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as at 30 January 2021



## Ngāti Awa Claims Settlement Act 2005

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Commencement    see section 2

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#### Note

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

**This Act is administered by the Office for Māori Crown Relations—Te Arawhiti.**

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## **Preamble**

### *Kupu Whakataki*

- (1) Kua whakatakotoria te Tiriti o Waitangi, tōna tauira reo Māori tōna tauira reo Pākeha hoki, i roto i te Wahanga 1 o te Ture Tiriti o Waitangi 1975. I hainatia te Tiriti nei i te tau 1840:
- (2) Mā ngā whiti (3) ki (53) o tēnei Kupu Whakataki ka kitea he whakarāpopototanga o ngā kōrero o muri i te kereme o nehe o Ngāti Awa kua whakatakotoria ki roto i te whakaaetanga whakataunga i whakamanahia i waenga i a Ngāti Awa rāua ko te Karauna:

### *Te hītori o te Whakataunga*

- (3) Mai i te wā o te raupatu i 1866, kua whakatūria ngā tono paremata a Ngāti Awa ki te Karauna mō āna mahi hē, tae rawa ki te raupatu. Kua hīkina ngā taumaha-tanga mō ngā takahitanga i te Tiriti o Waitangi e tēnā, e tēnā whakatipuranga o Ngāti Awa i roto i ngā tau, tāne mai, wāhine mai. Whai muri iho o ngā petihana me ngā kawenga kōrero o ngā tau tōmuri o te rau tau 1800, me ērā o te tekau tau 1920, tae rawa ki te tekau tau 1960, ko te nekehanga nui, ko te whakatūnga e ngā kaumātua o Ngāti Awa pēnei i a Eruera Mānuera, i a Hāre Rēneti, i a Aniheta Rātene me Matarena Rēneti, i te Poari o Ngāti Awa i te tau 1980 i Pua-wairua, te marae o Ngāti Hikakino. I whakatūria te Poari e ngā hapū o Ngāti Awa hei kawē whakamua i ngā kaupapa mō te iwi, pēnei i te take raupatu (tae rawa ki te muru i ngā whenua, te noho manene o ngā hapū me te riro o te tino rangatiratanga), te whakatū pakari anō o te whareniui Mātaatua, te whakaho-kinga mai o te pāmu teihana o Ngāti Awa me te maunga Pūtauaki ki ngā ringar-inga o te iwi. I whakarāpopotonga ngā whāinga matua nei e Aniheta Rātene i roto i tana kōrero mō te Moenga, te Paraikete me te Urunga—ko te Moenga, koia tērā ko ngā whenua o Ngāti Awa i raupatuhia, ko te Paraikete, ko te pāmu teihana tērā o Ngāti Awa, ā, ko te Urunga, koia tērā ko ngā kerēme a Ngāti Awa mō Kawerau:
- (4) I te tau 1988, whai muri o tētahi whakahōunga o Te Ture mō Te Tiriti o Waitangi 1975 e taea ai te rongohia o ngā kerēme mai i 1840, i whakatakotoria e Ngāti Awa tana kerēme ki mua i te aroaro o Te Rōpū Whakamana i te Tiriti kia rangahaua ōna whakamau e pā ana ki te Tiriti. I te tau 1988, i runga i tāna kau-papa here ki te tuku i ngā whakahaere ki ngā poari whakahaere iwi, ā, i runga anō hoki i te tono a Ngāti Awa, i whakamanatia Te Ture mō Te Runanga o Ngāti Awa 1988 arā, te ture whakatū i te Runanga. Ko tētahi wāhi o te ture nei i

pā ki te wetewete i ngā whakawhiu ā-ture i mau ki runga i ētahi o te iwi i uru ki ngā nekenekhehanga o te tau 1865:

- (5) Nō te tau 1990 i whakawhitia ai e te Karauna te pāmu teihana o Ngāti Awa ki Te Runanga o Ngāti Awa. I tua atu, i ngā tau 1988 me 1990, tukuna ai e te Karauna ētahi utunga e \$200,000 hui katoa ki Te Runanga o Ngāti Awa. I te tau 1994, i whakawhitia ai e te Karauna ki a Ngāti Awa, ko te wāhi mahi a Telecom i Whakatāne, ko tōna wāriu i whakaaetia ai kia \$390,000. Hei tā Ngāti Awa titiro mai rā anō, he wāhanga noa iho ēnei o ngā utu mō ngā kerēme rau-patu ki te Karauna:
- (6) Nō te rā 4 o te marama o Hūrae o te tau 1994, kātahi anō ka tīmata te take a Ngāti Awa ki mua i te aroaro o Te Rōpū Whakamana i te Tiriti, i te marae o Te Whare o Toroa i Whakatāne. I whakatakotoria e Ngāti Awa tana kerēme i roto i ētahi hui i tū ki te marae o Kokohīnau i Te Teko, ki te marae o Umutahi i Matatā, me te kapinga o āna kōrero i Te Whare o Toroa i te rā 1 o Tīhema o te tau 1995:
- (7) Nō te marama o Mei o te tau 1995, i whakaputaina e Te Rōpū Whakamana i te Tiriti tētahi whakaaturanga e kī ana, ahakoa kāore anō kia rongohia te Karauna, nā te kaha me te pakari o te kerēme a Ngāti Awa, tērā tonu pea ka nui te paremata me utu e te Karauna ki a ia mō ngā takahitanga a te Karauna i Te Tiriti o Waitangi i roto i ngā tau kua pahure. I whakaputaina tuatahitia te kōrero nei i roto i te whakaaturanga a Te Rōpū Whakamana i te Tiriti i te marama o Noema i te tau 1994:
- (8) I whakatakotohia, i kōrerohia tētahi tikanga whakahaere i waenganui i ngā hapū, Te Runanga me ngā kai-whiriwhiri i te hui ā-tau o te tau 1996, me ngā hui o muri a Te Runanga i roto i taua tau. Whai muri i tērā, i tū anō ngā hui me ngā whitiwhitinga kōrero e whiwhi mana kōkiri ai ngā kai-whiriwhiri. I whakaae te Runanga o te Kāwanatanga ki te mana kōkiri i te Ōketopa 1996:
- (9) I te rā 21 o te marama o Tīhema o te tau 1998, whai muri o tētahi toru tau e kōrerohia ana te kaupapa, ka uru te Karauna rāua ko Ngāti Awa ki tētahi Whakaaetanga ūpoko. Ko tā te Whakaaetanga ūpoko nei, he whakatakoto noa i ngā take e mātua whakaaetia ana me uru ki roto i te Tūtohunga Whakatau, me tā rāua whakaae tahi ki te whiriwhiri i runga i te ngākau pono ki te whakatutuki i ngā ritenga o te Tūtohunga Whakatau:
- (10) Nō te rā 8 o te marama o Ōketopa o te tau 1999 i oti i Te Rōpū Whakamana i te Tiriti tana pūrongo e kīia nei ko “Te Pūrongo mō te Raupatu a Ngāti Awa”. Ko ngā whāinga matua o te pūrongo i kī, i raro i Te Tiriti o Waitangi, i te hē te mahi raupatu i ngā whenua o Ngāti Awa, ā, e kore e taea te kī i tū tētahi whana e whai take ai te raupatu i ngā whenua, me te mea ko te āhua nei, i tua atu kē te raupatu o ngā whenua o Ngāti Awa i te mana o Te Ture Whakatau Manene ki Niu Tīreni, 1863:
- (11) I tua atu, i kite anō Te Rōpū Whakamana i te Tiriti, he takahitanga tēnei o ngā mātāpono o te Tiriti o Waitangi, mēnā kāore i whakahokia mai ngā whenua i

runga i te tikanga pai, māraakerake; he whakawhiu anō i a Ngāti Awa mō ana mahi whana tēnei te wehe i a ia mai i ngā whenua ki te taha uru o te rāina rau-patu; i hurihia te taitara o ngā whenua ki te tangata takitahi, ā, ko te putanga o tēnei, ko te unuhanga o te mana o te iwi, ko te whakamāmā hoki i te huarahi hoko i te whenua. I tua atu i whakatau Te Rōpu Whakamana i te Tiriti, ko te huarahi e ea ai ngā kerēme a Ngāti Awa, mā te huarahi ki Te Runanga o Ngāti Awa. Ahakoa te mea kāore i whakatakotohia e te Karauna ētahi whakaaturanga ki mua i te aroaro o Te Rōpū Whakamana i te Tiriti, me te mea anō ehara i te mea e whakaae ana ia ki te katoa o ngā whāinga o Te Rōpū Whakamana i te Tiriti, e whakaae ana te Karauna i mahi hē ia ki te raupatu i ngā whenua o Ngāti Awa, nā reira he takahitanga tēnā o ngā mātāpono o Te Tiriti o Waitangi:

- (12) Kāore i tau he whakaritenga i waenganui i te Karauna me Ngāti Awa i runga i ngā tāpaetanga o te tau 1998. Nō te tau 2000 whakatakotoria ai e te Karauna tētahi tāpaetanga hōu:
- (13) I te 8 o Hurae 2002 ka whakaretangia e te Karauna me te Runanga o Ngāti Awa he whakaaetanga. Ka tatū i te Karauna me Ngāti Awa tāua whakaaetanga o ngā whakataunga i te 27 o Maehe 2003 e whakatatū ana i ngā take katoa e tika ana kia whakatauria tuturutia te katoa o ngā kereme o nehe o te iwi o Ngāti Awa:

*Te Whakahokinga Mai o te Wharenui a Mātaatua*

- (14) I ngā tau tōmua o te tekau tau 1870, i tahuri te iwi o Ngāti Awa ki te hanga i tētahi whare whakairo ki Whakatāne, ko tōna ingoa ko Mātaatua. I te tīmatanga o te tau 1875 i oti te hanga i te whare. Nō te tau 1879, i tukuna e te Karauna te whare Mātaatua ki tētahi whakaaturanga e kīia nei ko te Inter-colonial Exhibition i tū ki Poihākena, i Ahitereiria. Nō te tau 1880 i nekehia te whare ki Poi-piripiri, ki Rānana, ki reira whakaaturia ai. Nō te tau 1924 i whakahokia mai ai a Mātaatua, e aha ai, e uru atu ai ia ki te Whakaaturanga mō te Moana-nui-a-Kiwa i tū ki Ōtepoti. I whakaae te Karauna kia whakaaturia e Te Whare Taonga o Ōtepoti te whare whakairo mō ake tonu. Mai rā anō, kua rapu te iwi kia whakahokia mai te whare ki Whakatāne, me te kī a Ngāti Awa, kāore i tukuna e ia te mana mō Mātaatua ki tētahi atu. Nō te marama o Ākuhata o te tau 1996 i hainahia e Ngāti Awa rāua ko te Karauna tētahi Tūtohunga Whakatau mō te whakahokinga mai o Mātaatua ki a Ngāti Awa. I whai wāhi ki roto i te whakaaetanga nei ko te \$2 miriona hei utu i te whakahoki mai me te whakatū o te wharenui a Mātaatua ki Whakatāne:

*Te tāhū kōrero*

- (15) E whai take ana te kupu whakapāha a te Karauna ki a Ngāti Awa i runga i te tāhū kōrero ka whai:

*Te Rohe o Ngāti Awa*

- (16) E whakapono ana a Ngāti Awa, i mua o te tau 1866, koia te tangata whenua, ā, nōna te tino rangatiratanga e hora ana i ētahi wā, ki runga i ngā whenua ka whai nei: ngā moutere o Motiti, o Rurima, o Mou-tohorā, Te Paepae o Aotea, Whakaari, a Ohakana rāua ko Uretara (he moutere ēnei kei te whanga o

Ōhiwa), ngā wai mai i te wahapū o Waihi ki Ōhiwa; te whenua, ngā ngahere, ngā roto, ngā awa me ngā repo, mai i te wahapū o Waihi ki te raki, ā ka whai haere i te takutai tae rawa ki Ōhiwa, mai i te wahapū o Waihi anō, ka huri whaka-te-hau-ā-uru ki te awa o Pongakawa, ki te moutere o Rotoehu (tae rawa ki te papa o te roto o Rotoehu me te ngahere o Rotoehu), ā, mai i Rotoehu ki Te Haehaenga, tae atu ki te roto o Rotomā ki ngā whenua o Pokohu, o Tuararangaia me Matahina ki te tonga, ā, atu i reira ki te Whanga o Ōhiwa:

- (17) Ko ētahi o ngā wāhi nui i whakahuahuatia ai i roto i ngā tāhū kōrero mō Ngāti Awa ko: ngā maunga e kōrerohia nei ko Pūtauaki ki Kawerau, ko Whakapaukōrero ki Matatā me Maunga Whakamana ki Te Haehaenga, me te hiwi e kīia nei ko Te Tiringa ki Awakeri, tae rawa hoki ki Te Rae o Kōhī ki Whakatāne; ngā awa o Whakatāne, Ōrini, Rangitāiki, Tarawera, Wai-tahanui me ngā wai o Waikōwhewhe rāua ko Pongakawa; te repo o Rangitāiki; ngā ngahere i Rotoehu, i Matahina, i Kiwi-nui, i Ō-mata-roa, i Tarawera me Manawahē; ngā roto o Rotoehu, Rotomā, Kawerau, Te Tahuna, Onerahi, Roto-iti Paku, Onepū me Roto-roa; ngā waiariki i Kawerau, Awakeri, Mou-tohorā me Whakaari; ngā whanga i Ōhiwa me Whakatāne; ngā wahapū i Waihi, i Te Awa a Te Atua i Matatā, me Whakatāne:
- (18) I pupuritia ngā whenua me ngā rawa o Ngāti Awa i raro i ngā tikanga Māori, arā, ka noho hei mea tino nui rawa te kaitiakitanga ohu a-hapū, a-iwi. I mua o te raupatu, i mau tonu ngā rangatira o Ngāti Awa ki tō rātou rangatiratanga, ā, iti noa iho nei ngā whenua o roto i te rohe o Ngāti Awa i hokona:
- (19) I tua atu, ko te whakapae a Ngāti Awa, i te tau 1865 e noho motuhake ana rātou, i te hua ngā painga o ngā mahi kaupakihi. Ka mutu, i roto rātou i ngā mahi whitiwhiti taonga, tauhokohoko hoki. I te whakatipu, i te hoko rātou i ngā rawa pēnei i te poaka, i te harakeke, i ngā hua whenua, i te wīti, i te papa rākau me te rīwai, ā, i roto anō hoki rātou i te whānuitanga o ngā kaupapa tauhokohoko pēnei i te mira wīti me te whakahaere kaupuke. I te haere tonu ngā mahi whitiwhiti taonga a Ngāti Awa me ētahi atu iwi mō ngā taonga pēnei i te kōkōwai, te tītī me te nuinga atu o ngā rawa o te moana:

*Te Ture Whakatau Manene ki Niu Tīreni 1863*

- (20) Nō te tau 1863 i whakamanatia e te Karauna ētahi hanganga ture whakahirahira e toru arā, te Ture Tāmi i te Mahi Whana, te Ture Pūtea Taurewa o Niu Tīreni me te Ture Whakatau Manene ki Niu Tīreni. I āheitia e te ture whakamutunga te raupatu i ngā whenua Māori e tirohia ana e te Karauna “nā tētahi iwi, nā tētahi wāhanga o tētahi iwi, nā tētahi rahinga mai i tētahi iwi rānei” i mahi hara ki te mana o te Kuini. Ko te mea nui, i whakamanatia te ture “ki te tiaki, ki te whakamaru tūturu i ngā tāngata pai o ngā iwi e rua, kia ārai atu i ngā mahi whana, kia pupuri hoki ki te mana o Te Arikinui Te Kuini i roto i te Ture me te Māriretanga puta noa i te whenua”. Hei whakatutuki i ēnei whāinga whānui e rua, i mea te Karauna ki te whakatū tāngata noho ki ngā rohe mā te hoko i ngā whenua raupatu ki te hunga whai. Ko te titiro a te Karauna mā ngā moni hua i ēnei hokonga whenua e ea ai ngā utu a te Karauna mō ana pakanga ki te Māori:

- (21) I te āwangawanga te Tari Koroni o Piritana mō te whānui me te whakamahi i te Ture Whakataua Manene ki Niu Tīreni 1863, e mea ana ia, “ka taea ngā mahi tūkinu nui”. I te tīmatanga, i te wā e whakaarohia ana te raupatu whenua, i whakatūpatohia e te Hēkeretari Koroni te Kāwana Tianara, kia aro nui ki ngā whenua o ngā tāngata me ngā iwi harakore, ā, kia hāngai hoki te whiunga ki te hara. Nō muri mai, i a ia ka noho ki te āta whakaaro mō te hanganga ture raupatu whenua, i te āwangawanga tonu te Tari Koroni o Piritana mō te whakamahi i te Ture me tōna roanga, engari i whakaaetia kia tū tonu nā te mea ko te mana whakamutunga rawa te raupatu ko te Kāwana. I tohungia e te Hēkeretari Koroni te Kāwana kia kua ia e whakaae kia raupatuhia he whenua mēnā kāore i te “tika, i te ngāwari”:

*Te Kaokaoroa*

- (22) E ai ki ngā kōrero tuku iho a Ngāti Awa, i te tau 1864, i uru atu ētahi o ngā hapū o Ngāti Awa pēnei i a Te Patu-tātahi, a Ngāti Hikakino me Ngāi Te Rangihouhiri II, me ētahi o Te Tāwera ki tētahi ope taua o ngā iwi o Mātaatua me ētahi atu iwi, ā, e mōhiohia nei ko Te Ope Taua o Te Tai Rāwhiti. E mea ana te ope nei ki te hou atu ki te rohe o Waikato ki te tautoko i ngā iwi o Waikato e ātete ana i te whakaeke pokanoa o rātou whenua e ngā ope taua o te Karauna me ngā tāngata whai. I āraitia e Te Arawa te haere a te ope taua o Te Tai Rāwhiti nei mā te rohe o Rotorua. I tonu ētahi o ngā iwi o Te Arawa ki te Karauna ki te tautoko i tā rātou mahi, ā, tautokona noa mai e te Karauna. I te marama o Pepuere o te tau 1864 i tū tētahi pakanga i waenganui i tētahi wāhanga o te ope taua o Te Tai Rāwhiti me ētahi o te iwi o Te Arawa, ki Roto-iti; mate atu ētahi ki reira. Hāunga tērā, he wāhanga o te ope nei i pakaru atu ki roto ki te rohe o Waikato, rokohina atu ko Ōrākau:
- (23) I Maketū, i te marama o Āperira o te tau 1864, ka ngana te ope taua o Te Tai Rāwhiti ki te pakaru atu mā te wahapū o Waihi. Nā ētahi o te iwi o Te Arawa, tāpae atu ko ngā waka taua me ngā hōia a te Karauna te ope taua o Te Tai Rāwhiti i whiu. Ko te whawhai nui o Te Kaokaoroa te whawhai i parekura atu ai a Ngāti Awa, me kī, ko ana kārangatanga hapū a Ngāti Hikakino me Ngāi Te Rangihouhiri II, tae rawa atu ki ētahi o ngā hapū me ngā iwi haumi. I hinga atu ki te pakanga nei ētahi o ngā rangatira nui o Ngāti Awa:

*James Te Mautaranui Fulloon*

- (24) Nō te tōmuritanga o te tau 1864, i tau atu a Kereopa, a Horomona me Pātara, ētahi poropiti o te whakapono Pai Mārire, ki te rohe o Whakatāne, ā, nā rātou ētahi o te iwi o Ngāti Awa i whakawai ki te uru ki te whakapono o Pai Mārire. I te marama o Maehe o te tau 1865 ka kōhurutia a Rev. Carl Volkner, he mihingare e noho ana ki Ōpōtiki, e ētahi o ngā Māori o taua takiwā kua taka ki te whakapono Pai Mārire. Nō te rā 6 o te marama o Maehe o te tau 1865 ka whakaputaina e ngā rangatira o Ngāti Awa o rātou tino whakahē mō te patunga o Volkner; hāunga tērā, kāore rātou ngā rangatira o Ngāti Awa i whakaae kia haere te Karauna mā te rohe o Ngāti Awa i a ia ka rapu mō te hunga nā rātou a Volkner i patu. Kore rawa i whakamanatia e te Kāwanatanga te haere a tētahi o

ōna ope taua mā te rohe o Ngāti Awa ki te rapu i te hunga nā rātou a Volkner i patu:

- (25) Nō te marama o Pepuere o te tau 1865, whai muri i ētahi rūnanga, ka hui ētahi rangatira o Ngāti Awa ki Whakatāne, i reira ka whakatakotoria ai e rātou tētahi aukati o tō rātou rohe, kia kua tētahi noa atu e uru mai. Nāwai ā, i te marama o Hūrae i te tau 1865, whai muri i ētahi hui ki Tauaroa me Matatā, ka whakatakotoria ai tētahi atu aukati anō e te poropiti Pai Mārire e Horomona, me ētahi o ngā rangatira o Ngāti Awa tautoko i a ia. Mai i Whangaparāoa i te rāwhiti tae atu ki Taranaki i te uru te aukati nei. I te rā 19, te rā 20 rānei o Hūrae 1865 i tau ai ki Whakatāne a Maruiwi, tētahi kaupuke hokohoko nō Te Arawa. I hopukina te kaupuke, mō tōna takahi i te aukati a ngā Pai Mārire. Nō te rā 22 o te marama o Hūrae o te tau 1865 i tau atu ai te kaupuke *Kate* ki Whakatāne. Ko ngā tāngata i runga i te kaupuke, ko James Fulloon, he āpiha nā te Karauna, me ētahi atu. I patua i runga i te kaupuke, a Fulloon, he uri nō Ngāti Awa, me ētahi kaumoana tokotoru, e ērā o Ngāti Awa i tautoko i te Pai Mārire. Kātahi ka tahuri a Wepiha Apanui o te pori o Ngāti Awa ki Whakatāne ki te whakarite mō te tanu i tōna uri, a Hēmi (James) Fulloon. He maha ngā kōrero he aha i patua ai a Fulloon; e ai ki a Ngāti Awa i patua ia mō tana takahi i te aukati. Nā ēnei neke-nekehanga i korikori ake ngā hapū o Ngāti Awa:

*Te Whakamana*

- (26) Nō te rā 2 o te marama o Ākuhata o te tau 1865 i Maketū ka whakaputaina e T H Smith, te Kōmihana Kāwanatanga tana whakamana hopu tāngata mō te mau here i te hunga e whakapaetia ana nā rātou a Fulloon me ētahi atu i patu:

- (27) Ko ngā tāngata i te rārangi o te whakamana ko:

Te Hura Te Taiwhakaripi	Haki Waihou
Te Pitoiwi Te Putarera	Te Hemara Tukairangi
Hakaraia Tohora	Ture Te Matutaera
Te Aka o Tau Te Hura	Paraharaha
Te Metera Te Tii	Raniera Te Werotokotoko
Hepeta Te Tai	Haki Tukino
Korimana	Eria Te Hakona
Horomona Poropiti	Heahea Te Pakihiwi
Utuku Te Rangī	Hohepa Te Ra
Te Meihana Te Tawa	Tawhaki
Te Wetini	Raureti
Tamati o Ngāti Hoko	Hunia Marupo
Mohi Te Paohi	Panapa Rangirewaia
Turiri	Hakopa Tupika
Hawera Te Hihira	Petera Moki
Te Hekara	Pakiuru
	Hohua Karipipi:

- (28) Nō te marama o Ākuhata o te tau 1865, i whakakotahihia tētahi ope taua a te Karauna e rima rau nei te tokomaha, he mea emi i ētahi o ngā hapū, iwi e noho tata ana ki a Ngāti Awa ka mutu, kua roa kē hoki e pakanga ana ki a Ngāti Awa mai rā anō; ko ētahi o te ope nei i roto i ngā riri o Te Kaokaoroa. Ko te kaingār-ahu o te ope taua nei a te Karauna ko Meiha William Mair, Te Kaiwhakawā. I kuhu atu te ope taua nei ki te rohe o Ngāti Awa ki te whakatutuki i te whakamana mau here. Nō te pokapū o te marama o Ākuhata whakamāramahia ai ki te rangatira o Ngāti Awa, a Te Hura Te Taiwhakaripi, he aha te kaupapa a te taua. I tū ētahi whakapāpā i waenganui i te taua a te Karauna me Ngāti Awa, ko te otinga atu i mate ētahi tāngata. I murua ngā kau, ngā hoiho me ētahi atu o ngā rawa a Ngāti Awa, i wāwāhia ngā kāinga, wharenuī, pātaka, waka hoki o Ngāti Awa. I whakaekea ngā pā o Ngāti Awa i Whakatāne, i Matatā me Te Teko, te wāhi i rere ai a Te Hura me ana tāngata:
- (29) Nō te rā 2 o te marama o Hepetema o te tau 1865 i whakaputaina e te Karauna tētahi Pānuitanga Rongomau e kī ana kua mutu te pakanga i tīmata rā i Oakura, takiwā o Taranaki i te tau e 1863. Ko tā te Pānuitanga Rongomau i whakamārama ai, e kore e whiua e te Karauna ērā i mau pū ki te Karauna i ngā raruraru o mua, hāunga ērā nā rātou a Fulloon i patu, kāore rātou i kuhuna ki raro i te tika-nga o te pānuitanga nei. Ko ngā kupu o te pānuitanga i kī pēnei, ki te kore e tae ngā tāngata nā rātou a Fulloon i kōhuru ki te aroaro o te Kāwana, ka murua e te Karauna ngā whenua o ngā iwi nā rātou i manaaki te hunga kōhuru. I tua atu, i tono te pānui kia āwhinatia e te Māori te mahi aukati i ngā tutūnga puehu, ā, i takoto anō te hiahia ki te kōrerorero me ngā Rangatira nui, me pēhea e rongohia ai te reo o te Māori i roto i te Rūnanga Nui, e aha ai, e whai wāhi ai e te Māori ki te hanga ture hei whai māna:
- (30) Nō te marama o Hepetema o te tau 1865 ka whakaputaina e te Kāwana tētahi Pānuitanga Ture Taua mō ngā rohe o Whakatāne me Ōpōtiki, e taea ai te hopu i te hunga e whakapaetia ana nā rātou a Fulloon i kōhuru, e taea ai hoki te whakawā i a rātou mā te Whakawā Taua. Ko te tikanga, ka mau te Ture Taua ki runga i ngā rohe nei ā, tae noa ki te wā hīkina ai, ka mutu, ko tā te pānuitanga e mea ana, ka āhei ngā tāngata a te Karauna te tū anō nei he ope taua. Nō te rā e 5 o Hepetema o te tau 1865 pānuitia ai ēnei pānuitanga e rua ki te Kāhiti o Niu Tireni. Hāunga tērā, kāore i te marama nōnahea mōhio ai a Ngāti Awa mō ēnei pānuitanga:

*Te Kupenga*

- (31) Kia tae ki te wāhanga tōmuri o te marama o Hepetema o te tau 1865, kua nui ake ngā korikoringa a ngā hōia o te Karauna. Ko te otinga atu, e toru rā e whawhai ana i te pā o Te Kupenga, takiwā ki Te Teko. Nāwai rā, ā, nō te rā 20 o te marama o Oketopa o te tau 1865, ka mutu i Te Kupenga te whawhai o ngā hapū o Ngāti Awa i raro i te ārahitanga o Te Hura Taiwhakaripi. Ko ētahi o ngā hapū i roto i te whawhai nei ko Te Tāwera, Warahoe, Ngāi Te Rangihouhiri II, Te Patu-tātahi, Ngāti Hikakino me ētahi atu. Kō atu i te 30 ngā tāne, tae noa ki te nuinga o ērā i te rārangi ingoa o te whakamana me ētahi atu, i mauheretia, i

kawea hoki ki Ōpōtiki, kia whakawātia e te Kōti Taua i te marama o Nōema o te tau 1865, mō te patunga o Fulloon, mō ētahi atu whakapae. I whakatau te Kōti Taua he tokomaha rātou i hara, ā, ko te hunga nei i whiua kia whakamatea:

*Ngā Whakawātanga*

- (32) Nō te rā 23 o te marama o Tīhema o te tau 1865 ka whakatakoto whakaaro a James Prendergast, te Rōia Matua mō ngā whakawātanga mā te kōti taua, i ngā mauhere i kawea ki Ōpōtiki. E ai ki a Prendergast “ehara i te mea tika i raro i te ture” te ture taua. Nāwai ā, ka tono te Kāwana kia kawea ngā mau here o Ngāti Awa ki Tāmaki-makau-rau, ki reira whakawātia anō, ki mua tonu i te aroaro o te Kōti Matua, mō te kōhuru me ētahi atu whakawhiu. Kotahi te rōia i tū mō te hunga e 35 o Ngāti Awa:
- (33) E whai ake nei ko te rārangi ingoa o rātou o ngā tāngata i whakawhiua mō te tāhae waka me te kōhuru i a Fulloon me kaumoana Ned i runga i te waka *Kate*: Mikaere Kirimangu, Hekara, Himone-te-Auru, Paraharaha, Hoani Poururu, Hoani Hupe, Utuku-te-Rangi, Te Aka o Tau-te-Hura, Hunia Marupo, Haki Waihou, Haki Tukino, Tamati o Ngāti Hoko, Tio Wahu, Hawera-te-Hihira, Heahea te Pakihiwi, Raniera te Werotokotoko. I unuhia ngā whakapae i runga i te tokotoru o ngā tāngata nei mō te tāhae waka, engari katoa rātou i whakaaetia e te kōti he tangata hara mō te mahi kōhuru. Tekau atu anō ngā tāngata i kīia e te kōti nā rātou i awhi te hunga nā rātou ngā mahi kōhuru. Ko ēnei tāngata ko Te Hura Te Tai, Te Pitoiwi Te Putarera, Hepeta Te Tai, Horomona Poropiti, Mohi te Paohi, Te Hemara, Hakaraia Tohora, Te Uwhi Te Haraki, Kereama Toitoi me Ture Te Matutaera. I tua atu, tokoono ngā tāngata i whakawhiua mō te whiwhi rawa i tāhaetia i te *Kate*. Kia tae ki te rā 23 o te marama o Maehe o te tau 1866, ko te hunga katoa i tū ki mua o te aroaro o te Kōti i whakataungia e te Kōti i hara, ā, i whiua kia whakamatea, kia mauhereheretia rānei. Nō te rā 17 o Mei o te tau 1866 whakamatea ai a Mikaere Kirimangu rāua ko Horomona Poropiti (o Taranaki) mō te kōhuru i a Fulloon. Tuangahuru mā tahi o rātou i whiua kia whakamatea i hurihia kia mauheretia mō ake tonu atu, ā, ko te toenga o ngā tāngata nei i whakahaua e te Kōti kia whakamatea, i takahurihia e te Kōti kia mauheretia ētahi o rātou mō ngā tau e whā, piki atu ki te tekau mā whā tau. Ko ērā i hara mō te whiwhi rawa i tāhaetia, i whiua kia mauheretia mō ngā tau e toru. No ngā tau 1867 me 1868 i wetekina te hara i runga i ētahi o ngā tāngata nei, engari ko te nuinga i mauheretia ā, eke noa te wā i whakaritea mō rātou. Tokotoru rātou i mate i te wā e mauheretia ana rātou arā, ko Tamati o Ngāti Hoko (rā 1 o Ākuhata o te tau 1866), a Hepeta Te Tai (rā 26 o Nōema o te tau 1866), a Paraharaha (rā 18 o Tīhema o te tau 1866). Kāore i karakiahia, i poro-poroakihia rānei ēnei tāngata i mate ki roto i te whare herehere. Rite ana ngā tono a ngā whakatipuranga i roto i ngā tau kia whakahokia ngā kōiwi o ō rātou whanaunga ki a rātou; nō te tau e 1988 tutuki ai ā rātou tono:
- (34) Hei tā Ngāti Awa, tokomaha tonu ērā i tukuna, kāore i hiahia hoki ki ō rātou kāinga i Whakatāne me Matatā nā te whakamā i runga i tō rātou mauheretanga

me te rironga atu o ō rātou whenua. I noho rātou i te taha i a Te Kooti, i Te Rohe Pōtae, i raro i te maru o Ngāti Maniapoto. Ko te nuinga i mate, i takoto ki waho kē o te rohe o Ngāti Awa, engari nā runga i te mahi a Te Kooti me āna tāngata, nō te tau 1885 hahua ai rātou, ka tanumia ki te Urupā o Ohuirere, takiwā ki Whakatāne:

*Te Raupatu Whenua*

(35) Nā runga i te mana o ngā Tono ā-Kaunihera i tukuna i te rā 17 o te marama o Hānuere me te rā 1 o te marama o Hepetema o te tau 1866, whai muri mai hoki o tā te Karauna i kī, i hara ngā iwi o Te Moana o Toi, āhua e 448 000 eka te rahi o ngā whenua i pānuitia ai kia raupatuhia i raro i te Ture Whakatau Manene ki Niu Tīreni, 1863. Kāore te Ture i kōrero mō te utu, engari ko te whiu tonu ia tōna whāinga:

(36) Ko te ripa tauārai o ngā whenua i raupatutia, ko:

*“Ngā whenua katoa pōkaitia ai e te ripa tauārai, mai i te pūwaha o te awa o Wai-tahanui, haere whaka-te-tonga mō tētahi 20 maero; kātahi ka hāngai te haere ki te tihī o (Mt Edgecombe) Putanaki [sic], mai i reira ka rere whaka-te-rāwhiti ki tētahi wāhi 11 maero ki te taha tonga o te pūwaha o te whanga o Ōhiwa, ā, tōtika ana te haere ki te rāwhiti mō tētahi 25 maero; kātahi ka ripa atu ki te pūwaha o te awa o Araparapara [sic], huri haere i te takutai ā, kia tau atu ki te tīmatanga i Wai-tahanui.”*

(37) I roto i te whenua pōkaitia ai i raro i te maru o te tono, āwhiwhi e 245 000 eka te rahi o ngā whenua o Ngāti Awa i raupatutia i te tau 1866. He mahi pokanoa tēnei mahi, nō te mea nui rawa atu ngā whenua i raupatutia, ki tērā rahi o te whenua e ea ai ngā kaupapa i raro i te Ture Whakatau Manene ki Niu Tīreni:

(38) I pā ki ngā hapū katoa o Ngāti Awa te raupatunga o ngā whenua, tae rawa ki te hunga kāore rawa i ātete ki te Karauna. Ko te otinga atu o tēnei, me haere rā anō ngā hapū o Ngāti Awa ki mua i te aroaro o te Kōti Utunga me ētahi atu wāhi, rapu ai kia whakahokia mai ō rātou whenua:

*Ngā Whakaritenga a Wilson me te Kōti Utunga*

(39) Nō te marama o Pēpuere o te tau 1866, i mua o te noho a te Kōti Utunga, ka whakaingoatia e te Karauna tana kaikōmihana hira, a John A Wilson ki te whakarite i te toha o ngā whenua i raupatutia i Te Moana o Toi. I uru atu a Wilson ki ētahi kōrerorero me ētahi o ngā hapū mō te whakahokinga mai o ētahi whenua. I whiwhia ētahi o ngā iwi o Te Arawa me ētahi atu ki ētahi toha mō ā rātou kawē ā-riri ā, ko ngā toha nei, mai i ngā rohenga whenua o te taha hau-ā-uru o te awa o Tarawera, ka taea te kī ka taka i roto i ngā toha nei, ko te nuinga o ngā whenua e kīia ana e Ngāti Awa ko ōna rohe o te taha hau-ā-uru (he whenua ēnei e kerēmehia ana e ētahi atu iwi). Kia taka ki te tau 1885, kua hokona kē e te Karauna te nuinga o te whenua nei. Ko te whakaritenga a Wilson, kia whakahokia ā-whenua rāhui nei te e 77 000 eka ki ngā tāngata takitahi o Ngāti Awa. Koiane tēnei tētahi wāhanga o te 245 000 eka i murua tuatahitia i te tau 1866:

- (40) I whakahaerehia ngā mahi a Wilson i raro i ngā wāhanga o Te Ture Whakatau Manene ki Niu Tīreni, 1863, tae rawa ki ana whakahōunga. E whai mana ai āna whakaritenga, i whakamanatia ai e te Karauna ētahi atu hanganga ture pēnei i Te Ture Whenua Raupatu 1867, Te Ture Hoko Whenua i Richmond 1870, Te Ture Whakamana Toha Whenua i Whakatāne 1878, Te Ture Kerēme Whenua Māori me Te Ture Whakamana Taitara o te tau 1894:
- (41) Nā Te Ture Whakatau Manene ki Niu Tīreni 1863, ka whakatūria ai Te Kōti Utunga ki te aha, ki te utu i ngā tāngata i raupatuhia ō rātou whenua, ahakoa te mea kāore rātou i te “hara”. Nō te marama o Maehe o te tau 1867 i tīmata ai ngā hui a te Kōti i te rohe. Ko ngā Kaiwhakawā ko William Mair rāua ko Thomas Smith, ko rāua tonu ētahi o ngā kaiārahi i ngā ope taua a te Karauna i mua tonu o te raupatu. He maha ngā wā, whakamanahia ai e te Kōti ngā whakaritenga a Wilson, anō nei he whakataunga i waho ake o te kōti:
- (42) Ko ērā tāngata o Ngāti Awa kāore i te pīrangi whakatau kerēme me Wilson, i whakatakoto kerēme kē me te Kōti; waihoki, ko ērā te hunga kāore i āhei ki te haere ā-tinana ki te Kōti ki te whai i ā rātou kerēme, tae tonu ki ērā te hunga i mauheretia i te tau 1866, i taka ki waho o ēnei whakaritenga. Hei ētahi wā, nā te tōmuri o te tae o ngā pānui, me te tawhiti ki te haere ki ngā nōhanga a te Kōti, tae rawa ki ērā nōhanga i waho atu i te rohe o Ngāti Awa, kāore te hunga whai pānga e tae ake:
- (43) Ahakoa te mau i herea ngā kai-tono Māori ki ngā whakahaere o Te Kōti Utunga kei whiua ki waho, nō te tau 1866 puta ai te whakamana tōmuri a te Paremata e mea ana, kei te tika katoa ngā mahi a te Kōti, ahakoa te mea tērā kāore i tutuki ētahi o ngā whakaritenga ā-ture:
- (44) Nō muri mai ka āraitia e te hātepe utunga a Ngāti Awa ngā rohenga whenua ka taka ki roto i te rāina raupatu me ērā whenua i te taha uru o te rohe o Ngāti Awa arā, ngā rohenga whenua o Matatā 31, 39, me 63. Hui katoa e 50 000 eka te rahi o te whenua nei, ā, ka taka te nuinga o te rohe whaka-te-uru e kerēmehia ana e Ngāti Awa ki roto. Mō te take o Matata Lot 63, he nui ngā kōrero i whakatakatoria e ngā kaiwhakaatu o Ngāti Awa ki mua i te aroaro o te Kōti, ā, i tautokongia aua kōrero e ētahi o ngā iwi o Te Arawa. Ahakoa tēnei, i whiwhia e te kōti aua whenua ki iwi kē ki hapū kē, ki ētahi i whawhai mō te Karauna. Kāore he huarahi hoki atu ki te pīra i ngā whakatau a te kōti:
- (45) Nā te tikanga utunga kātahi ka pōuri rawa atu te iwi o Ngāti Awa mō ngā mahi raupatu whenua. Kāore i te tino mōhiotia ko wai te hunga e āhei ana ki te tono utunga i te Kōti. Hei ētahi wā tekau tau e tāria ana kātahi anō ka whiwhi rātou ki te pūtea Kāwanatanga mō te whenua i whakahokia. I whiwhi ētahi hapū ki ngā whenua o hapū kē, ka mutu, ka mate ngā hapū o Ngāti Awa ki Whakatāne ki te tiaki i ngā tāngata o hapū kē ki runga ki ō rātou whenua, tae rawa ki ērā mai i te rohe o Matatā i uru ki roto i ngā pakanga o ngā tau 1864 me 1865. He nui tonu te whenua poupou, koraha i whakaritea e Wilson hei whakahoki. Ina whakahokia ngā whenua mā ngā whakaritenga a Wilson, mā ngā tikanga a te Kōti Utunga rānei, ka whakahokia kē ki te tangata takitahi, āpā te hapū, te iwi

rānei. Kāore i whai wāhi ki ngā toha nei ngā tikanga tūturu mō te whenua, ā, mōrearea te noho a te whenua, kei hokona:

- (46) I ngā tau whai muri mai, kāore i aronuitia ngā pānga a Ngāti Awa ki ngā rohenga whenua i te taha hau-ā-uru o te raina raupatu, i roto i ngā toha a Te Kōti Whenua Māori. Hei tā Ngāti Awa, nā runga i ngā nekenekheanga o roto i ngā tau mai i te 1865 ki te 1867, tae rawa ki ngā whakataunga a Te Kōti Utunga i taua wā, i raru ai a Ngāti Awa i roto i ngā kēhi o muri mai a Te Kōti Whenua Māori e pā ana ki ngā rohenga whenua nei:

*Ngā Mahi o Ngā Ture Whenua Māori, Ngā Hoko me ētahi atu Wehewehenga o muri iho*

- (47) Whakatūria ai te Kōti Whenua Māori i raro i ngā Ture Whenua Māori o ngā tau 1862 me 1865, ki te rapu ko wai te hunga nō rātou ngā whenua “e ai ki te Tika-nga Māori”, ki te takahuri hoki i te mana tūturu mō te whenua, kia noho ko ngā taitara a te Karauna ki runga i te whenua. I whakatahangia hoki te tika a te Karauna ki te hoko tuatahi i ngā whenua o te Māori, e aha ai, e taea ai e te Māori te rīhi, te hoko rānei i ōna whenua, kāore he nui o ngā here. Kāore i nui ngā whakawhiwhiti kōrero i waenganui i te Karauna me te Māori i mua o te whakamanatanga o te ture nei, kāore hoki ia i āta kōrero ki a Ngāti Awa; he pērā te āhua o ēnei mea i te tekau tau 1860. I tēnei wā, kāore he waha kōrero mō te Māori i roto i te Paremata. Nā reira ko tō Ngāti Awa whakaaro, he mea uhi kē e tētahi atu tēnei tikanga tiaki whenua ki runga i a rātou:
- (48) I te tekau tau o 1870, i whakahaua ngā āpiha hoko whenua ki te hoko whenua i te rohe o Rangitaiki, ā, hei ētahi wā, ka whakarite rīhi, ka whakawhiti whenua rātou i mua o te haria o te whenua ki mua i te aroaro o Te Kōti Whenua Māori kia āta rangahauatia te taitara. I ngā tekau tau 1870, 1880 me 1890, whakatako-tohia ai e Ngāti Awa ana kerēme ki ētahi whenua i te taha tonga o te rāina raupatu. Kāore i tautokona e te Kōti ā rātou tonono mō ngā rohenga whenua i Ruātoki me Kaingaroa. I roto i tēnei wā, whakawhiwhia ai ētahi hapū o Ngāti Awa ki ētahi pānga whenua i ngā rohenga whenua o Pokohu, Pūtauaki, Matahina, Waiohau me Tuarāraia. I te nuinga o te wā, i tukuna e te Kōti ētahi wāhanga o ngā rohenga whenua nei ki iwi kē, ahakoa te mea hei tā Ngāti Awa, no rātou ake te whenua. No muri kē, mā te hanganga ture, ka whakahaua e te Kōti kia whakarongohia anō ngā kōrero mō ētahi o ngā rohenga whenua. Ko te otinga atu o tēnei, i riro atu ētahi o ngā whenua i tukuna tuatahitia ki a Ngāti Awa i Pokohū me Matahina:
- (49) No muri o tētahi rangahau taitara i te tau 1881, whakawhiwhia a Ngāti Awa ki te e 79 000 eka i roto i te rohenga o Matahina. Nō te tau 1884 rongohia anō ngā kōrero, ā, ko te hua o tērā, i whakaitia te korahi o te rohenga ki te e 74 300 eka. E 8 500 eka o tēnei rahi i tangohia e te Karauna e ea ai ngā utu rūri. I whakawhiwhia e Te Kōti Whenua Māori ngā pānga ki ngā tāngata takitahi, ā, ahakoa i pupuritia ngā whenua mō tētahi wā i runga i ngā okeoke a Ngāti Awa kia pupuria, kia tae ki te rau tau e 20, kua mārō kē te haere o te wehewehe whenua ki ngā tāngata takitahi. Ko te hua o tēnei, i noho kongakonga noa ngā whenua, i

maha ngā hokohoko whenua i te wāhanga tōmuri o te rau tau e 19 me te wāhanga tōmua o te rau tau e 20. Kia taka ki te tau 1980, e 240 eka anake te rahi o te pānga whenua o Ngāti Awa ki roto i Matahina A1D1. He mate nui ki te iwi o Ngāti Awa tēnei te rironga atu o te rohenga nei, ā, kei roto i te waiata Tangi mō Matahina e whakaata ana te mamae:

- (50) Ko Pūtauaki te tipuna maunga o ngā tāngata katoa o Ngāti Awa. I tauwehea a Pūtauaki e te rāina raupatu, nāwai ā nō te tau 1867, ka tukuna ai te taha whakate-raki o te maunga e Te Kōti Utunga ki a Te Pahipoto rāua ko Ngā Maihi. Ko te wāhanga whakate-tonga o te maunga i roto kē i te rohenga whenua e kīia nei ko Pūtauaki. I te tau 1879 i tū tētahi whakaritenga – me āna tikanga - i waenganui i ngā āpiha hoko a te Karauna me ētahi o Ngāti Awa kia hokona te rohenga whenua, engari nō te tau 1881 kātahi anō te rohenga whenua nei ka rangahaua e Te Kōti Whenua Māori. I tukuna e te Kōti te whenua ki a Ngāti Awa, ā ka tono te iwi kia rāhui motuhaketia te whenua. Waihoki, i te hipanga o ngā rā e tekau, i runga hoki i te tono a ētahi rangatira tokorua o Ngāti Awa, arā, a Rangitūkehu rāua ko Penetito, i wehea e te Kōti te rohenga whenua ki ngā wāhanga e toru. Ko te rohenga whenua nui rawa atu, i tukuna ki ētahi tāngata takitahi e 15, ā, hokona wawetia e rātou ki te Karauna. Kāore e tino maha ngā rā whai muri, e 27 ngā tāne, wāhine, tamariki hoki i petihana ki te Minita mō Ngā Take Māori mō te mahi tauwehe i te rohenga whenua nei. Nō muri kē ka tono te hunga nā rātou te whenua i hoko ki te Karauna, kia whakahokia tēnei me ētahi atu rohenga whenua, ā, ko te utu mō tēnei, ko te moni i homaihia mō te hoko i te whenua i te tuatahi, engari kāore te Karauna i whakaae. Ko te iti noa o te rohenga whenua i mahue mai, tae rawa ki te maunga, i tukuna ki ētahi tāngata takitahi mai i Ngāti Awa me ētahi atu iwi. Nā ēnei mahi whakatakitahi i te mana whenua, ka ngaro noa i te iwi ēnei whenua. He whakamau nui tā Ngāti Awa, mō te rironga atu o Pūtauaki mā ngā tikanga rerekē i ngā rau tau tekau mā iwa, rua tekau hoki:
- (51) I tua atu, kua riro ētahi whenua o Ngāti Awa pēnei i ngā rohenga whenua i Rangitāiki, Poroporo-Rewatu, Matahina, Whakatāne, me Matata mā ngā hanganga ture mahi tūmatanui o te rau tau rua tekau. He wāhi tapu, he urupā, he papakāinga i runga i ētahi o ngā whenua i riro:
- (52) Mai i te tau 1867, kua rapu a Ngāti Awa i te tika, mō ngā hē i mahia ki te iwi e te Karauna. He maha ngā petihana a Ngāti Awa ki te Karauna mō ngā raupatu, ngā mauheretanga, me te rironga atu o ngā whenua i roto i te wā roa. I tae te kaupapa a Ngāti Awa ki mua i te aroaro o te Kōmihana Sim i te tau 1927, ā, kāore i tautokongia e te Kōmihana te kaupapa whānui a Ngāti Awa. Hāunga tērā, i kite te Kōmihana, paku noa iho te whenua i tohaina ki a Ngāi Te Rangihouhiri II rāua ko Ngāti Hikakino. Nō muri mai ka tangohia ai tētahi wāhanga o te whenua nei i raro i Te Ture Mahi Tūmatanui, ā, i te mutunga, i toe mai ki ngā hapū nei ko ētahi whenua tītōhea anake, e kore e puta he oranga. I tūtohu te Kōmihana ki te toha i ētahi whenua i Matatā, engari kāore tēnei tūtohu i puāwai:

- (53) I runga i ngā tūtohunga o te Kōmihana Sim, whiwhi ai ētahi atu iwi ki ētahi utunga ā-tau mai i te Karauna, ā, whakatūria ai ētahi Poari mō ētahi iwi raupatu, hāunga anō a Ngāti Awa.

*Background*

- (1) The Treaty of Waitangi (Te Tiriti o Waitangi), as set out in English and in Māori in Schedule 1 of the Treaty of Waitangi Act 1975, was signed in 1840:
- (2) Recitals (3) to (53) of this Preamble present, in summary form, the background to the Ngāti Awa historical claims that is set out in the deed of settlement entered into by Ngāti Awa and the Crown:

*Background to settlement*

- (3) Since the time of the raupatu in 1866, Ngāti Awa has sought redress for its grievances against the Crown including the confiscation of land from Ngāti Awa. The responsibility for seeking redress for breaches of the Treaty of Waitangi (Te Tiriti o Waitangi) has passed through many generations of Ngāti Awa men and women. Following the petitions and representations of the late 19th century, the 1920s, and up to the 1960s, the next significant effort occurred in 1980 with the establishment of the Ngāti Awa Trust Board at the Ngāti Hikakino marae, Puawairua by the hapū and kaumatua of Ngāti Awa including Eruera Manuera, Hare Reneti, Aniheta Ratene, and Matarena Reneti. The hapū of Ngāti Awa established the Trust Board to progress various issues on behalf of the iwi and in particular, to seek redress for the raupatu (including the loss of land, dislocation of hapū, and loss of rangatiratanga), the restoration of Mātaatua wharenuī, the return of the Ngāti Awa station, and the return of Putauaki. These principal goals of the Trust Board were encapsulated by Aniheta Ratene in the phrase the bed, the blanket and the pillow—the bed symbolized the lands confiscated from Ngāti Awa, the blanket represented the Ngāti Awa station and the pillow embodied the Ngāti Awa claims to Kawerau:
- (4) In 1988, following an amendment to the Treaty of Waitangi Act 1975 to allow hearing of claims back to 1840, Ngāti Awa lodged its claim with the Waitangi Tribunal to investigate its Treaty grievances. In 1988 the Crown, in accordance with its policy of devolution to iwi authorities and at the request of Ngāti Awa, enacted Te Runanga o Ngāti Awa Act 1988 establishing the Runanga. This included a statutory pardon for those members of Ngāti Awa involved in the events of 1865:
- (5) In 1990 the Crown transferred the Ngāti Awa station to Te Runanga o Ngāti Awa. The Crown also made payments totalling \$200,000 to Te Runanga o Ngāti Awa in 1988 and 1990. In 1994, the Crown transferred the Whakatāne Telecom site at an agreed value of \$390,000 to Ngāti Awa. Ngāti Awa has always regarded these returns as part settlement of its raupatu claims against the Crown:
- (6) On 4 July 1994, Ngāti Awa finally began its Waitangi Tribunal case at Te Whare o Toroa Marae in Whakatāne. Ngāti Awa presented its claims at hear-

ings at Kokohinau Marae in Te Teko and Umutahi Marae in Matata, completing the process at Te Whare o Toroa on 1 December 1995:

- (7) In May 1995, the Waitangi Tribunal issued a memorandum observing that, although the Crown had yet to be heard, Ngāti Awa had demonstrated significant and compelling claims that were likely to require substantial compensation from the Crown to remedy past breaches of the Treaty of Waitangi (Te Tiriti o Waitangi). This point was previously made by the Waitangi Tribunal in its memorandum in November 1994:
- (8) A mandate protocol between the hapū, the Runanga, and the negotiators was prepared and discussed at an annual general meeting in 1996 and at subsequent hui of the Runanga during that year. This was followed by further hui and consultations to confirm the mandate of the negotiators. Cabinet recognised the mandate in October 1996:
- (9) On 21 December 1998, following 3 years of discussions and negotiations the Crown and Te Runanga o Ngati Awa entered into a heads of agreement. This recorded on a without prejudice basis the matters which they had agreed in principle should be contained in a deed of settlement to effect a settlement of Ngāti Awa's historical claims, and their agreement to negotiate in good faith to settle the terms of the deed of settlement:
- (10) On 8 October 1999, the Waitangi Tribunal completed its report entitled "The Ngāti Awa Raupatu Report". The principal findings of the Tribunal were that the confiscation of the lands of Ngāti Awa was contrary to the Treaty of Waitangi (Te Tiriti o Waitangi), that there was no rebellion to justify confiscation, and that confiscation as effected against Ngāti Awa appears to have been beyond the authority of the New Zealand Settlements Act 1863:
- (11) The Tribunal also found that it was contrary to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) that the return of lands and reserves was not effected by a fair and open process; that Ngāti Awa's exclusion from the lands to the west of the confiscation line was an additional retribution for their perceived rebellion; that tribal land was converted to individual shareholding and tribal authority was therefore removed and the land was exposed to alienation. The Tribunal also concluded that the claims of Ngāti Awa should be settled by the Crown through Te Runanga o Ngati Awa. While the Crown did not present evidence to the Tribunal and does not necessarily agree with all the findings made by the Waitangi Tribunal, the Crown had acknowledged that the confiscation against Ngāti Awa constituted an injustice and was therefore in breach of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi):
- (12) In the meantime, the Crown and Ngāti Awa were unable to reach agreement on the basis of the 1998 offer. The Crown made a revised settlement offer in 2000:
- (13) The Crown and Te Runanga o Ngati Awa initialled a deed on 8 July 2002. Ngāti Awa ratified the Crown's settlement offer and entered into a deed of

settlement on 27 March 2003 recording matters to give effect to a full and final settlement of all Ngāti Awa's historical claims:

*Return of Mātaatua whareniui*

- (14) In the early 1870s the people of Ngāti Awa undertook the construction at Whakatāne of a carved meeting-house, Mātaatua. Construction of Mātaatua was completed at the beginning of 1875. In 1879 Mātaatua was sent by the Crown for exhibition at the Inter-colonial Exhibition in Sydney, Australia. In 1880 the house was sent to Melbourne, then to London to be exhibited. Mātaatua returned to New Zealand in 1924 for the South Seas Exhibition in Dunedin. The Crown agreed to allow the University Museum in Otago to exhibit the meeting-house on permanent loan. Ngāti Awa has always maintained that it did not transfer title to Mātaatua and sought the return of the meeting-house to Whakatāne. In August 1996 Ngāti Awa and the Crown signed a deed of settlement to return Mātaatua to Ngāti Awa. This agreement included a Crown payment of \$2 million for the costs of transporting and establishing Mātaatua Whareniui at Whakatāne:

*Historical account*

- (15) The apology from the Crown to Ngāti Awa is based on the following historical account:

*Rohe of Ngāti Awa*

- (16) Ngāti Awa claim that prior to 1866 they exercised tino rangatiratanga as tangata whenua from time to time over their rohe including: the islands of Motiti, the Rurima group, Moutohorā (Whale Island), Paepae o Aotea (Volkner Rocks), Whakāri (White Island), Ohakana, and Uretara (both the latter 2 islands being situated in Ōhiwa Harbour); the seas from Waihi Estuary near Maketu to Ōhiwa Harbour; the land, forests, lakes, rivers, and swamps bounded to the north by the coastline from Waihi Estuary to Ōhiwa, to the west from the Waihi Estuary along the Pongakawa River to Lake Rotoehu (including the lake itself and the Rotoehu Forest), from Lake Rotoehu to Te Haehaenga, and including Lake Rotoma to the Pokohu, Tuararangaia, and Matahina lands to the south and from there to Ōhiwa Harbour:
- (17) Places of historical and cultural significance to Ngāti Awa include: the mountains called Putauaki at Kawerau (Mt Edgecumbe), Whakapaukorero at Matata and Maunga Whakamana at Te Haehaenga, the hill called Te Tiringa at Awakeri, and Koohi Point at Whakatāne; the rivers Whakatāne, Orini, Rangitaiki, Tarawera, Waitahanui, and the Waikowhewhe and Pongakawa Streams; the Rangitaiki swamp and wetlands; the forests at Rotoehu, Matahina, Kiwinui, Omataroa, Tarawera, and Manawahe; the lakes Rotoehu, Rotoma, Kawerau, Te Tahuna, Roto-Onerahi, Rotoiti Paku, Onepu, and Rotoroa; the thermal areas at Kawerau, Awakeri, Moutohorā, and Whakāri; the harbours at Ōhiwa and Whakatāne; and the estuaries at Waihi, Te Awa a Te Atua at Matata, and Whakatāne:

- (18) Ngāti Awa land and resources were held in customary tenure where tribal and hapū collective custodianship remained paramount. In the exercise of their rangatiratanga the chiefs of Ngāti Awa ensured that very little land within the Ngāti Awa rohe was permanently alienated prior to the confiscation:
- (19) Further, Ngāti Awa claim that in 1865 they were essentially autonomous, economically prosperous, and actively engaged in trade and commerce. They produced and sold commodities such as pigs, flax, vegetables, wheat, timber, and potatoes and were involved in a range of commercial activities including flour milling and merchant shipping. Ngāti Awa also used commodities such as red ochre, mutton-birds, and the resources of the sea for customary trade with other iwi:

*New Zealand Settlements Act 1863*

- (20) In 1863, the Crown enacted three important pieces of legislation, the Suppression of Rebellion Act, the New Zealand Loan Act, and the New Zealand Settlements Act, the last of which provided for the confiscation of Māori land whenever the Governor in Council was satisfied that “any native tribe, or section of tribe or any considerable number thereof”, had been engaged in rebellion against the authority of the Queen. More particularly, the Act was passed into law to provide “permanent protection and security of the well-disposed Inhabitants of both races for the prevention of future insurrection or rebellion and for the establishment and maintenance of Her Majesty’s authority in Law and Order throughout the Colony”. In order to achieve those two broad ends, the Crown proposed introducing settlers into the regions by confiscating land and allotting or selling it to military and other settlers. The returns from the sales of land to settlers were also intended to recoup the Crown’s costs of the wars against Māori:
- (21) The British Colonial Office had misgivings about the scope and application of the New Zealand Settlements Act 1863, considering it “capable of great abuse”. When initially considering the proposal to confiscate lands the Colonial Secretary cautioned the Governor to respect the lands of innocent people and tribes and to apportion the measure of punishment to the degree of guilt. When it later considered the confiscation legislation, the British Colonial Office continued to express serious reservations about the use of the Act and its duration but allowed it to remain in operation because final authority for any confiscation remained with the Governor. The Colonial Secretary instructed the Governor to withhold his consent to any confiscation which was not “just and moderate”:

*Te Kaokaoroa*

- (22) In 1864, according to the traditions of Ngāti Awa, certain hapū of Ngāti Awa, including Te Patutatahi, Ngāti Hikakino, Ngai Te Rangihouhiri II, and some members of Te Tawera and others joined a combined force of various Mātaatua and related iwi which came to be known as the Tai Rawhiti force. This force was destined for the Waikato region to lend assistance to the Waikato tribes

who were resisting the unjust invasion of their lands by Crown and colonial forces. It was prevented from travelling through the Rotorua region by a Te Arawa prohibition on armed parties moving through its territory. A number of Te Arawa iwi had sought, and gained, Crown support in this undertaking. A Tai Rawhiti party fought against various Te Arawa iwi in February 1864 at Rotoiti which resulted in loss of life. However, part of this group did proceed to Orakau, in the Waikato region:

- (23) The Tai Rawhiti force made a second attempt to break through at the Waihi estuary, Maketu, in April 1864. Certain Te Arawa iwi, supported by Crown warships and military personnel, repulsed the force. The fighting culminated in the battle of Te Kaokaoroa where Ngāti Awa, particularly Ngāti Hikakino and Ngai Te Rangihouhiri II, and allied hapū and iwi suffered numerous casualties. Several key chiefs of Ngāti Awa were among those lost:

*James Te Mautaranui Fulloon*

- (24) In late 1864, Kereopa, Horomona, and Patara, prophets of Pai Marire, arrived in the Whakatāne region and persuaded a number of Ngāti Awa to join Pai Marire. In March 1865, the Reverend Carl Volkner, a missionary living in Opo-tiki, was killed by local Māori some of whom were influenced by Pai Marire. On 6 March 1865, Ngāti Awa chiefs at Whakatāne expressed strong disapproval of the killing, but also stated that the Crown should not come through their territory while apprehending those responsible for killing Volkner. No military force was authorised by the Government to pursue Volkner's killers through Ngāti Awa territory:
- (25) In February 1865, after a series of runanga, certain chiefs of Ngāti Awa met at Whakatāne and resolved to place an aukati (customary prohibitive measure) about their territory to prevent encroachment into their rohe. Then in July 1865, following a series of hui at Tauaroa and Matata, the Pai Marire prophet Horomona and certain Ngāti Awa chiefs who supported him declared a second aukati. This aukati ran from Cape Runaway in the east to Taranaki in the west. On 19 or 20 July 1865, the *Maruiwi*, a Te Arawa trading vessel, arrived at Whakatāne. The vessel was seized for breaching the Pai Marire aukati and its crew was held at Whakatāne. On 22 July 1865, the *Kate*, carrying Crown official James Fulloon and others, arrived at Whakatāne. Fulloon, of Ngāti Awa descent, and three of the crew were killed on board by Ngāti Awa supporters of Pai Marire. Wepiha Apanui of the Whakatāne section of Ngāti Awa then arranged for the burial of his first cousin Hemi (James) Fulloon. There are various explanations for Fulloon's death; Ngāti Awa attribute Fulloon's death to his breach of the aukati. These events evoked various reactions among the hapū of Ngāti Awa:

*The warrant*

- (26) On 2 August 1865, T H Smith, as Civil Commissioner at Maketu, issued a warrant for the arrest of those persons alleged to have been responsible for killing Fulloon and others:

(27) The people who were subject to the warrant were:

Te Hura Te Taiwhakaripi	Haki Waihou
Te Pitoiwi Te Putarera	Te Hemara Tukairangi
Hakaraia Tohora	Ture Te Matutaera
Te Aka o Tau Te Hura	Paraharaha
Te Metera Te Tii	Raniera Te Werotokotoko
Hepeta Te Tai	Haki Tukino
Korimana	Eria Te Hakona
Horomona Poropiti	Heahea Te Pakihiwi
Utuku Te Rangī	Hohepa Te Ra
Te Meihana Te Tawa	Tawhaki
Te Wetini	Raureti
Tamati o Ngāti Hoko	Hunia Marupo
Mohi Te Paohi	Panapa Rangirewaia
Turiri	Hakopa Tupika
Hawera Te Hihira	Petera Moki
Te Hekara	Pakiuru
	Hohua Karipipi:

(28) In August 1865, a Crown force of some 500 men was formed. It was drawn primarily from certain neighbouring iwi and hapū, many of whom were the traditional foes of Ngāti Awa and who had been involved in the battle at Te Kaokaoroa. The Crown force, under the command of Major William Mair, Resident Magistrate, entered the rohe of Ngāti Awa to execute the arrest warrant. The purpose of this expedition was explained to Te Hura Te Taiwhakaripi, a Ngāti Awa chief, in mid-August. The Crown force was involved in skirmishes with Ngāti Awa in which some people were killed. Cattle, horses, and other Ngāti Awa property were seized and kainga, wharenuī, pataka, and waka were destroyed. This force laid siege to Ngāti Awa pā at Whakatāne, Matata, and Te Teko to which Te Hura and his force had retreated:

(29) On 2 September 1865, the Crown issued a Proclamation of Peace declaring that the war, which had begun at Oakura in Taranaki in 1863, was at an end. The Proclamation of Peace stated that those who had been in arms against the Crown would not be prosecuted for past offences, but excluded those responsible for the killing of Fulloon. The Proclamation stated that if those responsible for the killing of Fulloon were not given up to the Governor then the Crown would take parts of the lands of those tribes who concealed the murderers. It also called for Māori assistance in stopping all future acts of violence and declared an intention to consult with the great Chiefs about the best means for Māori to be represented in the General Assembly so that they could help make the laws they were called on to obey:

- (30) On 4 September 1865, the Governor issued a proclamation of martial law in the areas of Whakatāne and Opotiki to enable the capture of those accused of the murder of Fulloon and others through the use of military force and to enable them to be tried by court martial. Martial law was to operate in the areas from that time until duly revoked and the proclamation implied that the Crown forces could act as a military force. Both these proclamations appeared in the *New Zealand Gazette* on 5 September 1865. It is unclear, however, when Ngāti Awa became aware of these proclamations:

*Te Kupenga*

- (31) There was an increase in Crown military activity at the end of September. This culminated in 3 days of fighting at Te Kupenga Pā, Te Teko. Eventually, on 20 October 1865, those Ngāti Awa hapū under the leadership of Te Hura Te Taiwhakaripi surrendered at Te Kupenga. They included Te Tawera, Warahoe, Ngai Te Rangihouhiri II, Te Patutatahi, Ngāti Hikakino, and others. Over 30 men, including most of those Ngāti Awa named in the warrant and some others, were placed under arrest and transported to Opotiki for trial by courts martial in November 1865 for the killing of Fulloon and other charges. The courts martial found many of the accused guilty and sentenced them to death:

*Trials*

- (32) On 23 December 1865 James Prendergast, the Attorney-General, provided an opinion on the trial by court martial of the prisoners taken at Opotiki. Prendergast determined that martial law was “in no way recognised by the law”. As a consequence the Governor then ordered that the Ngāti Awa accused be transported to Auckland to be tried again, this time before the Supreme Court for murder and other charges. The 35 Ngāti Awa accused were all represented by a single legal counsel:
- (33) The following men were charged with piracy and the murders of Fulloon and seaman Ned on board the *Kate*: Mikaere Kirimangu, Te Hekara, Himone te Auru, Paraharaha, Hoani Poururu, Hoani Hupe, Utuku te Rangi, Te Aka o Tau te Hura, Hunia Marupo, Haki Waihou, Haki Tukino, Tamati o Ngāti Hoko, Tio Wahu, Hawera te Hihira, Heahea te Pakihiwi, and Raniera te Werotokotoko. Three of these men were found innocent on the piracy charge but all were found guilty of murder. Ten other men were charged with being accessories before the fact to the murders. They were Te Hura Te Tai, Te Pitoiwi Te Putarera, Hepeta Te Tai, Horomona Poropiti, Mohi Te Paohi, Te Hemara, Hakaraia Tohora, Te Uwhi Te Haraki, Kereama Toitoi, and Ture Te Matutaera. Six men were also charged with receiving stolen goods from the *Kate*. By 23 March 1866, all those tried before the Court were found guilty on at least 1 charge and were sentenced to execution or imprisonment. Mikaere Kirimangu and Horomona Poropiti (Taranaki) were executed for the murder of Fulloon on 17 May 1866. Eleven of the men sentenced to death had their sentences commuted to life imprisonment and the other death sentences were commuted to between 4 and 14 years’ penal servitude. Those charged with receiving stolen goods were

sentenced to 3 years' hard labour. In 1867 and 1868 pardons were issued to some of these men but most served out their terms. Three men died while in prison, namely Tamati o Ngāti Hoko (1 August 1866), Hepeta Te Tai (26 November 1866), and Paraharaha (18 December 1866). Those who died in prison were interred without ceremony in the prison grounds. After regular requests over the generations their remains were released for reinterment with their families in 1988:

- (34) Ngāti Awa say that many of those who were eventually released were unable to return to their homes in Whakatāne and Matata because of the shame they felt as a consequence of their imprisonment and the confiscation. They lived in the King Country with Te Kooti Rikirangi under the protection of Ngāti Maniapoto. Most of them died and were buried outside of the rohe of Ngāti Awa but were eventually exhumed and reinterred at Ohuirehe Urupa near Whakatāne by Te Kooti Rikirangi and his followers in 1885:

#### *Confiscation*

- (35) By Orders in Council on 17 January and 1 September 1866, approximately 448 000 acres of land was proclaimed to be confiscated under the New Zealand Settlements Act 1863 as a consequence of Bay of Plenty tribes being deemed by the Crown to have been in rebellion. The Act did not mention punishment but was punitive in nature:
- (36) The boundaries of the confiscated area were:
- “All that land bounded by a line commencing at the mouth of the Waitahanui River, Bay of Plenty, and running due south for a distance of 20 miles; then to the summit of (Mt Edgecombe) Putanaki [sic], thence by a straight line in an easterly direction to a point 11 miles due south from the entrance to the Ōhiwa Harbour, thence by a line running due east for 25 miles; thence by a line to the mouth of the Aparapara [sic] River and thence following the coastline to the point of commencement at Waitahanui”.*
- (37) Within the area covered by the proclamation Ngāti Awa had approximately 245 000 acres of its land confiscated in 1866. This was indiscriminate in that the lands taken greatly exceeded the minimum necessary for achieving the purposes of the New Zealand Settlements Act:
- (38) The confiscation of land affected all Ngāti Awa hapū, including many hapū who had never been engaged in any conflict with the Crown. The result was that all of the hapū of Ngāti Awa then had to go through the Compensation Court and other processes to seek the return of their land:

#### *Wilson's arrangements and the Compensation Court*

- (39) In February 1866, prior to the sitting of the Compensation Court, the Crown appointed a special commissioner, John A Wilson, to deal with the allocation of confiscated lands in the Bay of Plenty. Wilson was involved in making arrangements with various hapū for the return of land. Military awards for services rendered were made to certain Te Arawa iwi and other tribes from the

87 000 acre blocks west of the Tarawera River, which included the bulk of the area Ngāti Awa claim as their western rohe (other iwi also claim an interest in this area). By 1885 the Crown had purchased most of this land. Wilson's arrangements provided for the return of approximately 77 000 acres awarded to Ngāti Awa individuals in the form of reserves. This land was part of the 245 000 acres originally confiscated from the iwi in 1866:

- (40) Wilson's activities were carried out under the provisions of the New Zealand Settlements Act 1863 and its amendments. In order to validate his arrangements, the Crown then enacted further legislation including the Confiscated Lands Act 1867, the Richmond Land Sales Act 1870, the Whakatāne Grants Validation Act 1878, and the Native Land Claims and Boundaries Adjustments and Titles Empowering Act 1894:
- (41) The Compensation Court was established by the New Zealand Settlements Act 1863 to compensate anyone who had suffered land confiscation when they had not been in "rebellion". The Court began its hearings in the region in March 1867. The presiding judges were William Mair and Thomas Smith, both of whom played important roles in either leading or directing the Crown's expeditionary force prior to confiscation. In many cases, the Court validated Wilson's arrangements as out of court settlements:
- (42) Those Ngāti Awa not wishing to settle with Wilson filed claims with the Court but those who could not attend the Court to pursue their claims, especially those who had been imprisoned in 1866, were inevitably excluded. In several cases non-attendance at court hearings was due to inadequate notice, the inability of claimants to attend and hearings being held outside of the rohe of Ngāti Awa:
- (43) Although Māori claimants were required to comply with Compensation Court processes or be excluded, in 1866 Parliament retrospectively declared the Court's own actions and proceedings to be valid and beyond judicial scrutiny, even if statutory requirements had not been met:
- (44) Ngāti Awa were subsequently excluded by the compensation process from those blocks falling within the confiscation line and the western part of the Ngāti Awa rohe, namely Matata Lots 31, 39, and 63. These lands comprised an area in excess of 50 000 acres and made up the bulk of the western rohe claimed by Ngāti Awa. In the case of Matata Lot 63 Ngāti Awa witnesses gave a large amount of evidence and were supported by members of certain Te Arawa iwi. Despite this, the Court awarded this lot to another iwi who had given military service to the Crown. There was no provision for appeal from the decisions of the Court:
- (45) The compensation process and its outcomes added to the upheaval and distress of the people of Ngāti Awa about the confiscation. There was uncertainty about who was entitled to claim compensation from the Court. It often took up to 10 years before a Crown grant was issued for the land returned. Some hapū received land that was previously occupied by other hapū and the Whakatāne

section of Ngāti Awa also had to accept members of other hapū onto their lands, including those from the Matata region who had been more directly involved in the battles of 1864 and 1865. A large proportion of the land that Wilson had arranged for return was mountainous, barren country. Once land was restored either through Wilson's arrangements or the Compensation Court process, it was returned to individuals rather than to the hapū and iwi. The awards did not reflect customary forms of land tenure and the land became more susceptible to sale:

- (46) In future years Ngāti Awa's interests in the blocks to the west of the confiscation line were not recognised in the awards of the Native Land Court. Ngāti Awa consider that, because of the events of 1865 to 1867, including the determinations of the Compensation Court, they were prejudiced in later Native Land Court cases involving these blocks:

*The operations of the native land laws, subsequent purchases, and other alienations*

- (47) The Native Land Court was established under the Native Land Acts of 1862 and 1865 to determine the owners of Māori land "according to Native Custom" and to convert customary title into title derived from the Crown. The Crown's pre-emptive right of land purchase was also set aside, enabling Māori to lease and sell their lands with few restrictions. As was often the case in the 1860s, there was limited consultation concerning this legislation, and the Crown did not specifically consult Ngāti Awa. Māori had no direct representation in Parliament at this time. Ngāti Awa therefore considers that this change in the land tenure system was imposed on them:
- (48) In the 1870s Crown land purchase agents were instructed to purchase land in the Rangitaiki area and sometimes negotiated leases and deeds of transfer prior to the land being taken to the Native Land Court for title investigation. During the 1870s, 1880s, and 1890s Ngāti Awa made claims to lands south of the confiscation line. Their claims to Ruatoki and Kaingaroa blocks were not upheld by the Court. The Native Land Court awarded Ngāti Awa hapū interests in the Pokohu, Putauaki, Matahina, Waiohau, and Tuararangaia blocks over this period. In most cases the Court also awarded parts of these land blocks, regarded by Ngāti Awa as theirs, to other iwi. The Crown later ordered rehearings into some of the blocks by way of legislation. As a result, Ngāti Awa lost some of the land they had originally been awarded at Pokohu and Matahina:
- (49) The Court awarded Ngāti Awa approximately 79 000 acres in the Matahina block after a title investigation hearing in 1881. A rehearing was held in 1884 and Ngāti Awa were awarded a reduced area of approximately 74 300 acres. An area of 8 500 acres of this was immediately taken by the Crown in payment of a survey lien. Native Land Court awards were made in the names of individuals and while Ngāti Awa managed to retain most of the land awarded to them for some time, the process of individualising and partitioning of interests accelerated in the 20th century. This resulted in substantial fragmentation and as a consequence many private sales occurred throughout the late 19th and

early 20th centuries. By 1980 Ngāti Awa's interests in the Matahina block had been reduced to 240 acres in Matahina A1D1. Ngāti Awa consider the loss of this block a significant grievance, which is encapsulated in the waiata *Tangi mo Matahina*:

- (50) Putauaki is the tipuna maunga of all Ngāti Awa. Putauaki was bisected by the confiscation boundary and, consequently, the northern portion of the maunga was awarded to Te Pahipoto and Nga Maihi by the Compensation Court in 1867. The southern portion of the maunga was within the Putauaki block. An agreement for the sale of the block, subject to conditions, was arranged between Crown purchase agents and some Ngāti Awa in 1879 but title to the block was not investigated by the Native Land Court until 1881. The Court awarded the block to Ngāti Awa and the iwi requested the land be made inalienable. Ten days later, however, on a request from 2 Ngāti Awa chiefs, Rangitukehu and Penetito, the Court divided the block into 3 parts. The largest block was vested in 15 individuals and immediately sold to the Crown. Within days, 27 Ngāti Awa men, women, and children petitioned the Native Minister protesting the alienation of the block. Those involved in the sale later requested that the Crown return this and other blocks in exchange for a refund of the purchase money but the Crown did not agree. The remainder of the block, which included the maunga, was awarded to various individuals of Ngāti Awa and other iwi and ceased to be a tribal asset as a consequence of this process of individualisation. Ngāti Awa consider the alienation of Putauaki through various processes in the 19th and 20th centuries to be a significant grievance:
- (51) Ngāti Awa also lost land through acquisitions under public works legislation in the 20th century, including blocks in the Rangitaiki, Poroporo-Rewatu, Matahina, Whakatāne, and Matata areas. There were urupa, other wāhi tapu, and papakainga on some of the lands taken:
- (52) Ngāti Awa have sought justice for the wrongs inflicted on the iwi by the Crown since 1867. Numerous petitions were sent to the Crown relating to the confiscations, imprisonments, and the loss of land over many generations. Ngāti Awa's case was heard before the Sim Commission in 1927 but the Commission did not find in favour of the general Ngāti Awa claim. The Commission did, however, find that Ngai Te Rangihouhiri II and Ngāti Hikakino had been granted only a small area of land. This was later depleted by a taking under public works legislation and as a result these hapū were left with poor quality land which was insufficient to support them. The Commission recommended the award of some land at Matata, but this never eventuated:
- (53) As a result of the recommendations of the Sim Commission other iwi had annuities paid to them by the Crown, and Trust Boards were established for some raupatu iwi, but not for Ngāti Awa.

**1 Title**

This Act is the Ngāti Awa Claims Settlement Act 2005.

**2 Commencement**

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

**Part 1****Acknowledgements and apology by the Crown to Ngāti Awa, and preliminary provisions****3 Purpose**

The purpose of this Act is to—

- (a) record the acknowledgements and apology given by the Crown to Ngāti Awa in the Ngāti Awa deed of settlement dated 27 March 2003 and signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and by Dr Sidney Moko Mead, John Mahiti Wilson, Bernard Paul Quinn, Joseph Mason, and Pouroto Nicholas Hamilton Ngaropo for Ngāti Awa; and
- (b) give effect to certain provisions of—
  - (i) the Ngāti Awa deed of settlement, which is a deed that settles the Ngāti Awa historical claims; and
  - (ii) the ancillary deeds of settlement, which are deeds that settle the ancillary claims.

**4 Act binds the Crown**

This Act binds the Crown.

**5 Outline**

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

- (a) the effect of the settlements on the jurisdiction of a court, tribunal, or other judicial body to consider the Ngāti Awa historical claims and the ancillary claims; and
  - (b) consequential amendments to the Treaty of Waitangi Act 1975; and
  - (c) the effect of the settlement of the Ngāti Awa historical claims on certain resumptive memorials; and
  - (d) miscellaneous matters relating to the settlement of the Ngāti Awa historical claims and the ancillary claims, such as the exclusion of the limit on the duration of a trust and the timing of actions and matters provided for in the Act.
- (5) Part 4 deals with cultural redress in relation to the Ngāti Awa historical claims, and includes provisions relating to the following matters:
- (a) the issue of protocols to the Ngāti Awa governance entity by the Minister of Conservation, the Minister of Fisheries, and the Minister for Arts, Culture, and Heritage; and
  - (b) the vesting in the Ngāti Awa governance entity of the fee simple estate in 7 cultural redress properties; and
  - (c) an acknowledgement by the Crown of the statements made by Ngāti Awa of their cultural, spiritual, historical, and traditional association with certain statutory areas, with provision for entering into deeds of recognition in relation to certain statutory areas, together with provisions as to the effect of these instruments; and
  - (d) the establishment of a joint advisory committee to perform specified functions in relation to certain cultural redress properties and retained sites; and
  - (e) the establishment of a joint management committee to perform specified functions in relation to 3 reserves; and
  - (f) the grant of renewable Nohoanga entitlements over certain Nohoanga sites; and
  - (g) the change of a place name and assignment of place names to specified locations; and
  - (h) the preferential right to purchase authorisations if the Minister of Conservation offers, by public tender and Part 7 of the Resource Management Act 1991, authorisations for specified areas.
- (6) Part 5 contains provisions relating to the transfer of commercial redress properties and related matters.
- (7) Part 6 relates to Awanuiārangi II title. It provides that Ngāti Awa may hold land in the name of Ngāti Awa's eponymous ancestor, Awanuiārangi II, and may declare settlement properties held under Awanuiārangi II titled as protected land.

- (8) Part 7 deals with the settlement of 3 ancillary claims, and includes provisions vesting the fee simple estate in—
- (a) Pukaahu, in the Pukaahu governance entity; and
  - (b) the Rangitaiki 60C settlement land, in the Rangitaiki 60C governance entity; and
  - (c) the Waiohau settlement land, in the Waiohau governance entity.
- (9) There are 16 schedules that—
- (a) describe the cultural redress properties:
  - (b) describe the Nohoanga sites:
  - (c) describe the areas over which statutory acknowledgements are made, and set out the texts of Ngāti Awa’s statement of association with the areas:
  - (d) list place names to be altered and a place name to be assigned:
  - (e) describe Pukaahu, the Rangitaiki 60C settlement land, and the Waiohau settlement land for the purposes of the ancillary claims.

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

## 6 Acknowledgements and apology

Sections 7 to 10 record the acknowledgements and apology based on these acknowledgements given by the Crown to Ngāti Awa in the Ngāti Awa deed of settlement.

## 7 Text of acknowledgements in Māori—He Whakaaetanga na te Karauna

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

- (1) E whakaae ana te Karauna, mai i te tau 1867, kua whai a Ngāti Awa i te tika mō ana whakamau ki te Karauna e mea ana, ahakoa ētahi mahi pai āna i te rau tau rua tekau, kāore i tōtika te mahi a te Karauna ki te whakatika i ngā whakamau a Ngāti Awa. Nā reira e whakaae ana te Karauna i konei ki te tika o ngā kerēme wā roa a Ngāti Awa, ā, e whai iho nei te roanga atu o te whakaaetanga.
- (2) E whakaae ana te Karauna:
  - (a) i mate ētahi o Ngāti Awa, i wāwāhia ngā rawa o Ngāti Awa i te wā e rapu ana te ope taua a te Karauna i te hunga nā rātou a Fulloon i kōhuru; a
  - (b) mō te pōuri i tau ki runga i a Ngāti Awa e pā ana ki te hopukanga, te whakawāhanga, te mauhereheretanga me te whakamatanga o ngā kai-ārahi o ngā hapū o Ngāti Awa; a
  - (c) mō te mea i tanumia ngā tūpāpaku o Ngāti Awa i mate ki roto i te whare herehere i runga i te tikanga kore, i roto tonu i ngā poupou o te whare

herehere, ā, kia taka ki te tau 1988, kātahi anō ka whakahokia rātou ki roto i ngā ringaringa o ō rātou whanaunga; a

(d) mō te pā mai o te kino ki runga ki te anga hapori, te mana me te rangatiratanga o aua hapū i riro ō rātou whenua, ō rātou rangatira.

(3) E whakaae ana te Karauna:

(a) i hē te uta i ngā kupu “tangata hara” ki runga i te iwi o Ngāti Awa, ka mutu e kore e taea te kī i te whana rātou; a

(b) i tangohia ngā whenua me ngā rawa o Ngāti Awa, i tangohia anō hoki ko te rangatiratanga o te iwi ki runga i aua mea; a

(c) nā runga i te raupatu o ngā whenua o Ngāti Awa, i tino kaha te paheketanga o te orange, te ōhanga me te whanaketanga o te iwi, ā, tāpae atu ko te rironga atu o ngā wāhi tapu, me te āheinga ki ngā rawa me ngā tuwheratanga ki te whanaketanga; a

(d) i hē tana raupatu i ngā whenua o Ngāti Awa, he mahi mōrikarika, he takahitanga hoki i Te Tiriti o Waitangi me ōna mātāpono, ā, kīia ai e Ngāti Awa “he mahi pokanoa” tēnei.

(4) E whakaae ana te Karauna:

(a) nā te raupatu, i puta ko te whakatoihara, ā, nā ngā tūpuhitanga o Te Kōti Utunga kātahi ka hē rawa atu; a

(b) i tukuna e Te Kōti Utunga ngā whenua ki ngā tāngata takitahi, āpa te iwi, te hapū rānei, waihoki, ehara tēnei i te whai i ngā tikanga tūturu mō te tiaki whenua. He mea uta kē ēnei tikanga ki runga i a Ngāti Awa, kāore i whāia ko ngā whakaaro ake o te iwi; a

(c) he maha ngā wā, ko tā Te Kōti Utunga he whakamana noa i ngā whakaritenga o mua noa atu a tētahi āpiha Karauna e pā ana ki te tuku haere i te whenua i tēnei takiwā; a

(d) he mahi pokanoa noa iho te raupatu haere i ngā whenua, nā te kore whakahoki ōna i ngā whenua katoa ki ērā i noho ki a ia; a

(e) nā te hē o te hātepe utunga arā, te nekehanga o ngā hapū o Ngāti Awa, mai i ngā whenua kua roa kē e nōhia ana e rātou, ki ērā whenua o hapū kē, i kaha ake ai te raruraru i waenganui i ngā hapū; a

(f) i tohaina ētahi o ngā whenua o Ngāti Awa, tae rawa ki ōna wāhi tapu, ki ētahi atu iwi, me te mea, rite tonu te wehea mai o aua whenua whai muri tata iho o te whiwhinga; a

(g) nā ēnei mahi i ngoikore haere ngā tikanga tangata mai rā anō, tae rawa ki te mana me te rangatiratanga o Ngāti Awa. Kāore i tutuki e te Karauna tōna kawenga ki te ārai i a Ngāti Awa i ngā hua kino o ēnei mahi, he takahitanga tēnei o Te Tiriti o Waitangi me ōna mātāpono.

(5) E whakaae ana te Karauna:

- (a) whai muri iho o te takahanga o ngā taitara whenua ki raro i ngā ture whenua Māori, i topea anō ngā pānga whenua o Ngāti Awa, me kī ngā whenua i whakahokia mai i muri o te raupatu, me ērā whenua i waho atu o ngā whenua i raupatutia, mā; a
- (i) te tango whenua hei utu mō ngā mahi rūri whenua; a
- (ii) ngā hoko whenua a te Karauna, me ētahi atu momo hoko whenua; a
- (b) nā te whakamahia me te whakapā o ngā ture whenua Māori, arā, te tuku whenua ki ngā tāngata takitahi o Ngāti Awa, āpā ki te iwi, te hapū rānei, i noho wātea te whenua ki ngā mahi tauwehe, wāwāhi, hoko hoki. Nā tēnei mahi i kaha ake te paheketanga o ngā tikanga a Ngāti Awa, he tika nga i takea mai i te kotahitanga ā-hapū, ā-iwi hoki mō te tiaki i te whenua. Kāore i āta tiakina aua hanga e te Karauna. Ko te otinga atu, ko te paheketanga o Ngāti Awa, me te takahitanga o Te Tiriti o Waitangi me ōna mātāpono.
- (6) E whakaae ana te Karauna i riro anō i a ia ētahi whenua o Ngāti Awa mā ngā ture hanga tūmatanui, e aha ai, e tarea ai e ia te tango whenua ki te kore e taea he whakaritenga.
- (7) E whakaae ana te Karauna ki te hui katoahia ngā mahi me ngā mea kāore i mahia e te Karauna, me kī tana kore tiaki i ngā pānga a Ngāti Awa i roto i ngā whenua e hiahia ana ia ki te pupuri, kua kite tātou, i tata te noho a Ngāti Awa hei iwi whenua kore. He takahitanga o Te Tiriti o Waitangi me ōna mātāpono te mahi a te Karauna i tana kore ngana kia rahi te whenua ka noho kei ngā ringaringa o Ngāti Awa e ea ai ōna wawata mō ēnei rā, mō ngā rā kei te tū.
- (8) E whakaae ana te Karauna:
- (a) he wāhi nui ngā whenua me ngā rawa i tangohia i a Ngāti Awa, i roto i te oranga me te whanaketanga o tēnei whenua, i te wā e noho whenua kore ana, e kore e āhei ana a Ngāti Awa ki ngā painga mai i aua whenua me aua rawa. Nā tēnei kore mana, kua raruraru a Ngāti Awa me tana whanaketanga taha ōhanga, taha hapori, taha tikanga hoki. Kua raruraru hoki a Ngāti Awa i te kore tarea e ia te uhi i tōna mana ki runga i ōna taonga, i ōna wāhi tapu, me te whakapūmau i ngā hononga wairua ki aua whenua tuku iho; a
- (b) E aronui ana, e mihi ana te Karauna ki te wāhi ki a Ngāti Awa i roto i ngā whawhai mō te whenua nei, i roto hoki i ngā pakanga o Niu Tīreni ki tāwāhi; a
- (c) E whakaaturia ana e ngā kupu o te waiata a Ngāti Awa e whai iho nei, ngā mamaetanga me ngā taumahatanga i pā mai i ngā mahi a te Karauna; a Ka noho pani nei. I pani ki te whenua, I pani ki te tangata. Au tangi kau iho i te pō, Ka whakatū ki hea te aroha?

## **8 Text of acknowledgements in English**

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

- (1) The Crown acknowledges that Ngāti Awa have sought redress since 1867, that despite previous efforts made in the 20th century it has failed to deal with the grievances of Ngāti Awa in an appropriate way, and that recognition of these grievances is long overdue. The Crown hereby recognises the legitimacy of the Ngāti Awa historical claims and makes the following acknowledgements.
- (2) The Crown acknowledges:
  - (a) that Ngāti Awa suffered loss of life and destruction of property during the Crown's expedition to arrest those involved in the murders of Full-oon and others; and
  - (b) the sense of grievance suffered by Ngāti Awa in relation to the arrests, trials, imprisonment, and execution of leaders of Ngāti Awa hapū; and
  - (c) that the remains of the Ngāti Awa men who died in prison were interred without ceremony within the prison walls and were not returned to their whānau until 1988; and
  - (d) the destructive effect of these events on the social structure, mana, and rangatiratanga of the hapū involved who were rendered both landless and leaderless.
- (3) The Crown acknowledges that:
  - (a) Ngāti Awa as an iwi were not in rebellion and were unfairly labelled as “rebels” and “tangata hara”; and
  - (b) Ngāti Awa were deprived of tribal land and resources within the confiscation area and were unable to exercise rangatiratanga over them; and
  - (c) the confiscation of Ngāti Awa tribal land had a devastating effect on the welfare, economy, and development of Ngāti Awa and deprived the iwi of its many wāhi tapu, access to its natural resources, and opportunities for development; and
  - (d) its confiscation of Ngāti Awa land was unjust, unconscionable, and a breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles, and was described by Ngāti Awa as “he mahi pokanoa—an act without reason”.
- (4) The Crown acknowledges that:
  - (a) the prejudice created by the confiscation was compounded by inadequacies in the Compensation Court; and
  - (b) the Compensation Court awarded land to individuals rather than iwi or hapū, which was not consistent with customary tenure. This system was imposed on Ngāti Awa and their views were not sought; and

- (c) in many cases the Compensation Court validated prior arrangements made by a Crown official regarding the distribution of land in this area; and
  - (d) the confiscations were indiscriminate because of the Court's failure to return land in full to those considered to be loyal; and
  - (e) the compensation process relocated Ngāti Awa hapū from land they had traditionally occupied and cultivated, to land that belonged to other Ngāti Awa hapū which further exacerbated traditional tensions between those hapū; and
  - (f) Ngāti Awa land, including wāhi tapu, was awarded to other iwi who then frequently alienated those lands soon after; and
  - (g) these actions eroded the traditional social structures, mana, and rangatiratanga of Ngāti Awa. The Crown failed to adequately protect Ngāti Awa from the impact of these actions, and this was a breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.
- (5) The Crown acknowledges that:
- (a) following the vesting of title under native land laws, Ngāti Awa land holdings, comprising land returned after the confiscation and land outside the confiscation boundaries, were further reduced by:
    - (i) the taking of land for payment of survey liens; and
    - (ii) Crown purchases and other sales; and
  - (b) the operation and impact of the native land laws, in particular the awarding of land to individual Ngāti Awa rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the further erosion of the traditional tribal structures of Ngāti Awa which were based on collective tribal and hapū custodianship of land. The Crown failed to take steps to adequately protect those structures. This had a prejudicial effect on Ngāti Awa, and was a breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.
- (6) The Crown acknowledges that land was also acquired from Ngāti Awa under public works legislation that allowed for the compulsory taking of land if agreement could not be reached.
- (7) The Crown acknowledges that the cumulative effect of the Crown's actions and omissions, particularly its failure to actively protect Ngāti Awa interests in the land Ngāti Awa wished to retain, left Ngāti Awa virtually landless. The Crown's failure to ensure that Ngāti Awa were left with sufficient land for their present and future needs was a breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.
- (8) The Crown acknowledges that:
- (a) the ancestral lands and resources alienated from Ngāti Awa have made a significant contribution to the wealth and development of the nation,

whilst Ngāti Awa has been alienated from and deprived of the benefits of those lands and resources. This loss of control over land has prejudiced Ngāti Awa and hindered its economic, social, and cultural development. It has also impeded the ability of Ngāti Awa to exercise control over its taonga and wāhi tapu and to maintain and foster spiritual connections with those ancestral lands; and

- (b) the Crown also acknowledges, and pays tribute to, the contribution that Ngāti Awa has made to the defence of the nation in New Zealand's war efforts overseas; and
- (c) the suffering and hardship resulting from the Crown's actions is described by Ngāti Awa in the following waiata:

Here I live as an orphan, an orphan upon the land, an orphan among the people.  
At night I weep helplessly, for where is hospitality to be given?

