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## Ngati Tama Claims Settlement Act 2003

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Date of assent    25 November 2003  
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**

- (1) The Treaty of Waitangi, as set out in English and in Maori in Schedule 1 of the Treaty of Waitangi Act 1975, was signed in 1840:

- (2) Recitals (3) to (13) of this Preamble present, in summary form, the background to the Ngati Tama Taranaki historical claims that is set out in Part 6 of the deed of settlement entered into by Ngati Tama and the Crown:

*Taranaki wars*

- (3) 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 Pukearuhe and Waiiti to secure military occupation of the land. These also provided security for military settlements that were established on confiscated land. Both redoubts were built on wahi tapu:

*Confiscation*

- (4) In 1863, the New Zealand Settlements Act 1863 was enacted. This Act provided for the confiscation, by the Crown, of lands of Maori whom the Crown assessed to have been in “rebellion” against the authority of the Queen. On 30 January 1865, the Governor declared “Middle Taranaki” to be a confiscation district, and set aside blocks at Oakura and Waitara South as “eligible Sites for settlements for colonisation”. On 2 September 1865, the Governor declared 2 further confiscation districts, “Ngatiawa” and “Ngatiruanui”. The Governor also designated “Ngatiawa Coast” and “Ngatiruanui Coast” as eligible sites for settlement. These eligible sites took in a substantial part of the land in the rohe of Ngati Tama. All the Ngati Tama land that could be confiscated within the declared confiscation districts 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*

- (5) A Compensation Court was set up under the New Zealand Settlements Act 1863 to compensate some of those whose land was confiscated by the Crown. The compensation process and its outcomes added to the uncertainty, distress, and confusion among the people of Ngati Tama 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 Ngati Tama 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 hapu. Often awards did not include traditional whanau and hapu land. The awards did not reflect customary forms of land tenure. Out of some 74 000 acres confiscated from Ngati Tama, 3 458 acres were awarded to Ngati Tama individuals. By 1880, title had not been issued to this land. Some claimants were informally aware of the location of their awards and believed they had a right to occupy the land, only to find that it was classified as Crown land. In 1867, the Crown promised awards of land to the absentee owners from each iwi. By 1880, these awards were still undefined on the ground:

*Parihaka*

- (6) The prophets Te Whiti o Rongomai and Tohu Kakahi introduced a policy of passive resistance to the surveyors and the European settlers who followed. Prior to the Crown's attack on Parihaka, this policy was supported by the people of Ngati Tama and other iwi. Such resistance in 1879–80 led to more than 420 “ploughmen” and 216 “fencers” being arrested. Most were denied a trial and many prisoners were held in the South Island. Prison conditions were harsh and included hard labour:
- (7) On 5 November 1881, more than 1 500 Crown troops invaded and occupied the settlement of Parihaka. Over the following days, some 1 600 Maori were forcibly expelled from Parihaka and made to return to their own settlements. Houses and crops were systematically destroyed, and stock was driven away or killed. Taranaki Maori report that women were raped and otherwise molested by soldiers:
- (8) The leaders of Parihaka, Te Whiti o Rongomai and Tohu Kakahi, were arrested, and special legislation provided for their imprisonment without trial:

*West Coast Commissions and West Coast Settlement Reserves*

- (9) Two West Coast Commissions were appointed in 1880. The first was established to inquire into the Compensation Court awards and specific promises made by the Crown to Maori in Taranaki concerning confiscated lands. The second was established to implement the recommendations of the first. Almost all of the productive land confiscated within the rohe of Ngati Tama had already been provided to military settlers. Ngati Tama were left with insufficient agricultural land for their present and future needs:
- (10) Of the land that was returned to Ngati Tama, all was returned under individualised title. Many of the reserves were protected against sale when granted, but those restrictions were later removed and much of this land was permanently alienated:
- (11) The reserves made by the West Coast Commission were vested in the Public Trustee in trust for Maori owners, with Maori thereby losing legal ownership and control of their lands. The Public Trustee had full power to sell the alienable reserves and lease the inalienable ones under terms imposed by statute. The West Coast Settlement Reserves Act 1881 provided for perpetually renewable leases with rent based on the unimproved value of the land:
- (12) In 1926, the Sim Commission was set up to investigate confiscations under the New Zealand Settlements Act 1863 and subsequent legislation. The Commission's recommendations for an annuity of £5,000 for all the Taranaki confiscations and a single payment of £300 for the loss of property at Parihaka were not discussed with the iwi concerned and were never accepted as adequate. The timing of the payment of the annuity was uncertain, and the sums due in the early 1930s were not fully paid:

*Ngati Tama lands*

- (13) In 1882, the titles to 2 large blocks totalling more than 120 000 acres on the northern side of the confiscation line (Mohakatino–Paraninihi) were investigated by the Native Land Court. Although the area was part of Ngati Tama’s ancestral lands, Chief Judge Fenton awarded full ownership of both blocks to Ngati Maniapoto claimants, citing conquest and possession, although admitting that occupation prior to 1840 was “sparse”. The Judge subsequently refused to hear an appeal by Ngati Tama. This outcome magnified the impact of any adverse consequences of decisions by the Compensation Court regarding Ngati Tama lands, and meant that in the future the Crown did not recognise Ngati Tama as being able to speak for these blocks. It also meant that Ngati Tama considered it futile to make further claims to land in this area through the Native Land Court. The Crown has acquired Ngati Tama land under Public Works legislation. Land taken includes wahi tapu of particular significance to Ngati Tama. As a result of these actions by the Crown, and the decisions of the Compensation and Native Land Courts, Ngati Tama in Taranaki were left with very little land and none in tribal ownership:

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

- (14) Taranaki Maori, including Ngati Tama, have long-standing claims against the Crown. Those claims have been expressed through petitions and protests made by Taranaki Maori, including Ngati Tama. Those petitions and protests contributed to the establishment, in the 19th and 20th centuries, of various committees of inquiry into lands confiscated from Taranaki Maori:

*Claims under Treaty of Waitangi Act 1975*

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

*Interim views of Waitangi Tribunal*

- (17) On 11 June 1996, the Waitangi Tribunal released its interim report on the collective Taranaki Maori claims (Wai 143) entitled *The Taranaki Report: Kaurapa Tuatahi*:
- (18) This report contained the preliminary views of the Waitangi Tribunal and was issued—
- (a) based on the Tribunal’s inquiry up to the date of the report (noting, in particular, that the Crown was yet to be heard on many matters raised); and
  - (b) in order to expedite intended negotiations for a settlement in relation to the Taranaki claims:

- (19) The Waitangi Tribunal expressed some preliminary views concerning the Taranaki claims, including that—
- (a) the claims stood on 2 major foundations, land deprivation and disempowerment, with the latter being the main one. By disempowerment, the Waitangi Tribunal meant the denigration and destruction of Maori autonomy or self-government:
  - (b) the Waitangi Tribunal's Interim Report had introduced the historical claims of the Taranaki hapu and shown the need for a settlement:
  - (c) generous reparation policies were needed to remove the prejudice to Maori, to restore the honour of the Government, to ensure cultural survival, and to re-establish effective interaction between the Treaty partners:
- (20) The Crown acknowledged to the Waitangi Tribunal, in its interim response to the Taranaki claims, that—
- (a) the Waitara purchase and the wars constituted an injustice and were therefore in breach of the principles of the Treaty of Waitangi:
  - (b) the confiscation of land, as it occurred in Taranaki, also constituted an injustice and was therefore in breach of the principles of the Treaty of Waitangi:
  - (c) confiscation had a severe impact on the welfare, economy, and development of Taranaki iwi:
  - (d) in general terms, the delays in setting aside reserves contributed to the adverse effects of the confiscations:
  - (e) events relating to the implementation of the confiscations leading to the invasion of Parihaka in 1881, the invasion itself, and its aftermath constituted a breach of the principles of the Treaty of Waitangi:

*Settlement negotiations*

- (21) In November 1996, the Crown recognised the mandate of the Ngati Tama Iwi Development Trust to represent Ngati Tama in negotiations for a settlement with the Crown:
- (22) The mandated negotiators for Ngati Tama and the Crown entered into—
- (a) terms of negotiation on 18 August 1997 specifying the scope, objectives, and general procedures for the negotiations:
  - (b) a heads of agreement on 24 September 1999 recording that Ngati Tama 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:
- (23) A deed of settlement was agreed to by the Crown and the Ngati Tama Mandated Negotiators in a Letter of Exchange on 5 November 2001. The people of Ngati Tama then ratified the Crown's offer:

- (24) The Crown and Ngati Tama entered into a deed of settlement on 20 December 2001 recording matters required to give effect to a comprehensive settlement of all Ngati Tama's historical claims in Taranaki.

## **1 Title**

This Act is the Ngati Tama Claims Settlement Act 2003.

