i te Tiriti o Waitangi e te Karauna kia whakaraua tētehi rīpoata hei āwhina i te huarahi hanga ritenga i waenga i te Karauna rātou ko ngā kaikerēme (ko Ngāti Mutunga hoki tērā):
- (20) I pātai te Rōpū Whakamana i te Tiriti o Waitangi ki te Karauna kia tohungia ngā take kāore i hiahiatia e ia kia huraina ki te aroaro te Rōpū Whakamana i te Tiriti o Waitangi. I tuku te Karauna i aua kōrero whakamārama ki te Rōpū Whakamana i te Tiriti o Waitangi i te 28 o Whiringa-ā-rangi 1995 i roto i tana Whakautu Whāiti (arā, ko te Tuhinga Whaimana 2.108 o te Pūrongo Uiu i Taranaki a te Rōpū Whakamana i te Tiriti o Waitangi):
- (21) I tuku whakaae mai te Karauna ki te Rōpū Whakamana i te Tiriti o Waitangi i tōna Whakautu Whāiti—
- (a) ka noho te hokonga o Waitara, me ngā pakanga i whai muri iho, hei nawe, oti rā he tūkinō i te Tiriti o Waitangi me ōna mātāpono; ā
 - (b) he mea tūkinō hoki te hanga o te muru whenua i roto i a Taranaki, ko tōna hua tonu he mea tūkinō anō i te Tiriti o Waitangi me ōna mātāpono; ā
 - (c) i taimaha tonu te pānga mai o te muru whenua ki te oranga, ki te ōhanga, ki te whanaketanga hoki o ngā iwi o Taranaki; ā
 - (d) i tōna mutunga, nā te takaroanga o te parepare i ngā wāhinga whenua Māori i kino atu ai ngā hua o te muru; oti rā
 - (e) ko ngā āhuatanga i te whakatinanatanga o te muru i horoa ai a Parihaka i te tau 1881, ko taua horonga tonu me ngā huanga o muri iho i tūkinotia ai te Tiriti o Waitangi me ōna mātāpono:

Te Pūrongo Whāiti mō Taranaki a te Rōpū Whakamana i te Tiriti o Waitangi

- (22) I te Pipiri, 1996 i tuku te Rōpū Whakamana i te Tiriti o Waitangi i tētehi purongo whāiti e kīia nei ko “Taranaki Report Kaupapa Tuatahi” (arā ko te **Pūrongo Whāiti mō Taranaki**) e tāpae ake ana i ōna tirohanga tīmatanga mō ngā Kerēme o Taranaki:
- (23) I tuku te Rōpū Whakamana i te Tiriti o Waitangi i taua Pūrongo Whāiti mō Taranaki—
- (a) i takea mai te wetewete a te Rōpū Whakamana i te Tiriti o Waitangi i ngā kitenga tae atu ki te wā i puta ai te pūrongo (me tōna mōhio hoki, kāore anō kia rangona ngā tāpaetanga a te Karauna); ā
- (b) hei whakaterere i ngā whiriwhiringa kia puta mai tētehi whakataunga o ngā Kerēme o Taranaki (me ngā kerēme o Ngāti Mutunga):

Ngā whakaaro o te Rōpū Whakamana i te Tiriti o Waitangi i roto i te Pūrongo Whāiti mō Taranaki

- (24) Ko tā te Rōpū Whakamana i te Tiriti o Waitangi, i roto i taua Pūrongo Whāiti mō Taranaki, he whakapuaki i ngā whakaaro tīmatanga mō ngā Kerēme o Taranaki e mea ana—
- (a) “koia pea ngā kerēme rarahi tonu i tēnei whenua. Kāore pea he rohe kē atu i ēnei i whēnei ai te tini o ngā tūkinotanga i te Tiriti o Waitangi, i whēnei hoki i te roa o te wā” (wāhanga 1.1); ā
- (b) “ki tō mātou tirohanga kua rua rawa ngā take matua i ū ai ngā kerēme, koia ko ēnei ko te rironga atu o te whenua, ko te rironga atu o te mana, ā, ko te noho mana kore te mea matua o rāua. Ko te “rironga atu o te mana” e hua atu ana ki te whakaitinga, ki te kurukurunga o te mana motuhake, o te tino rangatiratanga rānei” (wāhanga 1.4); ā
- (c) “ko tā tēnei pūrongo, he horanga tuatahi o ngā kerēme a ngā hapū o Taranaki. Kua whakaaturia te akiaki nei, kia whai whakataunga” (wāhanga 12.3.1); ā
- (d) “me whakatū huarahi whai kiko, huarahi hāngai tonu e unuhi ai i ngā hanga tāmi i te Māori, e ara ake anō ai te tūnga o te Kāwanatanga, e ora ai ngā ritenga o te Māori, e pūmou ai ngā hunga whai pānga e rua o te Tiriti” (wāhanga 12.2):

Ngā whiriwhiringa whakatau taketake me Ngāti Mutunga

- (25) I te Haratua o te tau 1996 i whai te Ngāti Mutunga Iwi Authority i te mana whakahaere mai i ngā uri o Ngāti Mutunga kia whiriwhirihia tētehi whakatau taketake ki te Karauna. I aro atu te Karauna ki te mana whakahaere o te Ngāti Mutunga Iwi Authority i te marama o Whiringa-ā-rangi 1996:
- (26) Ka anga tahi te Ngāti Mutunga Iwi Authority me te Karauna ki roto i—

- (a) tētehi tātai whiriwhiringa i te 1 o Hōngongoi 1997 i tohua te tirohanga whānui, ngā whāinga me ngā tukunga whakahaere mō aua whiriwhiringa rā; ā
 - (b) tētehi whakatūnga whakaaetanga i te 24 o Mahuru 1999 e whakatakoto ana i te whakaaro o te Ngāti Mutunga Iwi Authority me te Karauna, i tōna mutunga, kia whāia he whakatau taketake i runga i te tukunga i whakatakotoria ai e te Karauna ki te whakatūnga whakaaetanga:
- (27) I whakamana te iwi o Ngāti Mutunga i te whakataunga whakamutunga rawa o te Karauna, ā, kātahi ka tāmokongia te whakatau taketake i te 31 o Hōngongoi 2005. He mea whakapurongo tā te whakatau taketake i te whakaaetanga i waenganui i a Ngāti Mutunga me te Karauna hei whakatau i ngā kerēme o nehe o Ngāti Mutunga:

Te Rūnanga o Ngāti Mutunga

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

1 Title

This Act is the Ngāti Mutunga Claims Settlement Act 2006.

2 Commencement

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

Part 1

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

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

3 Purpose

The purpose of this Act is—

- (a) to record the acknowledgements and the apology given by the Crown to Ngāti Mutunga in the deed of settlement dated 31 July 2005 and signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Mark Burton, for the Crown, and by Dion Tuuta, Jamie Tuuta, Hurimoana (Paddy) Haami, Lewis Callaghan, Miriama Evans, Pikitea-taarangi Tapara, and Ewai Tuuta for Ngāti Mutunga; and

- (b) to give effect to certain provisions of the deed of settlement, which is a deed that settles the Ngāti Mutunga historical claims.

4 Act binds the Crown

This Act binds the Crown.

5 Outline

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.
- (2) Part 1—
 - (a) sets out the purpose of the Act, records the acknowledgements and the apology given by the Crown to Ngāti Mutunga in the deed of settlement, and specifies that the Act binds the Crown; and
 - (b) defines terms used in this Act, including key terms such as **Ngāti Mutunga** and **Ngāti Mutunga historical claims**; and
 - (c) provides that the settlement of the Ngāti Mutunga historical claims is final, and deals with related issues, including—
 - (i) a statement of the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body to consider the Ngāti Mutunga historical claims; and
 - (ii) provision for consequential amendments to the Treaty of Waitangi Act 1975; and
 - (iii) a statement of the effect of the settlement on certain memorials; and
 - (iv) miscellaneous matters relating to the settlement, namely, the exclusion of the limit on the duration of a trust, and the timing of actions or matters provided for in this Act.
- (3) Part 2 provides for cultural redress and includes provisions relating to the following matters:
 - (a) the issue, amendment, and cancellation of protocols to the trustees by the Minister for Arts, Culture and Heritage, the Minister of Conservation, the Minister for Economic Development, the Minister of Energy, the Minister of Fisheries, and the Minister for Land Information; and
 - (b) the vesting in the trustees of the fee simple estate in 9 cultural redress properties; and
 - (c) the vesting in the trustees of 1 cultural redress property, to be held and administered for the purposes of section 18 of the Reserves Act 1977; and
 - (d) acknowledgements by the Crown of the statements made by Ngāti Mutunga of their cultural, spiritual, historical, and traditional association

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

Section 5(2)(c)(iv): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

6 Acknowledgements and apology

Sections 7 to 10 record the acknowledgements and the apology given by the Crown to Ngāti Mutunga in the deed of settlement.