#### **9 Text of apology in Māori—Ko te Whakapāha a te Karauna**

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

- (1) Ke tuku whakapaha okawa te Karauna ki a Ngāti Awa, e penei ana.
- (2) E aro nui ana te Karauna ki ngā tonono me ngā akiakinga a ngā tīpuna o Ngāti Awa i a rātou i rapu i te utu, i te tika, me te whakaea i roto i ngā tau e 130 kua pahure, mō ngā mahi a te Karauna, ā, i konei ka tuku whakapāha te Karauna ki a rātou, ki ō rātou uri me ngā uri o ngā hapū o Ngāti Awa whānui.
- (3) E tino pōuri ana, e whakapāha noa ana te Karauna mō ana takatakahi i Te Tiriti o Waitangi me ōna mātāpono, i whakahuatia i runga ake nei.
- (4) E tino pōuri ana, e whakapāha noa ana te Karauna mō tana raupatu i ngā whenua o Ngāti Awa, he mahi mōrikarika.
- (5) Ko te mea nui, e tino pōuri ana, e tino whakapāha ana te Karauna mō tana raupatu i ngā whenua o Ngāti Awa, tae rawa ki ngā putanga o ana mahi i tau ki runga i ngā whakatipuranga, ko te otinga atu o aua mahi, kua noho āhua whenua kore a Ngāti Awa, kua turakina ngā hanganga taha hāpori, taha tikanga tuku iho, kua takahia te tino rangatiratanga o ngā hapū o Ngāti Awa.
- (6) E tino pōuri ana, e tino whakapāha ana te Karauna i te mea kua kotahi rau tau e mau ana te kōrero ki runga i a Ngāti Awa iwi, he “tangata hara” rātou; nā ēnei āhuatanga te mana o te iwi i hahau.
- (7) E tino pōuri ana, e tino whakapāha ana te Karauna mō ngā rerekētanga me ngā paheketanga i pā kino mai ki te ora, ki te taha ōhanga me te pakari o te tū a Ngāti Awa hei iwi.
- (8) E tino pōuri ana, e tino whakapāha ana te Karauna i tana kore aro atu ki te mana me te rangatiratanga o Ngāti Awa.
- (9) Na reira, i runga i ngā kupu o te whakapāha nei, e rapu ana te Karauna kia ea ēnei mahi hē āna, kia tīmata ngā mahi whakaora; i tua atu, ko tōna hiahia, ki te

hanga whakapakari i tētahi hononga e takea mai ana i runga i te wairua whaka-whirinaki, tētahi ki tētahi, me te wairua mahi tahi me Ngāti Awa.

## **10 Text of apology in English**

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

- (1) The Crown formally apologises to Ngāti Awa as set out in subsections (2) to (9).
- (2) The Crown recognises the efforts and struggles of the ancestors of Ngāti Awa in pursuit of their claims for redress, justice, and compensation against the Crown for over 130 years, and makes this apology to them, their descendants, and nga uri o nga hapū o Ngāti Awa whanui.
- (3) The Crown profoundly regrets and apologises unreservedly for the breaches of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles acknowledged above.
- (4) The Crown profoundly regrets and unreservedly apologises for the confiscation of Ngāti Awa lands which was unconscionable.
- (5) The Crown profoundly regrets and unreservedly apologises for the cumulative effect of its actions over the generations which has left Ngāti Awa virtually landless, and which has undermined the social and traditional structures and autonomy of Ngāti Awa hapū.
- (6) The Crown regrets that Ngāti Awa as an iwi have borne the century old stigma of being labelled 'rebels' and 'tangata hara' and that this has damaged the self-esteem of the people.
- (7) The Crown profoundly regrets and unreservedly apologises for the destructive impact and demoralising effects of its actions which have caused significant damage to the welfare, economy, and development of Ngāti Awa as an iwi.
- (8) The Crown profoundly regrets its failure to acknowledge the mana and rangatiratanga of Ngāti Awa.
- (9) Accordingly, with this apology, the Crown seeks to atone for these wrongs and begin the process of healing and looks forward to building a relationship of mutual trust and co-operation with Ngāti Awa.

## **Part 2 Interpretation**

### **11 Interpretation of Act generally**

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

## 12 Interpretation

In this Act, unless the context otherwise requires,—

**ancillary claims** and **ancillary deeds of settlement** have the meanings set out in section 161

**archaeological site** has the meaning given by 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) Saturday, Sunday, Good Friday, Easter Monday, ANZAC Day, the Sovereign's birthday, Labour Day, and Waitangi Day; and
- (b) a day in the period commencing with 25 December in a 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 Wellington and Auckland

**commercial redress property** means a property described in attachments 8.1 and 8.2 of the Ngāti Awa deed of settlement

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

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

**conservation document** means a conservation management plan

**conservation management plan** has the meaning given by section 2(1) of the Conservation Act 1987

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

**Crown entity** has the meaning given by section 2(1) of the Public Finance Act 1989

**Crown forestry licence** has the same meaning as in section 2(1) of the Crown Forest Assets Act 1989

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

**deed of recognition** means a deed of recognition entered into by the Crown and the Ngāti Awa governance entity under section 48

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

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

- (a) sets out how the Department of Conservation will interact with the Ngāti Awa governance entity on the matters specified in the protocol; and

- (b) provides for Ngāti Awa's input into processes of the department in relation to the matters specified in the protocol; and
- (c) is in the form set out in schedule 5.21 of the Ngāti Awa deed of settlement

**DOC protocol area** means the area shown on the map attached to the DOC protocol, together with the adjacent waters and offshore islands to the extent that they are administered by the Department of Conservation

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

**encumbrance**, except in sections 127, 129, and 130, means—

- (a) a tenancy, lease, licence, licence to occupy, easement, covenant, or other third party right,—
  - (i) whether registered or unregistered, that affects a cultural redress property listed in column 3 of Schedule 1; or
  - (ii) that affects a commercial redress property and is part of the description of the commercial redress property in attachments 8.1 and 8.2 of the deed of settlement; or
- (b) in the case of the Ōhope Beach Holiday Park land, the existing leases referred to in section 152(7)

**fisheries legislation** means—

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

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

- (a) sets out how the Ministry of Fisheries will interact with the Ngāti Awa governance entity on the matters specified in the protocol; and
- (b) provides for Ngāti Awa's input into the processes of that Ministry in relation to the matters specified in that protocol; and
- (c) is in the form set out in schedule 5.22 of the Ngāti Awa deed of settlement

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

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

**licensee**, in relation to a Crown forestry licence, means the holder of the licence

**local authority** has the meaning given by section 2(1) of the Resource Management Act 1991

**management plan**, in relation to a national park, has the same meaning as in section 2 of the National Parks Act 1980

**member of Ngāti Awa** means every individual referred to in section 13(1)

**New Zealand Conservation Authority** has the meaning given by section 2(1) of the Conservation Act 1987

**Ngāti Awa** and **Ngāti Awa tipuna** have the meanings set out in section 13

**Ngāti Awa area of interest** has the meaning set out in section 13

**Ngāti Awa deed of settlement and deed**—

- (a) means the Ngāti Awa deed of settlement dated 27 March 2003 signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and by Dr Sidney Moko Mead, John Mahiti Wilson, Bernard Paul Quinn, Joseph Mason, and Pouroto Nicholas Hamilton Ngaropo for Ngāti Awa; and
- (b) includes—
  - (i) the schedules of the deed; and
  - (ii) any amendments to the deed or to the attachments to the schedules

**Ngāti Awa governance entity** means Te Runanga o Ngati Awa established by section 5 of Te Runanga o Ngati Awa Act 2005

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

**offshore islands**—

- (a) means the following islands situated in the Bay of Plenty:
  - (i) Motiti Island;
  - (ii) Tokata Island;
  - (iii) Rurima Island;
  - (iv) Moutoki Island;
  - (v) Moutohorā (Whale Island);
  - (vi) Whakāri (White) Island;
  - (vii) Te Paepae o Aotea (formerly Volkner Rocks); and
- (b) includes any islands, islets, or rocks adjacent to those islands

**other claimants** means, in subparts 4 and 5 of Part 4, a group of individuals, or their governance entity, who have entered into a deed of settlement with the Crown to settle claims made by the group of a kind described in clause 1.3.1(a) of the Ngāti Awa deed of settlement

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

- (a) sets out how the Ministry for Culture and Heritage will interact with the Ngāti Awa governance entity on the matters specified in the protocol; and

- (b) provides for Ngāti Awa's input into the processes of the Ministry in relation to the matters specified in the protocol; and
- (c) is in the form set out in Schedule 5.23 of the Ngāti Awa deed of settlement

**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

**Pukaahu** has the meaning set out in section 161

**Pukaahu claimants** has the meaning set out in section 163(1)

**Pukaahu governance entity** has the meaning set out in section 161

**Pukaahu historical claims** has the meaning set out in section 162(1)

**Rangitaiki 60C claimants** has the meaning set out in section 163(1)

**Rangitaiki 60C governance entity** and **Rangitaiki 60C settlement land** have the meanings set out in section 161

**Rangitaiki 60C historical claims** has the meaning set out in section 162(1)

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

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

**representative entity** has the meaning set out in section 14

**resource consent** has the meaning given by section 87 of the Resource Management Act 1991

**responsible Minister** means, in subpart 1 of Part 4, one of the following Ministers:

- (a) the Minister of Conservation:
- (b) the Minister of Fisheries:
- (c) the Minister for Arts, Culture, and Heritage:
- (d) any other Minister of the Crown who is authorised by the Prime Minister to exercise powers and perform functions and duties under subpart 1 of Part 4

**responsible Ministry** means, in subpart 1 of Part 4, one of the following departments of State:

- (a) the Department of Conservation:
- (b) the Ministry of Fisheries:
- (c) the Ministry for Culture and Heritage:
- (d) any other department of State authorised by the Prime Minister to exercise powers and perform functions and duties under subpart 1 of Part 4

**RFR area** means the land defined as the RFR area in clause 10.1 of the Ngāti Awa 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 40 in respect of a statutory area on the terms set out in subpart 3 of Part 4

**statutory area** means the areas and rivers defined in Schedule 3, the general locations of which are indicated on the SO plan referred to in that schedule

**Waiohau claimants** has the meaning set out in section 163(1)

**Waiohau governance entity** and **Waiohau settlement land** have the meanings set out in section 161

**Waiohau historical claims** has the meaning set out in section 162(1)

**waterway**—

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

Section 12 **antiquities protocol**: repealed, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 12 **antiquities protocol area**: repealed, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

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

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

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

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

Section 12 **protected New Zealand objects protocol**: inserted, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 12 **protected New Zealand objects protocol area**: inserted, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

### 13 Meaning of Ngāti Awa

(1) **Ngāti Awa**—

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

(2) In this section and section 14, **Ngāti Awa tipuna** means a person who exercised customary rights—

- (a) by virtue of being descended from—
  - (i) Awanuiārangi II:
  - (ii) a recognised ancestor of any of the hapū of Ngāti Awa; and
- (b) at any time after 6 February 1840 predominantly in relation to the Ngāti Awa area of interest.

(3) In this section,—

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

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

**hapū of Ngāti Awa** means—

- (a) the following 22 hapū being:
  - (i) Ngāti Hokopu—Te Whare o Toroa:
  - (ii) Ngāti Hokopu—Te Hokowhitu a Tu Ki Te Rahui:
  - (iii) Ngāti Wharepaia:
  - (iv) Ngāti Pūkeko:
  - (v) Ngāti Rangataua:
  - (vi) Ngai Tamapare:

- (vii) Te Patuwai:
  - (viii) Ngāti Maumoana:
  - (ix) Ngai Taiwhakaea II:
  - (x) Ngāti Hikakino:
  - (xi) Ngai Te Rangihouhiri II:
  - (xii) Te Tawera:
  - (xiii) Nga Maihi:
  - (xiv) Te Pahipoto:
  - (xv) Ngai Tamaoki:
  - (xvi) Ngai Tamawera:
  - (xvii) Tuariki:
  - (xviii) Warahoe:
  - (xix) Ngāti Hamua:
  - (xx) Ngāti Awa ki Tamaki Makaurau:
  - (xxi) Ngāti Awa ki Poneke:
  - (xxii) Te Kahupake; and
- (b) the following tribal identities, which are incorporated into the hapū listed in paragraph (a):
- (i) Ngāti Ahi:
  - (ii) Ngāti Hinanoa:
  - (iii) Ngāti Irawharo:
  - (iv) Kahurere:
  - (v) Ngāti Nuku:
  - (vi) Te Patutatahi:
  - (vii) Te Patutahora:
  - (viii) Ngāti Tapatahi

**Ngāti Awa area of interest** means the area identified in attachment 1.1 of the Ngāti Awa deed of settlement as the area that Ngāti Awa identifies as its area of interest together with the adjacent waters and offshore islands.

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

**14 Meaning of Ngāti Awa historical claims****(1) In this Act, Ngāti Awa historical claims—**

- (a) means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date) that Ngāti Awa (or a representative entity) had at, or at any time before, the settlement date, or may have at any time after the settlement date, that—
  - (i) is, or is founded on, a right arising—
    - (A) from the Treaty of Waitangi (Te Tiriti o Waitangi) or the principles of the Treaty of Waitangi (Te Tiriti o Waitangi); or
    - (B) under legislation or at common law (including in relation to 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 every claim to the Waitangi Tribunal to which paragraph (a) applies, including—
  - (i) the following Wai 46 (Ngāti Awa/Eastern Bay of Plenty) claims that related exclusively to Ngāti Awa (or a representative entity):
    - (A) a general claim of 11 March 1988:
    - (B) an amended claim of 18 July 1989:
    - (C) an amended claim of 8 November 1990:
    - (D) an amended claim of 16 December 1990:
    - (E) a consolidated claim of 8 April 1994:
    - (F) an amended claim of 12 September 2000 (Wai 46 Doc No 1.3(e)); and
  - (ii) the following claims, as far as they relate to Ngāti Awa (or a representative entity):
    - (A) Wai 12 (Motiti Island):
    - (B) Wai 23 (Putauaki):
    - (C) Wai 206 (White Island and Whale Island):
    - (D) Wai 501 (Tarawera Forest Claim No 2):
    - (E) Wai 819 (Waiohau Block No 2 and Rangitaiki Block No 38):

- (F) Wai 1001 (Whakatāne Township Flooding claim); but
- (c) does not include the following claims:
- (i) Wai 411 (Tarawera Forests claim) filed with the Waitangi Tribunal on 14 June 1993 and amended on 26 April 2000:
  - (ii) Wai 888 (Whakatāne Sawmill claim) filed with the Waitangi Tribunal on 1 February 2001:
  - (iii) the ancillary claims:
  - (iv) any claim that a member of Ngāti Awa or a hapū, group, family, or whānau referred to in section 13(1)(b) had at, or at any time before, the settlement date, or may have at any time after the settlement date, that is, or is founded on, a right arising from being descended from an ancestor who is not a Ngāti Awa tipuna:
  - (v) any claim based on descent from a recognised ancestor of Te Tawera to the extent that the claim is, or is founded on, a right arising from being descended from an ancestor other than Awaniārangi II:
  - (vi) any claim that a representative entity may have to the extent that the claim is, or is founded on, a claim referred to in subparagraph (iv).
- (2) In this Act,—
- representative entity** means—
- (a) the Ngāti Awa governance entity:
  - (b) any person (including any trust or trustees) acting for, or on behalf of,—
    - (i) the iwi, or collective group, referred to in section 13(1)(a)(i):
    - (ii) any 1 or more of the individuals referred to in section 13(1)(a)(ii):
    - (iii) any 1 or more of the hapū, groups, families, or whānau referred to in section 13(1)(b).

### Part 3

#### Settlement of historical claims and miscellaneous matters

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

*Jurisdiction of courts, etc, removed*

#### 15 Settlement of Ngāti Awa historical claims final

- (1) The settlement of the Ngāti Awa historical claims effected under the Ngāti Awa deed of settlement and of the ancillary claims effected under the ancillary deeds 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 Ngāti Awa deed of settlement or the ancillary deeds of settlement.
- (3) Despite any other enactment or rule of law, on and from settlement date, no court, tribunal, or other judicial body has jurisdiction (including, without limitation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—
  - (a) any or all of the Ngāti Awa historical claims, the Pukaahu historical claims, the Rangitaiki 60C historical claims, or the Waiohau historical claims; or
  - (b) the Ngāti Awa deed of settlement or the ancillary deeds of settlement; or
  - (c) the redress provided under this Act or under the Ngāti Awa deed of settlement or the ancillary deeds of settlement; 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 implementation of the Ngāti Awa deed of settlement, the ancillary deeds of settlement, or this Act.

*Treaty of Waitangi Act 1975 amended*

**16 Jurisdiction of Tribunal to consider claims**

*[Repealed]*

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

*Protections no longer apply*

**17 Certain enactments do not apply**

- (1) Nothing in the enactments listed in subsection (2) applies to the RFR area.
- (2) The enactments are—
  - (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;
  - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986;
  - (c) sections 568 to 570 of the Education and Training Act 2020;
  - (d) Part 3 of the Crown Forest Assets Act 1989;
  - (e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

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

## **18 Removal of resumptive memorials**

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

### 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).

## **19 Limit on duration of trusts does not apply**

No rule of law or provisions of an Act limiting the duration of a trust, including section 16 of the Trusts Act 2019,—

- (a) apply to a document entered into to give effect to the Ngāti Awa deed of settlement (including the deed that grants rights of first refusal referred to in clause 10.3 of the Ngāti Awa deed of settlement) if the application of that rule or the provisions of that Act would otherwise make the document, or the right conferred by the document, invalid or ineffective; or
- (b) prescribe or restrict the period in which the Rangitaiki 60C governance entity or the Waiohau governance entity may—
  - (i) exist in law; or
  - (ii) deal with property (including income from property).

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

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

*Date when actions or matters must occur***20 Timing of actions or matters**

- (1) Actions or matters that occur, or are treated as if they had occurred, or are required 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.

**Part 4****Cultural redress**

## Subpart 1—Protocols

*General provisions***21 Authority to issue, amend, or cancel protocols**

- (1) Each responsible Minister may—
  - (a) issue a protocol to the Ngāti Awa governance entity in the form set out in the schedules to the Ngāti Awa deed of settlement; 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 Ngāti Awa 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 Ngāti Awa governance entity.

**22 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 any person the Crown considers appropriate, including, without limitation, any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of a responsible Minister and responsible Ministry.

### 23 Enforceability of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails without good cause to comply with its obligations under a protocol, the Ngāti Awa 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 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).

### 24 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 enactments 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 other 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 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 held, managed, or administered under the Protected Objects Act 1975.
- (4) In this section, **protected New Zealand object** and **taonga tūturu** have the meanings given by section 2 of the Protected Objects Act 1975.

Section 24(3): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 24(4): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

#### *Noting of certain protocols*

### 25 Noting of DOC protocol

- (1) The existence of the DOC protocol must be noted in the conservation documents that affect 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 Schedule 5.21 of the Ngāti Awa deed of settlement.
- (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.

## 26 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 Schedule 5.22 of the Ngāti Awa deed of settlement.
- (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.

## Subpart 2—Cultural redress properties

### *Vesting of cultural redress properties*

## 27 Interpretation

In this Act,—

**Former Matahina A4 Block** means the land described by that name in Schedule 1

**Kāpūterangi** means the land described by that name in Schedule 1

**Otītapu Pā** means the land described by that name in Schedule 1

**Te Ihukatia** means the land described by that name in Schedule 1

**Te Paripari Pā** means the land described by that name in Schedule 1

**Te Toangapoto** means the land described by that name in Schedule 1

**Whakapaukorero** means the land described by that name in Schedule 1.

## 28 Kohi Point Walkway

- (1) The part of the walkway over Kāpūterangi shown on SO 57035 South Auckland Land District is deemed to be a walkway by the name of Kohi Point Walk-

way as if it had been declared under section 6 of the New Zealand Walkways Act 1990.

- (2) Subsection (1) takes effect immediately before the actions described in section 29.
- (3) The Registrar-General must, upon creating a computer free-hold register for Kāpūterangi, note that it is subject to the Kohi Point Walkway.

### **29 Kāpūterangi**

- (1) The appointment of Whakatāne District Council to control and manage Kāpūterangi as a reserve is revoked.
- (2) The reservation of Kāpūterangi as a historic reserve subject to section 18 of the Reserves Act 1977 is revoked.
- (3) The fee simple estate in Kāpūterangi vests in the Ngāti Awa governance entity.
- (4) Kāpūterangi is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (5) Despite section 16(10) of the Reserves Act 1977, the historic reserve created under subsection (4) is named Kāpūterangi Historic Reserve.
- (6) The Ngāti Awa governance entity is the administering body of Kāpūterangi Historic Reserve for the purposes of the Reserves Act 1977.

### **30 Te Paripari Pā**

- (1) The reservation of Te Paripari Pā as a historic reserve subject to section 18 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Paripari Pā vests in the Ngāti Awa governance entity.
- (3) Te Paripari Pā is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) Despite section 16(10) of the Reserves Act 1977, the historic reserve created under subsection (3) is named Te Paripari Pā Historic Reserve.
- (5) The Ngāti Awa governance entity is the administering body of Te Paripari Pā Historic Reserve for the purposes of the Reserves Act 1977.

### **31 Otitapu Pā**

- (1) The reservation of Otitapu Pā as a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Otitapu Pā vests in the Ngāti Awa governance entity, subject to the protected private land agreement referred in clause 4.4.4 of the Ngāti Awa deed of settlement.
- (3) On the vesting of Otitapu Pā under subsection (2),—

- (a) Otitapu Pā becomes protected private land under section 76 of the Reserves Act 1977, as if it had been declared to be so under subsection (2) of that section; and
  - (b) the protected private land agreement referred to in clause 4.4.4 of the Ngāti Awa deed of settlement is to be treated as if it were an agreement under section 76(1) of the Reserves Act 1977.
- (4) The Registrar-General must note a memorial on the title of Otitapu Pā recording that it is subject to a protected private land agreement.
  - (5) If the parties agree to terminate the protected private land agreement referred to in subsection (4), the Registrar-General must, on receipt of notification to that effect from the Minister of Conservation, remove the notation required by that subsection from the computer freehold register that relates to the land.

### **32 Te Toangapoto**

- (1) The vesting of Te Toangapoto in the Whakatāne District Council is cancelled.
- (2) The reservation of Te Toangapoto as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked.
- (3) The fee simple estate in Te Toangapoto vests in the Ngāti Awa governance entity.
- (4) Te Toangapoto is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (5) Despite section 16(10) of the Reserves Act 1977, the recreation reserve created under subsection (4) is named Te Toangapoto Recreation Reserve.
- (6) The Ngāti Awa governance entity is the administering body of Te Toangapoto Recreation Reserve for the purposes of the Reserves Act 1977.

### **33 Te Ihukatia**

- (1) The reservation of Te Ihukatia as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Ihukatia vests in the Ngāti Awa governance entity.
- (3) Te Ihukatia is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) Despite section 16(10) of the Reserves Act 1977, the recreation reserve created under subsection (3) is named Te Ihukatia Recreation Reserve.
- (5) The Ngāti Awa governance entity is the administering body of Te Ihukatia Recreation Reserve for the purposes of the Reserves Act 1977.

### **34 Whakapaukorero**

- (1) The reservation of Whakapaukorero as a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked.

- (2) The fee simple estate in Whakapaukorero vests in the Ngāti Awa governance entity.
- (3) Whakapaukorero is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) Despite section 16(10) of the Reserves Act 1977, the reserve created under subsection (3) is named Whakapaukorero.
- (5) The Ngāti Awa governance entity is the administering body of the historic reserve declared by subsection (3) for the purposes of the Reserves Act 1977.

### **35 Former Matahina A4 Block**

- (1) The fee simple estate in the Former Matahina A4 Block vests in the Ngāti Awa governance entity.
- (2) Part 4A of the Conservation Act 1987 does not apply to the vesting under subsection (1).

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

- (1) This section applies to the following sites:
  - (a) Kāpūterangi:
  - (b) Otitapu Pā:
  - (c) Te Ihukatia:
  - (d) Te Paripari Pā:
  - (e) Te Toangapoto:
  - (f) Whakapaukorero.
- (2) On the revocation under this subpart of the reserve status of the sites referred to in subsection (1), the sites vest in the Crown as Crown land and become subject to section 82 of the Reserves Act 1977 before they vest in the Ngāti Awa governance entity.

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

### **37 Vesting subject to encumbrances**

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

### **38 Registration of ownership**

- (1) This section applies to the fee simple estate in a cultural redress property that vests in the Ngāti Awa governance entity by virtue of this Act.
- (2) The Registrar-General must, on written application by an appropriate person, comply with subsections (3) and (4).
- (3) To the extent that a property comprises all the land in a certificate of title or computer freehold register, the Registrar-General must—

- (a) register the Ngāti Awa 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 section 4 of the Ngāti Awa deed of settlement.
- (4) To the extent that a property does not comprise all the land in a certificate of title or computer freehold register, or there is no certificate of title or computer freehold register for all or part of the property, the Registrar-General must, in accordance with the application referred to in subsection (2), create 1 or more computer freehold registers in the name of the Ngāti Awa governance entity, subject to, and together with, any encumbrances that are registrable or notifiable and that are described in that 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 is reasonably practicable after the settlement date, but no later than—
  - (a) 24 months after the vesting of the property in the Ngāti Awa governance entity; or
  - (b) any later date that may be agreed in writing by the Ngāti Awa governance entity and the Crown.
- (7) In this section, **appropriate person** means a person who is authorised to make an application under subsection (2) by—
  - (a) the Director-General, for the sites described in sections 29 to 34 and 152; and
  - (b) the Secretary to the Treasury, for the site described in section 35.

### **39 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 Ngāti Awa 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 Ngāti Awa 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) Sections 78(1)(a) and 79 to 81 of the Reserves Act 1977 do not apply to the vesting in the Ngāti Awa governance entity of a cultural redress property under this subpart.

- (4) The vesting of the fee simple estate in a cultural redress property under this subpart does not—
  - (a) limit sections 10 and 11 of the Crown Minerals Act 1991; or
  - (b) affect private rights to subsurface minerals.
- (5) Except as provided in section 35, the vesting in the Ngāti Awa governance entity of a fee simple estate in a cultural redress property under this subpart is a disposition for the purpose of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

### Subpart 3—Statutory acknowledgements and deeds of recognition

#### *Statutory acknowledgements*

#### **40 Statutory acknowledgements by the Crown**

The Crown acknowledges the statements made by Ngāti Awa of the particular cultural, spiritual, historical, and traditional association of Ngāti Awa with the statutory areas listed in Parts 1 and 2 of Schedule 3, the texts of which are set out in Schedules 4 to 14.

#### **41 Purposes of statutory acknowledgements**

- (1) The only purposes of the statutory acknowledgements are—
  - (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements, as provided for in sections 42 to 44; and
  - (b) to require relevant consent authorities to forward summaries of resource consent applications to the Ngāti Awa governance entity, as provided for in section 46; and
  - (c) to enable the Ngāti Awa governance entity and a member of Ngāti Awa to cite the statutory acknowledgements as evidence of the association of Ngāti Awa with the relevant statutory areas, as provided for in section 47; and
  - (d) to provide a statement by Ngāti Awa, for inclusion in a deed of recognition, of the association of Ngāti Awa with a statutory area.
- (2) This section does not limit the operation of sections 54 to 57.

Section 41(1)(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

#### **42 Consent authorities must have regard to statutory acknowledgements**

- (1) From the effective date, a relevant consent authority must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of the Resource Management Act 1991 as to whether the Ngāti Awa 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 relevant consent authority under Part 2 of the Resource Management Act 1991.

#### **43 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 Ngāti Awa 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.

#### **44 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 Ngāti Awa governance entity is a person directly affected by the decision.

Section 44: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

#### **45 Recording statutory acknowledgements on statutory plans**

- (1) From the effective date, local authorities with jurisdiction in an area that 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 district plan, proposed plan, regional coastal plan, regional plan, or regional policy statement as defined in section 2(1) of the Resource Management Act 1991; and
  - (b) includes a proposed policy statement provided for in Schedule 1 of the Resource Management Act 1991.

#### **46 Distribution of resource consent applications to Ngāti Awa governance entity**

- (1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the Ngāti Awa 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 Ngāti Awa governance entity and the relevant consent authority; and
  - (b) provided as soon as is reasonably practicable after the application is received, and before a determination is made in accordance with sections 93 to 94C of the Resource Management Act 1991.
- (3) The Ngāti Awa 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 to 94C of the Resource Management Act 1991;
  - (b) form an opinion as to whether the Ngāti Awa governance entity is a person that is likely to be adversely affected under those sections.

#### **47 Use of statutory acknowledgement**

- (1) The Ngāti Awa governance entity and a member of Ngāti Awa may, as evidence of the association of Ngāti Awa with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a relevant 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) relevant 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 Ngāti Awa governance entity nor a member of Ngāti Awa is precluded from stating that Ngāti Awa 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 47(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 47(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*

#### **48 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 Ngāti Awa governance entity—
  - (i) in respect of the land within the statutory areas referred to in Part 2 of Schedule 3; and
  - (ii) in the form set out for each statutory area (or part of an area) in the schedules of the Ngāti Awa deed of settlement; and
- (b) amend a deed of recognition by entering into a deed with the Ngāti Awa governance entity to amend that deed of recognition.

#### **49 Purpose of deed of recognition**

- (1) The only purpose of a deed of recognition is to require that the Ngāti Awa governance entity be consulted, and regard be had to its views, as provided for in the Ngāti Awa deed of settlement and in each deed of recognition.
- (2) Subsection (1) does not limit or affect sections 54 to 57.

**50 Termination of deeds of recognition**

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

- (a) the Ngāti Awa governance entity and a Minister of the Crown 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 department of State responsible for the management of the area concerned.

**51 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*

**52 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.

**53 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 watercourse; or
- (d) the bed of a tributary flowing into the river.

*General provisions***54 Crown not precluded from granting other statutory acknowledgements or deeds of recognition**

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

**55 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 Ngāti Awa 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).

**56 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 Ngāti Awa deed of settlement.

**57 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***58 Amendment to Resource Management Act 1991**

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

Subpart 4—Joint advisory committee for Matata Scenic Reserve,  
Whakapaukorero, and Te Awa a Te Atua

**59 Interpretation**

In this subpart, unless the context otherwise requires,—

**joint advisory committee** or **committee** means the committee appointed in accordance with this subpart

**Matata Scenic Reserve** means the land shown by the bold lines on SO 61695, South Auckland Land District

**Minister** means the Minister of Conservation

**retained sites** means, to the extent that these sites remain in Crown ownership,—

- (a) Te Awa a Te Atua; and
- (b) Matata Scenic Reserve (excluding Whakapaukorero)

**Te Awa a Te Atua** means the land described by that name in attachment 5.1 of the Ngāti Awa deed of settlement

**Whakapaukorero** has the same meaning as in section 27.

*Membership of joint advisory committee*

**60 Appointment of members of joint advisory committee**

- (1) The Minister must appoint the members of the joint advisory committee in accordance with section 61.
- (2) Every member of the committee is appointed by notice published in the *Gazette*.
- (3) The notice of appointment must specify each member's term of office.
- (4) A member takes office for a term of 5 years from the date specified in the notice of appointment and may be reappointed.

**61 Constitution of joint advisory committee**

The joint advisory committee must consist of not more than 4 members, being—

- (a) 2 members nominated by the Ngāti Awa governance entity;
- (b) 2 members nominated by the Director-General.

**62 Functions of joint advisory committee**

The functions of the joint advisory committee are to advise—

- (a) the Minister and Director-General on conservation matters affecting the retained sites; and
- (b) the Ngāti Awa governance entity on conservation matters affecting Whakapaukorero.