# **Part 1**

## **Preliminary provisions, and acknowledgements and apology by the Crown to Ngati Tama**

### **2 Commencement**

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

### **3 Purpose**

The purpose of this Act is—

- (a) to record the acknowledgements and apology given by the Crown to Ngati Tama in the deed of settlement dated 20 December 2001 and signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and by Stephen Taitoko White, Te Aramou Lake, Peter Te Maihengia White, Kenneth Crete Matuku, Nora Te Mate Horere Tahuna Tearanga Leatherby, Reece Baker, and Davis Rawiri McClutchie, for Ngati Tama; and
- (b) to give effect to certain provisions of the deed of settlement, which is a deed that settles the Ngati Tama historical claims.

### **4 Act to bind the Crown**

This Act binds the Crown.

### **5 Outline**

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.
- (2) Part 1 includes the preliminary provisions and records the acknowledgements and apology given by the Crown to Ngati Tama in the deed of settlement.
- (3) Part 2 defines terms used in this Act, including key terms such as Ngati Tama and Ngati Tama historical claims.
- (4) Part 3 provides that the settlement of Ngati Tama historical claims is final, and deals with related issues, including—

- (a) a statement of the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body to consider the Ngati Tama historical claims; and
  - (b) provision for consequential amendments to the Treaty of Waitangi Act 1975; and
  - (c) a statement of the effect of the settlement on certain resumptive memorials; and
  - (d) miscellaneous matters relating to the settlement, namely, the exclusion of the limit on the duration of a trust, the timing of actions or matters provided for in this Act, and the fees of the Registrar-General.
- (5) Part 4 authorises the actions necessary to implement certain aspects of the commercial redress.
- (6) Part 5 includes provisions relating to the following matters:
- (a) the issue of protocols to the governance entity by the Ministers of Conservation, Fisheries, and Energy, the Minister for Arts, Culture and Heritage, and the Minister for Land Information; and
  - (b) the vesting in the governance entity of the fee simple estate in 6 cultural redress properties; and
  - (c) the vesting of a recreation reserve in the governance entity as an administering body under the Reserves Act 1977; and
  - (d) the establishment of a joint advisory committee to perform specified functions in relation to 3 cultural redress properties and the Whitecliffs conservation area; and
  - (e) an acknowledgement by the Crown of the statements made by Ngati Tama of their cultural, spiritual, historical, and traditional association with 12 statutory areas, with provision for entering into deeds of recognition in relation to 8 statutory areas, together with provisions as to the effect of these instruments; and
  - (f) an acknowledgement by the Crown of the customary non-commercial interest of Ngati Tama in the paua fishery within the fisheries protocol area; and
  - (g) a right of first refusal for 50 years in favour of the governance entity for certain shellfish quota; and
  - (h) a preferential right to purchase authorisations if the Minister of Conservation offers, by public tender under Part 7 of the Resource Management Act 1991, authorisations for any part of the specified coastal area.
- (7) There are 14 schedules setting out—
- (a) the cultural redress properties; and
  - (b) a description of the areas over which statutory acknowledgements are made and those for which deeds of recognition may be entered into; and

- (c) the texts of the statements by Ngati Tama of their association with the statutory areas.

Section 5(4)(d): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

## 6 Acknowledgements by the Crown

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

- (1) The Crown acknowledges that the wars in Taranaki constituted an injustice and were in breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- (2) The Crown acknowledges that—
  - (a) the confiscations were indiscriminate in extent and application and had a devastating effect on the welfare, economy, and development of Ngati Tama:
  - (b) the division of the ancestral land of Ngati Tama by the arbitrary placement of the northern confiscation boundary has resulted in iwi rights in these areas being assessed under 2 different systems:
  - (c) the prejudicial effects of the confiscations were compounded by the inadequacies in the Compensation Court process that included long delays in the promised return of land to Ngati Tama individuals:
  - (d) the confiscations of 1865 deprived Ngati Tama of access to their traditional sources of food and other resources associated with that confiscated land:
  - (e) the confiscations were wrongful and in breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- (3) The Crown recognises that the lands and other resources confiscated from Ngati Tama have made a significant contribution to the wealth and development of New Zealand.
- (4) The Crown acknowledges—
  - (a) the serious damage it inflicted on the prosperous Maori 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:
  - (b) that these actions caused great distress and were a complete denial of the Maori right to develop and sustain autonomous communities in a peaceful manner:
  - (c) that its treatment of the Ngati Tama people at Parihaka was unconscionable and unjust and that these actions constituted a breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- (5) 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 confiscations:
  - (b) the reserves created by the Commissions in the 1880s were not sufficient for the present and future needs of Ngati Tama:
  - (c) the Crown's actions with respect to the West Coast Settlement Reserves Act 1881, considered cumulatively (including the imposition of a regime of perpetually renewable leases and the sale of large quantities of land by the Public and Maori Trustee),—
    - (i) ultimately deprived Ngati Tama of the control and ownership of the lands reserved for them in Taranaki; and
    - (ii) were in breach of the Treaty of Waitangi and the principles of the Treaty of Waitangi.
- (6) 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 Ngati Tama. In particular, the payments made under the Taranaki Maori Claims Settlement Act 1944 did not sufficiently address the grievances of Ngati Tama.
- (7) The Crown recognises the efforts and struggles of Ngati Tama in pursuit of their claims for redress and compensation against the Crown for over 130 years.

## 7 Apology by the Crown

The text of the apology made by the Crown to Ngati Tama, to their ancestors, and to their descendants, as set out in the deed of settlement, is as follows:

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

The Crown profoundly regrets, and unreservedly apologises for—

- the destructive and demoralising effects of its unconscionable actions on Ngati Tama, which have undermined the basis of their society and autonomy; and
- its actions at Parihaka; and
- its failure to acknowledge the mana and rangatiratanga of Ngati Tama.

The Crown apologises to Ngati Tama for all the breaches of the Treaty of Waitangi and its principles acknowledged by the Crown.

Accordingly, the Crown atones for these wrongs, and seeks to assist the process of healing with this Settlement and looks forward to building a relationship of mutual trust and co-operation with Ngati Tama.

## Part 2

### Interpretation

#### 8 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.

#### 9 Interpretation

In this Act, unless the context otherwise requires,—

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

**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

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

**Conservation Authority** means the New Zealand Conservation Authority as defined in section 2(1) of the Conservation Act 1987

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

**conservation covenant** means a covenant entered into under subpart 2 of Part 5 in respect of specified cultural redress properties in the form set out in Part 3 of the Cultural Redress Schedule

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

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

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

**Cultural Redress Schedule** means Schedule 2 set out in 8 parts in the deed of settlement

**deed of recognition** means a deed of recognition entered into by the Crown and the governance entity under section 61

**deed of settlement and deed—**

- (a) mean the deed of settlement dated 20 December 2001 and signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and by Stephen Taitoko White, Te Aramou Lake, Peter Te Maihengia White, Kenneth Crete Matuku, Nora Te Mate Horere Tahuna Tearanga Leatherby, Reece Baker, and Davis Rawiri McClutchie, for Ngati Tama; and
- (b) includes—
  - (i) the schedules of the deed; and
  - (ii) amendments to the deed or to the attachments or the schedules

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

**DOC protocol** means a protocol issued under section 20 by the Minister of Conservation that—

- (a) sets out how the Department of Conservation will interact with the governance entity in relation to the matters specified in that protocol; and
- (b) provides for Ngati Tama input into certain Department of Conservation processes in relation to the matters specified in the DOC protocol; and
- (c) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under section 20

**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, in respect of a cultural redress property, a tenancy, lease, licence, easement, covenant, permit, or other right or interest, whether registered or unregistered, and, without limitation, includes the encumbrances listed in column 3 of Parts 1 and 2 of Schedule 1

**fisheries legislation** means—

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

**fisheries protocol** means a protocol issued under section 20 by the Minister of Fisheries that—

- (a) sets out how the Ministry of Fisheries will interact with the governance entity in a way that will enable Ngati Tama to provide input into the processes of the Ministry on 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 20

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

**governance entity** means Te Runanga o Ngati Tama Trust established in accordance with clause 3.3 of the deed of settlement

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

**LINZ protocol** means a protocol issued under section 20 by the Minister for Land Information that—

- (a) sets out how Land Information New Zealand will consult with the governance entity before the Minister for Land Information resumes ownership from local authorities under section 323 of the Local Government Act 1974 of unformed roads within the LINZ protocol area; and
- (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under section 20

**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 20 by the Minister of Energy that—

- (a) sets out how the Ministry of Economic Development will interact with the governance entity in relation to the matters specified in that protocol; and
- (b) is in the form set out in Part 1 of the Cultural Redress Schedule, or as the protocol is amended under section 20

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

**member of Ngati Tama** means every individual referred to in section 10(1)

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

**Ngati Tama** and **Ngati Tama ancestor** have the meanings set out in section 10

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

**Ngati Tama historical claims** has the meaning set out in section 11

**protected New Zealand objects protocol** means a protocol issued under section 20 by the Minister for Arts, Culture and Heritage that—

- (a) sets out how the Ministry for Culture and Heritage will interact with the governance entity on 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 20

**protected New Zealand objects protocol area** means the area shown on the map attached to the protected New Zealand objects protocol, together with the adjacent waters

