

# **Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill**

E ai ki tā te Komiti Whiriwhiri Take Māori i pūrongo ai

## **Ngā kōrero**

### **Tūtohutanga**

Kua oti i te Komiti Whiriwhiri Take Māori Te Pire Whakatupua mō Te Kāhui Tupua te tiroiro, ā, e tūtohu ana kia whakamanatia. Tēnei mātou katoa te tūtohu nei i ngā menemana katoa.

### **Kupu whakataki**

Ka whakamana te pire nei i Te Ruruku Pūtakerongo, tētahi whakaaetanga puretumu takitini e tātari ana i ngā kerēme hītori a ngā iwi e waru o Taranaki (Ngā Iwi o Taranaki) e pā ana ki ō rātou tūpuna maunga. Ko ngā iwi nei ko Ngaa Rauru Kiihahi, ko Ngāruahine, ko Ngāti Maru, ko Ngāti Mutunga, ko Ngāti Ruanui, ko Ngāti Tama, ko Taranaki iwi me Te Āti Awa. Hui katoa, ko tōna 45,000 uri te nui o ēnei iwi.

Kua oti kē i tēnā iwi, i tēnā iwi ā rātou ake kerēme Tiriti o Waitangi te whakatau. Kei roto i tēnā me tēnā whakataunga ko ngā herenga ki te whiriwhiri kōrero ā muri nei mō te puretumu ā-tikanga mō Taranaki Maunga me te whenua rāhui ā-motu.

Kei te Wāhanga 1 o te pire e takoto ana ngā kaupapa hītori, kaupapa takinga kōrero hoki, tae atu ki te whakarāpopoto o ngā tātai kōrero, ngā whakapuakanga hē a te Karauna, me te whakapāha a te Karauna.

### **Te Kāhui Tupua**

Ko te puku o te pire ko Te Kāhui Tupua: “a living and indivisible whole comprising Taranaki Maunga and other tūpuna maunga, including Pouākai and Kaitake, from their peaks to, and including, all the surrounding lands, and incorporating all their physical and metaphysical elements”.<sup>1</sup> Kei te Wāhanga 2 o te pire te whakaritenga o te wāhi ki Te Kāhui Tupua.

Ka whakarite te rārangi 18 kia pai ai te whakamanatanga o Te Kāhui Tupua hei tangata i raro i te ture. E rua ngā whakamahinga o te ariā nei, arā te tangata ā-ture, i

roto ture whakataunga Tiriti: e whakamanatia ana ko Te Awa Tupua me Te Urewera hei tāngata ā-ture. Ka whakamahia ā rāua tika, ō rāua mana me ā rāua mahi e ngā rōpū māngai o tēnā, o tēnā.

Kei te pūtake o te pire (kei te rārangi 7) ko te whakamanatanga o He Kawa Tupua, arā he poutarāwaho, ko ēnei ngā kai o roto:

- Te Mana o Ngā Maunga: ko te aronga, te hāpaitanga, me te tiakanga o te ora me te hauora o Te Kāhui Tupua me tōna mana
- Te Mana o Te Kāhui: ko te aronga me te atawhaitanga o te mana me te hononga o Ngā Iwi o Taranaki ki Te Kāhui Tupua.

Ka whakatakoto te rārangi 19 i Ngā Pou Whakatupua, arā e rima ngā “intrinsic values” e pā ana ki Te Kāhui Tupua. I raro i te rārangi 20, ka noho mai aua uara, me te mana o Te Kāhui Tupua, hei tūāpapa mō te whakahaerenga o te whenua rāhui ā-motu, ā haere ake nei.

### **Te Tōpuni Kōkōrangi: te “mata me te reo” o Te Kāhui Tupua**

Ko Te Tōpuni Kōkōrangi te rōpū e mahi ana i ngā mahi mā Te Kāhui Tupua. Ka whakatūria i raro i te wāhanga mātāmuri 1 o te Wāhanga 3 o te pire. I raro i te rārangi 31, tokowaru ngā mema o Te Tōpuni Kōkōrangi:

- He mea kopou tētahi tokowhā nā ngā kaitiaki o Te Tōpuni Ngārahu (te tarahiti ka whakatūria hei rōpū whakahaere ngātahi mā Ngā Iwi o Taranaki mō He Kawa Tupua te take)
- He mea kopou tētahi tokowhā nā te Minita Tiakanga Taiao.

### *Ngā whenua, ngā rawa*

I raro i te 58 me te 60 o ngā rārangi, ka tukuna te whenua rāhui ā-motu ki Te Kāhui Tupua, tae atu ki ngā toka ahumahi me ngā kōhatu hanganga me ētahi atu taonga tūānuku kei runga i aua whenua.

He rawa pea ā Te Kāhui Tupua ake, i te taha o te whenua rāhui ā-motu. I raro i te Wāhanga 4, ka āhei Te Tōpuni Kōkōrangi ki te whakatū kamupene tiaki rawa hei tiaki i aua rawa mā Te Kāhui Tupua.

### **Ingoa wāhi**

Ka whakarerekē te pire i ētahi ingoa wāhi pēnei i ēnei nā, i raro i te rārangi 23:

- Ka hurumutu te noho mai a “Egmont National Park”, “Mount Taranaki”, me “Mount Egmont” hei ingoa wāhi ōkawa.
- Ko te ingoa o te whenua rāhui ā-motu ko “Te Papa-Kura-o-Taranaki”.

<sup>1</sup> Pēnā i te kōrero i te taha raro o te pūrongo nei, ka whakatau te pire i te ingoa tūwhenua ōkawa hou o te maunga ko Taranaki Maunga, ko tōna ingoa tūwhenua ōkawa i te wā nei ko Mount Taranaki, ko Mount Egmont rānei.

- Ko te ingoa o te tihi tiketike katoa ko “Taranaki Maunga”.

Kua mau ētahi atu panonitanga ingoa wāhi i roto i te whakaaetanga puretumu takitini, ā, ka utaina ki te mana ā-ture mātotoru i roto i te Wāhanga 2, wāhanga mātāmuri 2.

### **He Kawa Ora: te mahere whakahaere i te whenua rāhui ā-motu**

Ka whakarite ngā rārangi 93 ki te 95 me te Whakamārama 3 i te wāhanga ki He Kawa Ora mō Te Papa-Kura-o-Taranaki, te mahere whakahaere whenua rāhui ā-motu mō ngā tau tekau, he mea hanga nā Te Tōpuni Kōkōrangi.

Hei muri i te hātepe wānangananga ki te marea, ka tukuna tētahi kape hukihuki o He Kawa Ora ki Te Pou Atawhai Taiao o Aotearoa hei tirohanga māna, ka whakahokia anō ai āna kōrero.

#### *Ngā mahi ka mahia ki runga i te whenua nei*

I raro i te rārangi 79, ka mau tonu ngā whakaaetanga mahi kua oti kē te whakarite.<sup>2</sup> Ka aro te rārangi 108 me te Whakamārama 4 ki ngā whakatau mō ngā tono whakaaetanga. Me whakaaroaro tahi rawa e Te Tōpuni Kōkōrangi me te Minita Tiakanga Taiao ngā rīhi, ngā raihana āta noho, me ngā whakaaetanga huarahi katoa. Ka taka te hātepe ki raro i te National Parks Act 1980, te Conservation Act 1987, me te pire nei.

### **Ko te turakanga o ngā ture o mua**

Ka turakina e te rārangi 124 te Mount Egmont Vesting Act 1978. Ko tā mātou e mārāma nei, kua noho te Ture rā hei nawe hītori mō Ngā Iwi o Taranaki.

### **Ētahi atu āhuatanga o ngā whakaritenga puretumu**

Ehara i te mea me whakature rawa ngā wāhanga katoa o te whakaaetanga puretumu takitini. Ko ētahi wāhanga o te whakaaetanga puretumu takitini kāore i roto i te pire ko ēnei:

- ko ētahi wāhanga o te whakaaetanga whakahoanga i waenga i Te Tōpuni Kōkōrangi me Te Papa Atawhai
- ko tā te Karauna tukunga rauemi ki Te Tōpuni Ngārahu, ko te \$35 miriona
- ko te whaiwāhi a ngā iwi ki ētahi whare i runga i te whenua rāhui ā-motu
- ko te puretumu whakahoanga e pā ana ki Te Tōpuni Ngārahu, te Minita Tiakanga Taiao, me te Tumu Whakahaere o Te Papa Atawhai.