7 Text of acknowledgements in English

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

- (1) The Crown acknowledges that—

- (a) the cumulative effect of the Crown's actions in purchasing land in Taranaki created tensions that led to the outbreak of war; and
 - (b) the wars in Taranaki constituted an injustice and were in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles.
- (2) The Crown acknowledges that—
 - (a) Ngāti Mutunga as an iwi was not in rebellion and was unfairly treated as being in rebellion; and
 - (b) Ngāti Mutunga was deprived of the lands and resources within its rohe, and as a result was unable to exercise rangatiratanga over them; and
 - (c) the confiscation was indiscriminate in extent and application and had a devastating effect on the welfare, economy, and social and economic development of Ngāti Mutunga in Taranaki; and
 - (d) the confiscation deprived Ngāti Mutunga of access to its traditional sources of food and other resources associated with that confiscated land; and
 - (e) the confiscation was unjust and unconscionable and in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles.
- (3) The Crown recognises that the lands and other resources confiscated from Ngāti Mutunga have made a significant contribution to the wealth and development of New Zealand.
- (4) The Crown acknowledges that—
 - (a) the prejudicial effect of the confiscation was compounded by the inadequacies in the Compensation Court process that included long delays in the promised return of land to Ngāti Mutunga individuals; and
 - (b) the Compensation Court awarded land to individuals rather than iwi or hapū, which was not consistent with customary tenure. This system was imposed on Ngāti Mutunga and its views were not sought.
- (5) The Crown acknowledges that the treatment of those Ngāti Mutunga and other Māori of Taranaki imprisoned and exiled as a result of the passive resistance campaign from 1879 to 1880 deprived these British subjects of their basic human rights, inflicted unwarranted hardships on them and their whānau and hapū, and was a breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles.
- (6) The Crown acknowledges—
 - (a) the serious damage it inflicted on the prosperous Māori village of Parihaka and the people residing there, its forcible dispersal of many of the inhabitants, and its assault on the human rights of the people; and
 - (b) that these actions caused great distress and were a complete denial of the Māori right to develop and sustain autonomous communities in a peaceful manner; and

- (c) that its treatment of the Ngāti Mutunga people at Parihaka was unconscionable and unjust and that these actions constituted a breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles.
- (7) The Crown acknowledges that—
- (a) the West Coast Commissions were inadequate in their scope and therefore did not fully address the injustices perpetrated by the confiscation; and
 - (b) the reserves created by the Commissions in the 1880s were not sufficient for the present and future needs of Ngāti Mutunga; and
 - (c) some reserves created by the Commissions on the basis of entitlements outside the Ngāti Mutunga rohe were allocated within the Ngāti Mutunga rohe; and
 - (d) the Crown's actions with respect to the West Coast Settlement Reserves, considered cumulatively (including the imposition of a regime of perpetually renewable leases and the sale of large quantities of land by the Public and Māori Trustee)—
 - (i) ultimately deprived Ngāti Mutunga of the control and ownership of the lands reserved for it in Taranaki; and
 - (ii) were in breach of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles.
- (8) The Crown acknowledges that despite previous efforts made in the twentieth century, including those of the Sim Commission, it has failed to deal in an appropriate way with the grievances of Ngāti Mutunga. In particular, the payments made under the Taranaki Māori Claims Settlement Act 1944 did not sufficiently address the grievances of Ngāti Mutunga.
- (9) The Crown recognises the efforts and struggles of Ngāti Mutunga in pursuit of its claims for redress and compensation against the Crown for over 130 years.
- (10) The Crown acknowledges that the cumulative effect of its breaches of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles has significantly undermined the traditional systems of authority, economic capacity and the physical, cultural and spiritual wellbeing of Ngāti Mutunga. The Crown acknowledges that it has failed to protect the rangatiratanga of Ngāti Mutunga in breach of its obligations under Article Two of the Treaty of Waitangi (te Tiriti o Waitangi).

8 Text of acknowledgements in Māori

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

- (1) E whakaae ana te Karauna—
- (a) ko te hui katoahia a ngā mahi a te Karauna ki te hoko i ngā whenua o Taranaki te take i pakaru mai te pakanga ki reira; ā

- (b) he mahi hē rawa te pakanga i Taranaki ā, he mea tūkinō i te Tiriti o Waitangi me ōna mā tāpono.
- (2) E whakaae ana te Karauna—
- (a) i hē te uta i ngā kupu “tangata tautohetohe” ki runga i te iwi o Ngāti Mutunga, ka mutu e kore e taea te kī, i te whana rātou; ā
- (b) i riro ngā whenua me ngā rawa a Ngāti Mutunga i roto i tona rohe, ko te hua o tēnei ko te rironga atu o te rangatiratanga o te iwi ki runga i ēnei mea; ā
- (c) he mea kino te muru me te raupatu o ngā whenua o Ngāti Mutunga, ā i taimaha tonu te pānga mai o tēnei ki te oranga, ki te ōhanga, ki te whanaketanga hoki o Ngāti Mutunga i Taranaki; ā
- (d) i riro te muru raupatu i te āhei a Ngāti Mutunga ki te puta atu ki ona mahinga kai me ērā atu rawa o te whenua i murua; ā
- (e) i hē rawa te muru i ngā whenua o Ngāti Mutunga, he mahi mōrikarika, he mahi poka noa, he tūkinotanga hoki i te Tiriti o Waitangi me ōna mā tāpono.
- (3) E aro nui ana te Karauna he wāhi nui ngā whenua me ngā rawa i tangohia i a Ngāti Mutunga, i roto i te oranga me te whanaketanga o tēnei whenua.
- (4) E whakaae ana te Karauna—
- (a) nā te muru raupatu, i puta ko te whakatoihara, ā, nā ngā tūpuhitanga o te Kōti Utunga whēnā i te takaroanga o te parepare i ngā wāhinga whenua Māori ki ngā tangata takitahi o Ngāti Mutunga, kātahi ka hē rawa atu; ā
- (b) ka mahue mai mā te Kōti Utunga e whakahoki whenua ki te hapū, ki te iwi, whakawhiwhia kētia atu ana ki te tangata takitahi. Waihoki, ehara tēnei i te whai i ngā tikanga tūturu mō te whenua. He mea uta kē ēnei tikanga ki runga i a Ngāti Mutunga, kīhai i whāia ko ngā whakaaro ake o te iwi.
- (5) E whakaae ana te Karauna he kino te whiu i ngā tāngata o Ngāti Mutunga me ngā Māori o Taranaki ki te whareherehere ki wāhi kē mai i te tau 1879 ki te tau 1880. Ka tīhore mai i aua tāngata o Piritana ō rātou tikanga tangata, ka whiua anō rātou, ō rātou whānau, ō rātou hapū hoki ki ngā whakawiringa poka noa ā he mea tūkinō tēnei i te Tiriti o Waitangi me ōna mā tāpono.
- (6) E whakaae ana te Karauna—
- (a) ki te kino i whakawhiua ki te kāinga rangatira o Parihaka me ngā tāngata e noho ana ki reira, ko te whakamararatanga hoki o ngā tāngata ki te pū me te takahi tūkinotanga o ngā tikanga o te tangata; ā
- (b) nā ēnei mahi te pūtake o te kohukihuki o te iwi me te whakakāhoretanga mai o te mana motuhake o te Māori ki te whakawhanake, ki te whakangūngū hapori motuhake i raro i te rangimārie; ā

- (c) he kino he mahi mōrikarika te whiu ki ngā tāngata o Ngāti Mutunga i Parihaka ā he mea tūkinō i te Tiriti o Waitangi me ōna mātāpono.
- (7) E whakaae ana te Karauna—
- (a) he koretake, he whāiti noa iho hoki te tiro tiro a ngā Komihana Tai Hauāuru, ā, kāore i whakaea tōtika ai ngā whakamou i hua mai i te muru raupatu; ā
- (b) kāore he pai te rahi o ngā whenua rāhui i whakatūria e ngā Kōmihana mō Ngāti Mutunga e ea ai ōna wawata mō ēnei rangi, mō ngā rangi kei te tū; ā
- (c) ko ētehi o ngā whenua rāhui i taketakea mai o waho o te rohe o Ngāti Mutunga i whakaritea kē i roto i te rohe o Ngāti Mutunga; ā
- (d) ki te hui katoatia ngā mahi a te Karauna e pā ana ki ngā Whenua Rāhui o Te Tai Hauāuru (me te utaina mai o te kaupapa rīhi pumou me te hokonga o ngā whenua rarahi e te Kaitiaki Tūmatanui rāua ko te Kaitiaki Māori)—
- (i) i riro atu ko te rangatiratanga me te mana whakahaere o Ngāti Mutunga ki runga i aua whenua rāhui i rāhuingia mōna i Taranaki; ā
- (ii) he mea tūkinō i te Tiriti o Waitangi me ōna mātāpono.
- (8) E whakaae ana te Karauna ahakoa ētehi mahi pai āna i te rautau rua tekau, me ērā o te Komihana o Sim, kāore i tōtika te mahi a te Karauna ki te whakatika i ngā whakamou a Ngāti Mutunga. Arā, kāore i tutuki pai ngā utunga i raro i te Ture Taranaki Māori Claims Settlement 1944 hei whakatau pai i ngā whakamou o Ngāti Mutunga.
- (9) E aro nui ana te Karauna ki ngā tonono me ngā akiakinga o Ngāti Mutunga i tāna rapu i te utu, i te tika, me te whakaea o āna kerēme i roto i ngā tau 130 kua pahure, mō ngā mahi a te Karauna.
- (10) E whakaae ana te Karauna ki te hui katoahia ngā mahi me āna tūkinotanga katoa o te Tiriti o Waitangi me ōna mātāpono kua taimaha rawa te noho tūturu me te mana whakahaere, kua raruraru te whanaketanga taha ōhanga, taha hāpori, taha tikanga, taha wairua me te oranga o Ngāti Mutunga. E whakaae ana te Karauna i hapa a ia ki te tiaki i te rangatiratanga o Ngāti Mutunga ā, he mea tūkinō tēnei i ana herenga i roto i te Wāhanga Tuarua o te Tiriti o Waitangi.

9 Text of apology in English

The text of the apology in English as set out in the deed of settlement is as follows:

- (1) The Crown makes this apology to Ngāti Mutunga, to their ancestors and to their descendants.

- (2) The Crown profoundly regrets, and unreservedly apologises for, the confiscation of Ngāti Mutunga land, which was unconscionable.
- (3) The Crown profoundly regrets, and unreservedly apologises for, its unconscionable actions at Parihaka.
- (4) The Crown regrets its failure to acknowledge the mana and rangatiratanga of Ngāti Mutunga.
- (5) The Crown profoundly regrets, and unreservedly apologises for, the destructive and demoralising effects of its actions, which have caused significant damage to the welfare, economy, and social and economic development of Ngāti Mutunga as an iwi.
- (6) The Crown profoundly regrets, and unreservedly apologises for, its actions which have resulted in the virtual landlessness of Ngāti Mutunga in Taranaki, and which have caused suffering and hardship to Ngāti Mutunga over the generations to the present day.
- (7) The Crown apologises to Ngāti Mutunga for all the breaches of the Treaty of Waitangi (te Tiriti o Waitangi) and its principles acknowledged by the Crown above.
- (8) Accordingly, the Crown seeks to atone for these wrongs and to begin the process of healing. The Crown looks forward to building a relationship of mutual trust and co-operation with Ngāti Mutunga.