**63 Advice on retained sites**

- (1) The Minister and the Director-General must consult with, and have regard to the views of, the joint advisory committee in relation to conservation matters affecting the retained sites.

- (2) The Director-General must, in particular, 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 the setting of annual conservation priorities.

#### **64 Advice on Whakapaukorero**

The Ngāti Awa governance entity must have regard to the advice of the joint advisory committee in relation to conservation matters affecting Whakapaukorero.

#### *Procedures of joint advisory committee*

#### **65 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 agree otherwise,—
  - (a) members must appoint the chairperson of the committee; and
  - (b) the committee must meet twice a year; and
  - (c) the chairperson of the committee has a casting vote.

#### **66 Vacancy in membership of committee**

No act or proceeding of the joint advisory committee is invalid merely because of a failure of the Ngāti Awa governance entity or the Director-General to nominate persons as members of the committee under section 61.

#### *Funding provisions*

#### **67 Costs and expenses of committee**

- (1) The Crown must pay the members of the joint advisory committee nominated by the Director-General, the actual and reasonable costs and expenses incurred by members of the committee acting in their capacity as members.
- (2) The Crown must meet the proportion of the administrative costs and expenses of the joint advisory committee that equates to the proportion of members nominated by the Director-General to the total number of members of the committee.
- (3) The Ngāti Awa governance entity must meet the costs as set out in clause 5.3.6 of the Ngāti Awa deed of settlement.

*Change in ownership of retained sites*

**68 Change in ownership of retained sites**

- (1) The Crown may vest parts of the retained sites in 1 or more other claimants on terms that are similar to the vesting of Whakapaukorero in the Ngāti Awa governance entity.
- (2) If any part of the retained sites is vested in other claimants under subsection (1), then, despite section 61, nominees of other claimants may be appointed to the joint advisory committee.

*Exercise of powers by Minister*

**69 Minister must consult with committee before exercising powers in relation to certain matters**

The Minister must consult with the joint advisory committee if the Minister intends to exercise his or her powers to—

- (a) discharge the joint advisory committee; or
- (b) change the composition of the joint advisory committee appointed under section 61, unless the change is in accordance with section 68.

**70 Section 9 of Reserves Act 1977 not to apply**

Section 9 of the Reserves Act 1977 does not apply to the exercise by the Minister of any power, function, discretion, or authority under this subpart.

Subpart 5—Joint management committee for Moutohorā (Whale Island) Wildlife Management Reserve, Ōhope Scenic Reserve, and Tauwhare Pā Scenic Reserve

**71 Interpretation**

In this subpart, unless the context otherwise requires,—

**Bay of Plenty Conservation Board** means the Conservation Board established under section 6L of the Conservation Act 1987

**Commissioner** has the same meaning as in section 2(1) of the Reserves Act 1977

**joint management committee** means the committee appointed in accordance with this subpart

**jointly managed sites** means—

- (a) Moutohorā (Whale Island) Wildlife Management Reserve; and
- (b) Ōhope Scenic Reserve; and
- (c) Tauwhare Pā Scenic Reserve

**Minister** means the Minister of Conservation

**Moutohorā (Whale Island) Wildlife Management Reserve** means the island described by that name in attachment 5.2 of the Ngāti Awa deed of settlement

**Ōhope Scenic Reserve** means the land described by that name in attachment 5.2 of the Ngāti Awa deed of settlement

**Tauwhare Pā Scenic Reserve** means the land described by that name in attachment 5.2 of the Ngāti Awa deed of settlement.

### *Membership of joint management committee*

#### **72 Appointment of members of joint management committee**

- (1) The Minister must appoint the members of the joint management committee in accordance with section 73.
- (2) Every member of the committee is appointed by notice published in the *Gazette*.
- (3) A member takes office for a term of 5 years from the date specified in the notice of appointment, and may be reappointed.
- (4) The Minister may, from time to time, appoint additional members and remove members (including individuals nominated by other claimants).

#### **73 Constitution of joint management committee**

- (1) The joint management committee must consist of:
  - (a) 2 members nominated by the Director-General to the Minister:
  - (b) 3 members nominated by the Ngāti Awa governance entity to the Director-General:
  - (c) 1 member nominated by the Bay of Plenty Conservation Board to the Director-General.
- (2) Unless all members of the committee agree otherwise, members must appoint a chairperson.

#### **74 Powers and functions delegated to joint management committee**

- (1) The Minister must delegate to the joint management committee the Minister's powers and functions under the Reserves Act 1977 as set out in attachment 5.3 of the Ngāti Awa deed of settlement.
- (2) The Minister and the Commissioner must delegate to the committee their powers and functions under section 22(5) of the Reserves Act 1977 in respect of the Moutohorā (Whale Island) Wildlife Management Reserve.
- (3) The powers and functions delegated under subsection (2) include the power to grant a permit to members of Ngāti Awa to enter the Moutohorā (Whale Island) Wildlife Management Reserve for the purpose of collecting relevant hangi stones in accordance with section 86.
- (4) The delegations under subsections (1) and (2)—

- (a) must be in writing; and
  - (b) may be revoked by the Minister in accordance with section 84.
- (5) The delegations by the Minister under this section do not prevent the Minister from exercising the powers and functions concerned.

**75 Functions of joint management committee**

The functions of the joint management committee are to—

- (a) exercise the delegations referred to in section 74(1) and (2); and
- (b) advise the Minister, the Director-General, the New Zealand Conservation Authority, and the Bay of Plenty Conservation Board in relation to the conservation of the jointly managed sites.

**76 Advice on conservation matters**

The Minister, the Director-General, the New Zealand Conservation Authority, and the Bay of Plenty Conservation Board must consult with, and have regard to the advice of, the joint management committee in relation to the conservation of the jointly managed sites and, in particular, concerning the following:

- (a) the development of conservation policy;
- (b) conservation management;
- (c) annual business planning.

**77 Committee to be Conservation Board for jointly managed sites**

- (1) The joint management committee has, for the purposes of section 40B of the Reserves Act 1977, all the powers and functions of a Conservation Board established under section 6L of the Conservation Act 1987 in relation to the jointly managed sites.
- (2) To avoid doubt, the relevant Conservation Board must not exercise any of the powers and functions referred in subsection (1) in relation to the jointly managed sites.

*Procedures of joint management committee*

**78 Meetings of committee**

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

**79 Vacancy in membership of committee**

No act or proceeding of the joint management committee is invalid merely because of a failure of the Ngāti Awa governance entity or the Director-General to nominate persons as members of the committee under section 73.

*Funding provisions***80 Remuneration of members**

- (1) Members of the joint management committee are entitled to receive, out of public money appropriated by Parliament for the purpose, remuneration by way of salary, fees, or otherwise and travelling allowances or travelling expenses in accordance with the Fees and Travelling Allowances Act 1951 incurred in acting as members of the committee, as if the committee were a statutory board within the meaning of that Act.
- (2) Subsection (1) applies to members who are not members by virtue of being officers of any department of State.

**81 Amendment to Fees and Travelling Allowances Act 1951**

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

**82 Costs and expenses of committee**

The Crown must meet, out of public money appropriated by Parliament for the purpose, the reasonable administrative costs and expenses of the joint management committee.

*Exercise of powers by Minister***83 Minister may discharge committee or appoint new committees**

The Minister may, from time to time,—

- (a) discharge the joint management committee; or
- (b) discharge the committee and appoint in its place any number of new committees to exercise all or any of the powers and functions delegated to, or conferred on, the committee.

**84 Minister must consult committee before exercising powers in relation to certain matters**

The Minister must consult with the joint management committee before exercising his or her powers to—

- (a) change the composition of the committee appointed under section 72; or
- (b) revoke a delegation to the committee under section 74(4); or
- (c) discharge the committee under section 83(a).

**85 Section 9 of Reserves Act 1977 not to apply**

Section 9 of the Reserves Act 1977 does not apply to the exercise by the Minister of any power, function, discretion, or authority under this subpart.

*Right to extract hangi stones from Moutohorā (Whale Island) Wildlife Management Reserve*

**86 Extraction of hangi stones from Moutohorā (Whale Island) Wildlife Management Reserve**

- (1) Section 8 of the Crown Minerals Act 1991 does not apply to the extraction of relevant hangi stones from the Moutohorā (Whale Island) Wildlife Management Reserve if the conditions in subsection (2) are met.
- (2) The conditions are that the relevant hangi stones—
  - (a) are loose; and
  - (b) are extracted—
    - (i) by hand and without causing disturbance to the ground; and
    - (ii) by a member of Ngāti Awa who has been given a permit under section 22(5) of the Reserves Act 1977 by the joint management committee to enter the Moutohorā (Whale Island) Wildlife Management Reserve.
- (3) In this section,—

**hangi stones** means naturally occurring rounded rocks, typically basalt or andesite volcanic cobbles, with such rocks typically lacking in fracture planes and having dense crystalline texture giving them the capacity to retain heat and being commonly found in deposits of volcanic debris

**relevant hangi stones** means hangi stones that are situated above the mean high water springs on Moutohorā (Whale Island) Wildlife Management Reserve.

**87 Amendment to section 8 of Crown Minerals Act 1991**

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

Subpart 6—Nohoanga entitlements

**88 Interpretation**

In this subpart, unless the context otherwise requires,—

**entitlement land** means a site over which a Nohoanga entitlement is granted

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

**Nohoanga entitlement** means an entitlement granted to the Ngāti Awa governance entity—

- (a) under this subpart; and
- (b) over the sites described in Schedule 2, or a site granted as a replacement site under section 106 or section 107; and
- (c) in the form provided for under section 89(3)

**Nohoanga site** means a site—

- (a) described in Schedule 2; or
- (b) granted as a replacement site under section 106 or section 107.

### **89 Grant and renewal of Nohoanga entitlements**

- (1) The Crown must, in accordance with this subpart, grant to the Ngāti Awa governance entity a Nohoanga entitlement over each Nohoanga site.
- (2) The grant of a Nohoanga entitlement must be for an initial term of 10 years beginning on the settlement date.
- (3) The grant referred to in subsection (1) must be made in the form set out in Schedule 5.20 of the Ngāti Awa deed of settlement, or as varied in accordance with section 91.
- (4) Ngāti Awa may renew a Nohoanga entitlement for further terms of 10 years unless the entitlement is terminated under section 106 or section 107.

### **90 Notification of Nohoanga entitlement**

- (1) The land holding agent must notify the grant of a Nohoanga entitlement in the *Gazette*.
- (2) The chief executive of Land Information New Zealand must note in his or her records the grant of a Nohoanga entitlement and the notice in the *Gazette* relating to it.
- (3) Subsections (1) and (2) apply to the renewal of a Nohoanga entitlement as if it were the grant of the Nohoanga entitlement.

### **91 Terms and conditions of Nohoanga entitlement may be varied**

- (1) The form of a Nohoanga entitlement granted under section 89(3) may be varied by—
  - (a) the addition, at the time of the grant of a Nohoanga entitlement, of terms reasonably required by the Crown to protect and preserve—
    - (i) the land over which the Nohoanga entitlement is granted;
    - (ii) the surrounding land;
    - (iii) associated flora and fauna; or
  - (b) agreement between the land holding agent and the Ngāti Awa governance entity.

- (2) Additional terms and terms varied under subsection (1) must be in writing and must not be inconsistent with this subpart.

**92 Purpose of Nohoanga entitlements**

A Nohoanga entitlement is granted to the Ngāti Awa governance entity for the purpose of permitting members of Ngāti Awa to occupy land, temporarily, exclusively, and on a non-commercial basis,—

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

**93 Occupation of Nohoanga entitlements by members of Ngāti Awa**

- (1) The Ngāti Awa governance entity has the right to permit members of Ngāti Awa to occupy entitlement land—
- (a) for the purpose of the entitlement, as set out in section 92; and
  - (b) to the exclusion of other persons during the period or periods that it exercises the right to occupy the site.
- (2) Subsection (1) applies subject to sections 94 to 99.

**94 Period of occupation of Nohoanga entitlements**

- (1) The Ngāti Awa governance entity may permit members of Ngāti Awa to occupy the entitlement land for any period or periods in a calendar year that do not exceed 210 days in total.
- (2) The Ngāti Awa governance entity must not permit members of Ngāti Awa to occupy the entitlement land in a calendar year during the period beginning on 1 May and ending at the close of 15 August.

**95 Right to erect temporary dwellings**

- (1) The Ngāti Awa governance entity may permit members of Ngāti Awa, while occupying the entitlement land under a Nohoanga entitlement, to erect camping shelters or similar temporary dwellings on the land.
- (2) The Ngāti Awa governance entity must ensure the removal of camping shelters or similar temporary dwellings erected on entitlement land whenever the right to occupy the entitlement land is not being exercised.

**96 Condition of land when occupation ceases**

- (1) The Ngāti Awa governance entity must, whenever members of Ngāti Awa permitted to occupy entitlement land under section 93 cease to occupy the land, leave the site in substantially the same condition as it was in at the beginning of the period when the Ngāti Awa governance entity was last entitled to permit members of Ngāti Awa to occupy the land.

- (2) The requirement to leave the site in substantially the same condition under subsection (1) includes the obligation to remove rubbish and waste from the entitlement land and any adjacent reserve.
- (3) Subsection (1) does not apply to temporary effects normally associated with occupation of entitlement land under a Nohoanga entitlement.

#### **97 Activities on entitlement land**

- (1) This section applies subject to section 95.
- (2) The Ngāti Awa governance entity may, with the consent of the land holding agent, undertake other activities on entitlement land that are reasonably necessary for the Nohoanga entitlement to be used for the purpose set out in section 92.
- (3) When applying for the land holding agent's consent, the Ngāti Awa governance entity must provide to the land holding agent details relating to the proposed activities, including (but not limited to)—
  - (a) the effect of the activities—
    - (i) on the entitlement land; and
    - (ii) if the entitlement land is held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, on the surrounding land and wildlife; and
  - (b) measures that the Ngāti Awa governance entity proposes to take (if the land holding agent's consent is given) to avoid, remedy, or mitigate adverse effects.
- (4) In considering whether to give consent in relation to land held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, the land holding agent may require the Ngāti Awa governance entity to obtain (at its own expense) an environmental impact report about the proposed activities and an audit of that report.
- (5) The giving of consent is at the complete discretion of the land holding agent.
- (6) The land holding agent may give consent subject to any conditions that he or she thinks fit to impose.
- (7) Without limiting subsection (6), in giving consent in relation to land held under the Conservation Act 1987 or an Act listed in Schedule 1 of that Act, the land holding agent may impose reasonable conditions to avoid, remedy, or mitigate adverse effects of the proposed activities on the entitlement land, surrounding land, or wildlife.
- (8) If the Crown has complied with its obligations under a Nohoanga entitlement, the Crown is not liable to compensate the Ngāti Awa governance entity (whether on termination of a Nohoanga entitlement or at another time) for activities under-taken by the Ngāti Awa governance entity on the entitlement land.

*Obligations relating to Nohoanga entitlements*

**98 Nohoanga entitlements must not impede public access**

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

**99 The Crown's functions to continue**

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

**100 Nohoanga entitlement does not restrict the Crown's right to alienate land**

The grant and exercise of a Nohoanga entitlement does not restrict the Crown's right to alienate any entitlement land, land adjacent to the entitlement land, or land adjacent to an associated waterway.

**101 Ngāti Awa governance entity may enforce rights against other persons**

While members of Ngāti Awa are occupying entitlement land under a Nohoanga entitlement, the Ngāti Awa governance entity may enforce its rights under the Nohoanga entitlement against persons who are not parties to the Ngāti Awa deed of settlement as if the Ngāti Awa governance entity were the owner of the entitlement land.

**102 The Crown's obligation to provide lawful access**

- (1) If an event described in subsection (2) occurs during the term of a Nohoanga entitlement, the Crown must ensure that the Ngāti Awa governance entity continues, for the rest of the term, to have the same type of lawful access to the entitlement land as it had before the event occurred.
- (2) The events are—
  - (a) the alienation by the Crown of land adjacent to the entitlement land;
  - (b) a change in the classification or status of land adjacent to the entitlement land.
- (3) The Crown's obligation in subsection (1) is subject to compliance with all applicable provisions in or under any other enactment.

**103 Compliance with laws, bylaws, and land and water management practices**

- (1) The Ngāti Awa governance entity, members of Ngāti Awa permitted to occupy entitlement land under section 93, and activities carried out on the entitlement land by them are subject to the laws, regulations, bylaws, and land and water management practices that apply to the entitlement land.
- (2) The land holding agent, in carrying out land and water management practices that relate to the entitlement land, must—
  - (a) have regard to the existence of a Nohoanga entitlement; and

- (b) notify the Ngāti Awa governance entity of an activity that may adversely affect the governance entity's use of the land; and
  - (c) avoid unreasonable disruption to the Ngāti Awa governance entity's use of the land.
- (3) The Ngāti Awa governance entity is subject to any requirement to apply for resource consents for activities on the entitlement land.
- (4) Subsection (3) does not limit subsection (1).
- (5) In this section, **activities** includes activities undertaken under section 97.

#### **104 Rights of Ngāti Awa governance entity under Nohoanga entitlement not assignable**

The rights of the Ngāti Awa governance entity under a Nohoanga entitlement are not assignable.

#### *Suspension and termination of Nohoanga entitlement*

#### **105 Suspension of Nohoanga entitlement**

- (1) The land holding agent may suspend a Nohoanga entitlement in accordance with this section.
- (2) The land holding agent must not suspend a Nohoanga entitlement unless he or she first—
- (a) consults the Ngāti Awa governance entity; and
  - (b) has particular regard to the views of the Ngāti Awa governance entity.
- (3) The land holding agent must not suspend a Nohoanga entitlement unless he or she considers the suspension necessary for the management of the land, having regard to the purposes for which the land is held by the land holding agent.
- (4) If a Nohoanga entitlement is suspended, the Ngāti Awa governance entity may, after the end of the suspension, permit members of Ngāti Awa to occupy the entitlement land for a period equal to the period of the suspension.
- (5) The occupation of the entitlement land under subsection (4) is not subject to the restriction under section 94(2).

#### **106 Termination of Nohoanga entitlement**

- (1) The Ngāti Awa governance entity and the Crown may terminate a Nohoanga entitlement by agreement in writing.
- (2) The Crown may terminate a Nohoanga entitlement by giving written notice to the Ngāti Awa governance entity on 1 or more of the following grounds:
- (a) that the Crown has alienated the entitlement land:
  - (b) that the entitlement land has, by a natural cause, been destroyed or permanently and detrimentally affected:

- (c) that the entitlement land is on reserve land that is required for the specific purpose for which it was held as a reserve:
  - (d) that the entitlement land was an unformed legal road that is now formed:
  - (e) subject to section 102, that lawful access to the entitlement land has ceased to exist.
- (3) On the termination of a Nohoanga entitlement under this section, the Crown must take all reasonable steps to grant replacement entitlement land to the Ngāti Awa governance entity.
  - (4) Subsection (3) does not apply in relation to a Nohoanga entitlement if the fee simple estate in the entitlement land is vested in the Ngāti Awa governance entity.
  - (5) The grant of replacement entitlement land under subsection (3) must be over land that complies with clause 5.6.19(e) of the Ngāti Awa deed of settlement.

#### **107 Termination of Nohoanga entitlement for breach of obligations**

- (1) This section applies if the Ngāti Awa governance entity defaults in performing any of its obligations under a Nohoanga entitlement.
- (2) If the default is capable of remedy, the Crown may give notice to the Ngāti Awa governance entity in writing, specifying the default and the remedy for the default required by the Crown.
- (3) The remedy required by the Crown must be reasonable in the circumstances.
- (4) If, at the end of 41 business days after notice is given by the Crown under subsection (2), the Ngāti Awa governance entity has not remedied, or taken appropriate action to remedy, the default as required by the Crown, the Crown may immediately terminate the Nohoanga entitlement by notice in writing to the Ngāti Awa governance entity.
- (5) If the default is not capable of remedy, the Crown may immediately terminate the Nohoanga entitlement by notice in writing to the Ngāti Awa governance entity.
- (6) The Ngāti Awa governance entity may, not earlier than 2 years after the termination of a Nohoanga entitlement under this section, apply to the Minister of Māori Affairs for the grant of a replacement Nohoanga entitlement that complies with clause 5.6.5 of the Ngāti Awa deed of settlement.
- (7) On receipt of an application under subsection (6), the Crown may, in its discretion, take reasonable steps to grant a replacement Nohoanga entitlement over land that—
  - (a) complies with clause 5.6.5 of the Ngāti Awa deed of settlement; and
  - (b) is identified by similar processes used by the Crown and Ngāti Awa to identify Nohoanga sites before entering into the Ngāti Awa deed of settlement.

**108 Notification of termination of Nohoanga entitlement**

- (1) If a Nohoanga entitlement is terminated under section 106 or section 107, the land holding agent must give notice of the termination in the *Gazette*.
- (2) The chief executive of Land Information New Zealand must note in his or her records the termination of the Nohoanga entitlement and its notification in the *Gazette*.

*Rights not affected or created***109 Rights of other parties not affected**

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

**110 No creation of rights in entitlement land**

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

*Application of other enactments***111 Part 3B of Conservation Act 1987 not to apply**

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

**112 Local Government (Rating) Act 2002**

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

**113 Section 44 of Reserves Act 1977 not to apply**

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

**114 Section 11 and Part 10 of Resource Management Act 1991 not to apply**

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

## Subpart 7—Place names

### 115 Change of names: general

- (1) The existing place name in column 1 of Part 1 of Schedule 15 is altered to the corresponding name in column 3 of that part of that schedule.
- (2) The place name in column 1 of Part 2 of Schedule 15 is assigned to the corresponding location set out in column 2 of that part of that schedule.
- (3) The changes made under subsections (1) and (2) are to be treated as made—
  - (a) with the approval of the New Zealand Geographic Board; and
  - (b) in accordance with the New Zealand Geographic Board Act 1946.

### 116 Change of name of Thornton Lagoon Wildlife Management Reserve

Under section 16(10) of the Reserves Act 1977, Thornton Lagoon Wildlife Management Reserve is to be named Okorero—Thornton Lagoon Wildlife Management Reserve.

## Subpart 8—Coastal tendering

### 117 Interpretation

In this subpart, unless the context otherwise requires,—

**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 by section 2(1) of the Resource Management Act 1991

**Minister** means the Minister of Conservation

**specified coastal marine area** means that part of the harbour known as Ōhiwa Harbour marked “A” on SO 61441, South Auckland Land District and referred to in Schedule 5.26 of the Ngāti Awa deed of settlement.

### 118 Preferential right to purchase authorisations

- (1) If the Minister offers authorisations for a part of the specified coastal marine area by public tender under Part 7 of the Resource Management Act 1991, the Ngāti Awa 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 Schedule 5.26 of the Ngāti Awa deed of settlement.

### 119 Limit on proportion of authorisations able to be purchased

- (1) The authorisations that the Ngāti Awa governance entity has a preferential right to purchase under section 118 must—

- (a) not exceed in area 5% of the authorisations granted or proposed to be granted by the Minister in the public tender for the specified coastal marine area; and
  - (b) be of not less than fair average quality in terms of the relevant portion of the specified coastal marine 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 marine area for the authorisations to which that tender round relates make it impractical to comply with the limitation.

### **120 Ngāti Awa governance entity treated as having made tender**

- (1) If the Ngāti Awa governance entity has a preferential right under section 118 to purchase authorisations, the Ngāti Awa 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 Ngāti Awa 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.

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

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

### **122 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 Ngāti Awa deed of settlement.

### **123 Limitation of rights**

Except as expressly provided in this subpart,—

- (a) the preferential right provided to the Ngāti Awa 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 marine area;
- (b) nothing in this subpart limits or affects the rights of Ngāti Awa 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 marine area.

## Subpart 9—Whakatāne Airport land

### 124 Interpretation

In this subpart, unless the context otherwise requires,—

**Minister** means the Minister of Conservation

**Whakatāne Airport land** means the land described by that name in attachment 5.4 of the Ngāti Awa deed of settlement.

### 125 Whakatāne Airport land may be vested in Ngāti Awa governance entity

- (1) This section applies if the Minister—
  - (a) considers that all or any part of the Whakatāne Airport land is not required for aerodrome purposes; and
  - (b) exercises his or her powers under section 24 of the Reserves Act 1977 to revoke the reservation of the Whakatāne Airport land (or part of it) as a reserve by notice in the *Gazette*.
- (2) For the purposes of subsection (1)(a), the Minister may consider that any part of the Whakatāne Airport land is still required for aerodrome purposes even if it is being put to another use if—
  - (a) the use is lawful; and
  - (b) some other part of the land is being used for aerodrome purposes.
- (3) The Minister must not give notice in the *Gazette* revoking the reservation of the Whakatāne Airport land (or part of it) as a reserve until the expiry of 1 month after notice has been given under section 127.
- (4) On revocation of the reserve status under subsection (1)(b), that part of the Whakatāne Airport land vests in the Ngāti Awa governance entity.

### 126 Matters relating to vesting under section 125

- (1) Except as provided in section 125, that section does not—
  - (a) affect the functions and powers of the Minister under the Reserves Act 1977 in relation to the land (or part of it); or
  - (b) affect the functions and powers of the local authority in which the Whakatāne Airport land is vested as a reserve for aerodrome purposes under the Reserves Act 1977 and the Airport Authorities Act 1966 in relation to the land (or part of it); or
  - (c) mean or imply that the Minister will revoke the reserve status of the Whakatāne Airport land (or part of it); or
  - (d) give any member of Ngāti Awa, the Ngāti Awa governance entity, or any representative entity any further right of action in respect of the exercise of any functions or powers under the Reserves Act 1977 in relation to

the land (or part of it) than would otherwise have been available had section 125(4) not been enacted.

- (2) Despite sections 3A(1), (7), and (7A) of the Airport Authorities Act 1966, neither the Crown nor a local authority may transfer the Whakatāne Airport land to an airport company.

#### **127 Notice to interest holders**

- (1) In determining under section 25(2) of the Reserves Act 1977 the restrictions, encumbrances, liens, or interests that should be specified in a *Gazette* notice that revokes the reservation of the Whakatāne Airport land (or part of it) as a reserve, the Minister must inquire into the validity of any existing restriction, encumbrance, lien, or interest.
- (2) The Minister must give notice in writing to the persons listed in subsection (3) of the restrictions, encumbrances, liens, and interests that the Minister intends to specify and those that he or she intends not to specify in the *Gazette* notice referred to in subsection (1).
- (3) The persons are—
  - (a) the Ngāti Awa governance entity; and
  - (b) every person who would be entitled to enforce the restriction, encumbrance, lien, or interest if it were valid.
- (4) If it is impracticable to give notice to every person under subsection (3)(b), that subsection may be complied with by publishing a notice in a daily newspaper circulating in the district of the Whakatāne District Council in relation to the matter.

#### **128 No change in classification or purpose**

Despite sections 24 and 24A of the Reserves Act 1977, neither the Minister nor the local authority in which the Whakatāne Airport land is vested as a reserve for aerodrome purposes may change the classification or purpose of the whole or any part of the land.

#### **129 Amendment of computer register**

- (1) This section applies to the extent that land to which the revocation of the reserve status under section 125 applies comprises all the land in a certificate of title or computer freehold register.
- (2) The Registrar-General must, in accordance with a written application by a person authorised by the Director-General,—
  - (a) remove from the certificate or register any restriction, encumbrance, lien, or interest that is not specified in the *Gazette* notice that revoked the reservation; and
  - (b) remove any statement on the register that the register is issued for leasing purposes only under the Airport Authorities Act 1966; and

- (c) remove the notation referred to in section 131; and
- (d) register the Ngāti Awa governance entity as the proprietor of the fee simple estate in the land.

### **130 Creation of computer register**

- (1) This section applies to the extent that—
  - (a) land to which the revocation of the reserve status under section 125 applies does not comprise all the land in a certificate of title or computer freehold register; or
  - (b) there is no certificate of title or computer freehold register for all or part of the land.
- (2) The Registrar-General must in accordance with a written application by a person authorised by the Director-General, create 1 or more computer freehold registers.
- (3) For the purposes of subsection (2), if a computer freehold register is created—
  - (a) in the name of the Ngāti Awa governance entity, the Registrar-General must ensure that the register does not contain—
    - (i) any restriction, encumbrance, lien, or interest that is not specified in the *Gazette* notice that revoked that reservation; and
    - (ii) any statement that the register is issued for leasing purposes only under the Airport Authorities Act 1966; and
    - (iii) the notation referred to in section 131:
  - (b) for the balance of the land, the Registrar-General must ensure that the register contains the same restrictions, encumbrances, liens, interests, or statements to which the land was subject before the *Gazette* notice was issued (including the notation referred to in section 131).
- (4) Subsection (2) applies subject to completing any survey necessary to create a computer freehold register.
- (5) A computer freehold register must be created under this section as soon as is reasonably practicable after the land is vested in the Ngāti Awa governance entity, but no later than—
  - (a) 24 months after the land is vested; or
  - (b) any later date that may be agreed in writing by the Ngāti Awa governance entity and the Crown.

### **131 Titles to be noted**

The Registrar-General must, as soon as is reasonably practicable after the settlement date, note on each of the computer freehold registers referred to in attachment 5.4 of the Ngāti Awa deed of settlement that this subpart applies to the land in the registers.

**132 Application of other enactments**

- (1) The vesting in the Ngāti Awa governance entity of the fee simple estate in the Whakatāne Airport land (or part of it) does not—
  - (a) limit sections 10 and 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.
- (2) The vesting in the Ngāti Awa governance entity of the fee simple estate in the Whakatāne Airport land (or part of it) is a disposition for the purpose of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the vesting in the Ngāti Awa governance entity of the fee simple estate of the Whakatāne Airport land (or part of it);
  - (b) a matter incidental to, or required for, the purpose of vesting the fee simple estate of the land (or part of it).

**133 Whakatāne Airport land may be treated as settlement property**

If the fee simple estate of the Whakatāne Airport land (or part of it) is vested in the Ngāti Awa governance entity under section 125(4), the land must be treated as if it were a settlement property for the purposes of Part 6.

**Part 5****Commercial redress properties****Subpart 1—Transfer of commercial redress properties****134 Transfer of commercial redress properties**

- (1) To give effect to section 8 of the Ngāti Awa deed of settlement, the Crown (acting through the Commissioner of Crown Lands) is authorised to do 1 or more of the following:
  - (a) transfer the fee simple estate in a commercial redress property to the Ngāti Awa governance entity;
  - (b) sign a memorandum of transfer or other document, or do any other thing to execute such a transfer or other document.
- (2) In exercising the powers conferred by subsection (1), the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property.
- (3) Subsection (2) applies subject to section 137(2).

**135 Minister of Conservation may grant easements**

- (1) The Minister of Conservation may grant any easement over conservation land required by clause 8.4.4 of the Ngāti Awa deed of settlement.
- (2) An easement granted under subsection (1)—
  - (a) is registrable under section 17ZA(2) of the Conservation Act 1987 as if it were a deed to which that provision applies; and
  - (b) is enforceable on its terms despite Part 3B of the Conservation Act 1987.