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<sup>2</sup> Ko te whakaaetanga nei he whakaaetanga ki te mahi i ētahi mahi motuhake ki runga i te whenua rāhui. Me whai rawa te whakaaetanga mō ngā whare pēnei i ngā whare karapu, ngā wharau rānei, tae atu ki ngā mahi tauhokohoko pēnei me te arataki haerenga, ngā wharemoa tauhoko, te whakaahuatanga ngaio, ngā hanganga tukutuku kōrero, me ngā haerenga mā runga pahi e whakamahia ai ngā taunga waka.

## Whakatātaretanga o te pire

I roto i tā mātou whakaarohanga o te pire, kua oti i a mātou te tiro tiro tōna hāngai ki ngā mātāpono ki te whakaturetanga kounga. I runga i tā mātou whakatātaretanga, tēnei mātou te tūtohu nei kia menemanatia ngā rārangi nei, te 9, 44(f), 57, 59, 64(3), 86, me te 110, ā, me te rārangi 4 o te Whakamārama 4. Kei te pūrongo nei, kei raro iho nei, ā mātou tūtohutanga e whakamāramatia ana.

## Ngā menemana e marohitia ana

Ka kapi i te pūrongo nei ngā menemana matua e tūtohu nei mātou ki te pire i whakatakotoria rā. Kāore mātou e wherawhera i ngā menemana itiiti, ngā menemana hangarau hoki.

## Ngā ritenga tōmua

Me takoto te kupu “tūpuna maunga” ki te tīmatanga o te rārangi 3, kua ko te “Tupua Maunga”. E tūtohu ana mātou kia menemanatia tēnei.

E tūtohu ana mātou kia āta whakamāramatia te “New Zealand register” kei te rārangi 9 ki te tikanga o roto i te Companies Act 1993. Ka hāngai tēnei ki te menemana e tūtohu nei mātou ki te rārangi 51, kei raro nei e wherahia ana, hei whakamārama i te āhuatanga ka puta ake ina unuhia te kamupene whakahaere rawa i te rēhita kamupene o Aotearoa.

E hukihuki ana te whakamārama o Te Ruruku Pūtakerongo (te whakaaetanga puretumu ngātahi) kei te rārangi 9: e ngaro ana ngā ingoa o ngā kaiwaitohu. E tūtohu ana mātou kia whakaurua ō rātou ingoa.

E takoto ana Te Iho Tāngaengae, arā te tauākī nā Ngā Iwi o Taranaki mō tō rātou hononga ki ō rātou tūpuna maunga me Te Kāhui Tupua, ā, e kōrerohia ana i te rārangi 15. E mārama ake ai te rārangi 15, e tūtohu ana mātou kia whakaurua tētahi whakamārama o Te Iho Tāngaengae ki te rārangi 9.

## Tiakanga rawa

Ka aro te wāhanga 4 o te pire ki ngā rawa nā Te Kāhui Tupua, me te whakatūranga o tētahi kamupene tiaki rawa. E riterite ake ai aua rārangi me te hāngai hoki ki ētahi atu rārangi i roto i te pire me te Companies Act, e tūtohu ana mātou i ēnei menemana nei:

- E tūtohu ana mātou kia menemanatia te rārangi 41(2) hei whakamārama iho ko te kamupene e kōrerohia rā ko tētahi ka whakatūria i raro i te rārangi 43.
- Me mārama ake te whakatakotoranga o ngā mana me ngā herenga o te kamupene. E tūtohu ana mātou kia unuhia te rārangi 41(3), ka whakaurua ai āna kōrero ki te rārangi 43A hou. Ka tūtohu hoki mātou kia nuku ngā ritenga mō ngā tukunga pūtea i te rārangi 44(e) ki te rārangi 43A(1)(b) me te (2), kia mārama ake ai.
- E tūtohu ana mātou kia menemanatia te rārangi 42 kia mārama ai ka kore e whakahaeretia e tētahi kamupene whakahaere rawa Te Whenua Taurikura (te whenua o roto i te whenua rāhui ā-motu).

- E tūtohu ana mātou kia menemanatia te rārangi 43(2) kia pai ake ai te whakaa-huatanga o te hanganga o tētahi kamupene whakahere rawa me ngā mahi a Te Kāhui Tupua me Te Tōpuni Kōkōrangi.
- E tūtohu ana mātou kia menemanatia te rārangi 43(3)(b) kia whāiti kē hoki te herenga kia whai tohungatanga ōhanga, kia whai pūkenga pakihi hoki ngā tumu.
- E mārama ake ai te mahi e tika ana mā te pouhere o te kamupene, e tūtohu ana mātou kia menemanatia te rārangi 44, tae atu ki ēnei āhuatanga:
  - ka whakamārama i ngā ritenga o roto i te whiti (d) (te aukati nei i tā te kamupene tohatoha pūtea ki ngā kaupupuri o te kamupene)
  - ka whakauru i te whiti (e) hou, e pā ana ki ngā moni hua, ā, e tika ana mō te take nei, mō te kapenga i te tāke utu kaimahi
  - ka unuhia ngā kōrero o te whiti (f), ka whakaurua he kōrero e whakamārama ana me kaua e whakangongo ētahi take o roto i te pouhere, ā, me kaua ētahi e whakarerekētia.
- Kei te tīmatanga o te rārangi 45 he kōrero mō te Companies Act me ētahi atu ture katoa. Heoi, me takoto ki reira he kōrero mō te ture noa. E tūtohu ana hoki mātou kia whakawhānuitia kia whai wāhi ai te ture noa (“any rule of law”).
- I roto o rārangi 45(b), e tūtohu ana mātou kia unuhia te kupu “protected”. Hei konei whānui atu ai te kupu kia kaua e whakarerekētia ngā wāhanga o te pouhere e kōrerohia ana ki te rārangi 44(f).
- E tūtohu ana mātou kia whakarerekētia te upoko o te rārangi 46 i “Administration of assets” ki te “Asset management policy”. Hei konei hāngai atu ai ki ngā kōrero o te rārangi 46.
- E tūtohu ana mātou kia menemanatia te rārangi 46(1)(b) kia mārama ai ka whakahaere kau te kamupene i ngā rawa (ehara i a ia ngā rawa nei).
- E tūtohu ana mātou kia menemanatia te rārangi 49 kia mārama ake ai, kia whakaū hoki ka hāngai ki te Companies Act.
- E tūtohu ana mātou kia menemanatia te rārangi 50 kia ea ai te ritenga o roto i te whakaaetanga puretumu takitini, arā he hinonga tūmatanui te kamupene tiaki rawa nei mō ngā take o te Public Audit Act 2001.
- E tūtohu ana mātou i ētahi menemana kia mārama ake ai te rārangi 51, kia hāngai ai hoki ki ngā kōrero o roto i te Companies Act i te wā e unuhia ai tētahi kamupene i te rēhita o Aotearoa (hei tauira i te turakanga o tētahi kamupene).

### Ngā take tāke

Kei roto o te rārangi 56 ētahi menemana o te Income Tax Act 2007. E tūtohu ana mātou kia menemanatia ngā upoko o ngā wāhanga hou e marohitia nei ki te Income Tax Act kia hāngai ake ai ki aua ritenga i roto i Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

## Whakamārama o “other Crown land” i te rārangi 57

Hei whakamahinga ki te Wāhanga 6 (ko te wāhi ki te whenua me ngā konganuku) ko te rārangi 57(2) e whakamārama ana i “other Crown land”, arā he “land that is not specified in the definition of Crown-owned land”. He whānui rawa tēnei whakamāramatanga. E tūtohu ana mātou i tētahi menemana kia mārama ai ka pā atu tēnei whakamāramatanga ki ngā whenua anake nō te Karauna.

## Te mana hanga ture mātāmuri

Mā te rārangi 64 e mana ai te hanganga Ōta Kaunihera e tukuna ai ngā whenua nō te Karauna ki Te Kāhui Tupua.