10 Text of apology in Māori

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

- (1) E tuku whakapāha ana te Karauna ki a Ngāti Mutunga, ki ōna tūpuna, ki āna rātou uri whakaheke.
- (2) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna, mō tana muru i ngā whenua o Ngāti Mutunga, he mahi mōrikarika.
- (3) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna, mō tāna mahi mōrikarika ki Parihaka.
- (4) E tino pōuri ana te Karauna mō tana arokore ki te mana me te rangatiratanga o Ngāti Mutunga.
- (5) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna ki a Ngāti Mutunga, mō ngā putanga i hua mai i āna mahi me ngā mahi kāore i mahia e ia ā, ko te hua o ēnei, ko te whakaruhinga o Ngāti Mutunga. I pā mai te kino ki te ōhanga, te whanaketanga me te pai o te hapori o Ngāti Mutunga.
- (6) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna ki a Ngāti Mutunga, mō āna mahi me te aha, kua noho tata whenua kore te iwi o Ngāti Mutunga ki Taranaki. Kei te rongo tonu ngā whakatupuranga o ēnei rangi i ngā mamae me ngā taimahatanga i utaina ki runga i a Ngāti Mutunga.

- (7) E tino pōuri ana, e tuku whakapāha herekore ana te Karauna ki a Ngāti Mutunga mō ngā tūkinotanga katoa o te Tiriti o Waitangi me ōna mātāpono i whakaaengia kētia e te Karauna i runga ake nei.
- (8) Nā reira e ngana ana te Karauna ki te whakatika i ōna hē, ki te timata i te hātepe whakatikatika. Ka titiro whakamua te Karauna ki te whakatū i tētehi hononga kaha ake ki a Ngāti Mutunga.

Subpart 2—Interpretation matters

11 Interpretation of Act generally

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

12 Interpretation

In this Act, unless the context otherwise requires,—

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

archaeological site has the meaning given to it in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

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

authorisation means an authorisation offered by—

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

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

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
- (b) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year; and
- (ba) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) the days observed as the anniversaries of the provinces of Wellington and Taranaki

charter—

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

- (b) includes—
 - (i) the schedules of the charter; and
 - (ii) amendments to the charter and to the schedules of the charter

chief executive means the chief executive of LINZ

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

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

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

consent authority—

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

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

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

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

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

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

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

cultural redress property means a property listed in Schedule 1

Cultural Redress Schedule means Schedule 1 of the deed of settlement

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

deed of settlement and deed—

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

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

DOC protocol means a protocol issued under section 21 by the Minister of Conservation that—

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

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

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

encumbrance means,—

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

fisheries protocol means a protocol issued under section 21 by the Minister of Fisheries that—

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

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

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

initial trustees means the persons holding office as trustees of the Ngāti Mutunga Iwi Authority Incorporated immediately before the date of the charter

land holding agent means the Minister of the Crown responsible for the department of State that manages the Nohoanga site, or the Commissioner of Crown Lands, as the case may be

LINZ means Land Information New Zealand

LINZ protocol means a protocol issued under section 21 by the Minister for Land Information that—

- (a) sets out how LINZ will interact with the trustees before LINZ resumes ownership of unformed roads within the LINZ protocol area from a territorial authority or a regional council under section 323 of the Local Government Act 1974; and

- (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under section 21

LINZ protocol area means the area shown on the map attached to the LINZ protocol

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

MED protocol means a protocol issued under section 21 by the Minister of Energy that—

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

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

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

Minister, in subparts 2 to 6 of Part 2, means the Minister of Conservation

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

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

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

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

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

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

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

Nohoanga entitlement means an entitlement granted to the trustees—

- (a) under subpart 5 of Part 2; and
- (b) over the Nohoanga site; and
- (c) in the form specified in section 65(2)(b)

Nohoanga site means—

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

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

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

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

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

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

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

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

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

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

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

representative entity means—

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

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

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

- (a) the Minister for Arts, Culture and Heritage;
- (b) the Minister of Conservation;
- (c) the Minister for Economic Development;
- (d) the Minister of Energy;
- (e) the Minister of Fisheries;
- (f) the Minister for Land Information;
- (g) any other Minister of the Crown who is authorised by the Prime Minister to exercise powers and perform functions and duties under subpart 1 of Part 2

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

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

RFR area means the area of land—

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

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

- (a) signed by the Crown and by the trustees; and
- (b) on the terms and conditions set out in Part 4 of Schedule 2 of the deed of settlement

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

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

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

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

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

taonga tūturu—

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

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

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

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

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

trustees of Te Rūnanga o Ngāti Mutunga and trustees mean the trustees appointed from time to time in accordance with Schedule 2 of the charter and, until the appointment or replacement of trustees in accordance with the charter, include the initial trustees

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

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

vested recreation reserve means—

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

waterway—

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

Section 12 **archaeological site**: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 12 **business day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 12 **business day** paragraph (ba): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 12 **Heritage New Zealand Pouhere Taonga**: inserted, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 12 **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

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

- (1) In this Act, **Ngāti Mutunga** means the iwi, or collective group, composed of Ngā Uri o Ngā Tūpuna o Ngāti Mutunga, and includes—

- (a) the following historical hapū, which no longer form distinct communities within Ngāti Mutunga:
 - (i) Kaitangata;
 - (ii) Ngāti Aurutu;
 - (iii) Ngāti Hinetuhi;
 - (iv) Ngāti Kura;
 - (v) Ngāti Okiokinga;
 - (vi) Ngāti Tupawhenua;
 - (vii) Ngāti Uenuku;
 - (viii) Te Kekerewai; and
 - (b) any whānau, hapū, or group of persons to the extent that such persons are referred to in subsection (2).
- (2) In this Act, **Ngā Uri o Ngā Tūpuna o Ngāti Mutunga** means every person descended from 1 or more Ngāti Mutunga Tūpuna.
- (3) In this section and section 14, **Ngāti Mutunga Tupuna** means a person who exercised customary rights—
- (a) by virtue of being descended from—
 - (i) Mutunga (son of Kahukura and Hinemoe), Hinetuhi, and Hine-weo; or
 - (ii) a recognised ancestor of any whānau, hapū, or group referred to in subsection (1)(a) or (b); and
 - (b) predominantly in relation to the area of interest.
- (4) In subsection (3), **customary rights** means rights according to Ngāti Mutungatanga, or Ngāti Mutunga tikanga, including—
- (a) rights to occupy land; and
 - (b) rights in relation to the use of—
 - (i) land;
 - (ii) other natural or physical resources.
- (5) For the purposes of this section, a person may descend from another person through—
- (a) birth; or
 - (b) legal adoption; or
 - (c) customary adoption in accordance with Ngāti Mutunga tikanga.

14 Meaning of Ngāti Mutunga historical claims

- (1) In this Act, **Ngāti Mutunga historical claims**—

- (a) means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Ngāti Mutunga (or a representative entity) had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that—
- (i) is, or is founded on, a right arising—
 - (A) from the Treaty of Waitangi (te Tiriti o Waitangi) or the principles of the Treaty of Waitangi (te Tiriti o Waitangi); or
 - (B) under legislation; or
 - (C) at common law (including aboriginal title or customary law); or
 - (D) from fiduciary duty; or
 - (E) otherwise; and
 - (ii) arises from, or relates to, acts or omissions before 21 September 1992—
 - (A) by, or on behalf of, the Crown; or
 - (B) by or under legislation; and
- (b) includes every other claim to the Waitangi Tribunal to which paragraph (a) applies as far as it relates to Ngāti Mutunga (or a representative entity), including—
- (i) Wai 54 (Nga Iwi o Taranaki claim); and
 - (ii) Wai 126 (Motunui Plant and Petrocorp claim); and
 - (iii) Wai 131 (Taranaki Māori Trust Board claim); and
 - (iv) Wai 143 (Taranaki consolidated claims); and
 - (v) Wai 583 (Ripeka Elena Ogle claim); and
 - (vi) Wai 667 (Tamati Whanganui descendants claim); but
- (c) does not include the following claims:
- (i) a claim that a member of Ngāti Mutunga, or a whānau, hapū, or group referred to in section 13(1)(a) or (b) may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not a Ngāti Mutunga Tupuna; or
 - (ii) a claim that Ngāti Mutunga may have as a result of a loss of interest in land in New Zealand, or in the natural or physical resources in that land, if the land is outside the Taranaki Land District; or
 - (iii) a claim that a representative entity may have to the extent that the claim is, or is based on, a claim referred to in subparagraph (i) or subparagraph (ii).

- (2) Subsection (1)(a) is not limited by subsection (1)(b).
- (3) For the purposes of this section, **land in New Zealand** means land within the baseline described in sections 5, 6, and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (being the low-water mark along the coast of New Zealand, including all islands, except as otherwise provided in section 6 or section 6A of that Act).

Subpart 3—Settlement of claims

Jurisdictions of courts, etc, removed

15 Settlement of Ngāti Mutunga historical claims final

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

Treaty of Waitangi Act 1975 amended

[Repealed]

Heading: repealed, on 23 May 2008, pursuant to section 7 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

16 Jurisdiction of Tribunal to consider claims

[Repealed]

Section 16: repealed, on 23 May 2008, by section 7 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Protections no longer apply

17 Certain enactments do not apply

- (1) Nothing in the enactments listed in subsection (2) applies—

- (a) to land in the RFR area; or
 - (b) in respect of Ngāti Mutunga or a representative entity, to land in the Taranaki Land District that is outside the RFR area.
- (2) The enactments are—
- (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975:
 - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986:
 - (c) sections 568 to 570 of the Education and Training Act 2020:
 - (d) Part 3 of the Crown Forest Assets Act 1989:
 - (e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

Section 17(2)(c): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

18 Removal of memorials

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

Subpart 4—Miscellaneous matters

No limit on duration of trusts

Heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

19 Limit on duration of trusts does not apply

- (1) No rule of law or provisions of an Act limiting the duration of a trust, including section 16 of the Trusts Act 2019,—
- (a) prescribe or restrict the period during which—
 - (i) the trust may exist in law; or

- (ii) the trustees, in their capacity as trustees, may hold or deal with property (including income derived from property); or
 - (b) apply to a document entered into to give effect to particular provisions of the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document or a right conferred by the document invalid or ineffective.
- (2) However, if the trust becomes a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 19 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 19(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 19(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Date on which actions or matters must occur

20 Timing of actions or matters

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

Part 2

Cultural redress

Subpart 1—Protocols

General provisions

21 Authority to issue, amend, or cancel protocols

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

22 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and government policy, which includes (without limitation) the ability to—
 - (i) introduce legislation and change government policy; and
 - (ii) interact or consult with a person the Crown considers appropriate, including, without limitation, any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of a responsible Minister or a responsible Ministry; or
- (c) the legal rights of Ngāti Mutunga or a representative entity.