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

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

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

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

- (a) the Minister of Conservation:
- (b) the Minister of Fisheries:
- (c) the Minister of Energy:
- (d) the Minister for Arts, Culture and Heritage:
- (e) the Minister for Land Information:
- (f) any other Minister of the Crown authorised by the Prime Minister to perform functions and duties, and exercise powers, under subpart 1 of Part 5

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

- (a) the Department of Conservation:
- (b) the Ministry of Fisheries:
- (c) the Ministry of Economic Development:
- (d) the Ministry for Culture and Heritage:
- (e) Land Information New Zealand:

- (f) any other department of State authorised by the Prime Minister to perform functions and duties, and exercise powers, under subpart 1 of Part 5

**RFR area** means the area of land within the boundary on SO 14863 Taranaki Land District and shown for the purposes of identification only in the map included in Schedule 3 of the RFR deed

**RFR deed** means the deed entered into by the Crown and the governance entity under Part 8 of the deed of settlement, the form of which is set out in Schedule 1 of the deed of settlement

**river**, in relation to a statutory acknowledgement, means a continuously or intermittently flowing body of fresh water, including a stream or modified watercourse and the bed of the river

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

**statutory acknowledgement** means an acknowledgement made by the Crown under section 53 in respect of a statutory area, on the terms set out in subpart 4 of Part 5

**statutory area** means the areas listed in Parts 1 and 2 of Schedule 2, 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)

**Taranaki** means the area of land that is within the outer boundaries, as set out in figure 4 of the interim report on the collective Taranaki Maori claims (Wai 143), *The Taranaki Report: Kaupapa Tuatahi* (1996)

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

Section 9 **antiquities protocol**: repealed, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 9 **antiquities protocol area**: repealed, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 9 **archaeological site**: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 9 **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 9 **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 9 **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 9 **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 9 **protected New Zealand objects protocol**: inserted, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 9 **protected New Zealand objects protocol area**: inserted, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

## 10 Meaning of Ngati Tama

- (1) In this Act, **Ngati Tama**—
- (a) means the iwi, or collective group, composed of individuals referred to in paragraph (b); and
  - (b) means every individual who is—
    - (i) descended from 1 or more Ngati Tama ancestors:
    - (ii) recognised as Ngati Tama by customary adoption in accordance with Ngati Tama tikanga; and
  - (c) includes a family, whanau, or group of individuals composed of individuals referred to in paragraph (b).
- (2) In this section and section 11, **Ngati Tama ancestor** means an individual who, at any time after 1 January 1800 (a date after which Ngati Tama began to migrate from the Ngati Tama area of interest in significant numbers), exercised customary rights within the Ngati Tama area of interest by virtue of being descended from Whata, Rakaeiora, or Tamaariki (who were on board the Tokomaru waka that arrived in Aotearoa).
- (3) In subsection (2), **customary rights** means rights according to Maori customary law, including—
- (a) rights to occupy land; and
  - (b) rights in relation to the use of—
    - (i) land:
    - (ii) other natural or physical resources.

## 11 Meaning of Ngati Tama historical claims

- (1) In this Act, **Ngati Tama historical claims**—
- (a) means every claim (whether or not the claim has arisen or been considered, researched, registered, or notified on or before the settlement date) that Ngati Tama (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 founded on a right arising—

- (A) from the Treaty of Waitangi or the principles of the Treaty of Waitangi; or
- (B) under legislation or at common law (including aboriginal title or customary law); or
- (C) from fiduciary duty; or
- (D) otherwise; and
- (ii) arises from, or relates to, acts or omissions before 21 September 1992—
  - (A) by, or on behalf of, the Crown; or
  - (B) by or under legislation; and
- (b) includes all claims to the Waitangi Tribunal to which paragraph (a) applies and that relate exclusively to Ngati Tama (or a representative entity), including Wai 135 (the Ngati Tama land claim of Stephen Tai-toko White); and
- (c) includes all other claims to the Waitangi Tribunal to which paragraph (a) applies, so far as they relate to Ngati Tama (or a representative entity), including—
  - (i) Wai 54 (Nga Iwi O Taranaki claim of Makere Rangiatea Love and another); and
  - (ii) Wai 126 (Motunui Plant and Petrocorp claim of John Hanita Paki and others); and
  - (iii) Wai 131 (Taranaki Maori Trust Board claim of Hamiora Raumati and others); and
  - (iv) Wai 143 (Taranaki consolidated claims); and
  - (v) Wai 529 (Mokau Mohakatino block claim of Paraone W Lake and another); and
  - (vi) Wai 577 (Poutama land blocks claim of Poutama Lewis Te Rata and another); but
- (d) does not include—
  - (i) a claim that an individual referred to in section 10(1)(b) may have as a result of being descended from an ancestor who is not a Ngati Tama ancestor; or
  - (ii) any claim that a family, whanau, or group of individuals referred to in section 10(1)(b) may have as a result of being descended from an ancestor who is not a Ngati Tama ancestor; or
  - (iii) a claim that Ngati Tama may have as a result of a loss of interest in land, or in the natural or physical resources, in the land area outside Taranaki; or

- (iv) 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) or (c).
- (3) In this section,—

**land area outside Taranaki** means land in New Zealand that is outside the area of land encompassed within the outermost extent of the claimants' boundaries as set out in figure 4 of the interim report by the Waitangi Tribunal, *The Taranaki Report: Kaupapa Tuatahi* (1996)

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

**representative entity** means—

- (a) the governance entity; and
- (b) a person appointed as an agent for Ngati Tama under clause 3.4 of the deed of settlement; and
- (c) a person (including a trust or trustees) acting for, or on behalf of,—
  - (i) the iwi or collective group or 1 or more individuals referred to in section 10(1)(a):
  - (ii) 1 or more of the families, whanau, or groups of individuals, referred to in section 10(1)(b).

### Part 3

#### Settlement of historical claims and miscellaneous matters

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

*Jurisdiction of courts, etc, removed*

#### 12 Settlement of Ngati Tama historical claims final

- (1) The settlement of Ngati Tama 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) Subsection (1) does not limit the acknowledgements expressed in, or the provisions of, the deed of settlement.
- (3) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including, without limi-

tation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—

- (a) any or all of the Ngati Tama historical claims; or
  - (b) the deed of settlement; or
  - (c) the redress provided to the governance entity under the deed of settlement or under this Act; or
  - (d) this Act.
- (4) Subsection (3) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement 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).

**13 Jurisdiction of Tribunal to consider claims**

*[Repealed]*

Section 13: repealed, on 23 May 2008, by section 7 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

*Resumptive memorials no longer apply*

**14 Enactments relating to resumptive memorials do not apply**

- (1) Nothing in the enactments listed in subsection (2) applies—
- (a) to the RFR area; or
  - (b) in respect of Ngati Tama or a representative entity, to land in Taranaki 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 14(2)(c): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

## **15 Removal of resumptive memorials**

- (1) The chief executive of Land Information New Zealand must, as soon as reasonably practicable after the settlement date, issue to the Registrar-General a certificate that identifies each certificate of title or computer register that—
  - (a) relates solely to the RFR area; and
  - (b) contains a memorial entered under an enactment referred to in section 14(2).
- (2) Each certificate must state that it is issued under this section.
- (3) The Registrar-General must, as soon as reasonably practicable after receiving a certificate issued under subsection (1),—
  - (a) register the certificate against each certificate of title or computer register identified in the certificate; and
  - (b) cancel each memorial that, under an enactment referred to in section 14(2), is entered on a certificate of title or computer register identified in the certificate.

### **Subpart 2—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).

## **16 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 the governance entity may—
    - (i) exist in law; or
    - (ii) deal with property (including income derived from property); or
  - (b) apply to a document entered into to give effect to the deed of settlement (including the deeds that grant a right of first refusal referred to in clauses 8.2 and 9.15.1 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 governance entity is or becomes a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 16 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 16(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 16(2): replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

*Date when actions or matters must occur*

**17 Timing of actions or matter**

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

*Vesting of properties*

**18 Action by Registrar-General**

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

**Part 4**  
**Commercial redress**

**19 Computer freehold register for Tongaporutu RFR site**

- (1) The chief executive of the New Plymouth District Council must authorise and direct a person to make written application in accordance with this section within 6 months of the settlement date.
- (2) The Registrar-General must, as soon as reasonably practicable after receiving written application by a person authorised by the chief executive of the New Plymouth District Council, create 1 computer freehold register under the Land Transfer Act 1952 in the name of the New Plymouth District Council for the fee simple estate in the Tongaporutu RFR site,—
  - (a) as a recreation reserve, subject to the Reserves Act 1977; and
  - (b) subject to the matters identified in the written application received by the Registrar-General.
- (3) The written application referred to in subsection (2) must—
  - (a) identify all registrable or notifiable encumbrances to which the land is subject or that benefit the land; and
  - (b) specify that the land should be identified by a memorial on the computer freehold register, recording that,—
    - (i) if any part of the Tongaporutu RFR site ceases to be classified as a reserve under the Reserves Act 1977, that part will vest in the Crown as Crown land under the Land Act 1948; and
    - (ii) the Crown's obligations under the RFR deed apply in relation to the site.
- (4) If the Crown transfers any part of the Tongaporutu RFR site—

- (a) to the governance entity, the Registrar-General must cancel the memorial referred to in subsection (3)(b) in relation to that part:
  - (b) to a third party, and the obligations under the RFR deed no longer apply,—
    - (i) the Crown must apply to the Registrar-General to cancel the memorial referred to in subsection (3)(b) in relation to that part; and
    - (ii) the Registrar-General must take the Crown's application under subparagraph (i) as conclusive proof that the Crown's obligations under the RFR deed no longer apply, and must cancel the memorial in relation to that part.
- (5) In this section, **Tongaporutu RFR site** means all that land situated in the Taranaki Land District—New Plymouth District, comprising 2.6526 hectares, more or less, being Lot 9 DP 8357. All Transfer 100397. And Section 35 Block IV Mimi Survey District. All *Gazette* Notice 177072. And Section 39 Block IV Mimi Survey District. All *Gazette* Notice 229988 and All Computer Freehold Register TND2/757.