I tuhi reta mai te Komiti Arotake Waeture mō te mana o roto o te rārangi 64. Ka tohua mai e te komiti he whānui rawa te rārangi mātāmuri (3), te whakarite nei kia riro mā te Ōta Kaunihera e “set out any other matters relevant to the vesting”, mō tētahi mana hanga waeture. Me whāiti, me arowhāiti rawa te takoto o te kupu, kia kore rawa ai e taea te whakamahi hē. Tēnei mātou te whakaae nei, ā, te tūtohu nei kia whakawhāititia te rārangi mātāmuri (3), arā me unu te kōrero “relevant to”, ka whakauru ai i te “necessary for”.

## Te herenga ki te tuku pānui i raro i te rārangi 86

I raro i te rārangi 86(6) me tuku ia tangata i tētahi pānui i raro i te wāhanga 59 o te Crown Minerals Act 1991 ki te tuku hoki i tētahi ki Te Tōpuni Kōkōurangi. Ko ngā pānui i raro i te wāhanga 59, he pānui ki te tangata nōna te whenua, ki te tangata rānei e whakamahi nei i runga i te hiahia kia whiwhi ai i tētahi whakaaetanga tomokanga ki te whenua mō te kimikimi rawa, mō te whakatōmene, mō te mahi maina rānei. Ka taea tēnei mahi mō ngā whenua o Aotearoa katoa.

Kāore ō mātou wawata kia pānuitia te wāhanga 86(6) hei herenga ki te whenua o waho o te whenua rāhui ā-motu. E tūtohi nei mātou kia whakawhāititia te wāhanga 86(6) kia mārakerake ai tōna pānga ki ngā pānui anake mō te whenua kei roto i te whenua rāhui ā-motu.

## Ngā tono whakaaetanga mahi ki runga whenua rāhui ā-motu

I raro iho i te wāhanga 102, ka whakaraupapatia ngā whakaaetanga hou, ngā whakamanatanga rānei i raro i te Whakamārama 4.

Kei te taitara o te wāhanga 102 ka kitea mārakeraketia te pānga ki ētahi whakamanatanga me ngā whakaaetanga kē atu hoki; hei tauira, ngā whakamanatanga i raro i te National Parks Act. E tūtohu ana mātou kia menemanatia te taitara “Applications for activities” mō te whenua rāhui ā-motu.

E tūtohu ana mātou kia menemanatia te rārangi mātāmuri (1) kia tatū ai ngā ritenga katoa e tika ana i roto i te Whakamārama 4—kauaka te wāhanga 5 anake. Ka tūtohu hoki mātou kia menemanatia te rārangi mātāmuri (1)(b) kia tatū ai hoki te wāhanga 50 o te National Parks Act me te wāhanga 49. Mā tēnei ka pūmau tonu ngā herenga whakataunga mō ngā wharenoho ki ngā tono hei whakamahi i ngā whenua rāhui.

Kei roto i te rārangi mātāmuri (2) te hātepe hei whakamahi mā ngā kaipupuri whakaaetanga e hiahia nei kia whakahoungia tā rātou whakaaetanga, whakamanatanga rānei mō te taha ki te rīhi, te raihana āta noho, te mahi whenua rānei. Kei te Whakamārama 4 hātepe tohutohu kia whakaaroarohia tahitia mai e Te Tōpuni Kōkōrangi me te Minita o Te Taiao, ā, ka whakamahia mō te whakahouanga anake o ngā tono ina kāore i tutuki tētahi (nui atu rānei) o ngā paearu o te wāhanga (a), (b), (c). Ka whakamanatia ngā tono whakahouanga e whakatutuki nei i ngā paearu katoa e te Minita mō te Taiao (tāna ranga rānei) anake.

Kei te whakaaro mātou me pā hoki ētahi wāhanga o te hātepe o roto o Whakamārama 4 ki ēnei āhuatanga nei; arā me kaua e pā ko ngā ritenga anake mō Te Tōpuni Kōkōrangi me te Minita e whakatau pānga ana. Nā tēnā mātou i tūtohi ai kia menemanatia te rārangi mātāmuri (2) kia kauaka ngā wāhanga 4 ki te 9 o te Whakamārama 4 e whai pānga.

Tūtohu ai hoki mātou kia menemanatia te rārangi mātāmuri (2) kia kauaka e whai-pānga ki ngā tono pānga ki roto o Te Papa-Kura-o-Taranaki (te whenua rāhui ā-motu), engari kia whaipānga kē ki ngā tono mō ngā pānga ki Te Whenua Taurikura (te whenua o roto mai i te whenua rāhui ā-motu).

### **Whakamārama o te taonga tūturu**

Kei ngā wāhanga 110 ki te 112 ngā ritenga mō ngā taonga tūturu. He taonga ēnei nā te iwi Māori, nā te hītori, me te hāpori anō hoki. Mēnā ka kitea ngā taonga tūturu i te whenua rāhui, kei a Te Tōpuni Kōkōrangi te mana whiwhi i aua mea kia whakatauria rawatia ai i raro i te Protected Objects Act 1975 nō wai, nā wai rānei ērā.

Kāore i te pire te whakamāramatanga pū mō te āhua o te taonga tūturu. Kei te tūtohu mātou kia tāpiri i tētahi ki te wāhanga 110. Ko tā mātou whakamāramatanga he ōrite ki tērā kei roto i te whakaaetanga puretumu ngātahi me te wāhanga 2(1) o te Protected Objects Act 1975.

### **Ngā menemana o Whakamārama 4**

Kei te rārangi 4(1) o te Whakamārama 4 e mea ana kei reira ngā herenga engari auare ake. Kei te tūtohu mātou kia unuhia te wāhanga o te herenga kei roto i te “this clause”.

Kia mārāma ake ai te Whakamārama 4, e tūtohu atu nei mātou kia tāpiringia tētahi taitara-iti i mua i te wāhanga 10, kia pēnei tōna kupu “Other matters applying to all applications”.

### **Te tūnga o ngā karapu ngahau, me te wāhi ki a rātou**

I whiwhi mātou ki ētahi tāpaetanga kōrero mai i ngā karapu ngahau e mahi ana i ā rātou mahi i roto i te whenua rāhui ā-motu. I kī mai ngā karapu e tautoko ana rātou i te pire engari e āwangawanga ana ka pāngia pea tō rātou āheinga i te mahi i ngā mahi. Hei raro nei mātou wherawhera ai i ngā take e whakaaro ai mātou kāore he take mō te menemana i te pire kia mauru ai aua āwangawanga.

Ko ētahi o ngā karapu i rongō ai mātou i ā rātou kōrero ko te Taranaki Alpine Club, Stratford Mountain Club, me te Egmont Alpine Club. He whakaaetanga ā aua karapu mō ngā whare me ngā hanganga reti-hukapapa kei roto i te whenua rāhui ā-motu. Ko ētahi o ā rātou mahi ko te takatakahi haere, ko te pikipiki, ko te reti-hukapapa, ko ngā rangi whakamanuhiri i te marea, ko te whakatikatika i ō rātou whare, me te patu kīrea.

E māharahara ana aua kaitāpae kei rerekē i te pire tō rātou whaiwāhitanga ki te whenua rāhui ā-motu me ō rātou whare kei runga i aua whenua. E māharahara mārika ana rātou ki ngā mahi ka hua ake hei te paunga o te mana o ā rātou whakaaetanga, whakamanatanga hoki.

### **Te whai wāhi ki He Kawa Ora i tōna tōmuatanga**

I tāpaetia mai te kōrero me whai wāhi ngā karapu ki ngā kōrero mō tā rātou tū, ā rātou mahi hoki ki te whenua rāhui ā-motu, mō He Kawa Ora hoki. E rua ngā karapu i kī mai me tāpiri te hunga whai whakaaetanga, whai whakamanatanga ki te rārangi o ngā hunga e herea ai a Te Tōpuni Kōkōrangi ki te kōrero ki a rātou i mua i te tīmatanga o te hanganga o He Kawa Ora. Kei te Whakamārama 3, rārangi 3(2) taua rārangi. I tāpaetia rā te kōrero he nui atu te pānga o ngā karapu ki He Kawa Ora i tō te iwi whānui, he whirinaki nō tā rātou noho ki te maunga ā muri nei ki te kai o roto o He Kawa Ora. I takea mai te tāpaetanga kōrero nei i te herenga o roto o te rārangi 102(2)(b), e mea nei ko ngā tono whakahouanga kāore nei e hāngai ki He Kawa Ora me whakaaro rawa e Te Tōpuni Kōkōrangi tahi me te Minita Tiakanga Taiao e ai ki te hātepe kei te Whakamārama 4 e takoto ana. Ko ngā tono e hāngai ana i He Kawa Ora (e whakatutuki ana hoki i ētahi atu herenga e rua) ka whakamanatia e te Minita anake.