23 Enforceability of protocols

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

Noting of certain protocols

24 Noting and effect of DOC protocol

- (1) A summary of the terms of the DOC protocol must be noted in the conservation documents affecting the DOC protocol area.
- (2) The noting of the DOC protocol is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to a conservation document for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (3) The DOC protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, land held, managed, or administered, or flora or fauna managed or administered, under—
 - (a) the Conservation Act 1987; or
 - (b) the statutes listed in Schedule 1 of that Act.

25 Noting and effect of fisheries protocol

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

26 Noting and effect of MED protocol

- (1) A summary of the terms of the MED protocol must be noted in—
 - (a) a register of protocols maintained by the chief executive of the Ministry of Economic Development; and
 - (b) the minerals programmes affecting the MED protocol area when those programmes are replaced.
- (2) The noting of the MED protocol is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the minerals programme for the purposes of the Crown Minerals Act 1991.
- (3) The MED protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown owned minerals.
- (4) In this section, **minerals programme** has the meaning given to it in section 2(1) of the Crown Minerals Act 1991.

27 Effect of protected New Zealand objects protocol

The protected New Zealand objects protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

28 Effect of LINZ protocol

The LINZ protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an unformed road.

Subpart 2—Cultural redress properties

Vesting of cultural redress properties

29 Onaero site

- (1) The reservation of the Onaero site as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Onaero site vests in the trustees.

30 Pukemiro site

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

31 Te Rau o Te Huia Pā site

- (1) The reservation of the Te Rau o Te Huia Pā site as an historic reserve subject to section 18 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Te Rau o Te Huia Pā site vests in the trustees.

32 Ngapapa site

- (1) The reservation under the Reserves Act 1977 over the Ngapapa site is revoked.
- (2) The fee simple estate in the Ngapapa site vests in the trustees.

33 Urenui site

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

34 Te Urenui Pā site

- (1) The reservation of the Te Urenui Pā site as an historic reserve subject to section 18 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Te Urenui Pā site vests in the trustees.
- (3) Subsections (1) and (2) are subject to the trustees—
 - (a) providing the Crown with a registrable covenant—
 - (i) to preserve the natural values of the Te Urenui Pā site; and
 - (ii) in the form set out in Part 2 of the Cultural Redress Schedule (the **Te Urenui Pā Covenant**); and
 - (b) signing the Te Urenui Pā Covenant, and returning it to the Crown, within 20 business days after the Crown provides the Te Urenui Pā Covenant to the trustees.
- (4) If the trustees comply with subsection (3)(b)—

- (a) by or on the settlement date, the Te Urenui Pā site will vest in the trustees on the settlement date; or
 - (b) after the settlement date, the Te Urenui Pā site will vest in the trustees 10 business days after the trustees sign and return the Te Urenui Pā Covenant to the Crown.
- (5) The Te Urenui Pā Covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.
- (6) The vesting referred to in subsection (2) is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24 and 24B of that Act do not apply to the disposition.
- (7) On the vesting referred to in subsection (2), the Registrar-General must record, in accordance with section 24D(1A) of the Conservation Act 1987, that section 24 of that Act does not apply to the disposition.

35 Okoki Pā site

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

36 Okoki Pā Historic Reserve

- (1) The Okoki Pā Historic Reserve vests in the trustees.
- (2) The trustees must hold and administer the Okoki Pā Historic Reserve for the purposes of section 18 of the Reserves Act 1977, as if the Reserve had been vested in the trustees under section 26 of the Reserves Act 1977.

- (3) Section 24 of the Conservation Act 1987 does not apply to the vesting referred to in subsection (1).
- (4) The trustees are the administering body for the Okoki Pā Historic Reserve.

Vested recreation reserves

37 Onaero Domain Recreation Reserve

- (1) The vesting of the Onaero Domain Recreation Reserve in the New Plymouth District Council under section 26A of the Reserves Act 1977 is cancelled.
- (2) The fee simple estate in the Onaero Domain Recreation Reserve vests in the trustees.

38 Urenui Domain Recreation Reserve

- (1) The part of the Urenui Domain Recreation Reserve described in the second column of Part 3 of Schedule 1 as Section 8 Urenui Town Belt is—
 - (a) classified as a recreation reserve as if it had been classified under section 16 of the Reserves Act 1977; and
 - (b) vested in the New Plymouth District Council as if it had been vested under section 26 of the Reserves Act 1977; and
 - (c) united with the rest of the Urenui Domain Recreation Reserve as if it had been united with that reserve under section 52 of the Reserves Act 1977.
- (2) The vesting of the Urenui Domain Recreation Reserve in the New Plymouth District Council under sections 26 and 26A of the Reserves Act 1977 is cancelled.
- (3) The fee simple estate in the Urenui Domain Recreation Reserve vests in the trustees.

39 Reserve status of vested recreation reserves preserved

- (1) Until the reservation of a vested recreation reserve is revoked, the reserve is to be treated for all purposes (unless otherwise provided in this Act) as if it—
 - (a) remains vested in the New Plymouth District Council under—
 - (i) section 26A of the Reserves Act 1977, in the case of the Onaero Domain Recreation Reserve; or
 - (ii) sections 26 and 26A of the Reserves Act 1977, in the case of the Urenui Domain Recreation Reserve; and
 - (b) has not been vested in the trustees under—
 - (i) section 37(2), in the case of the Onaero Domain Recreation Reserve; or
 - (ii) section 38(3), in the case of the Urenui Domain Recreation Reserve.
- (2) In relation to a vested recreation reserve, until its reservation is revoked,—

- (a) the reserve remains a recreation reserve that is subject to the Reserves Act 1977; and
 - (b) the New Plymouth District Council—
 - (i) continues to be the administering body of the reserve, with all the functions, obligations, and powers of an administering body in which a reserve is vested; and
 - (ii) may continue to exercise its powers as an administering body under the Reserves Act 1977, including (without limitation) its powers under—
 - (A) section 48 (grants of rights of way and other easements):
 - (B) section 53 (powers (other than leasing) in respect of recreation reserves):
 - (C) section 54 (leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases)):
 - (D) section 73 (leasing of recreation reserves for farming, grazing, afforestation, or other purposes):
 - (E) section 74 (licences to occupy reserves temporarily):
 - (F) section 75 (afforestation by administering body):
 - (G) section 106(2) (bylaws); and
 - (c) the Minister—
 - (i) has all the Minister’s functions, obligations, and powers under the Reserves Act 1977 and under any other enactment, as if the fee simple in the reserve had not been vested in the trustees but had remained vested in the New Plymouth District Council; and
 - (ii) may continue to exercise the Minister’s powers under the Reserves Act 1977, including (without limitation) those under—
 - (A) section 26 (vesting of reserves):
 - (B) section 27 (cancelling vesting of reserves):
 - (C) sections 28, 29, 30, 35, and 36 (appointing a local authority, a voluntary organisation, a board, trustees, or a Minister of the Crown to control and manage a reserve):
 - (D) section 108 (bylaws to be approved by Minister).
- (3) If the Minister exercises his or her power, under section 27 of the Reserves Act 1977, to cancel the deemed continuation of a vesting of a vested recreation reserve under subsection (1)(a)—
- (a) the reserve is to be treated as if it were revested in the Crown under section 27(1) or (4) of the Reserves Act 1977, as the case may be; and
 - (b) the Minister may then vest that reserve in a local authority, trustees, or any other lawful authority under section 26 of the Reserves Act 1977,

and the reserve is then to be treated as if it were vested in that local authority, those trustees, or that other lawful authority.

- (4) In subsections (2)(c)(ii)(C) and (3)(b), **trustees** has the meaning given to it in section 2(1) of the Reserves Act 1977.
- (5) Subsections (2) and (3) do not limit subsection (1).
- (6) Subsections (2), (3), and (4) are for the avoidance of doubt.

40 Limitations on dealing with vested recreation reserves

- (1) A vested recreation reserve must not be—
 - (a) exchanged for other land under section 15 of the Reserves Act 1977; or
 - (b) united with another reserve, or part of another reserve, under section 52 of the Reserves Act 1977.
- (2) Land purchased, under section 64(1) of the Reserves Act 1977, by an administering body of a vested recreation reserve does not become part of that reserve under section 64(2) of the Reserves Act 1977.
- (3) The vestings of the vested recreation reserves under sections 37(2) and 38(3) do not—
 - (a) affect the rights or obligations of persons who are not parties to the deed of settlement, including (without limitation) rights or obligations in relation to—
 - (i) the vested recreation reserve (including under any lease or tenancy arrangement) that arise before any revocation of its reserve status; or
 - (ii) the ownership, management, or control of fixtures, structures, or improvements (including trees) attached to, on, or under a vested recreation reserve before any revocation of its reserve status; or
 - (b) confer or impose on the trustees any rights or obligations referred to in paragraph (a).
- (4) The rights and obligations referred to in subclause (3)(a) are limited to those rights and obligations that arise before any revocation of the reserve status of a vested recreation reserve.
- (5) The trustees must not dispose of, transfer, or charge (including mortgage) a vested recreation reserve.
- (6) However, subsection (5) does not apply to a transfer if the relevant instrument of transfer is accompanied by a certificate, given by the trustees or their solicitor, verifying that the transfer is—
 - (a) required to enable the relevant legal title to be transferred from one trustee to another trustee; and
 - (b) solely for the purposes of administering the trust.
- (7) Subsections (5) and (6)—

- (a) do not limit section 39(1); and
- (b) are for the avoidance of doubt.

Revocation of reservation of vested recreation reserves

41 Application of section 24 of the Reserves Act 1977

- (1) Section 24 of the Reserves Act 1977 applies to the revocation of a vested recreation reserve.
- (2) Subsection (1) is for the avoidance of doubt.
- (3) For ease of reference, section 24 of the Reserves Act 1977 is replicated in Schedule 5.
- (4) However, in the event of inconsistency between section 24 of the Reserves Act 1977 and Schedule 5 (whether that inconsistency arises through amendment of section 24 or otherwise) section 24 prevails.