## Part 5

### Cultural redress

#### Subpart 1—Protocols

##### *General provisions*

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

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

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

Protocols do not restrict—

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

## **22 Enforceability of protocols**

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

## **23 Limitation of rights**

- (1) The DOC protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, land held, managed, or administered, or flora or fauna managed or administered, under—
  - (a) the Conservation Act 1987; or
  - (b) the statutes listed in Schedule 1 of that Act.
- (2) The fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or property rights held, managed, or administered under fisheries legislation or under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (including fish, aquatic life, and seaweed).
- (3) The MED protocol does not have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to Crown owned minerals.

- (4) 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, protected New Zealand objects or ngā taonga tūturu.
- (5) The LINZ protocol does not have the effect of granting, creating, or providing evidence of property rights.
- (6) In this section, **protected New Zealand object** and **taonga tūturu** have the meanings they are given in section 2 of the Protected Objects Act 1975.

Section 23(4): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 23(6): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

### *Noting of certain protocols*

#### **24 Noting of DOC protocol**

- (1) The existence of the DOC protocol must be noted in the conservation documents affecting the DOC protocol area.
- (2) The noting of the DOC protocol must include a summary of the terms under which the protocol is issued, as set out in attachment B of the DOC protocol.
- (3) The noting of the DOC protocol 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.

#### **25 Noting of fisheries protocol**

- (1) The existence of the fisheries protocol must be noted in fisheries plans affecting the fisheries protocol area.
- (2) The noting of the fisheries protocol must include a summary of the terms under which the protocol is issued, as set out in attachment B of the fisheries protocol.
- (3) The noting of the fisheries protocol is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.
- (4) In this section, **fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996.

#### **26 Noting of MED protocol**

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

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

## Subpart 2—Cultural redress properties

### *Vesting of cultural redress properties*

#### 27 Interpretation

In this Act,—

**Additional Whitecliffs sites** means the land described by that name in Part 1 of Schedule 1

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

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

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

**Umukaha Point recreation reserve** means the land described by that name in Part 2 of Schedule 1

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

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

#### 28 Pukearuhe site

- (1) The reservation is revoked of the Pukearuhe site as an historic reserve subject to section 18 of the Reserves Act 1977.
- (2) The fee simple estate in the Pukearuhe site vests in the governance entity.

#### 29 Tongaporutu site

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

#### 30 Whitecliffs site

- (1) The Whitecliffs site ceases to be part of a conservation area under the Conservation Act 1987.

- (2) The fee simple estate in the Whitecliffs site vests in the governance entity, subject to the conservation covenant and easements required by clause 9.6.5(c)(ii) of the deed of settlement.

### **31 Additional Whitecliffs sites**

- (1) The Additional Whitecliffs sites cease to be parts of a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Additional Whitecliffs sites vests in the governance entity.

### **32 Uruti site**

- (1) The Uruti site ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Uruti site vests in the governance entity, subject to the conservation covenant required by clause 9.6.9(c) of the deed of settlement.

### **33 Mount Messenger site**

- (1) The reservation is revoked of the part of the Mount Messenger site described as Mount Messenger scenic reserve in column 2 of Part 1 of Schedule 1 subject to section 19 of the Reserves Act 1977.
- (2) The part of the Mount Messenger site described as Part Mount Messenger conservation area in column 2 of Part 1 of Schedule 1 ceases to be a conservation area under the Conservation Act 1987.
- (3) The fee simple estate in the Mount Messenger site vests in the governance entity, subject to the conservation covenant and easement required by clause 9.6.10(d) of the deed of settlement.

#### *Vesting of recreation reserve*

### **34 Umukaha Point recreation reserve**

- (1) The Umukaha Point recreation reserve is vested in the governance entity to hold and administer as a recreation reserve under section 26 of the Reserves Act 1977, subject to section 17 of that Act.
- (2) The governance entity is an administering body, as defined in section 2(1) of the Reserves Act 1977, for the Umukaha Point recreation reserve.
- (3) Section 24(7B) of the Conservation Act 1987 applies to the vesting under subsection (1).

#### *Provisions relating to vesting of cultural redress properties*

### **35 Vesting subject to encumbrances**

The vesting of each cultural redress property is subject to the encumbrances (if any) listed in column 3 of Parts 1 and 2 of Schedule 1.

**36 Intermediate vesting of certain land in the Crown**

- (1) This section applies to—
  - (a) the Pukearuhe site; and
  - (b) that part of the Mount Messenger site described as the Mount Messenger scenic reserve in column 2 of Part 1 of Schedule 1.
- (2) When the reserve status of the sites identified in subsection (1) is revoked under this subpart, the sites vest in the Crown as Crown land and are subject to section 82 of the Reserves Act 1977 before they vest in the governance entity.

**37 Registration of ownership**

- (1) This section applies to the fee simple estate in a cultural redress property that vests in the governance entity by this Act.
- (2) The Registrar-General must, on written application by a person authorised by the 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 governance entity as the proprietor of the fee simple estate in the land; and
  - (b) make those entries in the register and generally do all things necessary to give effect to this subpart and Part 9 of the deed of settlement.
- (4) To the extent that the property does not comprise all the land in a certificate of title or computer freehold register, the Registrar-General must, in accordance with the application referred to in subsection (2), create 1 or more computer freehold registers in the name of the governance entity, subject to, and together with, any encumbrances that are registrable or notifiable and that are described in the written application.
- (5) Subsection (4) applies subject to completing any survey necessary to create a computer freehold register.
- (6) A computer freehold register must be created under this section as soon as reasonably practicable after the settlement date but no later than—
  - (a) 24 months after the cultural redress property vests in the governance entity; or
  - (b) any later date that may be agreed in writing by the governance entity and the Crown.

**38 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 governance entity under this subpart.

- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the vesting in the governance entity 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 by Part 9 of the deed of settlement.
- (5) The vesting in the governance entity of a fee simple estate in a cultural redress property under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

### **39 Covenants under Conservation Act 1987**

The conservation covenants required by sections 30(2), 32(2), and 33(3) (to the extent that section 33(3) relates to the part of the Mount Messenger site described as the Mount Messenger conservation area in column 2 of Part 1 of Schedule 1) must be treated as conservation covenants for the purposes of section 27 of the Conservation Act 1987.

### **40 Covenant under Reserves Act 1977**

The conservation covenant required by section 33(3) (to the extent that it relates to the part of the Mount Messenger site described as the Mount Messenger scenic reserve in column 2 of Part 1 of Schedule 1) must be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

## **Subpart 3—Joint advisory committee for Whitecliffs conservation area and other specified sites**

### **41 Interpretation**

In this subpart, unless the context otherwise requires,—

**conservation** has the meaning given to it in section 2 of the Conservation Act 1987

**joint advisory committee** and **committee** mean the committee appointed under section 56 of the Conservation Act 1987 in accordance with this subpart

**Minister** means the Minister of Conservation

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

**Parininihi marine reserve** means the marine area that lies to the north of Pariokariwa Point and to the west of Whitecliffs and that is the area subject to the application notified by the Director-General under section 5 of the Marine Reserves Act 1971

**Taranaki/Wanganui conservation Board** and **board** mean the conservation board of that name established under section 6L of the Conservation Act 1987

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

**Whitecliffs conservation area** means the following land in the Taranaki Land District—New Plymouth District:

- (a) 45.7400 hectares, more or less, being Section 1 SO 313261. Part *Gazette* 1899 page 164; and
- (b) 122.8920 hectares, more or less, being Section 6 SO 313250. And Section 5 SO 313259. Part *Gazette* 1906 page 829; and
- (c) 75.0590 hectares, more or less, being Section 3 SO 313260. Part *Gazette* 1906 page 829 and Part *Gazette* Notice 300730.1; and
- (d) 264.7175 hectares, more or less, being Sections 4A and 20 Block IV Mimi Survey District. Part *Gazette* 1906 page 829

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

#### *Membership of joint advisory committee*

### **42 Appointment of members of joint advisory committee**

- (1) The Minister must appoint the members of the joint advisory committee in accordance with section 43.
- (2) Every member of the committee, including the member appointed as chairperson, is appointed under section 56(1) of the Conservation Act 1987 by notice published in the *Gazette*.
- (3) The notice of appointment must specify each member's term of office.
- (4) A member takes office from the date stated in the notice of appointment.
- (5) A member may be appointed for a term of up to 5 years and may be reappointed.