**136 Creation of computer register**

- (1) This section applies to a commercial redress property to the extent that—
  - (a) the property is not all of the land comprised in a certificate of title or computer freehold register; or
  - (b) there is no certificate of title or computer freehold register for all or part of the property.
- (2) The Registrar-General must, on written application by the appropriate person, comply with subsection (3).
- (3) The Registrar-General must, in accordance with the application, create 1 or more computer freehold registers in the name of the Crown subject to, and together with, any encumbrances that are registrable or notifiable and that are described in the written application.
- (4) A computer freehold register created in accordance with subsection (3) must be created in the name of the Crown without any statement of purpose.
- (5) The appropriate person may grant a covenant to arrange for the later creation of 1 or more computer freehold registers for a property that is to be transferred to the Ngāti Awa governance entity.
- (6) Despite the Land Transfer Act 1952,—
  - (a) the appropriate person may request the Registrar-General to register a covenant referred to in subsection (5) under the Land Transfer Act 1952 by creating a computer interest register; and
  - (b) the Registrar-General must register the covenant in accordance with paragraph (a).
- (7) In this section, **appropriate person** means the person who is authorised by the chief executive of the transferor agency (as defined in clause 8.1 of the Ngāti Awa deed of settlement).

**137 Application of other enactments**

- (1) Nothing in section 11 or Part 10 of the Resource Management Act 1991 applies to—

- (a) the transfer to, or leaseback from, the Ngāti Awa governance entity of a commercial redress property to give effect to section 8 of the Ngāti Awa deed of settlement as provided for by section 8 of the deed; or
  - (b) any matter incidental to, or required for the purpose of, that transfer or leaseback.
- (2) The transfer of a commercial redress property does not—
- (a) limit sections 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals.
- (3) The transfer of a commercial redress property 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.
- (4) The land comprised in computer freehold register 113081 is to be treated as no longer—
- (a) being held as a reserve for a school site; and
  - (b) being subject to the Reserves Act 1977.
- (5) Lots 6 and 7 of DPS 35014, being together the land comprised in computer freehold register SA31B/299, may be disposed of individually and may be held again under separate computer freehold registers despite section 241(2) of the Resource Management Act 1991.

### 138 Roadways and rights of way

The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required for the purposes of section 8 of the Ngāti Awa deed of settlement.

## Subpart 2—Redress licensed land

### 139 Interpretation

In this subpart,—

**protected site** means—

- (a) each of—
  - (i) Part Section 1 Block III Rotoma Survey District and shown as Otamarakau 3A on ML 22158; and
  - (ii) Part Section 2 and Part Section 30 Block III Rotoma Survey District and shown as Otamarakau 3B on ML 22159; and
  - (iii) Part Section 30 Block III Rotoma Survey District and shown as Otamarakau 3C on ML 22160; and
  - (iv) Part Section 31 Block III Rotoma Survey District and shown as Otamarakau 3D on ML 22161; and

- (b) any area of land situated within the redress licensed land that—
  - (i) is, at any time, entered on the New Zealand Heritage List/Rārangī Kōrero (as defined in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014); and
  - (ii) is wahi tapu or a wahi tapu area within the meaning of that Act

**redress licensed land—**

- (a) has the meaning given by clause 8.1 of the Ngāti Awa deed of settlement and is shown on SO 61738 South Auckland Land District as—
  - (i) Part Northern Boundary Licensed Land; and
  - (ii) all Rotoehu East Licensed Land; and
  - (iii) Part Rotoehu West Licensed Land; but
- (b) excludes, subject to the terms of the Crown forestry licences, all trees and improvements that are excluded from the definition of **the land** in the relevant Crown forestry licences.

Section 139 **protected site** paragraph (b)(i): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

**140 Redress licensed land ceases to be Crown forest land**

- (1) The redress licensed land ceases to be Crown forest land immediately on registration of the transfer of the fee simple estate in the land to the Ngāti Awa governance entity.
- (2) Although the redress licensed land does not cease to be Crown forest land until the fee simple estate in the land is registered in the Ngāti Awa governance entity, neither the Crown nor any court or tribunal nor any person may do any thing or omit to do any thing which otherwise would be permitted by the Crown Forest Assets Act 1989 if the action or omission would be inconsistent with section 8 of the Ngāti Awa deed of settlement.

**141 Ngāti Awa governance entity confirmed beneficiary of redress licensed land**

- (1) The Ngāti Awa governance entity is, in relation to the redress licensed land,—
  - (a) the confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed; and
  - (b) the representative referred to in clause 11.5(c) of that deed.
- (2) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the redress licensed land as if that section applies to the redress licensed land, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the redress licensed land.
- (3) Notice given by the Crown under subsection (2) has effect as if the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of

Waitangi Act 1975 for the return of the redress licensed land and that recommendation had become final on the settlement date.

- (4) In this section, **Crown forestry rental trust deed** means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust under section 34 of the Crown Forest Assets Act 1989.

#### **142 Effect of Crown forestry licences on redress licensed land**

- (1) The Ngāti Awa governance entity is the licensor under any Crown forestry licences in relation to the redress licensed land as if that land had been returned to Māori ownership under section 36 of the Crown Forest Assets Act 1989.
- (2) To the extent that the Crown has not completed the process described in clause 17.4 of the Crown forestry licences in relation to the redress licensed land before the settlement date, it must continue the process after the settlement date until its completion.
- (3) For the period from the settlement date until the completion by the Crown of the process referred to in subsection (2), the licence fee payable under the Crown forestry licence in respect of the redress licensed land is the amount described in clause 8.4.3(a) of the Ngāti Awa deed of settlement.
- (4) To avoid doubt, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the redress licensed land.

#### *Right of access over redress licensed land*

#### **143 Right of access over redress licensed land**

- (1) The owner of the redress licensed land, or any person holding an interest or occupancy right from the owner, must allow the persons listed in subsection (2) to have access across the redress licensed land to a protected site or Section 32 Block III Rotoma Survey District, as the case may be.
- (2) The persons are—
- (a) in respect of a protected site:
- (i) Māori for whom that protected site is of special spiritual, cultural, or historical significance:
- (ii) the owner of the protected site, and any person authorised by the owner, for purposes consistent with the status of the site:
- (b) in respect of Section 32 Block III Rotoma Survey District:
- (i) the owner of the land, and any person authorised by the owner of the land, for purposes consistent with the status of the land:
- (ii) the persons referred to in the Notice Setting Apart Māori Freehold Land as a Māori Reservation published in the *Gazette*, on 8 May 1986, at page 1987.

- (3) The right of access may be exercised by vehicle or by foot over any existing reasonably convenient routes specified by the owner and is subject to the following conditions:
- (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise the right; and
  - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
  - (c) a person exercising the right must observe any reasonable conditions imposed by the owner that—
    - (i) relate to the time, location, or manner of access; and
    - (ii) are reasonably required for public safety, for the protection of land, improvements, flora and fauna, plant, equipment, and live-stock, or for operational reasons.

**144 Right of access subject to Crown forestry licence**

- (1) The right of access conferred by section 143 is subject to the terms of any Crown forestry licence in relation to the land, except where the licensee has agreed to an exercise of the right.
- (2) An amendment to a Crown forestry licence, or the grant of a new licence, is of no effect to the extent that it purports to—
- (a) delay the date from which a person who has a right of access under section 143 may exercise that right; or
  - (b) otherwise adversely affect the right conferred by section 143.

**145 Right of access must be noted on title**

A memorandum of transfer referred to in section 134 in relation to the redress licensed land must include an application to the Registrar-General to note on the computer freehold registers specified in the memorandum of transfer that the land is subject to the right of access conferred by section 143.

Subpart 3—Right of access over Ngāti Awa land

**146 Interpretation**

In this subpart, unless the context otherwise requires,—

**Kaingaroa Forest land** means the land which is subject to the Crown forestry licences described in attachment 8.3 of the Ngāti Awa deed of settlement

**Ngāti Awa land** means that part of the Kaingaroa Forest land, being the redress licensed land described as Part Northern Boundary Licensed Land in attachment 8.2 of the Ngāti Awa deed of settlement

**owner of Kaingaroa Forest land** means—

- (a) the Crown, while it holds land in the Kaingaroa Forest land; and
- (b) each registered proprietor of land in the Kaingaroa Forest land.

**147 Right of access over Ngāti Awa land**

- (1) Despite any rule of law or equity to the contrary, the right of access created under clause 8.4.7 of the Ngāti Awa deed of settlement runs with and binds all subsequent owners of the Ngāti Awa land.
- (2) The right of access referred to in subsection (1) does not of itself create a registrable interest in the Ngāti Awa land, but the operation of this section does not affect the registrability of any document entered into as a result of the exercise of that right.

**148 Requirements relating to right of access if Ngāti Awa land transferred**

- (1) If the Ngāti Awa governance entity seeks to transfer its interest in the fee simple estate of the Ngāti Awa land to another person, it must—
  - (a) include in the transfer document a written statement regarding the operation of section 147(1) in respect of the transfer; and
  - (b) notify the Registrar-General of his or her obligations under this section relating to the transfer.
- (2) The Registrar-General must, on receiving notification under subsection (1)(b), note on the computer freehold registers for the transferred land a statement that the land is subject to the right of access referred to in section 147(1).
- (3) However, if all the owners of the Kaingaroa Forest land agree in writing that a notation under subsection (2) is not required,—
  - (a) the Ngāti Awa governance entity may include a written statement certified by a solicitor of the High Court to that effect with the transfer document relating to the transfer; and
  - (b) the Registrar-General may rely on that statement as conclusive proof that all of the owners of the Kaingaroa Forest land agree that the notation is not required and register the transfer without making the notation.

**149 Removal of notation from computer freehold register**

- (1) The registered proprietor of the Ngāti Awa land may apply in writing to the Registrar-General to have a notation made under section 148(2) removed from the computer freehold registers specified in the application.
- (2) An application under subsection (1)—
  - (a) may be made only if all of the owners of the Kaingaroa Forest land agree in writing that the notation is no longer required; and
  - (b) the application is certified to that effect by a solicitor of the High Court.

- (3) On receipt of the application referred to in subsection (1), the Registrar-General must remove the notation from the computer freehold registers concerned.
- (4) The Registrar-General is entitled to rely on the certified application referred to in subsection (2)(b) as conclusive proof that all of the owners of the Kaingaroa Forest land agree that the notation is no longer required.

**150 Application of section 147**

Section 147 ceases to apply if the Registrar-General—

- (a) registers a transfer from the Ngāti Awa governance entity to another person and does not make a notation; or
- (b) removes a notation from the register in accordance with section 149(3).

**151 Effect of right of access on Crown forestry licences**

- (1) The right of access referred to in section 147(1) has no effect on the rights of a licensee under a Crown forestry licence granted in relation to the Ngāti Awa land before or after the commencement of this Act.
- (2) An amendment to a Crown forestry licence in relation to the Ngāti Awa land or the grant of a new Crown forestry licence in relation to the land has no effect to the extent that it purports to adversely affect the right of access referred to in section 147(1).

**Subpart 4—Ōhope Beach Holiday Park land**

**152 Ōhope Beach Holiday Park land**

- (1) Site A ceases to be a conservation area under the Conservation Act 1987.
- (2) The reservation of Site B as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked.
- (3) The fee simple estate in the Ōhope Beach Holiday Park land vests in the Ngāti Awa governance entity.
- (4) The vesting of the land under subsection (3) is subject to the existing leases.
- (5) When the reserve status of Site B is revoked under subsection (2), the site vests in the Crown as Crown land before it vests in the Ngāti Awa governance entity and is subject to section 82 of the Reserves Act 1977.
- (6) Sections 38 and 39 apply to the Ōhope Beach Holiday Park land as if it were a cultural redress property.
- (7) In this section and section 153,—

**existing leases** means the leases described in attachment 8.4 of the Ngāti Awa deed of settlement as amended by the memorandum of variation described in that attachment

**Ōhope Beach Holiday Park land** means Site A and Site B

**Site A** means 3.1565 hectares, more or less, being Allotment 548 Waimana Parish, All *Gazette* Notice B.095864, South Auckland Land District

**Site B** means 3.3922 hectares, more or less, being Section 1 SO 331004, Part *Gazette* 1977, page 3261, South Auckland Land District.

### 153 Modifications to Conservation Act 1987 in respect of Site A

Section 64(2)(b) of the Conservation Act 1987 continues to apply to Site A and the existing lease of Site A as if—

- (a) the reference to the Director-General were a reference to the lessor under the existing lease; and
- (b) the provisions of the Land Act 1948 specified in section 64(3) of the Conservation Act 1987 were sections 130 to 151 (except section 143(1)) and sections 170 to 170B; and
- (c) the reference to “the Crown” or “Her Majesty” in sections 136(4), 139(1), and 146(3) of the Land Act 1948 were a reference to the lessor under the existing lease; and
- (d) the words “, with the approval of the Minister,” were omitted from section 146(1) of the Land Act 1948.

## Part 6 Awanuiārangi II title

### 154 Interpretation

In this Part, unless the context otherwise requires,—

**protected land** means land in respect of which a direction has been made under section 157(1)

**settlement property**—

- (a) means each cultural redress property, each commercial redress property, and the Ōhope Beach Holiday Park land; and
- (b) includes the Whakatāne Airport land if vested in the Ngāti Awa governance entity under section 125(4).

### 155 Registration of land in name of Awanuiārangi II

(1) Despite anything in the Land Transfer Act 1952 or any other enactment or rule of law, the Ngāti Awa governance entity may direct the Registrar-General in writing that the fee simple estate of any land that is registrable or registered under that Act in the name of the Ngāti Awa governance entity—

- (a) be registered in the name of Awanuiārangi II, rather than in the name of the Ngāti Awa governance entity; or
- (b) be no longer registered in the name of Awanuiārangi II and instead be registered in the name of the Ngāti Awa governance entity.

- (2) The Registrar-General must give effect to a direction received—
- (a) under subsection (1)(a), by—
    - (i) registering the title to the land in the name of Awanuiārangi II; and
    - (ii) entering a notation on the title to the land that the land is subject to this Part:
  - (b) under subsection (1)(b), by—
    - (i) registering the title to the land in the name of the Ngāti Awa governance entity; and
    - (ii) cancelling the notation entered under paragraph (a)(ii); and
    - (iii) cancelling the notation entered under section 157(3)(a).

**156 Rights, powers, and duties of Ngāti Awa governance entity if land registered in name of Awanuiārangi II**

If the fee simple estate of any land is registered in the name of Awanuiārangi II under section 155,—

- (a) the Ngāti Awa governance entity—
  - (i) has all the rights, duties, and powers of the registered proprietor of the land (except that the land must continue to be registered in that name unless a direction is given under section 155(1)(b)); and
  - (ii) must exercise and perform the rights, duties, and powers in its own name and not in the name of Awanuiārangi II; and
- (b) the Registrar-General must have regard to paragraph (a).

*Protected land*

**157 Direction that land be noted as protected land**

- (1) A direction made by the Ngāti Awa governance entity under section 155(1)(a) in relation to land that is a settlement property may include a direction that the land is protected land for the purposes of this Part.
- (2) The Ngāti Awa governance entity may direct the Registrar-General in writing that any settlement property that is protected land no longer be protected land.
- (3) The Registrar-General must give effect to the direction—
  - (a) under subsection (1), by entering on the title to the settlement property a notation that the property is protected land:
  - (b) under subsection (2), by cancelling the notation on the title to the settlement property that the property is protected land.

*Evidence of proper direction***158 Evidence of proper direction**

In the absence of evidence to the contrary, it is sufficient evidence that the direction in writing has been properly given to the Registrar-General under section 155 or section 156 if the direction—

- (a) is executed or purports to be executed by the Ngāti Awa governance entity; and
- (b) relates to any land that is registrable or registered in the name of the governance entity; and
- (c) in the case of a direction given under section 157(2), relates to a settlement property.

*Application of other enactments to protected land***159 Application of other enactments to protected land**

- (1) Sections 297 to 304 of Te Ture Whenua Maori Act 1993 apply to the protected land as if the land were Maori freehold land.
- (2) Protected land must be treated as Maori freehold land for the purposes of sections 18(1)(c) and (d), 19(1)(a), 20, 24, 26, and 194 of Te Ture Whenua Maori Act 1993.
- (3) Section 342 of Te Ture Whenua Maori Act 1993 applies to the protected land as if the interest of the Ngāti Awa governance entity in the land were a beneficial interest in Maori freehold land.
- (4) Section 108(9) of the Resource Management Act 1991 applies to the protected land as if it were Māori land within the meaning of Te Ture Whenua Maori Act 1993.
- (5) The provisions of the Local Government (Rating) Act 2002 apply to the protected land as if it were Māori freehold land.
- (6) Protected land may not be acquired or taken under the Public Works Act 1981 without the consent of the Minister of Māori Affairs.

*Amendment to Crown Minerals Act 1991***160 Amendment to section 51 of Crown Minerals Act 1991**

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

## Part 7 Ancillary claims settlement

### Subpart 1—Interpretation

#### 161 Interpretation

In this Part, unless the context otherwise requires,—

**ancillary claims** means the Pukaahu historical claims, the Rangitaiki 60C historical claims, and the Waiohau historical claims

**ancillary deeds of settlement** means the Pukaahu deed of settlement, the Rangitaiki 60C deed of settlement, and the Waiohau deed of settlement

**Pukaahu** means the land described by that name in Schedule 16

**Pukaahu deed of settlement**—

- (a) means the deed of settlement dated 15 September 2004 signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and by Enid Leighton and Parehuia Aratema for the Pukaahu claimants; and
- (b) includes—
  - (i) the schedule to the deed; and
  - (ii) any amendments to the deed

**Pukaahu governance entity** means the whānau trust referred to in clause 2.1.1 of the Pukaahu deed of settlement

**Rangitaiki 60C deed of settlement**—

- (a) means the deed of settlement dated 15 September 2004 signed by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and by Isabella Westbury and Dick Hunia for the Rangitaiki 60C claimants; and
- (b) includes—
  - (i) any schedule to the deed; and
  - (ii) any amendments to the deed

**Rangitaiki 60C governance entity** means the Rangitaiki Whenua Valley Trust established by declaration of trust in accordance with clause 2.1.1 of the Rangitaiki 60C deed of settlement

**Rangitaiki 60C settlement land** means the land described by that name in Schedule 16

**Waiohau deed of settlement**—

- (a) means the deed of settlement dated 15 September 2004 initialled by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable

Margaret Wilson, for the Crown, and by Tukorehu Waaka for the Waiohau claimants; and

- (b) includes—
  - (i) the schedule to the deed; and
  - (ii) any amendments to the deed

**Waiohau governance entity** means the trust established by deed of trust in accordance with clause 2.1.1 of the Waiohau deed of settlement

**Waiohau settlement land** means the land described by that name in Schedule 16.

## **162 Meaning of Pukaahu, Rangitaiki 60C, and Waiohau historical claims**

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

### **Pukaahu historical claims—**

- (a) means claims—
  - (i) by the Pukaahu claimants (or a Pukaahu representative entity) whether made on, before or after the settlement date; and
  - (ii) that relate to acts or omissions of the Crown before 21 September 1992 in relation to the taking and subsequent administration of Rangitaiki 12 and any parcel of land derived from Rangitaiki 12 since 20 January 1879; and
- (b) includes the Wai 79 (Awakeri Springs) claim received by the Waitangi Tribunal on 19 February 1988

### **Rangitaiki 60C historical claims—**

- (a) means claims—
  - (i) by Rangitaiki 60C claimants (or a Rangitaiki 60C representative entity) whether made on, before, or after the settlement date; and
  - (ii) that relate to acts or omissions of the Crown before 21 September 1992 in relation to the taking under the Public Works Act 1928, and subsequent administration, of Rangitaiki 60C; and
- (b) includes the Wai 248 (Omataroa Rangitaiki) claim received by the Waitangi Tribunal on 23 February 1988

### **Waiohau historical claims—**

- (a) means claims—
  - (i) by the Waiohau claimants (or a Waiohau representative entity) whether made on, before, or after the settlement date; and
  - (ii) that relate to acts or omissions of the Crown before 21 September 1992 in relation to the taking under the Public Works Act 1928, and subsequent administration, of Waiohau; and

(b) includes the Wai 247 (Waiohau) claim received by the Waitangi Tribunal on 11 November 1991.

(2) In this section,—

**Rangitaiki 12** means the land with the legal description of Lot 12 Parish of Rangitaiki

**Rangitaiki 60C** means the land with the legal description of Allotment 60C Rangitaiki Parish

**representative entity**,—

(a) in relation to the Pukaahu historical claims,—

(i) means the Pukaahu governance entity; and

(ii) includes any person acting (including any trust or trustees) for, or on behalf of, any of the persons referred to in paragraph (a) of the definition of Pukaahu claimants in section 163(1); and

(b) in relation to the Rangitaiki 60C historical claims,—

(i) means the Rangitaiki 60C governance entity; and

(ii) includes any person acting (including any trust or trustees) for, or on behalf of, any of the persons referred in paragraph (a) of the definition of Rangitaiki 60C claimants in section 163(1)

(c) in relation to the Waiohau historical claims,—

(i) means the Waiohau governance entity; and

(ii) includes any person acting (including any trust or trustees) for, or on behalf of, any of the persons referred in paragraph (a) of the definition of Waiohau claimants in section 163(1)

**Waiohau** means the land with the legal description of South Auckland Land District, Whakatāne District, being 18.9443 hectares, more or less, and that part of Section 1 SO 41434 that was formerly Part Waiohau 1A1D1 and Part Waiohau 1A1D2.

### **163 Meaning of Pukaahu claimants, Rangitaiki 60C claimants, and Waiohau claimants**

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

**Pukaahu claimants**—

(a) means—

(i) the descendants of Wiremu Te Whatapapa or Rōha Petera; and

(ii) the collective group composed of the individuals referred to in subparagraph (i); and

(b) includes any whānau, hapū, or group to the extent that the whānau, hapū, or group includes persons referred to in paragraph (a)(i)

**Rangitaiki 60C claimants—**

- (a) means—
- (i) the owners of any part of Rangitaiki 60C between 14 June 1960 and 9 August 1986; and, to avoid doubt, includes any individual who purchased or otherwise acquired, or sold or otherwise disposed of, an ownership interest in Rangitaiki 60C during that period; and
  - (ii) the descendants of the individuals referred to in subparagraph (i); and
  - (iii) the collective group composed of the individuals referred to in subparagraphs (i) and (ii); and
- (b) includes any whānau, hapū, or group to the extent that the whānau, hapū, or group includes persons referred to in paragraph (a)(i) or (ii)

**Waiohau claimants—**

- (a) means—
- (i) the descendants of—
    - (A) Araera Waaka:
    - (B) Ani Hiki:
    - (C) Heni Hiki:
    - (D) Huka Hiki:
    - (E) Rua Hiki:
    - (F) Wharetakahia Hiki:
    - (G) Merania Waaka:
    - (H) Paora Waaka:
    - (I) Te Kari Waaka:
    - (J) Whakaki Waaka; and
  - (ii) the collective group composed of the individuals referred to in subparagraph (i); and
- (b) includes any whānau, hapū, or group to the extent that the whānau, hapū, or group includes persons referred to in paragraph (a)(i).
- (2) For the purposes of the definitions of **Pukaahu claimants**, **Rangitaiki 60C claimants**, and **Waiohau claimants**, a person is descended from another person if the person is descended from the other person by—
- (a) birth; or
  - (b) legal adoption; or
  - (c) Māori customary adoption in accordance with the customs of the respective claimants.

## Subpart 2—Vesting of ancillary claims settlement land

### **164 Vesting of Pukaahu**

- (1) The vesting of Pukaahu in the Whakatāne District Council is cancelled.
- (2) The reservation of Pukaahu as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked.
- (3) On the revocation of its reserve status under subsection (2), Pukaahu vests in the Crown as Crown land and becomes subject to section 82 of the Reserves Act 1977.
- (4) Immediately following the vesting under subsection (3)—
  - (a) the fee simple estate in Pukaahu vests in the Pukaahu governance entity subject to the registered lease H170889 to Awakeri Hot Springs (2002) Limited held in computer interest register SA23B/721; and
  - (b) the Pukaahu governance entity must be treated as having been constituted in respect of Pukaahu under section 214(1) of Te Ture Whenua Maori Act 1993 in addition to any other land in respect of which the Pukaahu governance entity was constituted; and
  - (c) Pukaahu must be treated as having the status of Maori freehold land under Te Ture Whenua Maori Act 1993; and
  - (d) any reference in the lease referred to in paragraph (a) to the Minister or Council must be read as a reference to the lessor under the lease.
- (5) Despite subsection (4)(b) and (c), the lease referred to in subsection (4)(a) continues to be enforceable in accordance with its terms.

### **165 Vesting of Rangitaiki 60C settlement land**

The fee simple estate in the Rangitaiki 60C settlement land vests in the Rangitaiki 60C governance entity subject to the drainage easement and the natural gas pipeline easements specified in Schedule 16 and on the terms and conditions set out in Schedules 2 and 3 of the Rangitaiki 60C deed of settlement.

### **166 Vesting of Waiohau settlement land**

The fee simple estate in the Waiohau settlement land vests in the Waiohau governance entity.

### **167 Registration of ownership: Pukaahu**

The Registrar-General must, on written application by any person authorised by the Director-General,—

- (a) register the Pukaahu governance entity as the proprietor of the fee simple estate in Pukaahu as if—
  - (i) the Pukaahu governance entity has given a direction, in compliance with sections 220A(2)(a) and 220A(4) of Te Ture Whenua

- Maori Act 1993, that Pukaahu be registered in the name of the Pukaahu governance entity as the trust applying to that land; and
- (ii) the Registrar-General has received, in compliance with section 220A(3) of Te Ture Whenua Maori Act 1993,—
    - (A) a copy of the direction under subparagraph (i) from the Registrar of the Maori Land Court; and
    - (B) a certificate of the Registrar of the Maori Land Court confirming the direction under subparagraph (i); and
- (b) register Pukaahu as Maori freehold land under Te Ture Whenua Maori Act 1993 in accordance with sections 123 and 140 of that Act as if—
- (i) Pukaahu is general land under Te Ture Whenua Maori Act 1993, and the Maori Land Court has made a status order declaring that Pukaahu ceases to be general land and must be treated as Maori freehold land in accordance with section 133(1) and (3) of that Act; and
  - (ii) the Registrar-General has received the status order referred to in subparagraph (i) from the Registrar of the Maori Land Court in accordance with section 123(2) of Te Ture Whenua Maori Act 1993; and
- (c) make any entries in the register, and generally do all things, that may be necessary to give effect to this Part.

**168 Registration of ownership: Rangitaiki 60C settlement land and Waiohau settlement land**

- (1) The Registrar-General must, on written application by any person authorised by the chief executive of Land Information New Zealand, in accordance with that application,—
- (a) create 1 or more computer freehold registers in the name of the trustees of the Rangitaiki 60C governance entity for the fee simple estate in land that forms all or part of the Rangitaiki 60C settlement land, subject to the drainage easement and the natural gas pipeline easements specified in Schedule 16 in relation to the Rangitaiki 60C settlement land;
  - (b) create a computer freehold register in the name of the trustees of the Waiohau governance entity for the fee simple estate in the Waiohau settlement land.
- (2) Subsection (1) applies subject to completing the survey (if any) that may be necessary to create a computer freehold register.
- (3) A computer freehold register for the Rangitaiki 60C settlement land and the Waiohau settlement land must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—

- (a) 24 months after the vesting of the land under section 165 or section 166;  
or
- (b) any later date that may be agreed in writing between the body in which the land is vested under section 165 or section 166 and the Crown.

**169 Application of other enactments**

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation under section 164(2) of the reserve status of Pukaahu.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the vesting of the fee simple estate in land under any of sections 164, 165, or 166; or
  - (b) a matter incidental to, or required for the purposes of, the vesting of the fee simple estate in land under any of sections 164, 165, or 166.
- (3) The vesting of the fee simple estate in land under any of sections 164, 165, or 166 does not—
  - (a) limit sections 10 and 11 of the Crown Minerals Act 1991; or
  - (b) affect any other rights to subsurface minerals.
- (4) The vesting of the fee simple estate in land under any of sections 164(4)(a), 165, or 166 is a disposition for the purpose of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

*Termination of Pukaahu governance entity*

**170 Termination of Pukaahu governance entity**

If the Pukaahu governance entity is terminated, section 241(2)(b) of Te Ture Whenua Maori Act 1993 does not apply to the termination.

## Schedule 1

### Cultural redress properties

ss 12, 27–34

Property	Land description	Encumbrances
Kāpūterangi	South Auckland Land District— Whakatāne District 4.9321 hectares, more or less, being Allotment 538 Waimana Parish. All <i>Gazette</i> Notice S.441997	Subject to Kohi Point Walkway, a walkway under the New Zealand Walkways Act 1990 referred to in section 28
Te Paripari Pā	South Auckland Land District— Whakatāne District 1.0451 hectares, more or less, being Lot 2 DP 23964. All <i>Gaz-</i> <i>ette</i> Notice S.547411	
Otitapu Pā	South Auckland Land District— Whakatāne District 6.7839 hectares, more or less, being Section 1 SO 329118. Part <i>Gazette</i> Notice S.264764	Subject to the protected private land agreement referred to in sec- tion 31(2)
Te Toangapoto	South Auckland Land District— Whakatāne District 10.0000 hectares, more or less, being Section 1 SO 331003. Part <i>Gazette</i> Notice H.024770	
Te Ihukatia	South Auckland Land District— Whakatāne District 10.0000 hectares, more or less, being Section 1 SO 331006. Part <i>Gazette</i> Notice H.045762 and Part <i>Gazette</i> Notice H.163890	
Whakapaukorero	South Auckland Land District— Whakatāne District 33.0500 hectares, more or less, being Section 3 SO 329119. Part <i>Gazette</i> Notice H.011708, Part <i>Gazette</i> Notice S.554446 and Part Computer Freehold Register SA10A/600	
Former Matahina A4 Block	South Auckland Land District— Whakatāne District 4045 square metres, more or less, being Section 2 SO 60978. All Computer Freehold Register SA65B/912 (stratum title)  The land in this Computer Free- hold Register applies to the sur- face and airspace above the	Subject to a right to operate for Water Power Development Pur- poses. Created by Transfer B.499075.10

**Property**

**Land description**

**Encumbrances**

reduced level of 79.48 metres  
(Moturiki EDS datum)

## Schedule 2

### Nohoanga sites

ss 12, 89

<b>Waterway</b>	<b>Nohoanga site</b>	<b>Description</b>	<b>Special requirements</b>
Tarawera River	Te Awa a Te Atua	South Auckland Land District— Whakatāne District 1 hectare as shown marked “A” on SO 331022	No dogs No open fires
Part Ōhiwa Harbour	Port Ōhope Recreation Reserve	South Auckland Land District— Whakatāne District 1 hectare as shown marked “A” on SO 331006	No open fires
Whakatāne River	Ōhineteraraku Scenic Reserve	South Auckland Land District— Whakatāne District 1 hectare as shown marked “A” on SO 331010	No open fires
Rangitaiki River	Thornton Lagoon Wildlife Management Reserve	South Auckland Land District— Whakatāne District 1.0760 hectares as shown marked “A” on SO 331021	No dogs No open fires

## Schedule 3 Statutory acknowledgements

ss 40, 48

### Part 1

#### Statutory areas for which statutory acknowledgement only provided

*South Auckland Land District*

<b>Area</b>	<b>Location</b>
Kohi Point	As shown on SO 61401
Mokorua Scenic Reserve	As shown on SO 310381
Ōhope Scenic Reserve	As shown on SO 61696
Moutohorā (Whale Island) Wildlife Management Reserve	As shown on SO 61405
Part Ōhiwa Harbour	As shown on SO 61441
Te Kaokaoroa Historic Reserve	As shown on SO 61402
Former Matahina A5 Block	As shown on SO 61685

### Part 2

#### Statutory areas for which both statutory acknowledgement and deed of recognition provided

*South Auckland Land District*

<b>Area</b>	<b>Location</b>
Uretara Island	As shown on SO 61690
Whakatāne River	As shown on SO 61404
Rangitaiki River	As shown on SO 61406
Tarawera River	As shown on SO 61403

## Schedule 4

### Statutory acknowledgement for Koohi Point (Kohi Point)

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the area known as Koohi Point, as shown on SO 61401, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of its cultural, spiritual, historical, and traditional association to Koohi Point as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

It is the historical traditions of Ngāti Awa that illustrate the relationship of Ngāti Awa to Koohi Point Scenic Reserve. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, solidarity, and continuity between generations and document the events which shaped the environment of Koohi Point and Ngāti Awa as an iwi.