Kei te Whakamārama 3, rārangi 3 e takoto ana te hātepe ka whāia rawatia i mua te tīmatanga o te hanganga o He Kawa Ora. Kei te rārangi mātāmuri (2) e takoto ana ngā hunga ka mate nei a Te Tōpuni Kōkōrangi ki te whakahuataki kōrero ki a rātou, me te kimi hoki i ō rātou whakaaro, i taua wāhanga tōmua rawa: ko Te Tōpuni Ngārahu, ngā iwi me ngā hapū o Taranaki, Te Pou Atawhai Taiao o Aotearoa, te poari tiaki taiao ā-rohe, ngā mana ā-rohe, me ētahi atu hunga e whakaaro ai a Te Tōpuni Kōkōrangi e tika ana. Kāore i āta huaina ngā ingoa o ngā hunga whai whakaaetanga, whai whakamanatanga rānei (pēnei i ngā karapu).

Ko te kupu tohutohu ki a mātou, ko te herenga kia tōmua te whai wāhi a ngā hunga whai whakaaetanga, whai whakamanatanga hoki ka kore e hāngai ki te hanganga o ētahi mahere whakahaerenga pēnei i raro i te National Parks Act. Ko te whakaurunga o rātou ki te Whakamārama 3, rārangi 3 ka hāpai ake pea i tō rātou mana ki runga ake i tō ētahi atu hunga whai whakaaetanga, whai whakamanatanga hoki ki ngā whenua tiaki tūmatanui o wāhi kē atu. Kāore e paitia e mātou tēnei āhuatanga.

E rorotu ana te ngākau i ngā kōrerorero waenga i ngā karapu me ngā rangatira o ngā iwi i te rā o tā mātou huinga ki Ngāmotu. I koa mātou i te whakapuakanga a ngā māngai o ngā iwi i te painga ki te whiriwhiri taura here ki ngā karapu ā-rohe. Tēnei mātou te akiaki nei i ngā karapu ki te toro atu ki a Te Tōpuni Kōkōrangi (hei te whakatūranga ōna) hei whiriwhiri taura here. Ka arongia hoki e mātou:

- ka pai te pōhiri i ngā karapu ki ngā kōrerorero tuatahi ki a Te Tōpuni Kōkōurangi mēnā rānei ka whakaarohia aua momo kōrero he tika (i raro i te Whakamārama 3, rārangi 3(2)(f))
- māna te kore e tukuna e ngā karapu he kōrero hei te karangatanga tūmatanui a Te Tōpuni Kōkōurangi i ngā kōrero mō ngā kaupapa e tika ana mō roto o He Kawa Ora (i raro i te Whakamārama 3, rārangi 3(3))
- me whai whakaaro te hunga whakatau kaupapa ki te mahere tiakanga whenua rāhui ā-motu ki ngā whakaaetanga e hāngai ana, e mau tonu ana (i raro i te wāhanga 47(7) o te National Parks Act)
- i hangaia te nuinga o ngā whare me ngā hanganga o ngā karapu i mua i te tau 1990, ā, me whai whakaaro te hunga arotake i te mahere whakahaere ki ngā ritenga o aua raihana me aua rīhi tawhito kē (i raro i te wāhanga 50(5) o te National Parks Act).

#### **Ngā whakaaetanga me ngā whakamanatanga, me ngā tikanga whakahouanga**

I raro i te rārangi 102(2) o te pire, ka whakaaetia e te Minita Tiakanga Taiao ngā tono whakahouanga e hāngai ana ki He Kawa Ora (me ētahi atu mea). Ko ngā tono whakahouanga kāore nei e hāngai ki He Kawa Ora ka riro mā te hātepe whakataunga e whai wāhi ai te Minita tahi me Te Tōpuni Kōkōurangi. Ka whakaarohia ēnei hei tono mō te whakaaetanga hou, te whakamanatanga hou rānei.

Ka whakaatu ngā ritenga nei i te āhua o te whakaarohanga o aua whakahouanga ki whenua rāhui ā-motu kē atu: he rite tonu te noho mai a te hāngaitanga ki te mahere tiakanga whenua rāhui ā-motu hei whakaaro tōtika. E whakaaro ana mātou he mea nui kia mau tonu taua hāngaitanga ki te tiakanga o ngā whenua rāhui ā-motu.

E arongia e mātou ka wātea te hunga i hinga rā ā rātou tono kia whakaarohia anō ngā whakatau. Ka kaha ki te tono whakaarohanga anō i raro i te wāhanga 17ZJ o te Conservation Act, ki te tono rānei kia arotakea te whakatau e te kaiwhakawā.

Tēnei mātou te tohu nei i te āheinga o Te Tōpuni Kōkōurangi me te Minita kia arotake i te hātepe whakataunga o roto o Whakamārama 4, rārangi 5(1) kia pau rā anō te 5 tau (i raro i te Whakamārama 4, rārangi 7).

## Tāpiritanga

### Hātepe komiti

I tukuna Te Pire Whakatupua mō Te Kāhui Tupua i te 9 o Aperira 2024. I karangahia e mātou ngā tāpaetanga kōrero mō te pire, ko te rā katinga ko te 22 o Mei 2024. E 43 ngā tāpaetanga kōrero ā-tuhi i whiwhi, i whakaarohia hoki e mātou mai i ngā rōpū me ngā tāngata takitahi. I rongō kōrero taunaki mātou mai i ngā kaitāpae kōrero 14 i Pukeariki.

Nā Te Arawhiti me Te Papa Atawhai i homai kupu tohutohu mō te pire. Nā Te Tari o te Manahautū i homai kupu tohutohu mō te kounga ā-ture o te pire. Nā Te Tari Tohutohu Pāremata i āwhina ki te tuhi i te pire. I pūrongo mai te Komiti Arotake Waeture mō te mana kei te rārangi 64, me ngā hapa hoki, otirā he tātaritanga ā-rārangi, me te tauākī whakapuakanga ā-tari.

### Ngā mema o te komiti

Dan Bidois (Heamana)

Kahurangi Carter (mai i te 8 o Mei 2024)

Hōnore Marama Davidson (tae atu ki te 8 o Mei 2024)

Greg Fleming

Shanan Halbert

Dana Kirkpatrick (tae atu ki te 18 Hepetema 2024)

David MacLeod (mai i te 18 Hepetema 2024)

Hana-Rawhiti Maipi-Clarke

Rima Nakhle

Tino Hōnore Adrian Rurawhe

### Ngā rauemi e hāngai ana

Kei te pae tukutuku a te Pāremata ngā tuhinga i whiwhi hei kupu tohutohu, hei kōrero taunaki hoki.

# **Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill**

As reported from the Māori Affairs Committee

## **Commentary**

### **Recommendation**

The Māori Affairs Committee has examined Te Pire Whakatupua mō Te Kāhui Tupua / Taranaki Maunga Collective Redress Bill and recommends that it be passed. We recommend all amendments unanimously.

### **Introduction**

This bill would give effect to Te Ruruku Pūtakerongo, a collective redress deed addressing historical claims of the eight Taranaki iwi (Ngā Iwi o Taranaki) relating to their tūpuna maunga (ancestral mountains). The iwi are Ngaa Rauru Kiitahi, Ngāruahine, Ngāti Maru, Ngāti Mutunga, Ngāti Ruanui, Ngāti Tama, Taranaki Iwi, and Te Āti Awa. Their estimated combined population is more than 45,000.

Each iwi has already settled their individual Treaty of Waitangi claim. Each settlement included commitments to future negotiations about cultural redress for Taranaki Maunga and the national park.

Part 1 of the bill sets out historical and preliminary matters including a summary of the historical account, acknowledgements by the Crown, and a Crown apology.