42 Effects of revocation

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

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

General provisions relating to vesting of cultural redress properties

43 Vesting subject to encumbrances

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

44 Registration of ownership

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

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

45 Notification on register of vested recreation reserves

- (1) This section applies to the fee simple estate in vested recreation reserves that vest in the trustees under section 37(2) or section 38(3).
- (2) The computer freehold register created under section 44—
 - (a) must contain a notification recording that the reserve—
 - (i) was vested in accordance with—
 - (A) section 37 (in the case of the Onaero Domain Recreation Reserve):
 - (B) section 38 (in the case of the Urenui Domain Recreation Reserve); and
 - (ii) is subject to sections 39 to 42 (in the case of each of the reserves referred to in subparagraph (i)); and

- (b) must not contain any noting of the vesting, or cancellation of the vesting, of that vested recreation reserve under the Reserves Act 1977 (except as provided by subsection (2)(a)).
- (3) Subsection (2) overrides—
 - (a) section 112(2) of the Reserves Act 1977; and
 - (b) section 129(2), (3), and (5) of the Land Transfer Act 1952.
- (4) Subsection (2)(b) overrides sections 27(5) and 116 of the Reserves Act 1977 and, in the event of inconsistency, any other enactment to the contrary.

46 Application of other enactments

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation under this subpart of the reserve status of a cultural redress property vested in the trustees under this subpart.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting in the trustees of the fee simple estate in a cultural redress property under this subpart; or
 - (b) a matter incidental to, or required for the purpose of, the vesting of the fee simple estate in a cultural redress property under this subpart.
- (3) The vesting of the fee simple estate in a cultural redress property under this subpart does not—
 - (a) limit section 10 or section 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required to lay out, form, grant, or reserve a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.
- (5) The vesting, under this subpart, of a fee simple estate in a cultural redress property listed in Part 1 of Schedule 1 is a disposition for the purposes of Part 4A of the Conservation Act 1987.
- (6) Subsection (5) does not apply to the vesting of the Te Urenui Pā site under section 34(2).
- (7) The vesting, under this subpart, of a fee simple estate in a cultural redress property listed in Part 3 of Schedule 1 is not a disposition for the purposes of Part 4A of the Conservation Act 1987 (and Part 4A does not apply) unless—
 - (a) the reservation of that vested recreation reserve is revoked (in which case the vesting is a disposition for the purposes of Part 4A); or
 - (b) the reservation of part of that vested recreation reserve is revoked (in which case the vesting of that part is a disposition for the purposes of Part 4A).

- (8) Sections 24(2A), 24A, and 24AA of the Conservation Act 1987 do not apply to the dispositions referred to in subsections (5), (7)(a), and (7)(b).
- (9) Nothing in sections 37 to 42 affects the rights of Ngāti Mutunga or the trustees under the Protected Objects Act 1975 in relation to taonga tūturu.

47 Application of certain amounts

- (1) The Minister may direct that any payment for any site or reserve listed in subsection (2) be paid and applied in the manner specified in section 82(1)(a) of the Reserves Act 1977.
- (2) The sites and reserves referred to in subsection (1) are—
 - (a) the Onaero site:
 - (b) the Pukemiro site:
 - (c) the Te Rau o Te Huia Pā site:
 - (d) the Ngapapa site:
 - (e) the Te Urenui Pā site:
 - (f) the Okoki Pā site:
 - (g) both vested recreation reserves.
- (3) A direction made under subsection (1) is to be treated as if it were a direction under section 82(1)(a) of the Reserves Act 1977.

Subpart 3—Statutory acknowledgements and deeds of recognition

48 Statutory acknowledgements by the Crown

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

49 Purposes of statutory acknowledgements

- (1) The only purposes of the statutory acknowledgements are—
 - (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements, as provided for in sections 50 to 52; and
 - (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and

- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgements as evidence of the association of Ngāti Mutunga with the relevant statutory areas, as provided for in section 55.
- (2) This section does not limit the operation of sections 58 to 61.
Section 49(1)(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

50 Relevant consent authorities to have regard to statutory acknowledgements

- (1) On and from the effective date, a relevant consent authority must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of the Resource Management Act 1991 as to whether the trustees are persons who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on the statutory area.
- (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

51 Environment Court to have regard to statutory acknowledgements

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

52 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgements

If, on or after the effective date, an application is 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,—

- (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
- (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a

determination as to whether the trustees are persons directly affected by the decision.

Section 52: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

53 Recording statutory acknowledgements on statutory plans

- (1) From the effective date, each relevant consent authority must attach information recording a statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area.
- (2) The attachment of information under subsection (1) to a statutory plan—
 - (a) must include the relevant provisions of this subpart in full, the description of the statutory area, and the statement of association; and
 - (b) is for the purpose of public notice only, and the information is not—
 - (i) part of the statutory plan (unless adopted by the relevant consent authority); or
 - (ii) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
- (3) In this section, **statutory plan**—
 - (a) means a district plan, proposed plan, regional coastal plan, regional plan, or regional policy statement as defined in section 2(1) of the Resource Management Act 1991; and
 - (b) includes a proposed policy statement provided for in Schedule 1 of the Resource Management Act 1991.

54 Distribution of resource consent applications to trustees

- (1) Each relevant consent authority must, for a period of 20 years from the effective date, forward to the trustees a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on a statutory area.
- (2) The information provided under subsection (1) must be—
 - (a) the same as would be given under section 93 of the Resource Management Act 1991 to persons likely to be adversely affected, or as may be agreed between the trustees and the relevant consent authority; and
 - (b) provided as soon as is reasonably practicable after the application is received, and before a determination is made in accordance with sections 93 to 94C of the Resource Management Act 1991.
- (3) The trustees may, by notice in writing to a relevant consent authority,—
 - (a) waive their rights to be notified under this section; and
 - (b) state the scope of that waiver and the period it applies for.

- (4) For the purposes of this section, a regional council dealing with an application to carry out a restricted coastal activity in a statutory area must be treated as if it were the relevant consent authority in relation to that application.
- (5) This section does not affect the obligation of a relevant consent authority to—
 - (a) notify an application in accordance with sections 93 and 94C of the Resource Management Act 1991:
 - (b) form an opinion as to whether the trustees are persons who may be adversely affected under those sections.

55 Use of statutory acknowledgements

- (1) The trustees and a member of Ngāti Mutunga may, as evidence of the association of Ngāti Mutunga with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority, the Minister (in relation to a restricted coastal activity in a statutory area), the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or impacting directly on the statutory area.
- (2) The content of the statement of association is not, by virtue of the statutory acknowledgement, binding as deemed fact on—
 - (a) relevant consent authorities:
 - (b) the Minister:
 - (c) the Environment Court:
 - (d) Heritage New Zealand Pouhere Taonga:
 - (e) parties to proceedings before those bodies:
 - (f) any other person able to participate in those proceedings.
- (3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
- (4) Neither the trustees nor a member of Ngāti Mutunga are precluded from stating that Ngāti Mutunga have an association with a statutory area that is not described in the statutory acknowledgement.
- (5) The content and existence of the statutory acknowledgement does not limit a statement made under subsection (4).

Section 55(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 55(2)(d): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

56 Authorisation to enter into and amend deeds of recognition

- (1) The Minister, or the Commissioner of Crown Lands, or both, as the case may be, may—

- (a) enter into deeds of recognition with the trustees in respect of the land within the statutory areas:
 - (b) amend a deed of recognition by entering into a deed with the trustees to amend that deed of recognition.
- (2) In this section, **deed of recognition** means a deed—
- (a) entered into in accordance with clauses 11.19 to 11.25 of the deed of settlement; and
 - (b) in the form set out in Part 6 of the Cultural Redress Schedule; and
 - (c) provided to the trustees by the Minister, or the Commissioner of Crown Lands, or both, as specified in the third column of Schedule 3.

57 Statutory acknowledgements in relation to rivers

If a statutory acknowledgement relates to a river, the river—

- (a) includes—
 - (i) a continuously or intermittently flowing body of fresh water, including a stream or a modified watercourse; and
 - (ii) the bed of the river; but
- (b) does not include—
 - (i) an artificial watercourse; or
 - (ii) a part of the bed of the river that is not owned by the Crown; or
 - (iii) land that the waters of the river do not cover at its fullest flow without overlapping its banks; or
 - (iv) a tributary that flows into the river.

General provisions

58 Crown not precluded from granting other statutory acknowledgement or deed of recognition

Neither the provision of a statutory acknowledgement nor the entry into a deed of recognition precludes the Crown from providing a statutory acknowledgement to, or entering into a deed of recognition with, persons other than Ngāti Mutunga or the trustees with respect to the same area.

59 Exercise of powers and performance of functions and duties not affected

- (1) Except as expressly provided in this subpart,—
- (a) neither a statutory acknowledgement nor a deed of recognition affects, or may be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser

weight to the association of Ngāti Mutunga with a statutory area (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if no statutory acknowledgement or deed of recognition existed in respect of the statutory area.

- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

60 Rights not affected

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

61 Limitation of rights

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

Amendment to Resource Management Act 1991

62 Schedule 11 of Resource Management Act 1991 amended

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

Ngāti Mutunga Claims Settlement Act 2006.

Subpart 4—Access to deed of settlement

63 Access to deed of settlement

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

- (a) for inspection free of charge and for purchase at a reasonable price, at the Head Office of the Ministry of Justice in Wellington on any business day; and
- (b) free of charge, on an Internet site maintained by or on behalf of the Ministry of Justice.

Subpart 5—Nohoanga entitlement

Grant of Nohoanga entitlement

64 Stopping of road on Nohoanga site

- (1) The following provisions apply to the Nohoanga site described in Schedule 2:
- (a) the road shown as Section 1, SO 9578 Taranaki Land District (containing 7 537 square metres more or less) is stopped and ceases to be a road:

- (b) on ceasing to be a road, the former road referred to in paragraph (a), together with 376 square metres (being Section 1, SO 369860 Taranaki Land District)—
 - (i) vests in the Crown as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977; and
 - (ii) forms part of the Uruti Domain Scenic Reserve.
- (2) To avoid doubt, section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road under subsection (1)(a).

65 Grant and renewal of Nohoanga entitlement

- (1) The Crown must, in accordance with this subpart, grant to the trustees a Nohoanga entitlement over the Nohoanga site.
- (2) The grant must be—
 - (a) for an initial term of 10 years beginning on the settlement date; and
 - (b) made in the form set out in Part 3 of Schedule 1 of the Cultural Redress Schedule, or as varied in accordance with section 67.
- (3) If there is inconsistency between the provisions of the form used for the Nohoanga entitlement under subsection (2)(b) and the provisions of this subpart, the provisions of this subpart prevail.
- (4) The Nohoanga entitlement must, at the option of the trustees, be renewed for further terms of 10 years unless the Nohoanga entitlement is terminated under section 82 or 83.

