

Reprint
as at 30 January 2021



Te Runanga o Ngati Awa Act 2005

Private Act 2005 No 1
Date of assent 24 March 2005
Commencement see section 2

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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Schedule 8

Section 11 of Te Runanga o Ngati Awa Act 1988

Preamble

- (1) Te Runanga o Ngati Awa was constituted by Te Runanga o Ngati Awa Act 1988. That Act declared Te Runanga o Ngati Awa to be a Maori Trust Board within the meaning and for the purposes of the Maori Trust Boards Act 1955. Te Runanga o Ngati Awa acts for and on behalf of nga uri o nga hapu o Ngati Awa, being the members of the Ngati Awa tribe in the Eastern Bay of Plenty:
- (2) On 27 March 2003, Ngati Awa entered into a deed of settlement with the Crown to settle all of its historical claims against the Crown under the Treaty of Waitangi:
- (3) It is a condition of the deed of settlement that a governance entity be established to receive and administer the settlement for and on behalf of Ngati Awa:
- (4) Discussions have occurred both within Ngati Awa and between Ngati Awa and the Crown in order to identify and agree on the nature of the governance entity to be established to receive and administer the settlement redress for and on behalf of Ngati Awa. Te Runanga o Ngati Awa, in its present role as a Maori Trust Board, is not regarded as suitable to undertake this function:
- (5) The Crown and Ngati Awa have agreed on the nature of the governance entity to be established to receive and administer the settlement. In establishing this entity, it is not thought desirable to abolish Te Runanga o Ngati Awa, but to make changes to its structure and the way it operates:
- (6) The members of Ngati Awa have, by postal ballot, agreed to the reconstitution of Te Runanga o Ngati Awa as proposed by this Act:
- (7) This Act is necessary to reconstitute Te Runanga o Ngati Awa and satisfy the condition in the deed of settlement for the establishment of a governance entity to receive and administer the settlement redress for and on behalf of Ngati Awa.

1 Title

This Act is Te Runanga o Ngati Awa Act 2005.

2 Commencement

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

Part 1 Preliminary provisions

3 Interpretation

(1) In this Act, unless the context otherwise requires,—

charter—

- (a) means the charter of Te Runanga; and
- (b) includes any amendments made to the charter

customary rights means rights according to tikanga Maori (Maori customary values and practices), including the following:

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

deed of settlement—

- (a) means the deed signed by representatives of Ngati Awa and the Crown on 27 March 2003 recording the settlement of Ngati Awa's historical claims against the Crown in respect of the Crown's breaches of its obligations to Ngati Awa under the Treaty of Waitangi; and
- (b) includes any amendments made to the deed of settlement

hapu has the same meaning as in the charter

member of Ngati Awa means every individual referred to in paragraph (b)(ii) of the definition of Ngati Awa

Ngati Awa—

- (a) means nga uri o nga hapu o Ngati Awa (the descendants of the hapu of Ngati Awa); and
- (b) includes—
 - (i) the collective group composed of individuals referred to in subparagraph (ii); and
 - (ii) every individual who is—
 - (A) descended from a Ngati Awa tipuna:
 - (B) a member of a hapu, group, family, or whanau referred to in subparagraphs (iii) and (iv); and
 - (iii) the hapu of Ngati Awa; and
 - (iv) any hapu, group, family, or whanau composed of individuals referred to in subparagraph (ii)

Ngati Awa area of interest has the same meaning as in the charter

Ngati Awa tipuna means a person who exercised customary rights—

- (a) by virtue of being descended from—
 - (i) Awanuirangi II; or
 - (ii) a recognised ancestor of the hapu; and
- (b) at any time after 6 February 1840 predominantly in relation to the Ngati Awa area of interest

representatives of Te Runanga has the same meaning as in the charter

Te Kahui Kaumatua has the same meaning as in the charter

Te Runanga means Te Runanga o Ngati Awa established by section 5

Whakaruruhau has the same meaning as in the charter.

- (2) For the purposes of the definitions of **Ngati Awa** and **Ngati Awa tipuna**, a person is descended from another person if the person is descended from the other person by—
 - (a) birth; or
 - (b) legal adoption; or
 - (c) Maori customary adoption in accordance with the custom of Ngati Awa.

4 Act binds the Crown

This Act binds the Crown.

Part 2

Establishment of Te Runanga o Ngati Awa

5 Te Runanga o Ngati Awa established

- (1) This section establishes Te Runanga o Ngati Awa.
- (2) Te Runanga is the same body as established by Te Runanga o Ngati Awa Act 1988.
- (3) However, Te Runanga ceases to be a Maori Trust Board within the meaning of the Maori Trust Boards Act 1955.

6 Functions of Te Runanga

- (1) Te Runanga is a body that represents Ngati Awa.
- (2) Subsection (1) does not limit the Crown's rights, functions, and obligations in relation to other representative entities.
- (3) Te Runanga must hold and administer its assets in accordance with the charter.

7 Te Runanga to be body corporate with full rights and powers

- (1) Te Runanga is a body corporate with perpetual succession and a common seal.
- (2) For the purposes of carrying out its functions, Te Runanga has—

- (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
 - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (3) Subsection (2) applies subject to—
- (a) the provisions of this Act and any other enactment; and
 - (b) the general law.