Ngāti Awa has resided at Koohi Point since the time of the ancestor Tīwakawaka, many generations before the arrival of the Mātaatua waka at Whakatāne. Tīwakawaka was the first explorer to discover and settle the land around Kākahoroa (Whakatāne). His waka was Te Aratauhāiti and his descendants were the original people of Kākahoroa. Some of the crew of Te Aratauhāiti are commemorated in the names of the rocks at Koohi Point.

Twelve generations from Tīwakawaka came the ancestor Toi te Huatahi. Toi resided at Kāpūterangi Pā which is located above the Koohi Point Scenic Reserve. On the arrival of Hoaki and Taukata to the area in search of their sister, Kanioro, they were treated to a feast consisting of fern root, berries, and other forest foods. Upon tasting these foods they took an instant dislike to them, remarking that it was just like eating wood. It was from this event that Toi became known as Toi-kai-rākau (Toi the vegetarian). Hoaki and Taukata asked for a bowl of water in which they added dried preserved kūmara or kao and asked their hosts to taste it. Having tasted this delicious kai they desired to have more of it. A canoe was built from driftwood log (tāwhaowhao) and named accordingly Te Ara Tāwhao. Tama ki Hikurangi was chosen to captain the canoe to go in search of the source of the kūmara. These events occurred near Te Hae-haenga, the beach immediately below Koohi near the Whakatāne River.

A significant event in the history of Ngāti Awa was the arrival of the waka Mātaatua, captained by Toroa, the chief of Mātaatua and one of the principal ancestors of Ngāti Awa. Mātaatua faced rough waters as it approached the headland at Whakatāne (Koohi Point). The turbulence was so bad that it caused the daughter of Toroa, Wairaka, to suffer the indignity of experiencing sea sickness. The term by which Ngāti

Awa tipuna later called this experience was “kō-hī” (to be ill). Hence the name by which the rocks, the point, and adjacent land is known today.

The name Koohi is well known in the traditions of Ngāti Awa and appears in several waiata and in the following well known proverb:

*Ngā mate i Koohi me tangi mai i Kawerau, ngā mate o*

*Kawerau me tangi atu i Koohi.*

*The deaths at Koohi will be wept over at Kawerau and the deaths at Kawerau will be wept over at Koohi.*

Ngāti Awa have traditionally regarded the Koohi Point Rocks as toka tipua (rocks imbued with spiritual and sacred qualities) and the places as papanga tawhito (ancient sites of traditional significance). Ngāti Awa tipuna used the naming of the rocks at Koohi to record significant events and rangatira throughout their history. The Koohi Point Rocks have been personalised with the names of some of those involved in the Mātaatua canoe’s lengthy ocean passage. The Koohi Point Rocks are made up of a number of different rocks, some of which are referred to here to signify the importance of the Koohi Point Scenic Reserve and contiguous coastal area to Ngāti Awa. All the Koohi Point Rocks, aside from Hine-tū-aho-anga, Hī-moki, and Toka-tapu, are owned by Ngāti Awa.

Hi-moki is in the mouth of the Whakatāne River and was regarded as a very significant fishing spot. The next Koohi Point Rock is Hine-tū-aho-anga, named after a woman who was a leader of the sandstone people back in the ancient lands of Hawaiki. This rock was used for sharpening tools in ancient times.

To the west of Koohi Pā is Te Puke a Hawaiki, also known as Hingarae or Sugar Loaf Rock. This rock was named after an accident where a rangatira slipped and hit his forehead. Next to Hingarae are Te Toka Koakaroa, commonly referred to as Koakaroa, which is the traditional name of the entrance to the Whakatāne River, and Areiawa. The latter is submerged in the channel of the 2 former rocks and is historically known as the guardian rock of the Whakatāne River. Sited amongst these rocks is Toka Kuku-pōniana, commonly referred to as Niania Rock. Niania is a species of mussel commonly found in the area.

Kōpua Huruhuru is an area of water north-east of Te Puke a Hawaiki and encompasses the shoreline and bed of rocks north of it. This area was well known as a harvesting place for seafood. Below the very point of this headland are Koohi Point and Rukupō rocks. The latter rock is significant in Ngāti Awa mythology in that it was here that the famous tohunga Te Tahinga o te Rangi rested when he returned from Whakāri (White Island).

On the eastern coastline of Koohi Point Scenic Reserve is Te Toka o te Rua o te Ika (Fish Hole), a bay renowned by Ngāti Awa for the varieties of fish that dwell there. In the middle of this bay is a rock island of the same name. Located off its eastern point is a submerged rock called Whakāri of the same name as the island volcano. Whakāri and the adjoining bay, Pipiko, are popular nesting areas for the grey-faced petrel commonly known as muttonbird or tītī. The area was also a popular spot from which

Ngāti Awa people collected kaimoana including koura, paua, and kina. Paparoa and Ōtarawairere are also areas on the eastern side of Koohi Point Scenic Reserve that were well known as recreational sites for the collection of seafood.

The particular Ngāti Awa hapū who lived on and around the lands of the Koohi Point Scenic Reserve were Te Patutātahi or Ngai Taiwhakaea II, Ngāti Hokopū, and Ngāti Pūkeko (which was previously referred to as Ngai Tonu). Patutāhora and Ngāti Rangataua were divisions of Ngāti Pūkeko. Ngāti Wharepaia, a division of Ngāti Hokopū, and Te Patuwai also have historical and cultural connections to Koohi Point by virtue of their descent from the Ngāti Awa ancestors, Taiwhakaea I, Te Rangitipukiwaho I, Taiwhakaea II, Nukutaimehameha, Paiaka, Te Hemahema, Te Pūtārera, and Te Hāmaiwaho. Other hapū of the area included Ngāti Ikapuku, Ngāti Maumoana, Ngāti Hore, Ngāti Paeko, Ngāti Whakapoi, and Ngāti Whakahinga.

Ngāti Awa people occupied a number of pā sites at Koohi Point. Aside from Kāpūterangi, the famous pā of Toi, there was a neighbouring pā site called Ōrāhiri. Ōrāhiri derived its name from Rāhiri, the son of Puhi-moana-ariki, the brother of Toroa. Although there were other pā sites on Koohi Point during the time of Puhi and Toroa, Ōrāhiri was the only settlement with a chief, namely Puhi. Toroa himself lived on the flat lands below Koohi Point.

There was an instance during the kūmara planting season when Puhi, who lived at Koohi Point, being jealous of his older brother Toroa for holding the mana of Mātaatua as bestowed upon him by his father Irakewa, set out to insult his tuakana (older brother). After hearing the insult directed at him by his younger brother, Toroa reciprocated. Bitter resentment arose between the 2 brothers, with Puhi deciding to take the Mātaatua waka and seek a new home in the North.

Papa-Whāriki was another area of occupation by Ngāti Awa at Koohi Point. Papa-Whāriki overlooked Te Ana o Muriwai (Muriwai's Cave). There were three sites at Papa-Whāriki. Below this site, directly opposite Te Ana o Muriwai at the water front, once stood Irakewa Island. Irakewa was the father of Toroa. The island held a spiritual significance for Ngāti Awa as descendants of this ancestor.

Another pā at Koohi Point was Taumata Kahawai. The name of this pā signifies a lookout place for Kahawai. Taumata Kahawai was occupied by the chief Taiwhakaea I, founder of the hapū of Te Patutātahi or Ngai Taiwhakaea and of Ngāti Ikapuku. These hapū were responsible for observing the ocean and surrounding shores for possible invasion and shoals of fish.

Other pā sites within the Koohi Point Scenic Reserve include Te Rae o te Tāmure, Koohi, and Te Whakaterere. Te Rae o te Tāmure Pā is situated on the ridge between Ōhope West and Ōtarawairere beach at Koohi Point. It runs north from the vicinity of Ōtarawairere down to the cliffs at the seaside edge of the ridge. Situated at the bottom of the cliff is a very important fishing rock called Whanga-pānui where snapper would gather in abundance (hence the name “The Gathering Place of Snapper”).

There were other pā sites at Koohi Point, adjacent to the modern day Koohi Point Scenic Reserve. Pāpaka was located directly above Pōhaturua Rock at Koohi Point.

Opposite and south of Pāpaka is another well known pā site, Puketapu. To the east of Pāpaka and towards Te Wairere Falls were Koohinepipi and Tamatea-Iwi. Below these pā to the north-east was Kuharoa. Further Ngāti Awa pā at Koohi Point were Hauwai, Kuharua, Kāeaea, Pāhau, Tikotikorere, and Tirotiro Whetū. These were all settlements named and occupied by Ngāti Awa. The people of these pā also utilised the abundant resources of the Koohi Point Scenic Reserve.

The various pā and other sites within and in the vicinity of Koohi Point Scenic Reserve demonstrate the general and special significance of the statutory area to Ngāti Awa. They show how the region has been occupied by Ngāti Awa hapū since the time of the Mātaatua waka and before.

The Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Koohi Point area, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Awa today.

Koohi Point Scenic Reserve is the repository of many kōiwi tangata, secreted away in places throughout the Reserve. Urupā are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to Koohi Point Scenic Reserve.

#### *Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Koohi Point, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Koohi Point as provided in section 47.

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

Except as expressly provided in sections 41 to 44 and 47,—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Koohi Point than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Koohi Point.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Koohi Point to a person or persons other than Ngāti Awa or a representative entity.

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 Mokorua Scenic Reserve

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the area known as Mokorua Scenic Reserve, as shown on SO 310381, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Mokorua Scenic Reserve as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to the Mokorua Scenic Reserve. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of the Mokorua Scenic Reserve to Ngāti Awa.

According to Ngāti Awa traditions Tīwakawaka was the first explorer to discover and settle the land around Kākahoroa (Whakatāne). His waka was Te Aratauwahāiti and his descendants became known as Ngāti Ngainui. The descendants of Tīwakawaka are the original people of Kākahoroa. Twelve generations from Tīwakawaka came the ancestor Toi Te Huatahi. Toi resided at Kāpūterangi above Kākahoroa. Toi is acknowledged as the principal founding ancestor of many iwi including Ngāti Awa. Ngāti Awa history then records the arrival of the waka Mātaatua (the eye of the god) at Kākahoroa (Whakatāne) from the ancestral homeland Hawaiki. Many of the ancestors of Ngāti Awa on board Mātaatua and their descendants utilised the natural bounty of what is now known as the Mokorua Scenic Reserve.

Ngāti Awa from Whakatāne, Ngāti Pūkeko, Ngāti Hokopū, and Ngai Taiwhakaea II hapū of Ngāti Awa have resided in and around the lands of the Mokorua Scenic Reserve for many generations. Battle sites, urupā and landscape features bearing the names of tipuna record their history of occupation. The result of the struggles, alliances and marriages arising out of various inter-hapū disputes within Ngāti Awa was the eventual emergence of a stable, organised and, from time to time, united series of hapū located in and around the Mokorua Scenic Reserve area.

As recently as the mid-1800s the Mokorua Scenic Reserve was the centre of debate and conflict between tribes stemming from a plan to establish a flour mill in the area. After the battles, Ngāti Awa continued to reside on the lands of the Mokorua Scenic Reserve.

The lands of the Mokorua Scenic Reserve were always regarded by Ngāti Awa, particularly the hapū of the Whakatāne area, as a valuable source of foods such as birds including the kererū. Ever since ancient times the lands of the Mokorua Scenic Reserve have been from time to time the cause of many disputes because of the abundant nature of the area for food gathering. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to the Mokorua Scenic Reserve.

The Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails, places for gathering kai and other taonga, ways in which to use the resources of the Mokorua Scenic Reserve, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Awa today.

The Mokorua Scenic Reserve is the repository of many kōiwi tangata, secreted away in places throughout the Reserve. Urupā are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations.

#### *Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Mokorua Scenic Reserve, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Mokorua Scenic Reserve as provided in section 47.

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

Except as expressly provided in sections 41 to 44 and 47,—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw may give any greater or lesser weight to Ngāti Awa's association with Mokorua Scenic Reserve than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Mokorua Scenic Reserve.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Mokorua Scenic Reserve to a person or persons other than Ngāti Awa or a representative entity.

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 Ōhope Scenic Reserve

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the area known as Ōhope Scenic Reserve, as shown on SO 61696, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Ōhope Scenic Reserve as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

It is the historical traditions of Ngāti Awa such as whakapapa, waiata, kōrero, and whakairo that illustrate the cultural and spiritual association of Ngāti Awa to the Ōhope Scenic Reserve. These histories link the present generations of Ngāti Awa with their ancestors and the atua of the natural world such as Io-Matua-Kore, Ranginui, and Papatuanuku. These traditions form the foundation of the identity of Ngāti Awa as an iwi. Some of these important historical traditions are recorded below.

Ngāti Awa history records the arrival of the waka Mātaatua (the face of the god) at Kākahoroa (Whakatāne) from the ancestral homeland Hawaiki. Mātaatua brought the kumara to Kākahoroa and a parcel of soil from Rangiātea to place in the garden called Matirerau. Toroa, the chief of Mātaatua, is acknowledged as one of the principal ancestors of Ngāti Awa. From Toroa came Ruaihona, from Ruaihona came Tahinga o Te rangi and from Tahinga o Te rangi came Awanuiārangi II. The eponymous ancestor Awanuiārangi II, great-grandson of Toroa, is acknowledged by Ngāti Awa as the paramount and principal identifying ancestor to which all hapū of Ngāti Awa can trace descent.

During the early occupation of Ōhope by Ngāti Awa, various hapū established the customary interests of the iwi. Following that, during the late 18th century 2 Ngāti Awa hapū, Ngāti Hokopū and Ngāti Wharepaia, were prominent within the Reserve and surrounding area.

A number of pā sites near the Ōhope Scenic Reserve illustrate the strong historical associations of Ngāti Awa to the Reserve. Western-most was Ōtūmanu Pā. Te Rae o Te Tāmure was nearby, on the ridge between Ōhope West and Ōtarawairere beach at Koohi Point. Both these pā were occupied by Tamaruarangi, a well-known rangatira and ancestor of Ngāti Awa. Further east, near the coast below the Ōhope Scenic Reserve were 2 key strategic pā called Maungateone Pā (Sand Mountain) and Te Pari-pari or Gunfighters' Pā. Further along Ōhope towards Ōhiwa were Mihi Marino Pā

(Calm Greetings) and Raukawarua Pā. There were also pā within the Ōhope Scenic Reserve but their names have been lost over time.

The Ōhope Scenic Reserve was rich in resources and provided an abundance of wild-life, plant, and vegetation for the hapū of Ngāti Awa that lived within or near the Reserve. The Reserve was a favourite food gathering place for the hapū of Ngāti Awa. The use of the Reserve area has been evidenced by the discovery of artefacts along the creekbed of Te Huki o to Tuna (Spit of the Eel) in past years.

To ensnare some of the abundant bird life within the area known today as the Ōhope Scenic Reserve the people of the hapū would hollow out miro logs as drinking troughs for birds such as kererū and wait in hiding for them.

The medicinal qualities of the plant life in the Ōhope Scenic Reserve were also important to Ngāti Awa. These cultural aspects of the Reserve constitute an essential part of the heritage of Ngāti Awa.

Particular stretches of the Ōhope Scenic Reserve also have their own traditions. West of Ōtumanu along the cliff face is the path known as Te Ara-kā which means the burning path or illuminated pathway.

Ngāti Awa have always maintained a considerable knowledge of the lands of the Ōhope Scenic Reserve and surrounding area, its history, the traditional trails of the tipuna in the area, the places for gathering kai and other taonga, and the ways in which to use the resources of the Ōhope Scenic Reserve. Proper and sustainable resource management has always been at the heart of the relationship of Ngāti Awa with the Ōhope Scenic Reserve. The sustainable management of the resources of the reserve remains important to the people of Ngāti Awa today.

The Ōhope Scenic Reserve is the repository of many kōiwi tangata, secreted away in places throughout the reserve. These urupā are wāhi tapu and the knowledge of their location is often protected. Urupā provide an important link to the memories and traditions of Ngāti Awa tipuna and the protection of the relationship to those places is important to the spiritual wellbeing of the iwi.

The traditional values of mana, mauri, whakapapa, and tapu are central to the relationship of Ngāti Awa with the Ōhope Scenic Reserve. The mana of Ōhope describes the power and importance of the reserve to Ngāti Awa. Mana also implies the responsibility of Ngāti Awa as tangata whenua and guardians of the area. The mauri of Ōhope is the life force of Ōhope. All forms of life have a mauri and all forms of life are related. One of the roles of Ngāti Awa as tangata whenua is to protect the mauri of the Ōhope Scenic Reserve area. Whakapapa defines the genealogical relationship of Ngāti Awa to the Reserve. Tapu describes the sacred nature of the Reserve to Ngāti Awa. Mana, mauri, whakapapa, and tapu are all important spiritual elements of the relationship of Ngāti Awa with the Ōhope Scenic Reserve area. All of these values remain important to the people of Ngāti Awa today.

*Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Ōhope Scenic Reserve, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Ōhope Scenic Reserve as provided in section 47.

*Limitations on effect of statutory acknowledgement*

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Ōhope Scenic Reserve than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Ōhope Scenic Reserve.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Ōhope Scenic Reserve to a person or persons other than Ngāti Awa or a representative entity.

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 Moutohorā (Whale Island) Wildlife Management Reserve

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the area known as Moutohorā (Whale Island) Wildlife Management Reserve, as shown on SO 61405, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Moutohorā (Whale Island) Wildlife Management Reserve as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to Moutohorā. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of Moutohorā to Ngāti Awa.

A significant event in the history of Ngāti Awa was the arrival of the waka Mātaatua to Aotearoa. Toroa, the chief of Mātaatua, is acknowledged as one of the principal ancestors of Ngāti Awa. The first occupation of Moutohorā was by the grandson of Toroa, Te-Rongo Tauaroa a Tai. Te Rongo lived at a pā called Raetihi (The Summit of Gentle Breezes), now known as Pā Hill. Some of the descendants of Rongo are found among the hapū of Ngāti Awa.

Moutohorā derives its name from the words Motu (island) and tohorā (whale). With the passage of time the name was shortened to Moutohorā. It was here that Captain Cook's first expedition described the only double-hulled war canoe that they saw during their expedition in Aotearoa. This confirms that in 1769 the Ngāti Awa hapū living at Moutohorā were using double-hulled waka for sea transport.

Taiwhakaea I, a noted chief of Ngāti Awa and eponymous ancestor of the Taiwhakaea hapū of Ngāti Awa, lived from time to time on Moutohorā. Te Ngārara, another Ngāti Awa rangatira, also made frequent use of the island.

There were a number of pā sites on Moutohorā that were used by the hapū of Ngāti Awa who occupied the Island. Raetihi is one such pā. The unusual feature of Raetihi is that it has stone walls on the lower north-eastern side of the pā. Moutohorā was occupied for relatively short periods of time when people travelled to the Island to gather food. Gathering tīfī (mutton bird—grey faced petrels) and kaimoana from

Moutohorā were regular seasonal activities for the Whakatāne based hapū of Ngāti Awa.

There are also a number of significant Ngāti Awa wāhi tapu on Moutohorā. Te Pari Kawau (Boulder Bay) was an ancient urupā of the hapū of Ngāti Awa. Another wāhi tapu on Moutohorā is Waiariki (Sulphur Bay). Separate areas at Waiariki were set aside for cooking, bathing, and medicinal purposes. Various Ngāti Awa people suffering from skin ailments and especially from hakihaki were able to go to the hot springs at Waiariki and bathe in the sulphur laden water. Te Puna Wai (The Water Spring) is a small spring on Moutohorā. Te Puna Wai was the only reliable source of fresh water. However, during a very dry summer it was necessary to carry additional water to Moutohorā from Whakatāne. Te Rātahi (McEwens Bay) was where the hapū of Ngāti Awa living on Moutohorā established their gardens and grew kūmara and other root vegetables.

The abundant resources of Moutohorā made it a valuable place to live for those hapū of Ngāti Awa fortunate enough to occupy the Island. The gathering of tītī was always a traditional and annual activity involving many of the hapū of Ngāti Awa. Ngāti Awa people used the cultural practice of rāhui to ensure the tītī were never depleted completely on the Island. Moutohorā was also useful as a lookout point to intercept any intruders who were en route to some other part of the eastern coast.

Moutohorā has always been a rich source of pāua, kina, crayfish, and the popular varieties of shellfish for the hapū of Ngāti Awa.

The Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Moutohorā, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the hapū of Ngāti Awa today.

Moutohorā is the repository of many kōiwi tangata. Urupā are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations.

The mauri of Moutohorā represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to Moutohorā.

#### *Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Moutohorā (Whale Island) Wildlife Management Reserve, as provided in sections 42 to 44; and

- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Moutohorā (Whale Island) Wildlife Management Reserve as provided in section 47.

*Limitations on effect of statutory acknowledgement*

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Moutohorā (Whale Island) Wildlife Management Reserve than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Moutohorā (Whale Island) Wildlife Management Reserve.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Moutohorā (Whale Island) Wildlife Management Reserve to a person or persons other than Ngāti Awa or a representative entity.

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 Part Ōhiwa Harbour

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is Part Ōhiwa Harbour marked “A” on SO 61441, South Auckland Land District, being the foreshore, seabed, and coastal water (as those terms are defined in the Resource Management Act 1991) and the air space above the water and, where the boundary of the area marked “A” on SO 61441 is shown as a landward boundary, the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point is whichever is the lesser of—

- (a) 1 kilometre upstream from the mouth of the river; or
- (b) the point upstream that is calculated by multiplying the width of the river mouth by 5.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa’s statement of Ngāti Awa’s cultural, spiritual, historical, and traditional association to Part Ōhiwa Harbour as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to the Ōhiwa Harbour. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of Ōhiwa Harbour to Ngāti Awa.

According to Ngāti Awa the first person to settle in the region was Maui. After him was Tīwakawaka. His descendant was Toi te Huatahi who was also known as Toi Kairākau. From Toi descended many tribes collectively known as Te Tini o Toi. Another of these ancient tribes was Te Hapūoneone, a division of Te Tini o Awa who occupied the lands around Ōhiwa. The harbour has always been a source of sustenance to those residing around the harbour, at pā such as Tauwhare, Te Horo, and Paparoa. The name Ōhiwa comes from Te Ōhiwa o Awanuiārangi II which means the standing place of Awanuiārangi II. The name arose when Awanuiārangi II stood on the summit of the pā site Paparoa at Wainui on the shores of Ōhiwa. Since then Awanuiārangi’s descendants, the hapū of Ngāti Awa, have resided and maintained a presence at Ōhiwa Harbour.

There are a number of important Ngāti Awa pā sites and wāhi tapu in the Ōhiwa Harbour, which demonstrate Ngāti Awa connections with the harbour. Generations of Ngāti Awa have watched over Ōhiwa from such places. One such wāhi tapu was Te

Horonga o Ngai Te Hapū (the bathing place of Te Hapū). Te Hapū was the son of Tār-oakaikaha, the founding ancestor of the Patuwai hapū of Ngāti Awa who are now located at Pupuāruhe, Toroa Marae and Mōtiti Island. Te Horo, at the mouth of the Ōhiwa Harbour, was also an important settlement of Te Kooti and his Ngāti Awa followers. Taipari is a wāhi tapu also located at the mouth of the harbour near Te Horo. Taipari is the area where Ngāti Awa hapū would read the signs of the ocean, hence the name Taipari which means the rising and falling of the tides. Taipari is also the name of a chief of the Ngāti Awa hapū, Ngāti Hokopū. There are numerous other pā and wāhi tapu known to Ngāti Awa around the harbour.

Ngāti Awa from Whakatāne, Ngāti Hokopū, and Ngāti Wharepaia were instrumental in establishing and maintaining a Ngāti Awa presence at Ōhiwa Harbour. Several pā were destroyed in the many battles between Ngāti Awa and Whakatōhea until peace was finally made between the 2 tribes in 1857. There were several minor incidents following the peace agreement regarding boundaries, but it is Ngāti Awa's tradition that a boundary between the iwi generally agreed at that time was to the Hokianga River in the Ōhiwa harbour. This boundary is still contested today. The Hokianga River, which winds its way through the harbour and out to sea, can only be seen at low tide.

The Ōhiwa harbour has provided Ngāti Awa hapū with all the resources of life they required to survive. The harbour provided an abundance of fish and shellfish such as flounder, kahawai, mussels, pipi, cockles, scallops, and oysters. The harbour was also rich in bird life and building material. The Ngāti Awa hapū, Ngāti Hokopū and Ngāti Wharepaia settled throughout the Ōhiwa Harbour. Ōtao was a favourite place of Ngāti Hokopū for gathering kaimoana particularly pipi, scallops, and cockles.

Throughout the years Ngāti Awa have exercised custodianship over the harbour and have imposed rāhui (temporary restrictions) when appropriate, restricting the taking of mussels, scallops, and other kaimōana. Proper and sustainable management of Ōhiwa Harbour has always been at the heart of the relationship of Ngāti Awa with the harbour.

Ōhiwa Harbour is the repository of many kōiwi tangata. Urupā are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna and are frequently protected in secret locations.

Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Ōhiwa Harbour, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Awa today.

The Ōhiwa Harbour is of great cultural and historical importance to Ngāti Awa. The mauri of Ōhiwa Harbour represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a

critical element of the spiritual relationship of Ngāti Awa whānui to the Ōhiwa Harbour.

*Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Part Ōhiwa Harbour, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Part Ōhiwa Harbour as provided in section 47.

*Limitations on effect of statutory acknowledgement*

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Part Ōhiwa Harbour than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Part Ōhiwa Harbour.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Part Ōhiwa Harbour to a person or persons other than Ngāti Awa or a representative entity.

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 Uretara Island

s 40

### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the area known as Uretara Island, as shown on SO 61690, South Auckland Land District.

### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Uretara Island as set out below.

### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

It is the historical traditions of Ngāti Awa such as whakapapa, waiata, kōrero, and whakairo that illustrate the cultural and spiritual association of Ngāti Awa to Uretara Island. These histories link the present generations of Ngāti Awa with their ancestors and the atua of the natural world such as Ranginui, Papatuanuku, and Tāne. These traditions form the foundation of the identity of Ngāti Awa as an iwi. Some of these important historical traditions are recorded below.

According to Ngāti Awa, Te Hapūoneone, a division of Te Tini o Awa, were the original inhabitants of Ōhiwa Harbour. These people resided at Uretara and other pā at Tauwhare, Te Horo, and Paparoa. Ngāti Awa tipuna also whakapapa to various pre-migration iwi including Te Hapūoneone, Maruiwi, Ngā Pōtiki, Ngā Maihi, Te Mārangaranga, Te Tini o Toi, and Te Tini o Kawerau. From time to time, these groups traversed the lands around and within the Ōhiwa harbour, including Uretara Island.

The name Ōhiwa comes from Te Ōhiwa o Awanuiārangi II. Awanuiārangi II is the great grandson of Toroa, captain of the Mātaatua waka and is the principal ancestor of Ngāti Awa. Hapū of Ngāti Awa have resided at Uretara, within the Ōhiwa Harbour, since the time of Awanuiārangi II.

Uretara Island is one of a number of important Ngāti Awa pā sites and wāhi tapu in the Ōhiwa Harbour. Generations of Ngāti Awa have watched over Ōhiwa from Uretara Island. To the people of Ngāti Awa, Uretara Island is of great cultural and historical importance. Two major pā, Paripari and Karamea, were built on Uretara Island to access, protect, and watch over Ōhiwa. The strategic geographical position of the island made it an ideal fortified village. During the time of warfare the strategically built pā, terraces, surrounding water, and skilled Ngāti Awa warriors made it almost impossible for outsiders to conquer the island.

Many battles were fought between Ngāti Awa and other iwi over the control of Uretara Island. Ngāti Awa were often successful in those conflicts but sometimes suffered temporary defeats at the hands of other related Mātaatua tribes. During this time own-

ership of Uretara Island fluctuated between Ngāti Awa and Whakatōhea hapū, including Upokorehe. Prior to 1840 and the arrival of tauīwi (European settlers) Uretara Island was occupied by Te Kēpa Toihau and his people of the Whakatāne section of Ngāti Awa.

In 1862 a dispute over rights to Uretara Island arose between Ngāti Awa and Whakatōhea. Independent assessors were called in and they decided in favour of Ngāti Awa although Whakatōhea continued to express objections. Uretara Island was then included in the confiscation area in 1866 and was not returned to Māori by the Compensation Court. Since this time the island has been out of Ngāti Awa's control. However Ngāti Awa have always maintained a cultural and spiritual association to Uretara.

Uretara Island is one of the areas where the footprints of Ngāti Awa tipuna remain. It is a place where the people of Ngāti Awa would be able to sit and reflect on the life of their ancestors sensing the ihi (power), wehi (fear), and the mauri (life force) emanating from the land and water.

The Ngāti Awa tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai, other taonga, and ways in which to use the resources of Uretara Island. The tipuna were also knowledgeable in the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the hapū of Ngāti Awa today.

Uretara Island is also the repository of kōiwi tangata. Urupā are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna.

To the people of Ngāti Awa, Uretara Island is of the utmost importance because of its physical, spiritual, and social significance in the past, present, and future. The mauri of Uretara Island represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to Uretara Island.

#### *Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Uretara Island, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and

- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Uretara Island as provided in section 47.

*Limitations on effect of statutory acknowledgement*

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Uretara Island than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Uretara Island.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Uretara Island to a person or persons other than Ngāti Awa or a representative entity.

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 Whakatāne River

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the River known as the Whakatāne River, as shown on SO 61404, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to the Whakatāne River as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

It is the historical traditions of Ngāti Awa such as whakapapa, waiata, kōrero, and whakairo that illustrate the cultural and spiritual association of Ngāti Awa to the Whakatāne River. These histories link the present generations of Ngāti Awa with their ancestors and the atua of the natural world such as Ranginui, Papatuanuku, and Tāne. These traditions form the foundation of the identity of Ngāti Awa as an iwi. Some of these important historical traditions are recorded below.

The Whakatāne River is rich in historical and cultural association for Ngāti Awa. One of the founding ancestors of Ngāti Awa, Tīwakawaka, lived at the mouth of the Whakatāne River. Hoaki and Taukata landed here and were stranded at the river mouth. The Mātaatua waka also landed at the mouth of the Whakatāne River.