66 Notification of Nohoanga entitlement

- (1) The land holding agent must notify the grant or renewal of the Nohoanga entitlement in the *Gazette*.
- (2) The chief executive must note in his or her records—
 - (a) the grant or renewal of the Nohoanga entitlement; and
 - (b) the notice in the *Gazette* relating to the grant or renewal.

67 Terms and conditions of Nohoanga entitlement may be varied

- (1) The form of the Nohoanga entitlement may be varied from the form specified in section 65(2)(b) by—
 - (a) the addition by the land holding agent, at the time of the grant of the Nohoanga entitlement, of terms reasonably required by the Crown to protect and preserve—
 - (i) the Nohoanga site;
 - (ii) the surrounding land;
 - (iii) associated flora and fauna; or
 - (b) agreement between the land holding agent and the trustees.

- (2) Any variations under subsection (1) must be in writing and must not be inconsistent with this subpart.

Purpose of Nohoanga entitlement

68 Purpose of Nohoanga entitlement

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

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

Rights under Nohoanga entitlement

69 Occupation of Nohoanga site by members of Ngāti Mutunga

- (1) The trustees have the right to permit members of Ngāti Mutunga to occupy the Nohoanga site—
- (a) for the purpose referred to in section 68; and
 - (b) to the exclusion of other persons during the period or periods that it exercises the right to occupy the site.
- (2) Subsection (1) applies subject to sections 70 to 75.

70 Period of occupation of Nohoanga site

- (1) The trustees may permit members of Ngāti Mutunga to occupy the Nohoanga site, to the exclusion of other persons, for any period or periods in a calendar year that do not exceed 210 days in total.
- (2) The trustees must not permit members of Ngāti Mutunga to occupy the Nohoanga site in a calendar year during the period beginning on 1 May and ending with the close of 15 August.

71 Right to erect temporary dwellings

- (1) The trustees may permit members of Ngāti Mutunga, while occupying the Nohoanga site under the Nohoanga entitlement, to erect camping shelters or similar temporary dwellings on the site.
- (2) The trustees must ensure the removal of any camping shelters or temporary dwellings erected on the Nohoanga site whenever the right to occupy that Nohoanga site is not being exercised.

72 Condition of land when occupation ceases

- (1) The trustees must, whenever members of Ngāti Mutunga who are permitted to occupy the Nohoanga site under section 69 cease to occupy the Nohoanga site,

leave the site in substantially the same condition as it was when the permitted members of Ngāti Mutunga began occupying the site.

- (2) Subsection (1) does not apply to temporary effects normally associated with occupation of a Nohoanga site under a Nohoanga entitlement.

73 Activities on Nohoanga site

- (1) This section applies subject to section 71.
- (2) The trustees may, with the written consent of the land holding agent, permit members of Ngāti Mutunga to undertake other activities on the Nohoanga site that are reasonably necessary for the Nohoanga entitlement to be used for the purpose set out in section 68.
- (3) When applying for the land holding agent's consent, the trustees must provide to the land holding agent full details of the proposed activities, including (but not limited to)—
 - (a) the effect of the proposed activities—
 - (i) on the Nohoanga site; and
 - (ii) if the Nohoanga site is held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, on the surrounding land and associated flora and fauna; and
 - (b) any measures that the trustees propose to take (if the land holding agent's consent is given) to avoid, remedy, or mitigate adverse effects on the Nohoanga site.
- (4) In considering whether to give consent in relation to land held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, the land holding agent may require the trustees to obtain, at the expense of the trust, an environmental impact report about the proposed activities and an audit of that report.
- (5) The giving of consent is at the complete discretion of the land holding agent.
- (6) The land holding agent may give consent subject to any conditions that he or she thinks fit to impose.
- (7) Without limiting subsection (6), in giving consent in relation to land held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, the land holding agent may impose reasonable conditions to avoid, remedy, or mitigate adverse effects of the proposed activities on the Nohoanga site, surrounding land, or associated flora and fauna.
- (8) If the Crown has complied with its obligations under the Nohoanga entitlement, the Crown is not liable to compensate the trustees or the trust (whether on termination of the Nohoanga entitlement or at another time) for activities undertaken by the trustees on the Nohoanga site.

*Obligations relating to Nohoanga entitlement***74 Nohoanga entitlement must not impede public access**

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

75 Crown functions to continue

The grant and exercise of the Nohoanga entitlement does not prevent agents of the Crown or persons exercising statutory powers from undertaking their functions in relation to the land over which the Nohoanga entitlement is granted.

76 Nohoanga entitlement does not restrict Crown's right to dispose of land

The grant and exercise of the Nohoanga entitlement does not restrict the Crown's right to dispose of the Nohoanga site, land adjacent to the Nohoanga site, or land adjacent to a waterway.

77 Trustees may enforce rights against other persons

While members of Ngāti Mutunga are occupying the Nohoanga site under the Nohoanga entitlement, the trustees may enforce their rights under the Nohoanga entitlement against persons who are not parties to the deed of settlement as if the trustees were the owners of the Nohoanga site.

78 Crown's obligation to provide lawful access

- (1) If an event described in subsection (2) occurs during the term of the Nohoanga entitlement, the Crown must use reasonable endeavours to ensure that members of Ngāti Mutunga continue, for the rest of the term, to have the same type of access to the Nohoanga site as they had before the event occurred.
- (2) The events are—
 - (a) the Crown disposing of land adjacent to the Nohoanga site;
 - (b) a change in the classification or status of land adjacent to the Nohoanga site.
- (3) The Crown's obligation under subsection (1) is subject to compliance with all applicable provisions in or under any other enactment.

79 Compliance with laws, bylaws, and land and water management practices

- (1) The trustees, members of Ngāti Mutunga permitted to occupy the Nohoanga site under section 69, and activities carried out on the Nohoanga site by them are subject to the laws, regulations, bylaws, and land and water management practices that apply to that Nohoanga site.
- (2) The land holding agent, in carrying out land and water management practices that relate to the Nohoanga site, must have regard to the existence of the Nohoanga entitlement and must—
 - (a) notify the trustees of an activity that may affect the use of the site; and

- (b) avoid unreasonable disruption to the use of the site.
- (3) The trustees are subject to any requirement to apply for resource consents for activities on the Nohoanga site.
- (4) Subsection (3) does not limit subsection (1).
- (5) In this section, **activities** includes activities undertaken under section 73.

80 Rights of trustees under Nohoanga entitlement not assignable

The rights of the trustees under the Nohoanga entitlement are not assignable.

Suspension and termination of Nohoanga entitlement

81 Suspension of Nohoanga entitlement

- (1) The land holding agent may suspend the Nohoanga entitlement in accordance with this section.
- (2) The land holding agent must not suspend the Nohoanga entitlement unless he or she first—
 - (a) consults the trustees; and
 - (b) has particular regard to the views of the trustees.
- (3) The land holding agent must not suspend the Nohoanga entitlement unless he or she considers the suspension necessary for the management of the land, having regard to the purposes for which the land is held by the land holding agent.
- (4) If the Nohoanga entitlement is suspended, the trustees may, after the end of the suspension, permit members of Ngāti Mutunga to occupy the Nohoanga site for a period equal to the period of the suspension.
- (5) The occupation of the Nohoanga site under subsection (4) is not subject to the restriction under section 70(2).

82 Termination of Nohoanga entitlement

- (1) The trustees and the Crown may terminate the Nohoanga entitlement by written agreement.
- (2) The Crown may terminate the Nohoanga entitlement by giving written notice to the trustees on 1 or more of the following grounds:
 - (a) that the Crown has disposed of the Nohoanga site;
 - (b) that the Nohoanga site has been destroyed or permanently and detrimentally affected;
 - (c) that the Nohoanga site is on reserve land that may be required for the specific purpose for which it is held as a reserve;
 - (d) that the Nohoanga site is an unformed legal road that is to be formed;

- (e) that, despite the Crown's reasonable endeavours, lawful access to the Nohoanga site has ceased to exist because of the occurrence of an event described in section 78(2).
- (3) On the termination of the Nohoanga entitlement under this section, the Crown must take all reasonable steps to grant a replacement Nohoanga entitlement to the trustees.
- (4) Subsection (3) does not apply in relation to the Nohoanga entitlement if the fee simple estate in the Nohoanga site is vested in the trustees.
- (5) The grant of a replacement Nohoanga entitlement under subsection (3) must be over land that complies with clause 11.5 of the deed of settlement.

83 Termination of Nohoanga entitlement for breach of obligations

- (1) This section applies if the trustees default in performing any of their obligations under the Nohoanga entitlement.
- (2) If the default is capable of remedy, the Crown may give notice to the trustees in writing, specifying the default and the remedy for the default required by the Crown.
- (3) The remedy required by the Crown must be reasonable in the circumstances.
- (4) If, at the end of 41 business days after notice is given by the Crown under subsection (2), the trustees have not remedied, or taken appropriate action to remedy, the default as required by the Crown, the Crown may immediately terminate the Nohoanga entitlement by notice in writing to the trustees.
- (5) If the default is not capable of remedy, the Crown may immediately terminate the Nohoanga entitlement by notice in writing to the trustees.
- (6) The trustees may, not earlier than 2 years after the termination of the Nohoanga entitlement under this section, apply to the Minister of Māori Affairs for the grant of a replacement Nohoanga entitlement that complies with clause 11.5 of the deed of settlement.
- (7) On receipt of an application under subsection (6), the Crown may, in its discretion, take reasonable steps to grant a replacement Nohoanga entitlement over land that complies with clause 11.5 of the deed of settlement.

84 Notification of termination of Nohoanga entitlement

- (1) If the Nohoanga entitlement is terminated under section 82 or 83, the land holding agent must give notice of the termination in the *Gazette*.
- (2) The chief executive must note in his or her records the termination of the Nohoanga entitlement and its notification in the *Gazette*.

Rights not affected or created

85 Rights of other parties not affected

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

86 No creation of rights in Nohoanga site

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

Application of other enactments

87 Part 3B of Conservation Act 1987 does not apply

Part 3B of the Conservation Act 1987 does not apply to the grant of the Nohoanga entitlement.