### **43 Constitution of joint advisory committee**

- (1) The joint advisory committee must consist of not more than 6 members appointed under section 42.
- (2) Nominations must be made in writing to the Director-General, not later than 6 months after the settlement date, as follows:
  - (a) 3 members nominated by the governance entity:

- (b) 2 members nominated by the Director-General:
  - (c) 1 member nominated by the Taranaki/Wanganui conservation board.
- (3) The Minister must appoint as the chairperson of the committee the member of the committee nominated for the office of chairperson by the governance entity in writing to the Minister.

#### **44 Functions of joint advisory committee**

The functions of the joint advisory committee are—

- (a) to advise the Minister on conservation matters affecting the Whitecliffs conservation area:
- (b) to prepare management plans in relation to the Whitecliffs, Uruti, and Mount Messenger sites in accordance with clause 4 of the conservation covenants referred to in sections 30(2), 32(2), and 33(3):
- (c) to undertake other responsibilities required by the conservation covenant:
- (d) if section 46 applies, to approve conservation management plans, and a review or amendment of the plans, for the Parininihi marine reserve.

#### **45 Advice on Whitecliffs conservation area**

The Director-General must, in relation to the Whitecliffs conservation area, consult with, and have regard to the advice of, the joint advisory committee in relation to—

- (a) the preparation of conservation management plans; and
- (b) annual planning, including setting of annual conservation priorities.

#### **46 Parininihi marine reserve**

If the Parininihi marine reserve is declared under section 4 of the Marine Reserves Act 1971, the Taranaki/Wanganui conservation board must—

- (a) appoint the joint advisory committee as a committee of the board under section 6N(2)(b) of the Conservation Act 1987; and
- (b) delegate to the committee the power to approve conservation management plans under the Conservation Act 1987 and under the Marine Reserves Act 1971, and a review or amendment of any of those plans.

#### **47 Consultation**

If section 46 applies, the Minister, the Director-General, the Conservation Authority, and the Taranaki/Wanganui conservation board must consult with the committee on conservation matters affecting the Parininihi marine reserve, and have regard to the advice of the committee on those matters.

*Procedures of joint advisory committee***48 Meetings of committee**

- (1) Except as otherwise provided in this section, the joint advisory committee may regulate its own procedure.
- (2) Unless the members of the committee unanimously agree otherwise,—
  - (a) the committee must meet twice a year; and
  - (b) the chairperson of the committee has a casting vote.

**49 Vacancy in membership of committee**

No act or proceeding of the joint advisory committee is invalid merely because of a failure of the governance entity, the Director-General, or the Taranaki/Wanganui conservation board to nominate persons as members of the committee under section 42.

*Funding provisions***50 Reimbursement of members**

- (1) Members of the joint advisory committee are entitled to be reimbursed for their costs and expenses incurred in acting as members of the committee.
- (2) The costs and expenses referred to in subsection (1) must be paid—
  - (a) by the Crown to the members nominated by the Director-General; and
  - (b) by the governance entity to the members nominated by the governance entity; and
  - (c) by the Taranaki/Wanganui conservation board to the member nominated by that board.

**51 Other costs and expenses of committee**

The costs and expenses of the joint advisory committee in performing its functions under section 44 (other than the costs and expenses referred to in section 50) must be paid as follows:

- (a) the Crown must pay 33.3%;
- (b) the governance entity must pay 50%;
- (c) the Taranaki/Wanganui conservation board must pay 16.7%.

**52 Discretion preserved**

Nothing in the deed of settlement or this Act limits the discretion—

- (a) of the Minister of Conservation under section 56(1) of the Conservation Act 1987 in relation to the joint advisory committee (including the discretion to discharge and not reappoint that committee); or

- (b) of the Minister of Conservation or of the Taranaki/Wanganui conservation board to—
  - (i) appoint any person as an adviser:
  - (ii) take advice from any person:
  - (iii) consult with any person.

## Subpart 4—Statutory acknowledgements and deeds of recognition

### *Statutory acknowledgements*

#### **53 Statutory acknowledgements by the Crown**

The Crown acknowledges the statements made by Ngati Tama of the particular cultural, spiritual, historic, and traditional association of Ngati Tama with the statutory areas listed in Parts 1 and 2 of Schedule 2, the texts of which are set out in Schedules 3 to 14.

#### **54 Purposes of statutory acknowledgements**

- (1) The only purposes of the statutory acknowledgements are—
  - (a) to require consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements, as provided for in sections 55 to 57; and
  - (b) to require relevant consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
  - (c) to enable the governance entity and a member of Ngati Tama to cite the statutory acknowledgements as evidence of the association of Ngati Tama with the relevant statutory areas, as provided for in section 60; and
  - (d) to provide a statement by Ngati Tama, for inclusion in a deed of recognition, of the association of Ngati Tama with a statutory area.
- (2) This section does not limit the operation of sections 67 to 70.
- (3) In this subpart, **relevant consent authority** means a consent authority of the region or district that contains, or is adjacent to, a statutory area.

Section 54(1)(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

#### **55 Consent authorities to have regard to statutory acknowledgements**

- (1) From the effective date, a consent authority must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of the Resource Management Act 1991 as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area.

- (2) Subsection (1) does not limit the obligations of a consent authority under Part 2 of the Resource Management Act 1991.

**56 Environment Court to have regard to statutory acknowledgements**

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

**57 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 governance entity is a person directly affected by the decision.

Section 57: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

**58 Recording statutory acknowledgements on statutory plans**

- (1) From the effective date, local authorities with jurisdiction in an area which includes a statutory area 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) may be by reference to this subpart or by setting out the statutory acknowledgement in full; and
- (b) is for the purpose of public information only, and the information is not—
- (i) part of the statutory plan (unless adopted by the relevant local 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 regional policy statement, regional coastal plan, district plan, regional plan, or proposed plan 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.

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

- (1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the governance entity a summary of resource consent applications 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 governance entity and the relevant consent authority; and
  - (b) provided as soon as reasonably practicable after the application is received, and before a determination is made in accordance with sections 93 to 94C of the Resource Management Act 1991.
- (3) The governance entity may, by notice in writing to a relevant consent authority,—
  - (a) waive its rights to be notified under this section; and
  - (b) state the scope of that waiver.
- (4) This section does not affect the obligation of a 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 governance entity is a person that is likely to be adversely affected under those sections.

### **60 Use of statutory acknowledgement**

- (1) The governance entity and a member of Ngati Tama may, as evidence of the association of Ngati Tama with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, 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, as recorded in the statutory acknowledgement, is not, by virtue of the statutory acknowledgement, binding as deemed fact on—
- (a) consent authorities:
  - (b) the Environment Court:
  - (c) Heritage New Zealand Pouhere Taonga:
  - (d) parties to proceedings before those bodies:
  - (e) any other person able to participate in those proceedings.
- (3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
- (4) Neither the governance entity nor a member of Ngati Tama is precluded from stating that Ngati Tama have an association with a statutory area that is not described in the statutory acknowledgement.
- (5) The content and existence of the statutory acknowledgement do not limit a statement made under subsection (4).

Section 60(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 60(2)(c): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

### *Deeds of recognition*

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

A Minister of the Crown with statutory responsibility for land within a statutory area, or the Commissioner of Crown Lands, may—

- (a) enter into deeds of recognition with the governance entity—
  - (i) in respect of the land within the statutory areas referred to in Part 1 of Schedule 2; and
  - (ii) in the form set out for each statutory area (or part of an area) in Part 6 of the Cultural Redress Schedule:
- (b) amend a deed of recognition by entering into a deed with the governance entity to amend that deed of recognition.

#### **62 Purpose of deed of recognition**

- (1) The only purpose of a deed of recognition is to require that the governance entity be consulted, and regard be had to its views, as provided for in the deed of settlement and in each deed of recognition.
- (2) Subsection (1) does not limit or affect sections 67 to 70.

#### **63 Termination of deed of recognition**

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

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

#### **64 Crown management**

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

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

#### *Application of statutory acknowledgements and deeds of recognition in relation to rivers*

#### **65 Statutory acknowledgements in relation to rivers**

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

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

#### **66 Deeds of recognition for rivers**

If a deed of recognition relates to a river, that deed of recognition relates only to the bed of the river, which does not include—

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

*General provisions***67 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 Ngati Tama or the governance entity with respect to the same area.

**68 Exercise of powers, duties, and functions 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 Ngati Tama 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).