### **Te Kāhui Tupua**

The bill centres around Te Kāhui Tupua: “a living and indivisible whole comprising Taranaki Maunga and other tūpuna maunga, including Pouākai and Kaitake, from their peaks to, and including, all the surrounding lands, and incorporating all their physical and metaphysical elements”.<sup>3</sup> Te Kāhui Tupua is provided for in Part 2 of the bill.

Clause 18 would provide for the recognition of Te Kāhui Tupua as a legal person. The concept of legal personality has been used twice before in Treaty settlement legislation: Te Awa Tupua (Whanganui River) and Te Urewera are recognised as legal

persons. Their rights, powers, and duties are exercised by their respective representative entities.

The purpose of the bill (in clause 7) includes giving effect to He Kawa Tupua, which is a framework comprising:

- Te Mana o Ngā Maunga: recognising, promoting, and protecting the health and well-being of Te Kāhui Tupua and its status
- Te Mana o Te Kāhui: recognising and providing for the mana and relationship of Ngā Iwi o Taranaki with Te Kāhui Tupua.

Clause 19 sets out Ngā Pou Whakatupua, five “intrinsic values” associated with Te Kāhui Tupua. Under clause 20, these values, along with Te Kāhui Tupua status, would form the foundation for the ongoing governance, management, and administration of the national park.

### **Te Tōpuni Kōkōrangī: the “face and voice” of Te Kāhui Tupua**

Te Tōpuni Kōkōrangī would be the entity that acts on behalf of Te Kāhui Tupua. It would be established under subpart 1 of Part 3 of the bill. Under clause 31, Te Tōpuni Kōkōrangī would have 8 members:

- 4 appointed by the trustees of Te Tōpuni Ngārahu (the trust established as the collective governance entity for Ngā Iwi o Taranaki for the purposes of He Kawa Tupua)
- 4 appointed by the Minister of Conservation.

### *Land and assets*

Under clauses 58 to 60, the national park land would be vested in Te Kāhui Tupua, as would industrial rocks and building stones and certain minerals (taonga tūānuku) found within the park.

Te Kāhui Tupua might own assets in addition to the national park land. Under Part 4, Te Tōpuni Kōkōrangī would be able to establish an asset management company to manage those assets on Te Kāhui Tupua’s behalf.

### **Place names**

The bill would change certain place names including the following, under clause 23:

- “Egmont National Park”, “Mount Taranaki”, and “Mount Egmont” would cease to be official geographic names.
- The name of the national park would become “Te Papa-Kura-o-Taranaki” (meaning “the highly regarded and treasured lands of Taranaki”).

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<sup>3</sup> As mentioned later in this commentary, the bill would make Taranaki Maunga the new official geographic name for the mountain whose current official geographic name is Mount Taranaki or Mount Egmont.

- The name of the highest peak would be “Taranaki Maunga”.

Other place name changes are recorded in the collective redress deed and would be given full legal status under Part 2, subpart 2.

### **He Kawa Ora: national park management plan**

Clauses 93 to 95 and Schedule 3 provide for He Kawa Ora mō Te Papa-Kura-o-Taranaki, the ten-year national park management plan developed by Te Tōpuni Kōkōrangī.

After the public consultation process a draft version of He Kawa Ora would be provided to the New Zealand Conservation Authority for comment. The final version would be jointly approved by Te Tōpuni Ngārahu and the Minister of Conservation.

#### *Activities carried out in the park*

Under clause 79, existing concessions and authorisations would continue.<sup>4</sup> Clause 108 and Schedule 4 deal with decision-making on applications for concessions. All leases, licences to occupy, and easements would have to be considered jointly by Te Tōpuni Kōkōrangī and the Minister of Conservation. The process would be subject to the legislative framework in the National Parks Act 1980, the Conservation Act 1987, and the bill.

### **Repeal of previous legislation**

Clause 124 would repeal the Mount Egmont Vesting Act 1978. We understand that the Act has been a source of particular historical grievance for Ngā Iwi o Taranaki.

### **Other aspects of the redress arrangements**

Not all parts of a collective redress deed require legislation. Elements of the collective redress deed that do not appear in the bill include:

- key elements of a relationship agreement between Te Tōpuni Kōkōrangī and the Department of Conservation
- the Crown’s resourcing contribution to Te Tōpuni Ngārahu of \$35 million
- iwi access to certain facilities in the national park
- relationship redress involving Te Tōpuni Ngārahu, the Minister of Conservation, and the Director-General of Conservation.

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<sup>4</sup> A concession is an authorisation to carry out certain activities in the park. Concessions are needed for structures such as club lodges or huts as well as for commercial activities such as guided walking, commercial accommodation, professional photography, telecommunication installations, and bus tours using carparks.

## Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. As a result of our scrutiny, we recommend amending clauses 9, 44(f), 57, 59, 64(3), 86, and 110, and clause 4 of Schedule 4. Our recommendations are explained later in this commentary.

## Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

## Preliminary provisions

The start of clause 3 should refer to “tūpuna maunga” rather than “Tupua Maunga”. We recommend this be amended.

We recommend defining “New Zealand register” in clause 9 with the same meaning as in the Companies Act 1993. This corresponds with our proposed amendment to clause 51, discussed below, to clarify what would happen if the asset management company was removed from the New Zealand register of companies.

The definition of Te Ruruku Pūtakerongo (the collective redress deed) in clause 9 is incomplete: the signatories’ names are missing. We recommend inserting their names.

Te Iho Tāngaengae, the statement by Ngā Iwi o Taranaki about their connection and relationship with their tūpuna maunga and Te Kāhui Tupua, is set out in clause 3 and referred to in clause 15. To make clause 15 clearer, we recommend inserting a definition of Te Iho Tāngaengae in clause 9.

## Asset management

Part 4 of the bill deals with assets owned by Te Kāhui Tupua and the setting up of an asset management company. To improve the consistency of these clauses and their alignment with other clauses in the bill and with the Companies Act, we propose the following amendments:

- We recommend amending clause 41(2) to make clear that the company it refers to is one that would be established under clause 43.
- The company’s powers and responsibilities should be set out more clearly. We recommend removing clause 41(3) and inserting its content into new clause 43A. We also recommend moving provisions about financial contributions from clause 44(e) to new clause 43A(1)(b) and (2), and making them clearer.
- We recommend amending clause 42 to make clear that Te Whenua Taurikura (the land comprising the national park) could not be managed by an asset management company.
- We recommend amending clause 43(2) to better describe the structure of an asset management company and the roles of Te Kāhui Tupua and Te Tōpuni Kōkōrangī.

- We recommend amending clause 43(3)(b) so that the requirement for directors to have commercial expertise and business skills is more specific.
- To better reflect what the company’s constitution should do, we recommend amending clause 44, including:
  - clarifying the provisions in paragraph (d) (which would prevent the company from making distributions)
  - inserting new paragraph (e), which is about the use of profits and would be relevant for the purpose of the income tax exemption
  - replacing paragraph (f) to specify that certain matters in the company’s constitution must not be disregarded and others must not be altered.
- The start of clause 45 mentions the Companies Act and any other legislation. However, it should also include common law. We recommend widening it so that it also refers to common law (“any rule of law”).
- In clause 45(b), we recommend removing the word “protected”. This would broaden the language so that none of the elements of the constitution referred to in clause 44(f) could be changed.
- We recommend changing the heading of clause 46 from “Administration of assets” to “Asset management policy”. This would better reflect the content of clause 46.
- We recommend amending clause 46(1)(b) to reflect that the company would only manage (but not own) the assets.
- We recommend amending clause 49 to make it clearer and ensure that it aligns with the Companies Act.
- We recommend changing clause 50 to reflect the provision in the collective redress deed that the asset management company would be a public entity for the purposes of the Public Audit Act 2001.
- We recommend amendments to make clause 51 clearer and to reflect the language used in the Companies Act when a company is removed from the New Zealand register (for example, if a company is dissolved).

### **Taxation matters**

Clause 56 contains proposed amendments to the Income Tax Act 2007. We recommend amending the headings of the proposed new sections in the Income Tax Act so they are better aligned with the corresponding provisions in Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

### **Definition of “other Crown land” in clause 57**

For use in Part 6 (which provides for lands and minerals), clause 57(2) defines “other Crown land” as “land that is not specified in the definition of Crown-owned land”. This definition is too wide. We recommend an amendment to make clear that the definition would only apply to land owned by the Crown.