8 Charter

- (1) The charter of Te Runanga is the charter adopted—
- (a) by postal ballot of the adult members of Ngati Awa held between 26 January 2004 and 1 March 2004;
 - (b) by resolution of Te Runanga on 25 June 2004.
- (2) The charter must—
- (a) require Te Runanga to hold its assets on trust for the benefit of—
 - (i) the members of Ngati Awa as at the commencement of this Act; and
 - (ii) future members of Ngati Awa; and
 - (b) specify the duties and obligations of Te Runanga in administering its assets; and
 - (c) specify the manner in which the representatives of Te Runanga are to be elected; and
 - (d) require Te Runanga to maintain a register of members of Ngati Awa.
- (3) The charter may—
- (a) provide specific objects that are consistent with subsection (2)(a) for which Te Runanga is to administer its assets; and
 - (b) without limiting subsection (2)(a) or paragraph (a) of this section, provide for Te Runanga,—
 - (i) in administering its assets, to make provision for the benefit of any member or any class or classes of members of Ngati Awa; and
 - (ii) to accept, hold, or otherwise deal with any assets on trust for a specific purpose; and
 - (iii) to arrange for any of its assets to be held by—
 - (A) a community trust if Te Runanga has, at all times, the power to appoint and remove all of the trustees of the community trust;
 - (B) a company if, at all times, the company is wholly owned by Te Runanga; and

- (c) specify the manner in which Te Kahui Kaumatua and Whakaruruhau are to be appointed; and
 - (d) contain any other provisions that are not inconsistent with this Act, any other enactment, or the general law.
- (4) The Trusts Act 2019 does not apply in relation to the assets held on trust under subsections (2)(a) and (3)(b).
- (5) The charter may be amended by Te Runanga in accordance with any terms and conditions specified in the charter for its amendment.
- (6) Te Runanga must ensure that copies of the charter may be purchased at a reasonable price at the head office of Te Runanga.

Section 8(4): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

9 Head office

- (1) The head office of Te Runanga is at Louvain House, 10 Louvain Street, Whakatane.
- (2) Te Runanga may change the location of its head office.
- (3) A change in the location of Te Runanga's head office does not take effect until the address of the new location is notified in the *Gazette*.

Part 3

Transitional provisions and repeals

10 Membership of Te Runanga

The persons holding office, immediately before the commencement of this Act, as members of the Board of Te Runanga under the Maori Trust Boards Act 1955 continue to hold office as members of Te Runanga until the election of representatives of Te Runanga is completed under the charter.

11 Taxes and duties

- (1) This section applies for the purposes of the Inland Revenue Acts (as defined in section 3(1) of the Tax Administration Act 1994) and any other enactment that imposes or provides for the collection of any tax, duty, levy, rate, or other charge.
- (2) Any declaration of trust executed by Te Runanga under section 24B of the Maori Trust Boards Act 1955 and approved by the Commissioner under that section before the commencement of this Act—
 - (a) applies only in relation to property that before the commencement of this Act was acquired by or vested in Te Runanga and (before that date) has been subjected to that declaration of trust; but
 - (b) does not apply to—

- (i) the redress provided under the deed of settlement or any other property acquired by or vested in Te Runanga pursuant to or consequent upon the settlement of Ngati Awa's historical claims against the Crown in respect of the Crown's breaches of its obligations to Ngati Awa under the Treaty of Waitangi; or
- (ii) any property acquired or vested in Te Runanga on or after the commencement of this Act.

12 Final accounts of Te Runanga as Maori Trust Board

- (1) As soon as reasonably practicable after the commencement of this Act, Te Runanga must cause to be prepared final accounts of Te Runanga o Ngati Awa as a Maori Trust Board as at the close of the day before the commencement of this Act.
- (2) A copy of the final accounts, together with a copy of the report of the Auditor-General on those accounts, must be sent by Te Runanga to the Minister of Maori Affairs.
- (3) A copy of the final accounts together with a copy of the report of the Auditor-General on those accounts, must be presented to the House of Representatives by the Minister of Maori Affairs as soon as practicable after their receipt by the Minister.

13 Consequential amendments to Maori Trust Boards Regulations 1985

Amendment(s) incorporated in the regulations.

14 Repeal

- (1) Te Runanga o Ngati Awa Act 1988 is repealed.
- (2) Subsection (1) does not affect the restoration of the character, mana, and reputations and the pardon granted by section 11 of Te Runanga o Ngati Awa Act 1988.
- (3) Section 11 of Te Runanga o Ngati Awa Act 1988 is set out in the Schedule for ease of reference.

Schedule**Section 11 of Te Runanga o Ngati Awa Act 1988**

s 14(3)

11 Character, mana, and reputation restored

He panui tenei ki te motu katoa, ka tutuki ana tenei Ture, koinei te wa e whakahokia ai ki a ratou te ihi, te mana, te tapu o nga tangata o Ngati Awa i mauhereheretia, i whakawakia i te tau 1865, ki o ratou whanau hoki, ki o ratou iwi, tae atu ki a Ngati Awa whanui. Ka wetekina katoatia nga whiu o te ture i pa ki a ratou i roto i nga pakanga whenua o Te Tau 1865.

It is hereby declared that after the passing of this Part of this Act the character, mana, and reputation of the persons of Ngati Awa descent who were arrested, tried, and labelled as rebels in or about 1865 is restored to them and their whanau and to the iwi of Ngati Awa as a whole, and a full pardon is hereby granted to them in respect of all matters arising out of the land wars in 1865.

Reprints notes

1 *General*

This is a reprint of the Te Runanga o Ngati Awa Act 2005 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Trusts Act 2019 (2019 No 38): section 161