**69 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.

**70 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***71 Amendment to Resource Management Act 1991**

*Amendment(s) incorporated in the Act(s).*

Subpart 5—Acknowledgement of Ngati Tama customary non-commercial interest in paua fishery

**72 Interpretation**

In this subpart, **paua fishery** means the fishery of the species of paua named *Haliotis iris* in the fisheries protocol area.

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

- (1) Except as expressly provided in this subpart,—
- (a) the acknowledgement given by the Crown in clause 9.13.1 of the deed of settlement as to the customary non-commercial interest of Ngati Tama in the paua fishery does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw; and
  - (b) no person, in considering a matter or making a decision under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the paua fishery, as acknowledged in the deed of settlement, than the person would give under the statute, regulation, or bylaw if no acknowledgement of that association existed.
- (2) Subsection (1)(b) does not limit subsection (1)(a).

### **74 Rights not affected**

Except as expressly provided in this subpart, the acknowledgement referred to in section 73 does not—

- (a) affect the lawful rights or interests of a person who is not party to the deed of settlement; or
- (b) prevent the Crown from providing an acknowledgement with respect to the paua fishery in the fisheries protocol area to persons other than Ngati Tama.

### **75 Limitation of rights**

Except as expressly provided in this subpart, the acknowledgement referred to in section 73 does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the paua fishery.

## Subpart 6—Shellfish quota

### **76 Interpretation**

In this subpart,—

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

- (a) purchased by the governance entity under the deed granting a right of first refusal over shellfish quota that is to be entered into by the Minister and the governance entity under clauses 9.15.1 and 9.15.2 of the deed of settlement; and
- (b) received by the governance entity from the Treaty of Waitangi Fisheries Commission; and
- (c) greater than the quota permitted by section 59 of the Fisheries Act 1996

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

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

#### 77 **Consent to holding excess quota**

The Minister is to be treated as—

- (a) having consented under section 60(1) of the Fisheries Act 1996 to the governance entity owning excess shellfish quota; and
- (b) complying with the requirements of section 60 of the Fisheries Act 1996 in relation to the consent referred to in paragraph (a).

### Subpart 7—Coastal tendering

#### 78 **Interpretation**

In this subpart,—

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

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

**Minister** means the Minister of Conservation

**specified coastal area** means the area between the 2 places identified as fisheries points in the map included as Schedule 2 of Part 7 of the Cultural Redress Schedule, together with the adjacent waters.

#### 79 **Preferential right to purchase authorisations**

- (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 governance entity has 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 exercised in accordance with the process set out in Part 8 of the Cultural Redress Schedule.

#### 80 **Limit on proportion of authorisations able to be purchased**

- (1) The authorisations that the governance entity has a preferential right to purchase under section 79 must—
  - (a) not exceed in area 10% of the authorisations granted or proposed to be granted by the Minister in the public tender for the specified coastal area; and
  - (b) be of not less than fair average quality in terms of the relevant portion of the specified coastal area, relative to the quality of those portions for all other authorisations that are granted in that public tender.

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

**81 Governance entity treated as having made tender**

- (1) If the governance entity has a preferential right under section 79 to purchase authorisations, the governance entity must be treated as having lodged a valid tender for the authorisations, for \$1 consideration, in compliance with section 158 of the Resource Management Act 1991.
- (2) The tender of the governance entity under subsection (1) must be treated as the most preferred tender by the Minister for the relevant authorisations if, in response to an offer made by public tender under Part 7 of the Resource Management Act 1991, the Minister—
- (a) receives no tenders; or
  - (b) considers that he or she would reject every tender received.

**82 Exercise of powers, duties, and functions**

Except as expressly provided in this subpart, nothing in this subpart affects the powers, functions, and duties of the Minister under Part 7 of the Resource Management Act 1991.

**83 Rights not affected**

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

**84 Limitation of rights**

Except as expressly provided in this subpart,—

- (a) the preferential right provided to the governance entity under this subpart does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the specified coastal area:
- (b) nothing in this subpart limits or affects the rights of Ngati Tama to acquire authorisations or otherwise exercise a statutory right, power, or privilege under Part 7 of the Resource Management Act 1991 in respect of the specified coastal area.

## Schedule 1

### Cultural redress properties

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#### Part 1

#### Sites to be vested in governance entity in fee simple

Name of site	Description	Encumbrances
Pukearuhe site	<p><b>Taranaki Land District—New Plymouth District</b></p> <p>4.1450 hectares, more or less, being Section 1 SO 313237. All <i>Gazette</i> Notice 294836.1 and Part Proclamation 349.</p>	<p>Subject to:</p> <p>Grazing Permit Concession (WA 071) dated 5 March 2001 issued under Part 3B of the Conservation Act 1987 to Michael J Kuriger:</p> <p>Pipeline Easement Certificate 171845.</p>
Tongaporutu site	<p><b>Taranaki Land District—New Plymouth District</b></p> <p>6.8240 hectares, more or less, being Section 1 SO 313240. Part <i>Gazette</i> 1898 page 442.</p>	
Whitecliffs site	<p><b>Taranaki Land District—New Plymouth District</b></p> <p>1310.7777 hectares, more or less, being Lot 3 LT 316317, Section 2 SO 313261 and Section 12 Block VIII Mimi Survey District. Part <i>Gazette</i> 1899 page 164 and All <i>Gazette</i> Notice 257614.</p>	<p>Subject to:</p> <p>Pipeline Easement Certificate 270025:</p> <p>Pipeline Easement Certificate 269142:</p> <p>Conservation covenant, walkway easement, and easements to protect the existing pipeline referred to in section 30(2).</p>
Additional Whitecliffs sites	<p><b>Taranaki Land District—New Plymouth District</b></p> <p>1.3820 hectares, more or less, being Section 1 SO 313260. Part <i>Gazette</i> 1981 page 2919, Part <i>Gazette</i> Notice 300730.1 and Part <i>Gazette</i> 1906 page 829; and</p> <p>2.2100 hectares, more or less, being Section 2 SO 313260. Part <i>Gazette</i> 1906 page 829; and</p> <p>17.9985 hectares, more or less, being Sections 1, 2, 3, 4, and 5 SO 313250 and Sections 1, 2, 3, and 4 SO 313259. Part <i>Gazette</i> 1906 page 829; and</p>	<p>Subject to:</p> <p>Informal grazing right of N G and C H Hagenson:</p> <p>Informal right of the Ahititi School to continue to convey water.</p> <p>Subject to:</p> <p>Informal grazing right of T and R J Whitehead.</p> <p>Subject to:</p> <p>Grazing Permit Concession (WA 069) dated 30 May 2002 issued under Part 3B of the Conservation</p>

Name of site	Description	Encumbrances
Uruti site	<p>13.4560 hectares, more or less, being Lots 1 and 2 LT 316317. Part <i>Gazette</i> 1899 page 164.</p> <p><b>Taranaki Land District—New Plymouth District</b> 252.9285 hectares, more or less, being Section 9 Block VII and Section 16 Block XI Mimi Survey District. Part <i>Gazette</i> 1893 page 891.</p>	<p>Act 1987 to David George and Faye Betty Innes: Subject to: Grazing licence No 123 dated 1 August 1986 issued by NZ Forest Service to Ralph Noel Bryant and Moreen Fay Bryant: An easement to protect the existing pipeline on the terms and conditions set out in Part 3 of the Cultural Redress Schedule: Pipeline Easement Certificate 165781: An easement to protect existing walkway on the terms and conditions set out in Part 3 of the Cultural Redress Schedule. Subject to: Informal grazing right of J H &amp; C A Cawley: Conservation covenant referred to in section 32(3).</p>
Mount Messenger site	<p><b>Taranaki Land District—New Plymouth District</b> <i>Mount Messenger scenic reserve</i> 13.7660 hectares, more or less, being Section 1 SO 313244. Balance <i>Gazette</i> Notice 302208.1; and 24.1800 hectares, more or less, being Section 1 SO 313245. Balance <i>Gazette</i> Notice 256256; and 29.5420 hectares, more or less, being Lot 1 DP 5188. Part <i>Gazette</i> Notice 294693.1. <i>Part Mount Messenger conservation area</i> 182.7400 hectares, more or less, being Section 1 SO 313242. Part <i>Gazette</i> Notice 342563.1; and 44.2683 hectares, more or less, being Section 1 SO 313243. Part <i>Gazette</i> 1900 page 160.</p>	<p>Subject to: Informal grazing right of T J Pascoe: Conservation covenant and walkway easement referred to in section 33(3).</p>

**Part 2****Vesting of land in governance entity subject to Reserves Act 1977**

<b>Name of site</b>	<b>Description</b>	<b>Encumbrances</b>
Umukaha Point recreation reserve	<b>Taranaki Land District—New Plymouth District</b> 2.8834 hectares, more or less, being Section 25 Tongaporutu Village. All Transfer 176209.	Recreation reserve subject to Reserves Act 1977: Subject to: Grazing Permit Concession (WA 075) dated 9 April 2002 issued under Part 3B of the Conservation Act 1987 to D C and A W O’Sullivan.