The present name "Te Awa o Whakatāne" relates to the arrival of the waka Mātaatua to Aotearoa. Wairaka was the daughter of Toroa and a member of the crew of the waka Mātaatua. When Mātaatua arrived at Whakatāne, most of the men of the waka climbed the hill at Kāpūterangi to observe the new land. They left the waka attended by a group of women. The mooring of the waka became loosened and it began to drift out to sea. Wairaka, who had been observing the situation, took the matter in hand and cried "E! Kia Whakatāne ake au i ahau" (Let me act the part of a man). Hence the name "Whakatāne". Toroa, the chief of Mātaatua, is acknowledged as one of the principal ancestors of Ngāti Awa.

The naming of various features including rocks in the Whakatāne River reflects the succession of explorers and ancestors of Ngāti Awa who lived along the Whakatāne River. Rocks in the mouth of the Whakatāne River include Te Puke-a-Hawaiki, Koakaroa, Areiawa, Toka Mauku, Toka Roa, Rangaia, and Roimata Turuturu. The Ngāti Awa people have used the Whakatāne River to access sacred sites along its banks. When the Mātaatua waka landed at Whakatāne, one of the very first tasks performed by Toroa and its other occupants was to build a sacred alter called a pouahu. The spot on which the pouahu was built was located on the bank of the Whakatāne River. The

mauri of the Mātaatua waka was placed at the pouahu. This was an object that represented the physical and spiritual welfare of the waka and its occupants during its voyage. Later the mauri represented the welfare of the people in their residence. A mānuka tree was planted at the pouahu as a symbol representing life and well-being for the people of the Mātaatua waka. At this place people revealed their misfortunes, afflictions and transgressions. The symbolic nature of the mānuka tree gave expression to the term “Te Mānuka Tūtahi” (the lone standing mānuka tree). This term has become a strong spiritual identifying term for the people of Ngāti Awa.

Close to Te Mānuka Tūtahi on the side of the Whakatāne River was Hine Tuahoanga (ancestress of stone). This rock was once used by the hapū of Ngāti Awa for sharpening stone, aided with the waters from Whakatāne River alongside. On the other side of the river mouth from Te Mānuka Tūtahi lies the ancient urupā of Ōpihi-whaunga-kore where many of the remains of the Ngāti Awa people who lived at Whakatāne are now buried and watch over Whakatāne River. Some notable Ngāti Awa ancestors buried at Ōpihi are Te Waiopōtanga, Toihau, Te Kēpa Toihau, Te Hāmai-waho, Te Apanui, and Uaterangi.

There were a number of tipua (guardian spirits) and taniwha of special significance to Ngāti Awa that lived along the Whakatāne River. Tūtarakauika was one of the tipua that lived in the Whakatāne River. Tūtarakauika, because of his ability to communicate with life in the ocean, caused much jealousy among other young men of the tribe who later plotted and then clubbed him to death, and his body was taken out and cast into the sea. His father Takatūtahi and remaining sons Rongoiri and Tūtahi sought revenge, found the culprits, and took them to the same spot where they threw Tūtarakauika overboard. Takatūtahi, Rongoiri, and Tūtahi cast the offenders overboard and watched as they transformed into kutukutu moana (sea lice). Tūtarakauika, however, was revived, cared for, and became part of the family of Tangaroa, being adopted by Kiwa and Hinemōana.

Te Tahī o te Rangi is a famous taniwha of the Whakatāne River in the historical traditions of Ngāti Awa. In ancient times Te Tahī was a tohunga of great status in Ngāti Awa. It was believed that Te Tahī had great powers concerning the supernatural, and it was suspected by members of his tribe that these powers were being used for sinister purposes. These sinister suspicions were eventually brought to the fore when kūmara plants became blighted one season and it was Te Tahī who was blamed. A secret meeting was held in his absence and it was decided that he should be taken to Whakāri and left there to perish. A fishing expedition was organised and Te Tahī was led to believe that he would guide them due to his superior knowledge of the best fishing grounds. Once the expedition arrived at Whakaari, Te Tahī was tricked and the waka left without him, leaving him stranded on the island. Te Tahī summoned a whale which swam towards the rock where he sat. Te Tahī climbed onto the whale. The whale asked if the waka that had left Te Tahī should be destroyed and Te Tahī replied “waiho ma te whakamā rātou e patu, waiho hei kōrero i a tātou kia atawhai ki te iwi” (let their shame punish them, let us acquire fame by means of mercy). Te Tahī landed on a rock by the mouth of the Whakatāne River named Rukupō and could be seen by the returning canoes. Te Tahī then travelled to the rock Te Toka a Houmea,

further inland along the Whakatāne River, where he rested. Later he was killed and his body then taken up the Rangitaiki River to Ōpuru (Te Ōpurunga o Te Tahī—The place where the body of Te Tahī was buried). His kaitiaki, the whale monster Tūtara-kauika, swam up the Rangitaiki River and excavated a channel to Ōpuru, retrieved the body of Te Tahī and turned the body into a taniwha. There are several places along the Whakatāne River that are named after Te Tahī. Te Tahī is represented as a Marikihau in several carved houses of Ngāti Awa. The Whakatāne River and its banks have been occupied by the ancestors of Ngāti Awa since before the arrival of Mātaatua. More recently in the 18th and 19th centuries the chiefs Te Pūtarera, Tohi Te Ururangi, Toihau, Hokimōana, Te Ngārara, and their people resided at Te Whare o Toroa, the area around the present day Wairaka Marae which was located originally up against the banks of the river. Since this time there has been reclamation due to the change in the river's course. Cultivations and sites of houses were well established in this region. Throughout this period a number of hapū of Ngāti Awa resided along the Whakatāne River including Ngāti Maumoana, Ngai Te Hapū, Ngāti Ikapuku, Te Patuwai, Ngāti Pūkeko, Te Whānau a Taiwhakaea, Ngāti Hinanoa, Ngāti Kama, Ngai Tāpiki, and Ngāti Hokopū. The Whakatāne River was a life and spiritual source for those people. All of these hapū had various pā, kāinga, and wāhi tapu along the banks of the river.

There were also a number of wāhi tapu sites of significance to Ngāti Awa along the Whakatāne River. Mimihanui, Ōtangi-haku, Ōtarehie, Puke-rārauhe, Motueka, Rauporoa, Hūrepo, Ōtarehu, and Ōhineteraraku were kāinga (settlements) of Ngāti Awa along the river. Ōtarahioi and Te Mauku Pā are pā sites at Tāneatua. Pekapekatahi is a wāhi tapu near Tāneatua. This was the place where the Ngāti Awa tohunga Te Tahī o te Rangi crossed the Whakatāne River. Generations of Ngāti Awa have watched over the Whakatāne River from such places. The sites highlight Ngāti Awa's connections to Whakatāne River and the numerous residences along its shores. In particular, Pōhaturoa is a significant wāhi tapu site along the Whakatāne River. Pōhaturoa is important because it was where the Treaty of Waitangi (Te Tiriti o Waitangi) was signed by Ngāti Awa. On 16 June 1840, representatives of the Ngāti Awa hapū of Ngāti Pūkeko and Ngai Tōnu signed a copy of the Treaty of Waitangi (Te Tiriti o Waitangi) at Pōhaturoa. This was an event of great historical significance for Whakatāne as well as for the people of Ngāti Pūkeko and Ngāti Awa. The chiefs that signed the Treaty were Tautari, Mōkai, Mato, Tarawatewate, Tūnui, Taupiri, Haukakawa, Pīariari, Matatehokia, Rewa, Tūpara and Mōkai II—presumed to be Mōkai's son.

Ngāti Awa have always maintained a considerable knowledge of the Whakatāne River, its history, the traditional trails of the tipuna along the river, the landing places of waka, the places for gathering kai and other taonga, and the ways in which to use the resources of the Whakatāne River. The Whakatāne River was valued by Ngāti Awa as a source of food including eels, kākahi, oysters, fish, and whitebait. The Whakatāne River was also used by Ngāti Awa to transport goods to and from the inland settlements of the iwi. Proper and sustainable resource management has always been at the heart of the relationship of Ngāti Awa with the Whakatāne River.

The traditional values of mana, mauri, whakapapa, and tapu are central to the relationship of Ngāti Awa with the Whakatāne River. The mana of the Whakatāne River is the power and importance of the river to Ngāti Awa. Mana also defines the custodian responsibility of Ngāti Awa as guardians of the river. The mauri of the Whakatāne River is the life force of the Whakatāne River. All forms of life have a mauri and all forms of life are related. One of the essential roles of Ngāti Awa is to protect the mauri of the river.

Whakapapa defines the genealogical relationship of Ngāti Awa to the Whakatāne River. Tapu describes the sacred nature of the relationship of Ngāti Awa to the Whakatāne River. Mana, mauri, whakapapa, and tapu are all important spiritual elements of the relationship of Ngāti Awa with the Whakatāne River. All of these values remain important to the people of Ngāti Awa today.

#### *Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Whakatāne River, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to the Whakatāne River as provided in section 47.

In this statutory acknowledgement, **river**—

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

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

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with the Whakatāne River than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Whakatāne River.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Whakatāne River to a person or persons other than Ngāti Awa or a representative entity.

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 Rangitaiki River**

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the river known as the Rangitaiki River, as shown on SO 61406, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to the Rangitaiki River as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to the Rangitaiki River. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of the Rangitaiki River to Ngāti Awa.

The Rangitaiki River has been a treasured taonga and resource for Ngāti Awa. Traditionally the Rangitaiki River and, in times past, the associated swamp area have been a source of food as well as a communication waterway. Te Mārangaranga were one group that held primacy over the swamp during the pre-migration period. They were principally located in the Rangitaiki valleys of Te Houhi and Te Whāiti. Upon the arrival of the waka Mātaatua this group inter-married with the new arrivals.

There were a number of taniwha and tipua (guardian spirits) that lived in and along the Rangitaiki River. One such taniwha was Hākai Atua. Hākai Atua was a taniwha of the Ngāti Awa hapū of Ngai Tamaoki and resided close to their kāinga. Hākai Atua travelled the river and was a kaitiaki who protected the Ngai Tamaoki people.

Raukawarua was a taniwha who lived at Kōkōhināu. Raukawarua was supposed to be a kaitiaki of other taniwha that lived in the river, thus Raukawarua became known as the rangatira of Ngāti Awa (the chief of the river tribe and of all other river creatures).

Rimurimu was a tipua of the Ngāti Awa hapū of Warahoe and Ngā Maihi who lived along the Rangitaiki River between Te Teko and Matahina. Rimurimu was only recognisable to the Warahoe hapū and only revealed itself to warn the people of danger. Rimurimu came about after Miro, daughter of Hikareia (a chief of Warahoe), drowned herself after her plan to be with her lover was thwarted. Miro chanted Te Punga i Orohia. A line in the chant refers to her being a rimu. Miro then took the form of Rimurimu.

Hine-i-Whāroa was a tipua in the form of a white eel that lived in the Rangitaiki River. Hine-i-Whāroa was the kaitiaki of all the other eels that lived in the river. Hine-i-Whāroa became the kaitiaki that limited the number of eels that could be caught by the people thereby ensuring that the fishery would survive. No matter how hard the people tried to catch Hine-i-Whāroa to clear the way so they would have unrestricted access to all eels, they could never do so.

In time the Warahoe hapū of Ngāti Awa, also descendants of Te Mārangaranga, occupied the lands along the Rangitaiki River. Warahoe was also the old name of the Ōrini Stream that connects the Rangitaiki and Whakatāne Rivers. The resources of the Rangitaiki River and swamp area were shared by the hapū of Ngāti Awa living in the area. The Ngāti Awa hapū of Ngāti Pūkeko, Ngāti Hokopū, and Te Patutātahi occupied the eastern bank of the Rangitaiki River. Te Pahipoto, Ngā Maihi, and Te Patutātahi occupied the upper (southern) portion of the river around Te Teko. Te Tāwera, Ngai Te Rangihouhiri II, and Ngāti Hikakino occupied the western edge of the river. Te Patutātahi had a large grouping of hapū that included Ngāti Hinanoa, Ngāti Kama, Ngāti Hina, Ngai Tāpiki, and Te Whānau a Taiwhakaea II. This group occupied the important central reaches of the Rangitaiki River. Te Patutātahi are today known as Ngai Taiwhakaea II. The Rangitaiki River was an essential resource and taonga for those hapū communities from the Ngātamawahine, Pōkairoa, Pāhekeheke, and Waikōwhewhe streams to the original outlet of the river at Mātata, where it once converged with the Tarawera River.

A number of settlements have been established by the hapū of Ngāti Awa along the Rangitaiki River. Such settlements highlight the connections of Ngāti Awa with the Rangitaiki River and their occupation of the river's catchments. One such settlement was Te Pūtere located on the coast between the Tarawera and Rangitaiki Rivers. Te Pūtere was a block of land slightly higher than the surrounding swamp area, originally inhabited by Ngāti Patuwai and later Te Patutātahi, Te Pahipoto, and Te Patuwai. Inland hapū used Te Pūtere as a fishing Nohoanga allowing them access to the resources of the lower reaches of the Rangitaiki River and the sea.

Further inland along the Rangitaiki River were the Ngāti Awa settlements of Te Kupenga and Te Teko (which remains one of the principal Ngāti Awa settlements along the river). Kōkōhinau Marae is another important Ngāti Awa settlement located in the Te Teko area along the bank of the Rangitaiki River. Te Pahipoto are the hapū of Kōkōhinau. Ngā Maihi, Ngāti Tamawera, and Ngai Tamaoki also had villages along the river. Ngāti Hāmua also have their kāinga and marae on the banks of the Rangitaiki River. Ōtipa Pā, occupied at different times by Ngā Maihi, Warahoe, and Ngāti Hāmua, is another Ngāti Awa kāinga located along the Rangitaiki River.

The Rangitaiki River provided the hapū of Ngāti Awa, particularly those living in pā along the river, with abundant food and material resources. Water from the river was used by Ngāti Awa to irrigate crops along the riverbanks. Flax and raupo grew well along the river and, in times past, in the swamp ground. These provided materials for clothing, building, and trade for the Ngāti Awa hapū. Fish, eels, and birds were also in plentiful supply. Not only did the Rangitaiki River provide the Ngāti Awa hapū with

food, trade, and building materials but it also allowed easy internal movement for the hapū of Ngāti Awa from one end of the rohe to the other and provided refuge in times of danger.

The tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Rangitaiki River, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Awa today.

All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to the Rangitaiki River.

The Rangitaiki River has always been an integral part of the social, spiritual, and physical lifestyle of the Ngāti Awa people.

#### *Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Rangitaiki River, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to the Rangitaiki River as provided in section 47.

In this statutory acknowledgement, **river**—

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

*Limitations on effect of statutory acknowledgement*

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with the Rangitaiki River than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Rangitaiki River.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Rangitaiki River to a person or persons other than Ngāti Awa or a representative entity.

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 Tarawera River

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the river known as the Tarawera River, as shown on SO 61403, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to the Tarawera River as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

The traditions of Ngāti Awa illustrate the cultural, historical, and spiritual association of Ngāti Awa to the Tarawera River. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection, and continuity between generations and confirm the importance of the Tarawera River to Ngāti Awa.

The Tarawera River was created by the tears of Tarawera. Tarawera yearned for her husband, Pūtauaki, who left her for the island of Moutohorā. In ancient times before the arrival of the waka Mātaatua the banks of the Tarawera River were inhabited by ancestors of Ngāti Awa including Te Tini o Toi, Te Tini o Awa, and Te Tini o Kawerau. In more modern times, but long before the arrival of Europeans, hapū such as Ngai Te Rangihouhiri II, Ngāti Hikakino, and Te Tāwera utilised the resources of the river and occupied its banks.

A number of tipua (guardian spirits) and taniwha of special significance to Ngāti Awa inhabited the Tarawera River. Taratua was one such taniwha. This feared taniwha of Ngāti Awa lived at Ruataniwha. In ancient times Taratua terrorised and devoured people attempting to travel along the river. Taratua was later killed by an ancestor of Ngāti Awa named Iratūmoana. The story of Taratua is well known and features the Ngāti Awa tipuna Iratūmoana, who was successful in killing the feared taniwha.

Te Awa a Te Atua is the name of the mouth of the Tarawera River. When the Mātaatua waka arrived at Te Awa a Te Atua, Wairaka bathed at the river mouth. While Wairaka was swimming she was overcome with her menstruation. Her father, Toroa, chief of the Mātaatua waka saw blood floating down the river and asked whose godly blood it was. Wairaka confirmed that it was her blood and Toroa named the river mouth Te Awa a Te Atua (the river of the Gods).

The people of Ngāti Awa lived in many villages located along the banks of the Tarawera River. The riverbanks thus became the repository of many kōiwi tangata. Urupā are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau trad-

itions. Urupā and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to the Tarawera River.

Awaiti is a well-known Ngāti Awa wāhi tapu along the Tarawera River. Awaiti was named by the Ngāti Awa chief Tīhori when he released the two taniwha Tūtarakauika and Tūpai into the Tarawera River. These two taniwha formed the Kōmutumutu River, which connects the Rangitaiki and Tarawera Rivers. The Kōmutumutu River flows into the Tarawera River (the smaller river), hence the name, Te Awaiti o Tīhori. Another site near the Tarawera River named by Tīhori was Kōpai o Piko. Kōpai o Piko was named when Tīhori found out that his wife had been unfaithful to him and he decided to leave Matahina. Tīhori built a waka, Whakapaukarakia, and he left the district via the Rangitaiki River and then through Kōmutumutu into the Tarawera River and finally out at Te Awa a Te Atua. The two taniwha, Tūtarakauika and Tūpai, dug out a channel which enabled Tīhori to travel to Te Awa a Te Atua. The channel they created formed bends in the land that established the Kōmutumutu River, hence the name Kōpai o Piko.

Te Tatau o Hape is another wāhi tapu of Ngāti Awa at the Tarawera Falls. Hape was a great ancestor of Ngāti Awa who went in search of greenstone. Hape travelled along the Tarawera River during his journey. When Hape arrived at the Tarawera Falls, he placed a huge boulder in the path of the Tarawera River, hence the Māori name of the Tarawera Falls, Te Tatau a Hape (the door of Hape).

The Tarawera River was a major food and water resource to the Ngāti Awa people both prior to and since the arrival of the Mātaatua waka. Ngāti Awa people resided in a number of pā sites located along the riverbank. Such sites are significant to Ngāti Awa and illustrate Ngāti Awa connections to the Tarawera River. A sacred pā site along the Tarawera River is Parawai. Parawai was one of the pā of Te Tāwera hapū of Ngāti Awa. Parawai was the site of many battles between Ngāti Awa and other iwi. Another important pā of Ngāti Awa was Te Kohika. This was located toward the coast and near the island pā of Te Matata and Ōmarupōtiki and was used to access the reefs at the mouth of the river. Ōmataroro was another important Ngāti Awa pā near the Tarawera River. Ngāti Awa watched over and protected the Tarawera River from such pā.

From time to time other hapū such as Ngāti Pūkeko and Ngāti Hāmua also lived along the Tarawera River near its mouth.

The Tarawera River provided an abundance of fish, eels, kākahi, and whitebait for the hapū of Ngāti Awa. The junction of the Waikāmihi Stream and the Tarawera River was an important fishing location for whitebait, eels, and other fish for Te Tāwera hapū of Ngāti Awa. As well as being an abundant source of food for the hapū of Ngāti Awa, the Tarawera River was also used as a highway to assist the transportation of materials and people up and down the river. Waka that travelled up and down the Tarawera River were launched at Ōkauneke.

The tipuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Tarawera River, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of its resources. All of these values remain important to the hapū of Ngāti Awa today.

*Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Tarawera River, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to the Tarawera River as provided in section 47.

In this statutory acknowledgement, **river**—

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

*Limitations on effect of statutory acknowledgement*

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with the Tarawera River than that per-

son or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Tarawera River.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of the Tarawera River to a person or persons other than Ngāti Awa or a representative entity.

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 Te Kaokaoroa Historic Reserve**

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the area known as Te Kaokaoroa Historic Reserve, as shown on SO 61402, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Te Kaokaoroa Historic Reserve as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

It is the historical traditions of Ngāti Awa that illustrate the cultural and spiritual association of Ngāti Awa to Te Kaokaoroa. For Ngāti Awa, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, solidarity, and continuity between generations and document the events which shaped the environment of Te Kaokaoroa and Ngāti Awa as an iwi.

A significant event in the history of Ngāti Awa was the arrival of the waka Mātaatua to Aotearoa. Toroa, the chief of Mātaatua, is acknowledged as one of the principal ancestors of Ngāti Awa. When the Mātaatua canoe made landfall at Te Awa o Te Atua (Matata), Toroa, observing that the shore line from the river mouth right across to Ōtamarakau was like a rib bone, named it Te Kaokaoroa o Toroa (the long rib of Toroa). Over time a number of pā sites and wāhi tapu of Ngāti Awa hapū, including Ngai Te Rangihouhiri II, Ngāti Hikakino, and Te Tāwera, developed along Te Kaokaoroa o Toroa. The pā sites included Mōkaingārara and Te Matata (near Matata) and Nohonoho, Hauone, and Te Paripari (towards Ōtamarakau). The wāhi tapu included Arakino and Te Awatarariki. Te Kaokaoroa Reserve is part of this landscape named by Toroa.

Te Kaokaoroa Reserve is sacred to several hapū of Ngāti Awa including Ngai Te Rangihouhiri II, Ngāti Hikakino, and Te Tāwera, because it commemorates a great battle between Government forces and the Tai Rawhiti force along Te Kaokaoroa o Toroa coastline in 1864.

The Tai Rawhiti force was a collection of armies of the East Coast tribes who intended to travel to Waikato to support the Kingitanga to defend the invasion of their lands by Government forces and European settlers. The Tai Rawhiti force included Ngāti Awa, Whakatōhea, Tūhoe, Te Whānau-a-Apanui, and Ngāti Porou.

The Tai Rawhiti forces established a camp on the eastern side of the Waihi lagoon at Maketu. The joint Crown and Te Arawa force set up camp on the western side. The

stalemate was broken with the arrival of two Government warships, the *HMS Falcon* and *HMS Sandfly*. The ships began shelling the Tai Rawhiti forces who were then forced to retreat towards Ōtamarakau. The battle of Te Kaokaoroa ensued. Many of the Tai Rawhiti force lost their lives. The dead included those of Whakatōhea, Te Whānau-a-Apanui, Ngāti Porou, and Ngāti Awa.

Te Kaokaoroa Reserve is the resting place of Te Rangi-i-paea, a chief of Ngāti Hikakino, who was killed at the battle of Te Kaokaoroa. Many unnamed dead of Ngai Te Rangihouhiri II, Ngāti Hikakino, Te Tāwera, and other hapū of Ngāti Awa were buried at this site by Hori Kawakawa and other Ngāti Awa chiefs. Hoera-tama-titahi, chief of the Ngāti Porou contingent that was part of the Tai Rawhiti Force, also lies buried at Te Kaokaoroa.

Te Kaokaoroa is therefore the repository of many kōiwi tangata. Urupā are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna, and are frequently protected in secret locations.

The mauri of Te Kaokaoroa Reserve represents the essence that binds the physical and spiritual elements of all things together, generating and upholding life. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Awa whānui to Te Kaokaoroa.

#### *Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Kaokaoroa Historic Reserve, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and
- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Te Kaokaoroa Historic Reserve as provided in section 47.

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

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or

lesser weight to Ngāti Awa's association with Te Kaokaoroa Historic Reserve than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Kaokaoroa Historic Reserve.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Te Kaokaoroa Historic Reserve to a person or persons other than Ngāti Awa or a representative entity.

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 Former Matahina A5 Block

s 40

#### *Statutory area*

The area to which this statutory acknowledgement applies (statutory area) is the area known as Former Matahina A5 Block, as shown on SO 61685, South Auckland Land District.

#### *Preamble*

Under section 40, the Crown acknowledges Ngāti Awa's statement of Ngāti Awa's cultural, spiritual, historical, and traditional association to Former Matahina A5 Block as set out below.

#### *Cultural, spiritual, historical, and traditional association of Ngāti Awa with statutory area*

It is the historical traditions of Ngāti Awa such as whakapapa, waiata, kōrero, and whakairo that illustrate the cultural and spiritual association of Ngāti Awa to Matahina A5. These histories link the present generations of Ngāti Awa with their ancestors and the atua of the natural world such as Ranginui, Papatuanuku, and Tāne. These traditions form the foundation of the identity of Ngāti Awa as an iwi. Some of these important historical traditions are recorded below.

Ngāti Awa tipuna whakapapa to various pre-migration iwi including Te Hapūoneone, Maruiwi, Ngā Pōtiki, Ngā Maihi, Te Mārangaranga, Te Tini o Toi, and Te Tini o Kawerau. From time to time, these groups also traversed the lands, rivers, mountains, and forests of the Eastern Bay of Plenty region including the Matahina Valley. Prior to the arrival of tauīwi (European settlers), the tipuna of Ngāti Awa established important communities all along the banks of the principal rivers of the region, including the Rangitaiki. The ancestors of Ngā Maihi, Warahoe, Ngāti Hāmua, Ngai Tamaoki, Ngai Taipoti, Ngāti Ahi, Ngai Taiwhakaea, Te Tāwera, and Ngāti Pūkeko had settlements over the Matahina blocks and along the Rangitaiki River including the pā at Ōtipa.

The rich soils and waterways of the Rangitaiki and the Matahina Valley provided Ngāti Awa hapū with an abundance of food (birds, animals, fish), building materials, material for clothing, and cultivation sites. As communities became established around pā and kāinga, like those of Ngāti Awa along the banks of the Rangitaiki River, so too did the need for urupā (burying places). Urupā are the resting places of Ngāti Awa tipuna and, as such, are the focus of whānau traditions. Urupā and wāhi tapu are places holding the memories, traditions, victories, and defeats of Ngāti Awa tipuna.

Many battles were fought between Ngāti Awa and other iwi in the Matahina region and even further inland over several centuries, despite their close whakapapa and kin relationships. Ngāti Awa were often successful in those conflicts but sometimes suf-

ferred temporary defeats at the hands of other iwi and hapū. Hostilities between Ngāti Awa and other iwi continued for several decades following the arrival of the first settlers and missionaries to the area. Matahina A5 is an urupā site in the far north of the former Matahina block. Once near the Rangitaiki River since the late 1960s it has been partially submerged within Lake Matahina.

As a consequence of settlement patterns, warfare, and migrations, many Ngāti Awa hapū have dead buried in what became Matahina A5 including Ngā Maihi, Warahoe, Ngāti Hāmua, Ngai Tamaoki, Ngai Taipoti, Ngāti Ahi, Ngai Taiwhakaea, Te Tāwera, and Ngāti Pūkeko. Ngāti Awa have maintained strong connections in their custodianship role over this urupā across many generations. Matahina A5 is therefore an ancient and important urupā for the hapū of Ngāti Awa.

According to Ngāti Awa traditions, after the arrival of Europeans Te Rangitūkehu restored Warahoe and Ngāti Hāmua to the Matahina area as an act of aroha for those hapū, including those who were and remain part of Ngāti Awa. They had previously been driven away by Te Rangitūkehu and his tipuna in the inter-iwi and hapū conflicts of an earlier era. It was on account of the gift from Te Rangitūkehu that Ngāti Awa say other iwi and hapū were permitted to re-settle in the Matahina region.

In 1881 and 1884, the Native Land Court recognised the customary interests of Ngāti Awa in Matahina A5 and a nearby urupā, Matahina A4, by vesting those wāhi tapu in Te Rangitūkehu Hātua and Te Whāiti Paora as trustees. Te Rangitūkehu, as one of the leading rangatira of Ngāti Awa at that time, undertook the principal kaitiaki role over Matahina A5 on behalf of the iwi in accordance with Ngāti Awa custom. During the 20th century Ngāti Awa continued to maintain their custodianship over Matahina A5 without interference from other iwi and hapū.

In the 1960s, using public works legislation, the Crown took land from Ngāti Awa including Matahina A5 to create the Matahina Lake and power project and Te Māhoe village. During the construction of Matahina Dam, the Crown advised that it intended to destroy parts of Matahina A5. The elders of Ngāti Awa at the time, while expressing dismay at these proposals, acted to ensure the kōiwi tangata were protected and removed them from those burial sites including Matahina A5 that were threatened by the power project. Even though the title of Matahina A5 was taken from Ngāti Awa, the site remains a sacred urupā and wāhi tapu for the iwi.

#### *Purposes of statutory acknowledgement*

Under section 41, and without limiting the rest of this schedule, the purposes of this statutory acknowledgement are—

- (a) to require that relevant consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Former Matahina A5 Block, as provided in sections 42 to 44; and
- (b) to require that relevant consent authorities forward summaries of resource consent applications to the Ngāti Awa governance entity as provided in section 46; and

- (c) to enable the Ngāti Awa governance entity and any member of Ngāti Awa to cite this statutory acknowledgement as evidence of the association of Ngāti Awa to Former Matahina A5 Block as provided in section 47.

*Limitations on effect of statutory acknowledgement*

Except as expressly provided in sections 41 to 44 and 47—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāti Awa's association with Former Matahina A5 Block than that person or entity would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement had not been made.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in subpart 3 of Part 4, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Former Matahina A5 Block.

*No limitation on the Crown*

The existence of this statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement in respect of Former Matahina A5 Block to a person or persons other than Ngāti Awa or a representative entity.

Schedule 14: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

## Schedule 15 Place names

ss 115, 116

### Part 1

#### Name to be altered

Existing place name	Location	New name
Volkner Rocks	260-W15 v13/14: Grid reference 758 054	Te Paepae o Aotea
Awāteatua Beach	260-V15: Grid reference 405 617	Te Awa a te Atua Beach

### Part 2

#### Name to be assigned

Names to be assigned	Location
Te Waiu o Pukemaire/Braemar Springs	260-V15: Grid reference 387 527

## Schedule 16

### Ancillary claims settlement land

s 161

Land	Description	Encumbrances
Pukaahu	<p>South Auckland Land District— Whakatāne District</p> <p>10.3035 hectares, more or less, being Part Allotment 171 and Allot- ment 172 Parish of Rangitaiki. Bal- ance Computer Freehold Register SA1068/200</p> <p>4.4465 hectares, more or less, being Allotment 173 Parish of Rangitaiki. All Computer Freehold Register SA1068/199</p> <p>8436 square metres, more or less, being Part Allotment 174 Parish of Rangitaiki. Balance Computer Free- hold Register SA1216/23</p>	<p>Subject to lease H170889 referred to in section 164(4)(a)</p>
Rangitaiki 60C settle- ment land	<p>South Auckland Land District— Whakatāne District</p> <p>23.3667 hectares, more or less, being Section 1 SO 342394. Part Proclamation 193727</p> <p>16.1806 hectares, more or less, being Section 2 SO 342394. Part Proclamation S.416063 and Part Proclamation 193727</p>	<p>Subject to the drainage easement shown marked A on SO 342394, and the natural gas pipeline ease- ment shown marked B on SO 342394. As referred to in section 165</p> <p>Subject to the natural gas pipeline easement shown marked C on SO 342394. As referred to in section 165</p>
Waiohau settlement land	<p>South Auckland Land District— Whakatāne District</p> <p>20.0648 hectares, more or less, being Section 1 SO 41434. All Proc- lamation S.241231</p>	

## Reprints notes

### **1**    *General*

This is a reprint of the Ngāti Awa Claims Settlement Act 2005 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2**    *Legal status*

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

### **3**    *Editorial and format changes*

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

### **4**    *Amendments incorporated in this reprint*

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