### **Power to make delegated legislation**

Clause 64 would empower the making of Orders in Council vesting Crown-owned land in Te Kāhui Tupua.

The Regulations Review Committee wrote to us about the power in clause 64. The committee pointed out that subclause (3), which provides that the Order in Council could “set out any other matters relevant to the vesting”, is unusually broad for a regulation-making power. It should be worded as narrowly and specifically as possible, to provide no scope for misuse. We agree, and we recommend narrowing subclause (3) by replacing the phrase “relevant to” with “necessary for”.

### **Requirement to serve a notice under clause 86**

Clause 86(6) would require every person who must serve a notice under section 59 of the Crown Minerals Act 1991 to serve one on Te Tōpuni Kōkōrangī. Notices under section 59 are notification to a land owner or occupier of a person’s intention to obtain an access arrangement for land for the purpose of prospecting, exploring, or mining. They can be made in relation to land anywhere in New Zealand.

We do not wish clause 86(6) to be read as applying in relation to land outside the national park. We recommend narrowing clause 86(6) to make clear that it would apply only to notifications about land in the national park.

### **Applications for activities in the national park**

Under clause 102, new concessions or authorisations would be progressed under the process in Schedule 4.

The heading in clause 102 should make clear that it relates to other authorisations as well as concessions; for example, authorisations under the National Parks Act. We recommend amending the heading to “Applications for activities” within the national park.

We recommend amending subclause (1) so that all relevant provisions in Schedule 4 would apply—not just clause 5. We also recommend amending subclause (1)(b) so that section 50 of the National Parks Act would apply as well as section 49. This would ensure that the requirements for decisions about accommodation facilities would still apply to applications to undertake activities in the park.

Subclause (2) sets out the process that would be used for concession-holders wanting to exercise a right of renewal for their concession or authorisation comprising a lease, licence to occupy, or easement. The Schedule 4 process requiring joint consideration by Te Tōpuni Kōkōrangī and the Minister of Conservation would only be used for renewal applications if one (or more) of the criteria in paragraphs (a), (b), or (c) were not met. A renewal application that met all the criteria would be granted by the Minister of Conservation (or their delegate) alone.

We consider that some of the Schedule 4 process should apply in these cases; only the provisions about Te Tōpuni Kōkōrangī and the Minister determining interests should

not apply. We therefore recommend amending subclause (2) so that only clauses 4 to 9 of Schedule 4 would not apply.

We also recommend amending subclause (2) so that, instead of referring to applications for interests in Te Papa-Kura-o-Taranaki (the national park), it refers to applications for interests in Te Whenua Taurikura (the land within the national park).

### **Definition of taonga tūturu**

Clauses 110 to 112 provide for taonga tūturu, which are objects that relate to Māori culture, history, or society. If taonga tūturu are found in the park, Te Tōpuni Kōkōrangī would have interim custody of them until ownership was determined under the Protected Objects Act 1975.

The bill does not contain a definition of taonga tūturu. We recommend inserting one in clause 110. Our proposed definition is the same as that in the collective redress deed and section 2(1) of the Protected Objects Act 1975.

### **Amendments to Schedule 4**

Clause 4(1) of Schedule 4 mentions that it contains requirements, but it does not. We recommend removing the reference to requirements set out in “this clause”.

To make Schedule 4 easier to understand, we recommend inserting a new cross-heading before clause 10, to read “Other matters applying to all applications”.

### **Status and involvement of recreational clubs**

We received a number of submissions from recreational clubs that operate in the national park. The clubs said they supported the bill but were concerned that some provisions in the bill might affect their ability to operate. We discuss below the reasons we consider that changes to the bill are not needed to address these concerns.

The clubs we heard from include Taranaki Alpine Club, Stratford Mountain Club, and Egmont Alpine Club. The clubs have concessions for lodges and ski-field infrastructure in the national park. Their activities include tramping, climbing, skiing, public open days, maintaining their facilities, and pest management.

These submitters are worried that the bill would change clubs’ access to the national park and their facilities in it. They are particularly concerned about what will happen when their current concessions and authorisations become available for renewal.

### **Early involvement in He Kawa Ora**

It was submitted that clubs should be involved in discussions about their presence and activities in the national park and about He Kawa Ora. Two clubs suggested that existing concession- and authorisation-holders be added to the list of parties that Te Tōpuni Kōkōrangī would have to engage with before the preparation of He Kawa Ora began. The list is in Schedule 3, clause 3(2). It was submitted that clubs’ interest in He Kawa Ora is greater than that of the general public because their future presence on the mountain depends on the content of He Kawa Ora. This submission was based

on the requirement in clause 102(2)(b), under which renewal applications that are not consistent with He Kawa Ora would have to be considered jointly by Te Tōpuni Kōkōrangī and the Minister of Conservation under the process set out in Schedule 4. Applications that are consistent with He Kawa Ora (and meet two other requirements) would be approved by the Minister alone.

Schedule 3, clause 3 sets out the process that would have to be followed before the preparation of He Kawa Ora began. Subclause (2) lists the parties that Te Tōpuni Kōkōrangī would have to begin discussions with, and seek the views of, at that very early stage: Te Tōpuni Ngārahu, Taranaki iwi and hapū, the New Zealand Conservation Authority, the local conservation board, local authorities, and any other person that Te Tōpuni Kōkōrangī considered appropriate. Concession- and authorisation-holders (such as clubs) are not specifically named.

We were advised that requiring the very early involvement of concession- and authorisation-holders would be inconsistent with the development of similar management plans under the National Parks Act. Inserting them into Schedule 3, clause 3 could elevate their status above that of other concession- and authorisation-holders in public conservation land elsewhere. We do not favour this approach.

We are encouraged by the interactions we saw between clubs and iwi leaders on the day of our hearings in New Plymouth. We were pleased that iwi representatives expressed willingness to develop relationships with the local clubs. We would encourage clubs to reach out to Te Tōpuni Kōkōrangī (once it is established) to build their relationship. We note that:

- clubs could be invited to preliminary discussions with Te Tōpuni Kōkōrangī if it considered such discussions appropriate (under Schedule 3, clause 3(2)(f))
- clubs would likely provide comment when Te Tōpuni Kōkōrangī publicly invited comment on matters that should be included in He Kawa Ora (under Schedule 3, clause 3(3))
- decision-makers for a national park management plan must have regard to any relevant concessions in force (under section 47(7) of the National Parks Act)
- most club buildings and infrastructure date from before 1990, and people reviewing a management plan must have regard to the provisions of these older licences or leases (under section 50(5) of the National Parks Act).

### **Concessions and authorisations with rights of renewal**

Under clause 102(2) of the bill, the Minister of Conservation would approve applications for renewal that (among other things) were consistent with He Kawa Ora. Renewal applications that were not consistent with He Kawa Ora would be subject to the joint decision-making process involving the Minister and Te Tōpuni Kōkōrangī. They would be considered as an application for a new concession or authorisation.

These provisions reflect the way that renewals are considered in other national parks: consistency with the national park management plan is always a relevant

consideration. We think it is important to retain this consistency in the management of national parks.

We note that unsuccessful applicants could seek reconsideration of decisions made. They could either seek reconsideration under section 17ZJ of the Conservation Act or they could apply for a judicial review of the decision.

We also wish to point out that Te Tōpuni Kōkōrangī and the Minister would be able to review the Schedule 4, clause 5(1) decision-making process after 5 years (under Schedule 4, clause 7).

## Appendix

### Committee process

Te Pire Whakatupua mō Te Kāhui Tupua/the Taranaki Maunga Collective Redress Bill was referred to the committee on 9 April 2024. We called for submissions on the bill with a closing date of 22 May 2024. We received and considered written submissions from 43 interested groups and individuals. We heard oral evidence from 14 submitters at hearings in New Plymouth.

Advice on the bill was provided by Te Arawhiti | the Office for Māori Crown Relations, and Te Papa Atawhai | the Department of Conservation. The Office of the Clerk | Te Tari o te Manahautū o te Whare Māngai provided advice on the bill's legislative quality. The Parliamentary Counsel Office | Te Tari Tohutohu Pāremata assisted with legal drafting. The Regulations Review Committee reported to us on the power contained in clause 64 and errors in the clause-by-clause analysis and the departmental disclosure statement.