88 Section 8(1) and (3) of Local Government (Rating) Act 2002 applies

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

89 Section 44 of Reserves Act 1977 does not apply

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

90 Section 11 and Part 10 of Resource Management Act 1991 do not apply

The grant of the Nohoanga entitlement is not a subdivision for the purposes of section 11 and Part 10 of the Resource Management Act 1991.

Subpart 6—Coastal tendering

91 Preferential right to purchase authorisations under Part 7 of Resource Management Act 1991

- (1) If the Minister offers authorisations for a part of the specified coastal area by public tender under Part 7 of the Resource Management Act 1991, the trustees have a preferential right to purchase a proportion of the authorisations that are the subject of that tender.

- (2) The preferential right referred to in subsection (1) must be provided and exercised in accordance with the process set out in Part 8 of the Cultural Redress Schedule.
- (3) Disputes in relation to the preferential right must be resolved in accordance with clause 2 of Part 8 of the Cultural Redress Schedule.

92 Preferential right to purchase authorisations under Part 7A of Resource Management Act 1991

- (1) If the Taranaki Regional Council offers authorisations for a part of the specified coastal area by public tender under Part 7A of the Resource Management Act 1991, the trustees have a preferential right to purchase a proportion of the authorisations that are the subject of that tender.
- (2) The preferential right referred to in subsection (1) must be provided and exercised in accordance with the process set out in Part 8 of the Cultural Redress Schedule.
- (3) Disputes in relation to the preferential right must be resolved in accordance with clause 2 of Part 8 of the Cultural Redress Schedule.

93 Limit on proportion of authorisations able to be purchased

- (1) The authorisations that the trustees have a preferential right to purchase under section 91 or 92—
 - (a) either—
 - (i) must equal in area 10% of the authorisations that are the subject of the tender; or
 - (ii) may equal in area less than 10% of the authorisations that are the subject of the tender, if such smaller area has been agreed to, in writing, by the trustees and the Minister, or the trustees and the Council, as the case may be; and
 - (b) in either case, must be of not less than fair average quality in terms of the relevant portion of the specified coastal area, relative to the quality of those portions for all other authorisations that are the subject of the tender.
- (2) The limit specified in subsection (1)(a)(i) may be exceeded if the size and shape of the part of the specified coastal area for the authorisations that are the subject of the tender make it impractical to comply with the limitation.

94 Trustees treated as having made tender

- (1) If the trustees have a preferential right under section 91 or 92 to purchase authorisations, the trustees must be treated as having lodged a valid tender for the authorisations, for \$1 consideration, in compliance with section 158 or section 165Q(2) to (4) of the Resource Management Act 1991, as the case may be.

- (2) The tender of the trustees under subsection (1) must be treated, by the Minister or by the Taranaki Regional Council, as the case may be, as the most preferred tender for the relevant authorisations if, in response to an offer made by public tender under Part 7 or Part 7A of the Resource Management Act 1991, the Minister, or the Taranaki Regional Council,—
- (a) receives no tenders; or
 - (b) considers that he or she would reject every tender received.

95 Exercise of powers and performance of duties and functions not affected

Except as expressly provided in this subpart, nothing in this subpart affects the powers, duties, or functions of—

- (a) the Minister under Part 7 or Part 7A of the Resource Management Act 1991; or
- (b) the Taranaki Regional Council under Part 7A of the Resource Management Act 1991.

96 Rights not affected

Except as expressly provided in this subpart, nothing in this subpart affects the lawful rights or interests of a person who is not a party to the deed of settlement.

97 Limitation of rights

Except as expressly provided in this subpart,—

- (a) the preferential right provided to the trustees under this subpart does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the specified coastal area:
- (b) nothing in this subpart limits or affects the rights of Ngāti Mutunga to acquire authorisations or otherwise exercise a statutory right, power, or privilege in respect of the specified coastal area.

Amendment to Resource Management Act 1991

98 Section 165R of Resource Management Act 1991 amended

Section 165R(2) of the Resource Management Act 1991 is amended by adding the following paragraph:

- (f) section 92 of the Ngāti Mutunga Claims Settlement Act 2006.

Subpart 7—Place names

99 Change and assignment of place names

- (1) The existing historic reserve name and the unnamed place in the first column of Schedule 4 are changed to the corresponding names in the third column of that schedule.

- (2) The changes made under subsection (1) are taken to have been made—
- (a) with the approval of the New Zealand Geographic Board; and
 - (b) in accordance with the New Zealand Geographic Board Act 1946.

Part 3

Commercial redress

Transfer of commercial redress properties

100 Transfer of commercial redress properties

To give effect to clause 14.1 of the deed of settlement, the Crown (acting through the Commissioner of Crown Lands) is authorised to do 1 or more of the following:

- (a) transfer the fee simple estate in a commercial redress property to the trustees:
- (b) sign a transfer instrument or other document, or do any other thing, to execute such a transfer.

101 Creation of computer register

- (1) This section applies to a commercial redress property to the extent that—
- (a) the property is not all of the land contained in a certificate of title or computer freehold register; or
 - (b) there is no certificate of title or computer freehold register for all or part of the property.
- (2) The Registrar-General must, on written application by an authorised person, comply with subsection (3).
- (3) The Registrar-General must, in accordance with the application, create a computer freehold register in the name of the Crown subject to, and together with, any encumbrances that are registered, notifiable, or notified and that are described in the written application.
- (4) Subsection (3) is subject to the completion of any survey necessary to facilitate the creation of the computer freehold register.
- (5) A computer freehold register created in accordance with subsection (3) must be created in the name of the Crown without any statement of purpose.
- (6) The authorised person may grant a covenant to arrange for the later creation of 1 or more computer freehold registers for a property that is to be transferred to the trustees.
- (7) Despite the Land Transfer Act 1952,—

- (a) the authorised person may request the Registrar-General to register a covenant referred to in subsection (6) under the Land Transfer Act 1952 by creating a computer interest register; and
 - (b) the Registrar-General must register the covenant in accordance with paragraph (a).
- (8) In this section, **authorised person** means a person—
- (a) who is authorised by the chief executive of the transferor agency (as defined in clause 18.4 of the deed of settlement); and
 - (b) referred to as an authorised person in clause 14.3.2(a) of the deed of settlement.

102 Application of other enactments to transfer of commercial redress properties

- (1) In exercising the powers conferred by section 100, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property.
- (2) Subsection (1) is subject to subsections (4) and (5).
- (3) Nothing in section 11 or Part 10 of the Resource Management Act 1991 applies to—
 - (a) the transfer to the trustees of a commercial redress property in accordance with this Act; or
 - (b) any matter incidental to, or required for the purpose of, that transfer.
- (4) The transfer of a commercial redress property in accordance with this Act does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (5) The transfer of a commercial redress property in accordance with this Act is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (6) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way that may be required to fulfil the terms of the deed of settlement in relation to a commercial redress property.

Schedule 1

Cultural redress properties

ss 12, 29–47

Part 1

Cultural redress properties to be vested in fee simple

Name of site	Description	Encumbrances
Onaero site	<i>Taranaki Land District—New Plymouth Dis-</i> <i>trict</i> 4 370 square metres, more or less, being Section 89 Urenui District. Part <i>Gazette</i> Notice 263740.1A.	Subject to the informal grazing right of V E Rae.
Pukemiro site	<i>Taranaki Land District—New Plymouth Dis-</i> <i>trict</i> 2.2950 hectares, more or less, being Section 22 Block III Waitara Survey District. Part Proclamation 240 and Part <i>Gazette</i> Notice 294914.1.	Subject to the conservation cove- nant referred to in section 30(3).
Te Rau o Te Huia Pā site	<i>Taranaki Land District—New Plymouth Dis-</i> <i>trict</i> 1 399 square metres, more or less, being Section 11 Block III Waitara Survey District. All <i>Gazette</i> Notice 191566.	Subject to the informal grazing right of R D Paul.
Ngapapa site	<i>Taranaki Land District—New Plymouth Dis-</i> <i>trict</i> 1 012 square metres, more or less, being Section 101 Town of Urenui. All Computer Freehold Register TN152/197.	
Urenui site	<i>Taranaki Land District—New Plymouth Dis-</i> <i>trict</i> 112.6366 hectares, more or less, being Sub- division 2 of Section 12 Block VIII Waitara Survey District. Part <i>Gazette</i> 1864 page 461.	Subject to the conservation cove- nant referred to in section 33(3).
Te Urenui Pā site	<i>Taranaki Land District—New Plymouth Dis-</i> <i>trict</i> 2.8834 hectares, more or less, being Urenui 2B1. All Proclamation W.2854.	Subject to the conservation cove- nant referred to in section 34(3).
Okoki Pā site	<i>Taranaki Land District—New Plymouth Dis-</i> <i>trict</i> 15.0100 hectares, more or less, being Sec- tion 2, SO 365383. Part <i>Gazette</i> Notice 148849.	Subject to the conservation cove- nant referred to in section 35(3). Subject to the grazing permit concession (WA-15919B-GRA) dated 22 February 2005 issued under Part 3B of the Conserva- tion Act 1987 to Ashbrook Farms Limited.