## Schedule 2

### Statutory acknowledgements and deeds of recognition

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#### Part 1

#### Areas for which both statutory acknowledgement and deed of recognition provided

##### *Taranaki Land District*

<b>Area</b>	<b>Location</b>
Part of Mimi–Pukearuhe coast marginal strip	As shown on SO 14705
Part of Mount Messenger conservation area in the Ngati Tama area of interest	As shown on SO 14706
Moki conservation area	As shown on SO 14707
Tongaporutu conservation area	As shown on SO 14708
Mohakatino swamp conservation area	As shown on SO 14710
Pou Tehia historic reserve	As shown on SO 14694
Mohakatino River	As shown on SO 14718
Tongaporutu River	As shown on SO 14719

#### Part 2

#### Areas for which only statutory acknowledgement provided

##### *Taranaki Land District*

<b>Area</b>	<b>Description</b>
Mohakatino River (No 1) marginal strip	As shown on SO 14713
Mohakatino River (No 2) marginal strip	As shown on SO 14715
Mohakatino coastal marginal strip	As shown on SO 14749
Coastal marine area adjoining the Ngati Tama area of interest	As shown on SO 14716

### Schedule 3

## Statutory acknowledgement for part of Mimi–Pukearuhe coast marginal strip

s 53

### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as part of the Mimi–Pukearuhe coast marginal strip, the general location of which is indicated on SO 14705.

### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with part of Mimi–Pukearuhe coast marginal strip as set out below.

### *Cultural, spiritual, historical, and traditional association of Ngati Tama with part of Mimi–Pukearuhe coast marginal strip*

This is an area of high historic importance to Ngati Tama and contains some significant pa sites, including Titoki, Whakarewa, Otumatua, and Pukearuhe.

The Papatiki stream is located in the area. It is tapu to Ngati Tama because of the way in which it was used by northern invaders after a battle in pre-Pakeha times.

There remain important kaitiaki links to the patiki (flounder/sole) and tamure (snapper) breeding grounds, as well as other fish resources.

A very important feature of the area is the presence of high papa rock cliffs. A unique fishing method was developed by Ngati Tama, using the ledges hewn out by nature at the bottom of these cliffs. Mako (shark), tamure, and arara (trevalli) were caught off these ledges in abundance.

Koura (freshwater crayfish), kutae (mussels), kina (sea eggs), paua, and other resources also contributed to a reliable and plentiful supply of fish in season from the area. Ngati Tama developed a number of different ways of preserving these supplies for later consumption, using every part of the fish. This tradition has survived and continues to be used by Ngati Tama as a form of aroha koha (reciprocal contribution) at special hui.

Where the cliffs incline to sea level, there are a number of tauranga waka (canoe berths) formerly used for fishing canoes. These have special significance to Ngati Tama in their identification with the area as physical symbols of an historical association with it.

### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to part of the Mimi–Pukearuhe coast marginal strip, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with part of the Mimi–Pukearuhe coast marginal strip, as provided for in section 60; and
- (d) to provide a statement by Ngati Tama of the association of Ngati Tama with the Mimi–Pukearuhe coast marginal strip for inclusion in a deed of recognition.

*Limitations on effect of statutory acknowledgement*

- 1 Except as expressly provided in subpart 4 of Part 5,—
- (a) this statutory acknowledgement does not—
    - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
    - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
    - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, part of the Mimi–Pukearuhe coast marginal strip; and
  - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the part of the Mimi–Pukearuhe coast marginal strip described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of that part of the Mimi–Pukearuhe coast marginal strip.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of part of the Mimi–Pukearuhe coast marginal strip.

Schedule 3: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 4

### Statutory acknowledgement for part of Mount Messenger conservation area in Ngati Tama area of interest

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the part of the Mount Messenger conservation area in the Ngati Tama area of interest, the general location of which is indicated on SO 14706.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the part of the Mount Messenger conservation area in the Ngati Tama area of interest, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with part of the Mount Messenger conservation area in Ngati Tama area of interest*

This is an important area containing Ngati Tama pa sites and mahinga kai sources of birds and fish.

The once great Katikatiaka Pa was located here, inhabited by the descendants of Uerata, who were among the fighting elite of Ngati Tama. It was an important vantage point, built in 2 divisions, and extending to the seaward clifftops. Tihi Manuka, a refuge pa, also situated in the area, was directly connected to an important inland track.

Kiwi, kahurangi, kereru, eels, inanga, and the paua slug were traditional resources found here. Papa clay types found here were used for dyeing muka. A range of temperate zone flora was also available to Ngati Tama from this area, including beech, rata, rimu, and a variety of ferns. Important mahinga kai streams include Te Horo, Ruataniwha, Waipingao, and Waikaramarama.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the part of the Mount Messenger conservation area in the Ngati Tama area of interest, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the

- part of the Mount Messenger conservation area in the Ngati Tama area of interest, as provided for in section 60; and
- (d) to provide a statement by Ngati Tama of the association of Ngati Tama with the part of the Mount Messenger conservation area in the Ngati Tama area of interest for inclusion in a deed of recognition.

*Limitations on effect of statutory acknowledgement*

- 1 Except as expressly provided in subpart 4 of Part 5,—
- (a) this statutory acknowledgement does not—
- (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
  - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the part of the Mount Messenger conservation area in the Ngati Tama area of interest; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the part of the Mount Messenger conservation area in the Ngati Tama area of interest described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the part of the Mount Messenger conservation area in the Ngati Tama area of interest.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the part of the Mount Messenger conservation area in the Ngati Tama area of interest.

Schedule 4: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 5

### Statutory acknowledgement for Moki conservation area

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Moki conservation area, the general location of which is indicated on SO 14707.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Moki conservation area, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with Moki conservation area*

This area is important to Ngati Tama for the inland walking track that Ngati Tama used to travel overland to Wanganui and an alternative route from the coast to neighbouring iwi. This area also contains a pa site, the Tihi Manuka pa, of importance to Ngati Tama.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Moki conservation area, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Moki conservation area, as provided for in section 60; and
- (d) to provide a statement by Ngati Tama of the association of Ngati Tama with the Moki conservation area for inclusion in a deed of recognition.

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

1 Except as expressly provided in subpart 4 of Part 5,—

- (a) this statutory acknowledgement does not—

- (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
  - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Moki conservation area; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the Moki conservation area described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Moki conservation area.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the Moki conservation area.

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

## Schedule 6

### Statutory acknowledgement for Tongaporutu conservation area

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Tongaporutu conservation area, the general location of which is indicated on SO 14708.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Tongaporutu conservation area, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with Tongaporutu conservation area*

Te Umukaha Pa was another important defence link in this area in the chain of Ngati Tama fighting pa along the coast. Close by, on the opposite bank, stood the mighty Pukeariki, which served as a refuge for the local people in times of war. Pukeariki was also an important beacon point in the coastal network. Beacon fires were lit at strategic points along the coast to carry prearranged messages between settlements.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Tongaporutu conservation area, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Tongaporutu conservation area, as provided for in section 60; and
- (d) to provide a statement by Ngati Tama of the association of Ngati Tama with the Tongaporutu conservation area, for inclusion in a deed of recognition.

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

1 Except as expressly provided in subpart 4 of Part 5,—

- (a) this statutory acknowledgement does not—

- (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
  - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Tongaporutu conservation area; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the Tongaporutu conservation area described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Tongaporutu conservation area.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the Tongaporutu conservation area.

Schedule 6: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 7

### Statutory acknowledgement for Mohakatino swamp conservation area

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mohakatino swamp conservation area, the general location of which is indicated on SO 14710.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Mohakatino swamp conservation area, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with Mohakatino swamp conservation area*

This is an area that has many significant wahi tapu. It is also valuable to Ngati Tama due to it being an historical garden area where the cultivation of taewa (potato varieties) and kumara (sweet potato) was a specialist activity. The garden kaitiaki were the local people from Pa Hukunui and Pukekarirua. The area was also used by Ngati Tama for access to mahinga kai and cultivation of other crops.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Mohakatino swamp conservation area, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Mohakatino swamp conservation area, as provided for in section 60; and
- (d) to provide a statement by Ngati Tama of the association of Ngati Tama with the Mohakatino swamp conservation area for inclusion in a deed of recognition.

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

1 Except as expressly provided in subpart 4 of Part 5,—

- (a) this statutory acknowledgement does not—

- (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
  - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Mohakatino swamp conservation area; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the Mohakatino swamp conservation area described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mohakatino swamp conservation area.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the Mohakatino swamp conservation area.

Schedule 7: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 8

### Statutory acknowledgement for Pou Tehia historic reserve

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Pou Tehia historic reserve, the general location of which is indicated on SO 14694.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Pou Tehia historic reserve, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with Pou Tehia historic reserve*

Pou Tehia Pa was one of 2 significant Ngati Tama fighting pa on the banks of the Tongaporutu. The other pa was the mighty Pukeariki Pa, which provided refuge for the occupants of the area in time of war, as well as being the lookout and beacon point in the Ngati Tama network of coastal strongholds.