### Committee membership

Dan Bidois (Chairperson)

Kahurangi Carter (from 8 May 2024)

Hon Marama Davidson (until 8 May 2024)

Greg Fleming

Shanan Halbert

Dana Kirkpatrick (until 18 September 2024)

David MacLeod (from 18 September 2024)

Hana-Rawhiti Maipi-Clarke

Rima Nakhle

Rt Hon Adrian Rurawhe

### Related resources

The documents received as advice and evidence are available on the Parliament website.

**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~



*Hon Paul Goldsmith*

# **Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill**

Government Bill

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

- (1) This Act is Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**.
- (2) This Act may also be cited as— 5
  - (a) Te Ture Whakatupua mō Te Kāhui Tupua **2023**; or
  - (b) the Taranaki Maunga Collective Redress Act **2023**.

**2 Commencement**

- (1) This Act, except **section 125**, comes into force on the day after the date on which it receives the Royal assent. 10
- (2) **Section 125** comes into force on the day after the date on which the Taranaki Māori Trust Board is dissolved in accordance with **section 120(1)**.

**Part 1**

**He kupu wāwahi—Historical matters and preliminary provisions**

**3 Te Iho Tāngaengae: Statement by Ngā Iwi o Taranaki of connection and relationship** 15

The Crown acknowledges Te Iho Tāngaengae, the statement by Ngā Iwi o Taranaki of their cultural, spiritual, historical, and traditional association with their ~~Tupua Maunga~~ tūpuna maunga and Te Kāhui Tupua, as set out in this section. 20

*He pou whakaruru: Guardian*

- (a) Ko te kāhui maunga ēnei, he pou here tikanga atua, he pou here tikanga tangata, he pou whakaruru nō te ao tūroa. He pou tupua, he pou tūtei kīhei rū, kīhei ngāruē, he pou tūnga roa, e taumaru ai ngā whakatupuranga me ōna arapaki tū. He tūtohu whenua, he tūtohu taiao e whai take ai te tini me te mano, ka whāia kia mau, ka whāia kia piri, kia tata, kia tōpū, he mea paihere nō te kahui maunga. He maunga tū noa, i te ao, i te pō. He maunga tapu, tū te ihihī, tū te wehiwehi, tū te wanawana. He maunga tāmou, he maunga whītiki i te kaupapa tangata. He maunga tātai, he waha ā-tai e puare ana ki ngā whakatupuranga, e whaimārama ai, e whaitake nei a tātai tangata i tōna ao, he ara tō tēnā, he ara tō tēnā, Māori mai, Pākehā mai, he mātāwaiora, he mātāpono, he mātātika. 5 10

The maunga are pou that form a connection between the physical and the social elements of our lived experience. For Iwi of Taranaki, they have been ever present and remain personified ancestors, a site of shared history, a physical resource, and the citadel of a unique ecosystem. Wider Taranaki society continues to look upon these maunga as key reference points for the region, shaping an immediate sense of place and social association with mutual identity. Their presence pervades our scenery, projecting mystery, adventure, and beauty, capturing our attention and our imagination in how humanity can be closely bound to a landscape. The maunga are pou that transcend our perception of time, location, culture and spirit. They help configure how whakapapa, environment, the past and future are understood, engaged with, and transmitted to future generations. This is a framework of tangible and intangible resources available to be accessed and applied in our daily lives, and open to being interpreted by various social groupings, Māori and non-Māori, in terms of spiritual, cultural, and ethical values. 15 20 25

*He pou taiora: Physical dimension* 30

- (b) Ko te kāhui maunga te iho taketake ki te kūreitanga nei, he ahuahunga i a Rū i te au o nuku ki pīnekineki, ki māniana, ki papatokatoka, ki papawhenua i uta ki tai. He ahuahunga i a Tāwhiri nui o rangi i te āwhā, i te haupūkeri, i te aorangi, whiua ki uta, whiua ki tai. He whakaipurangi wai māturuturu i te huhuka o te rangi, te tukutuku o te rangi, te heihei o te rangi, te mamange o te rangi, he puna wai matara, he papa kōhukehuke, he koiora ki te ao tū roa. Ehara i a maunga kau noa, tēnā anō he tāmoremore nuku, he tāmoremore rangi, he pou tina, he pou toka, he pou tāiki ki Taranaki. 35

The maunga are the essence of this region having shaped the physical landscape with volcanic activity, inclining slopes, expansive plains and rocky shores. They have shaped the very character of weather, wind, rainfall and climate. They have been the source of unceasing artesian 40

waters, mineral deposits and are a rich store of high altitude biodiversity. These maunga are not simply a part of the Taranaki environment they are its synthesis.

*He pou kura, he pou wānanga, he pou korero: Social dimension*

- (c) He kāhui maunga, he iho pūtaketake, he aka tāmōre, he puia tautau mahei, ki tuitui wai koropupū, ki horanga whenua taurikura, ki pūkāwa māhorahora ki tai. He maunga tūtohu i te whenua, he noninga kumu, he tūranga kāinga, he tūranga wānanga, he tūranga iwi. He whare punanga kōrero, he kāpuni reo, he kāpuni tikanga, he kāpuni tangata. He maunga whānui atu i te tūtohu whenua noa, he tupua, he puna i heke mai ai te tangata, he pūkeinga kōiwi, he okiokinga tūpuna. Ko rātou tō mātou okiokinga ko mātou nei tō rātou okiokitanga. 10

The maunga are the essence of this region having shaped the human landscape with unfaltering springs, fertile lands and an extensive shoreline. They have shaped the very character of geographic reference points, of settlement patterns and boundaries, and have differentiated schools of knowledge of iwi. They have been the source of language, culture and identity. These maunga are not simply landmarks they are the embodiment of whakapapa, the interment of tūpuna incorporated within iwi whakapapa with names, history and sacred sites. 15 20

*Te Pūeatanga ki te Ao*

**4 He Whakarāpopotanga o Ngā Pūtaketanga Kōrero mō Te Kāhui Tupua/  
Summary of historical account**

- (1) Mō ngā whakatupuranga e whia nei, ko te maunga Taranaki me ōna pae maunga te pou matua mō te iwi, te hapū, te whānau o Taranaki. Kua roa te maunga e whakanuia ana hei tūpuna, hei puna ora mō te tinana, te ahurea, me te wairua, ā, mō te okiokinga whakamutunga anō hoki. 25
- (2) Whai muri i te tūnga mai o ngā kāinga o te Pākehā ki roto i a Taranaki i ngā tau 1840, i tīmata te Karauna ki te hoko whenua ki roto i te takiwā. I te tīmatanga, he hīkaka nō ngā Māori o Taranaki ki te whāwhā atu ki te ōhanga hou o te Pākehā, engari ka tupu mai te āwangawanga i te mahi hoko whenua a te Karauna mai i te Māori takitahi, i ngā rōpū iti rānei, ā, i ētehi wā kāore i whakaae, kāore rānei i mōhio ngā rangatira, te whānau whānui rānei, ā, he wā hoki rānei kore rawa rātou i whakaae. I te tau 1860, i tukuna e te Karauna he ope tauā ki te whakatutuki i te hoko whenua ki Whaitara, ā, nā reira nei i tū ngā pakanga i waenganui i te Karauna me ngā Māori ki Taranaki. I te tau 1865, i tūkinotia te Māori e te Karauna mā te raupatu i ngā eka 1.2 miriona o ngā whenua o Taranaki me te maunga o Taranaki. 30 35
- (3) I te rautau i muri mai i tēnei takahitanga tūāpapa o te Tiriti o Waitangi, he whakatuturi nō te Karauna ki ngā tika, ki ngā hiahia o te tangata whenua o Taranaki e pā ana ki tō rātou tūpuna tūpuna maunga. Nō muri mai i te 40