Part 2

Cultural redress property vested to hold and administer as historic reserve

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

Part 3

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

Name of site	Description	Encumbrances
Onaero Domain Recreation Reserve	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>6.9103 hectares, more or less, being Section 82 Urenui District and Sections 19, 20, and 23 Block III Waitara Survey District. SOs 9135 and 8500.</p> <p>All <i>Gazette</i> 1958 page 1752, all <i>Gazette</i> 1960 page 1884, and balance <i>Gazette</i> 1909 page 2389.</p>	<p>Subject to the following unregistered leases and interests:</p> <p>18 leases for cottage sites 1 to 18;</p> <p>the lease of the New Zealand Motor Caravan Association for the Onaero Domain Motor Camp (NPDC lease 66);</p> <p>the lease of the Waitara Swimming and Surf Life Saving Club (incorporated) over part of Section 82 Urenui District (NPDC lease 61);</p> <p>the grazing lease of Anthony Main over part of Section 82 Urenui District (NPDC lease);</p> <p>the existing forestry plantation of NPDC;</p> <p>the right of the New Plymouth District Council to discharge treated sewage (TRC consent 1389-3).</p>
Urenui Domain Recreation Reserve	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>25.2120 hectares, more or less, being Section 29 Block III Waitara Survey District. SO 11674.</p> <p>All <i>Gazette</i> 1982 page 3780, balance <i>Gazette</i> 1890 page 307 and balance <i>Gazette</i> 1932 page 1841.</p>	<p>Subject to the following unregistered leases and interests:</p> <p>121 leases for bach sites 1 to 121;</p> <p>the lease of the Urenui Golf Club Incorporated for part of Section 29 SO 11674 (NPDC lease 70);</p> <p>the right of the New Plymouth District Council to discharge treated sewage (TRC consent 2046-3);</p> <p>the right of the New Plymouth District Council to</p>

Name of site	Description	Encumbrances
	<p>8 144 square metres, more or less, being Sections 114 and 115 Town of Urenui. All <i>Gazette</i> 1956 page 1425.</p> <p>4 477 square metres, more or less, being Section 8 Urenui Town Belt.</p>	<p>construct and maintain riverbank protection works at the boat ramp (TRC consent 4019-2);</p> <p>the right of the New Plymouth District Council to construct and maintain riverbank protection works below the camp manager's residence (TRC consent 4183-2);</p> <p>the right of the New Plymouth District Council to place and maintain the boat ramp (TRC consent 96-4065);</p> <p>the right of the New Plymouth District Council to place and maintain the swing bridge, water main, and associated riverbank protection works (TRC consent 94-4591);</p> <p>the right of the New Plymouth District Council to disturb the foreshore by moving sediment and driftwood for dune shaping, access maintenance, and erosion protection (TRC consent 97-5094);</p> <p>the right of the New Plymouth District Council to place and maintain a 295 metre rock rip rap seawall for erosion protection (TRC consent 5761-1);</p> <p>the Urenui Motor Camp Operation and Management Agreement (No 67), contract No 02/P02—between the New Plymouth District Council and I and T Hayston, dated 17 October 2002;</p> <p>the lease of the Scout Association of New Zealand over part of Section 115 Town of Urenui (NPDC lease 106).</p>

Name of site	Description	Encumbrances
	All <i>Gazette</i> 1981 page 3064.	

Schedule 2

Nohoanga site

ss 12, 64–90

Name	Description
Uruti Domain site	<i>Taranaki Land District—New Plymouth District</i> 7 662 square metres, as shown marked “A-D” on SO 364013.

Schedule 3

Statutory areas for statutory acknowledgements and responsibility for providing deed of recognition

ss 12, 48–57

Area	General description (all within Taranaki Land District–New Plymouth District)	Person responsible for providing deed of recognition
Part of Mimi–Pukearuhe Marginal Strip	CoastAs shown on SO 324304.	Minister of Conservation
Waitoetoe Beach Reserve	RecreationAs shown on SO 324305.	Minister of Conservation
Mimi Scenic Reserve	As shown on SO 324306.	Minister of Conservation
Mimi Gorge Scientific Reserve	As shown on SO 324307.	Minister of Conservation
Mataro Scenic Reserve	As shown on SO 324309.	Minister of Conservation
Mt Messenger Conservation Area within the area of interest	As shown on SO 324311.	Minister of Conservation
Taramoukou Conservation Area	As shown on SO 324312.	Minister of Conservation
Onaero River Scenic Reserve	As shown on SO 324313.	Minister of Conservation
Onaero Coast Marginal Strip	As shown on SO 324316.	N/A
Onaero River Marginal Strip	As shown on SO 324317.	N/A
Urenui River Marginal Strip	As shown on SO 324319.	N/A
Coastal Marine Area adjoining the area of interest	As shown on SO 324320.	N/A
Tangitu Conservation Area Miro Scenic Reserve	andAs shown on SO 336083.	N/A
Onaero River	As shown on SO 336080.	Minister of Conservation and Commissioner of Crown Lands
Urenui River	As shown on SO 324315.	Minister of Conservation and Commissioner of Crown Lands
Waitara River within the area of interest	ofAs shown on SO 324314.	Minister of Conservation and Commissioner of Crown Lands
Mimi River within the area of interest	ofAs shown on SO 336081.	Minister of Conservation and Commissioner of Crown Lands

Schedule 4 Place names

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Names to be altered

Existing depiction of place name	Location	New name
Unnamed coastal ridge	Topographic map 260–Q18, grid reference 381529.	Titoki Ridge
Te Urinui Historic Reserve	Topographic map 260–Q19, grid reference 310448.	Te Urenui Pā*

*The name “Te Urenui Pā” replaces the reference to “Te Urinui Pā”, which was incorrectly shown on topographic map 260-Q19, grid reference 325445.

Schedule 5

Section 24 of Reserves Act 1977

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24 Change of classification or purpose or revocation of reserves

- (1) Subject to section 13(2), where—
- (a) the Minister considers for any reason that a change of classification or purpose of the whole or part of any reserve is advisable or that the reservation of any land as a reserve should be revoked; or
 - (b) the local authority within whose district a reserve is situated or the administering body of any reserve notifies the Commissioner in writing that, pursuant to a resolution of the local authority or of the administering body, as the case may be, it considers for any reason, to be stated in the resolution, that the classification or purpose of the whole or part of the reserve should be changed to another classification or purpose, or that the reservation of the whole or part of the land as a reserve should be revoked,—

then, subject to the succeeding provisions of this section, the Minister may, in his discretion, by notice in the *Gazette*, change the classification or purpose of the whole or part of the reserve, which thereafter shall be held and administered for that changed classification or purpose, or revoke the reservation of the whole or part of the land as a reserve:

provided that the classification of any government purpose reserve for railway purposes shall not be changed and the reservation of the land or any part thereof as such a reserve shall not be revoked except with the consent of the Minister of Railways.

- (2) Before any classification or purpose is changed or any reservation is revoked pursuant to subsection (1),—
- (a) where subsection (1)(a) applies and there is an administering body of the reserve, the Commissioner shall notify the administering body in writing as to the Minister's reasons for considering that a change of classification or purpose is advisable or, as the case may be, that the reservation should be revoked, and shall invite the administering body to comment thereon in writing to the Commissioner:
 - (b) the administering body of the reserve after consulting the Commissioner, or the Commissioner if there is no administering body, shall publicly notify the proposed change of classification or purpose or proposed revocation of reservation, as the case may be, specifying the reason or reasons for the proposal:
 - (c) every person claiming to be affected by the proposed change of classification or purpose or revocation shall have a right of objection to the

change or revocation, and may, at any time within 1 month after the date of the first publication of the notice of the proposal, give notice in writing of his objections to the proposed change or revocation and of the grounds thereof to the Commissioner if there is no administering body, and to the principal administrative officer or chief executive of the administering body in any other case, who shall forward all such objections to the Commissioner with a copy of the resolution of the administering body in relation to those objections, after the administering body has considered those objections:

provided that, where the date of the first publication of the notice of the proposal falls between the period commencing with the tenth day of December in any year and ending with the tenth day of January in the next succeeding year, notice of objection to the proposed change or revocation may be given at any time before the tenth day of February next following that period:

- (d) where a local authority which is not the administering body initiates action under subsection (1)(b) to change the classification or purpose of or to revoke the reservation of the whole or part of the land as a reserve, the local authority shall notify the administering body in writing of the resolution of the local authority, and the reasons for it, and the administering body shall notify the Commissioner in writing of the attitude of the administering body to the proposed change of classification or purpose or to the proposed revocation:
 - (e) the Minister shall as soon as practicable consider the proposed change of classification or purpose or revocation and all objections received thereto and, in the case of objections made to an administering body, the resolution of the administering body thereon, and, in any case where paragraph (d) applies, the attitude of the administering body to the proposal:
 - (f) the Minister shall have power to receive such submissions and make such inquiries as he thinks fit on the proposal:
 - (g) the procedure to be followed by the Minister in any matter arising under this section shall be as prescribed in regulations made under this Act or, where there are no such regulations or so far as the regulations do not extend, as the Minister determines:
 - (h) any person who does not lodge an objection in accordance with this subsection shall be deemed to have assented to the change of classification or purpose or the revocation of reservation set forth in the public notification.
- (3) No change of classification or purpose of a scenic, nature, or scientific reserve, or any part thereof, to a recreation, historic, government purpose, or local purpose reserve shall be made, except where, in the opinion of the Minister, the

reserve or the part thereof is by reason of the destruction of the forest, bush, or other vegetation, or of the fauna or scientific or natural features thereon, or for any other like cause, no longer suitable for the purposes of its classification.

- (4) No revocation of the reservation of any land as a nature or scientific reserve, or any part thereof, shall be made except where in the opinion of the Minister the reserve or the part thereof is, by reason of the destruction of the forest, bush, or other vegetation, or of the fauna or scientific or natural features thereon, or for any other like cause, no longer suitable for the purposes of its classification.
- (5) No change of classification or purpose nor any revocation of reservation of an historic reserve or any part thereof shall be made, except where, in the opinion of the Minister, the reserve or the part thereof is by reason of the destruction of the historic features or for any other cause no longer suitable for the purpose of its classification, or where, in the opinion of the Minister, the change of classification or purpose or the revocation is required in the public interest. The Minister shall obtain a report from Heritage New Zealand Pouhere Taonga before making his decision.
- (6) Subsection (2) shall not apply to any government purpose reserve, but no change of classification or purpose or revocation of the reservation of such a reserve or any part of such a reserve shall be made without the prior approval of the Minister appointed under section 22 or section 36 to control and manage that reserve.
- (7) Subsection (2) shall not apply to any local purpose reserve, other than a reserve made on a subdivision of land under section 13 of the Land Subdivision in Counties Act 1946 or a reserve vested in the Corporation of a borough pursuant to the Municipal Corporations Act 1954 or the Corporation of a county pursuant to Part 2 of the Counties Amendment Act 1961 or section 16 of the Land Act 1924 or section 17 of the Land Laws Amendment Act 1920 or Part 20 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978) or as a condition of any resource consent under the Resource Management Act 1991:

provided that the Minister may, after considering such evidence as may be submitted to him, direct that the proposals be publicly notified, and in that case subsection (2) shall apply.

Schedule 5 section 24(5): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Notes

1 *General*

This is a consolidation of the Ngāti Mutunga Claims Settlement Act 2006 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Education and Training Act 2020 (2020 No 38): section 668

Trusts Act 2019 (2019 No 38): section 161

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Treaty of Waitangi Amendment Act 2008 (2008 No 34): section 7