On the northern bank of the Tongaporutu, Umukaha Pa and Omaha Pa formed part of that defence network.

Many urupa (burial sites) are to be found on both sides of the river. These provided the last resting places for the communities and their defenders.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Pou Tehia historic reserve, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Pou Tehia historic reserve, as provided for in section 60; and
- (d) to provide a statement by Ngati Tama of the association of Ngati Tama with the Pou Tehia historic reserve for inclusion in a deed of recognition.

*Limitations on effect of statutory acknowledgement*

- 1 Except as expressly provided in subpart 4 of Part 5,—
  - (a) this statutory acknowledgement does not—
    - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
    - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
    - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Pou Tehia historic reserve; and
  - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the Pou Tehia historic reserve described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Pou Tehia historic reserve.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the Pou Tehia historic reserve.

Schedule 8: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 9

### Statutory acknowledgement for Mohakatino River

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mohakatino River, the general location of which is indicated on SO 14718.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Mohakatino River, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with Mohakatino River*

The Mohakatino River has great significance for Ngati Tama, being the landing place of the Tokomaru waka and the original site of Ngati Tama residence. Marae-Rotohia, for centuries the ancient house of learning of Tokomaru descendants, was established in this area by Rakeiora, one of the Tokomaru waka chiefs and tohunga (specialist in traditional knowledge), and faithfully guarded by Ngati Tama during their dominion.

Te Rangihiroa wrote in loving recollection of his kuia Kapuakore's stories about the area:

“On the edge of the sand .... lapped by the sea which watched over Poutama since the beginning, stands the rock Paroa where 10 Ngati Tama gaily fishing with their faces turned to the sea marked not the mustering “taua” [war party] gathering on the beach behind until the rising tide waist-high upon the rock forced them to turn. I verily believe that Pakeha would have drowned themselves, but the naked and unarmed N'Tama grasping the stone sinkers of their lines unhesitatingly waded ashore and fought like war-gods so that relatives in the “taua” in thrusting, let their spears go. The flying weapons were promptly caught in mid-air and lo the valiant ten were armed and slew and slew beneath the shining sun until the enemy were put to flight.”

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Mohakatino River, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and

- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Mohakatino River, as provided for in section 60; and
- (d) to provide a statement by Ngati Tama of the association of Ngati Tama with the Mohakatino River for inclusion in a deed of recognition.

*Limitations on effect of statutory acknowledgement*

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

*No limitation on the Crown*

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

Schedule 9: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 10

### Statutory acknowledgement for Tongaporutu River

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Tongaporutu River, the general location of which is indicated on SO 14719.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Tongaporutu River, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with Tongaporutu River*

This area can be considered part of the heart of Poutama country, to whose fighting fame some notable Ngati Tama warriors contributed. It was the battleground of many a hostile incursion from the north, located between Te Umukaha Pa and Omaha Pa. On the southern bank of the Tongaporutu stood Pou Tehia Pa. A little westward on the headland stood Pukeariki Pa and offshore was Te Kaeaea's island pa, Pa Tangata.

The proximity and quantity of sea and forest resources, the abundance of river and agricultural produce, the subtropical climate, and relatively protected river inlet was a paradise for the closely linked coastal population. Among the most famous of the area was Te Kaeaea, also known as Taringa Kuri, and brother of Te Puoho, their parents being Whangataki II and Hinewairoro, both of whom trace their lineage back to the Tokomaru.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Tongaporutu River, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Tongaporutu River, as provided for in section 60; and
- (d) to provide a statement by Ngati Tama of the association of Ngati Tama with the Tongaporutu River for inclusion in a deed of settlement.

*Limitations on effect of statutory acknowledgement*

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

*No limitation on the Crown*

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

Schedule 10: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 11

### Statutory acknowledgement for Mohakatino River (No 1) marginal strip

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mohakatino River (No 1) marginal strip, the general location of which is indicated on SO 14713.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Mohakatino River (No 1) marginal strip, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with the Mohakatino River (No 1) marginal strip*

This area is near the site of the landing of the Tokomaru waka and the original site of Ngati Tama residence. As a consequence, it holds significant value to Ngati Tama.

The area was also a valuable source of mahinga kai for Ngati Tama. Tuna (eels), inanga (whitebait), and koura (freshwater crayfish) were among the river resources found here. A diverse range of vegetation such as nikau, beech, rata, rimu, and fern varieties provided food and also building and ornamental materials. Kokako, kereru, kiwi, and kaka were significant among the fauna of the area.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Mohakatino River (No 1) marginal strip, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Mohakatino River (No 1) marginal strip, as provided for in section 60.

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

1 Except as expressly provided in subpart 4 of Part 5,—

- (a) this statutory acknowledgement does not—

- (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
  - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Mohakatino River (No 1) marginal strip; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the Mohakatino River (No 1) marginal strip described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mohakatino River (No 1) marginal strip.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the Mohakatino River (No 1) marginal strip.

Schedule 11: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 12

### Statutory acknowledgement for Mohakatino River (No 2) marginal strip

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mohakatino River (No 2) marginal strip, the general location of which is indicated on SO 14715.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Mohakatino River (No 2) marginal strip, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with Mohakatino River (No 2) marginal strip*

This area is important to Ngati Tama as a mahinga kai reserve. Abundant river resources such as tuna, inanga, and koura were sourced from the area. Forest resources, including the medicinally important kawakawa, were abundant. Kokako, kereru, kiwi, and kaka were key fauna of the area.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Mohakatino River (No 2) marginal strip, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Mohakatino River (No 2) marginal strip, as provided for in section 60.

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

1 Except as expressly provided in subpart 4 of Part 5,—

- (a) this statutory acknowledgement does not—
  - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:

- (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
  - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Mohakatino River (No 2) marginal strip; and
  - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the Mohakatino River (No 2) marginal strip described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mohakatino River (No 2) marginal strip.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the Mohakatino River (No 2) marginal strip.

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

## Schedule 13

### Statutory acknowledgement for Mohakatino coastal marginal strip

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mohakatino coastal marginal strip, the general location of which is indicated on SO 14749.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the Mohakatino coastal marginal strip, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with Mohakatino coastal marginal strip*

Along this beach between the Mohakatino and Mokau Rivers, Ngati Tama engaged in numerous battles with northern iwi. One of these battles was “Nga-tai-pari-rua” in 1815, which, as its name indicates, was fought during 2 high tides.

Because of such battles and the communities in the area, there are a number of urupa (burial sites) of significance to Ngati Tama in the vicinity.

The mataitai resources along this beach are of great value to the tribes associated with them and were often a cause for dispute.

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the Mohakatino coastal marginal strip as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the Mohakatino coastal marginal strip, as provided for in section 60.

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

1 Except as expressly provided in subpart 4 of Part 5,—

- (a) this statutory acknowledgement does not—

- (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
  - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Mohakatino coastal marginal strip; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the Mohakatino coastal marginal strip described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Mohakatino coastal marginal strip.
- 2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the Mohakatino coastal marginal strip.

Schedule 13: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 14

### Statutory acknowledgement for coastal marine area adjoining the Ngati Tama area of interest

s 53

#### *Statutory area*

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the coastal marine area adjoining the Ngati Tama area of interest, the general location of which is indicated on SO 14716.

#### *Preamble*

Under section 53, the Crown acknowledges the statement by Ngati Tama of the cultural, spiritual, historical, and traditional association of Ngati Tama with the coastal marine area adjoining the Ngati Tama area of interest, as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngati Tama with coastal marine area adjoining the Ngati Tama area of interest*

Te Rangihiroa (Sir Peter Buck) wrote of Ngati Tama's renown throughout the country for their fighting prowess. He recorded the words of an unnamed old man:

"[O]ther tribes fought for fat lands, for birds and rat preserves, an aruhe rahui [fern-root reserve] but Ngati Tama fought for the sake of fighting, with a parcel of wet land as take [cause]."

#### *Purposes of statutory acknowledgement*

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or Heritage New Zealand Pouhere Taonga, as the case may be, to have regard to this statutory acknowledgement in relation to the coastal marine area adjoining the Ngati Tama area of interest, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 59; and
- (c) to enable the governance entity and members of Ngati Tama to cite this statutory acknowledgement as evidence of the association of Ngati Tama with the coastal marine area adjoining the Ngati Tama area of interest, as provided for in section 60.

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

1 Except as expressly provided in subpart 4 of Part 5,—

- (a) this statutory acknowledgement does not—

- (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
  - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
  - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the coastal marine area adjoining the Ngati Tama area of interest; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngati Tama with the coastal marine area adjoining the Ngati Tama area of interest described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the coastal marine area adjoining the Ngati Tama area of interest.

2 Clause 1(b) does not limit clause 1(a).

*No limitation on the Crown*

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngati Tama or the governance entity in respect of the coastal marine area adjoining the Ngati Tama area of interest.

Schedule 14: 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 Ngati Tama Claims Settlement Act 2003 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

Protected Objects Amendment Act 2006 (2006 No 37): section 35