- raupatu, kāore te Karauna i whakarite i te nuinga o ngā rāhuinga whenua i oatitia e ia. Ka haere tonu ngā tautohe a ngā Māori ki Taranaki, ā, ka whakahokia e te Karauna ētehi o ngā whenua rāhui, engari kore rawa rātou i whakahoki i te nuinga o ngā maunga ki roto i aua whenua rāhui, ka kīia he ngahere rāhui, ā, ka taka te wā ka kīia he papakura. Kātahi ka whakatūria e te Karauna ngā whakahaere mō te whenua e kuhu atu ai ngā tāngata whīkoi, retireti hukarere, kaiwhakangangahu hoki engari anō te tangata whenua. I raro i ērā whakahaere, ka rāhuitia ngā tikanga Māori e pā ana ki ngā maunga, ka whakatupuria te ahumahi tāpoi, ka riha rāwaho i te pātamu i urupatu i ngā ngahere tūturu ki ētehi wāhanga o te papakura. 5 10
- (4) Nō ngā tau tōmua o te ngahuru tau 1970, i ngana te Māori o Taranaki ki te kuhu ki roto i ngā whakahaere o te papakura, ki te whakaara ake i te ingoa taketake o te maunga, ki te whai kia whakahokia atu te mana rangatiratanga o ngā maunga. I tautokona e te kāwanatanga ētehi o ā rātou tono, engari i whakarērea i runga i ngā whakahē o te marea. Ka whakaaetia i te tau 1977 kia kuhukuhu te Māori i roto i ngā mahi whakahaere o Egmont National Park, ā, i te tau 1978 nā te Karauna i whakatairanga i tētehi ture kia whakahokia a maunga Taranaki ki te Poari Māori o Taranaki kātahi ka wawe te whakahoki atu ki te Karauna hei papakura. 15
- (5) Nō ngā tau tata nei, he nui ngā kaupapa nā ngā iwi o Taranaki i kōkiri hei whakaohoo, hei whakapakari i ō rātou hononga ki ō rātou tūpuna maunga. Ko ētehi o ēnei kaupapa ko te totoro anō ki ngā wāhi tapu ki roto i te papakura, ko te whakahaere kīrearea, ko te tiaki tupu taketake me ngā kararehe, ko te whakapai ake i te mōhiotanga pūtaiao o te taiao, ko te whakatairanga i te mātauranga Māori hoki. 20 25
- (1) For generations, Taranaki Maunga and its surrounding ranges have been the central pillar for the iwi, hapū, and whānau of Taranaki. These maunga have long been honoured ancestors, a source of physical, cultural, and spiritual sustenance, and final resting places. 30
- (2) Following the establishment of European settlements in Taranaki in the early 1840s, the Crown began to purchase land in the region. Māori in Taranaki were initially keen to engage in the new settler economy, but became concerned when the Crown began to purchase land from individual Māori or small groups, sometimes without the consent or knowledge of key leaders or the wider collective, and sometimes despite their strongly stated objections. In 1860, the Crown used military forces to complete its purchase of land at Waitara, which led to wars between the Crown and Māori in Taranaki. In 1865 the Crown unfairly punished Māori by confiscating 1.2 million acres of Taranaki land, including Taranaki Maunga. 35 40
- (3) During the century that followed this fundamental breach of te Tiriti o Waitangi/the Treaty of Waitangi, the Crown repeatedly ignored the rights and interests of the tangata whenua of Taranaki in relation to their ancestral mountains.

- Following the confiscation, the Crown failed to create most of the reserves it had promised. After further protest by Māori in Taranaki, the Crown eventually returned some reserves, but refused to include most of the mountains in those reserves, instead proclaiming them as a forest reserve, and later a national park. The Crown subsequently established management regimes which ensured that trampers, skiers, and hunters were involved in the management of the park but made no such provision for tangata whenua. Under those management regimes, traditional Māori practices associated with the mountains were banned while tourism was promoted, and pests such as possums were introduced which led to the complete destruction of native forest in some parts of the park. 5
- (4) In the early 1970s, Taranaki Māori sought to become involved in the management of the park, to have the mountain's traditional name reinstated, and to have ownership of the mountains returned. Some of their proposals were initially supported by the government but then abandoned in the face of public opposition. Provisions for Māori involvement in the management of Egmont National Park were eventually enacted in 1977, and in 1978 the Crown promoted legislation which returned Taranaki Maunga to the Taranaki Māori Trust Board, but immediately returned it to Crown ownership for the purposes of a national park. 10 15
- (5) In recent years, Ngā Iwi o Taranaki have led a number of initiatives which have sought to reactivate and strengthen their connections to their ancestral mountains. These have included programmes to re-engage with the sites of significance within the park, control pests, foster indigenous plants and animals, improve scientific understanding of the environment, and promote mātauranga Māori. 20 25
- He pou tā Maruwhakatare  
He ahi tā Tahurangi  
He rua tā Ruataranaki  
He pou hoki tā tēnei whakatupuranga?  
Maruwhakatare anchored the mountain 30  
Tahurangi lit the fires of occupation  
Ruataranaki consecrated the name  
What will this generation's legacy be?
- 5 He tāpaetanga i ngā hē a te Karauna ki Ngā Iwi o Taranaki/  
Acknowledgements of the Crown to Ngā Iwi o Taranaki 35**
- (1) E whakaae ana te Karauna ki te hiranga me te motuhaketanga o ngā maunga o Taranaki ki ngā tāngata whenua o Taranaki. E whia rautau ngā tihi me ngā pae maunga o Taranaki e tū nei hei poutoko, hei pouwhakarewa i ngā āhuatanga katoa o te ao. E tū nei hei puna wai, hei pātaka kai, hei kete rokiroki i ngā maharatanga me ngā mātauranga, ā, ko rātou kei te tūhono i te rangi ki te whenua, otirā, he tūpuna tapu hoki rātou. E whakaae ana te Karauna ki te wāhi 40

- nui tonu o te oranga o ngā maunga o Taranaki ki te oranga o ngā iwi o Taranaki.
- (2) E whakaae ana te Karauna, nā te matapōkere noa o tāna muru i ngā tihi me ngā pae maunga tapu o Taranaki i kore ai ngā Māori o Taranaki i whai toronga atu ki ngā wāhi e whakahirahira ana ā-ahurea, ā-wairua, ā-hītori hoki, ka mutu, nā reira anō i motu ai ngā hononga kaitiaki i purutia e ngā whānau, e ngā hapū, e ngā iwi o Taranaki mō ngā rautau e whia nei. Nā tana pērā, ka takahia e te Karauna tana kupu taurangi i whakapūmautia ai mā Te Tiriti o Waitangi, e kī nei ka mau tonu i te Māori te tino rangatiratanga o ō rātou whenua katoa e pīrangi nei rātou ki te pupuru. He hē, he hara hoki tā te Karauna murunga o Panitahi, o Patuhā, o Kaitake, o Pouākai, o Taranaki maunga i rongo ai ngā tāngata o Taranaki i te mutunga mai o te pāmamae, ka mutu, he takahanga tērā i te Tiriti o Waitangi me ōna mātāpono. 5 10
- (3) E whakaae ana te Karauna, kīhei a ia i whakatinana i ngā kupu taurangi ake a te Kāwana i kī rā e kore ētehi whenua whāiti, tae atu rā ki ētehi wāhanga rahi o Taranaki maunga, e murua, ka mutu, kīhei hoki a ia i whakatinana i ngā whakaritenga kia whakahokia aua whenua rā. 15
- (4) E whakaae ana te Karauna, I whaia kahatia e ngā Māori o Taranaki kia whakahokia ngā maunga ki a rātou mai anō i te wā i murua ai. I te tau 1879, ka whakatū te Karauna i te Kōmihana o te Taiuru kia tiroirohia ngā nawe a te Māori e kī nei kāore i whakatinanatia ngā whenua i rāhuitia mō rātou e te Kōti Paremata, kāore hoki i whakatauria te nui o ngā whenua e wātea ana hei whakahokinga atu ki a rātou. I runga i te āhua ki aua tiroirohanga, e whakaae ana te Karauna: 20
- (a) i hē tana whakamōhio i te Kōmihana o te Taiuru i te tau 1880 ki te huringa o Taranaki maunga me ōna karapotitanga hei rāhui ngahere; ā 25
- (b) i muri iho, ka āta mahue tā te Kōmihana o te Taiuru whakauru i te katoa o ngā whenua, e ono maero nei te pūtoro huri noa i ngā tihi o Taranaki maunga, ki ōna whakawhiwhinga atu i tūtohungia ai ki ngā Māori o Taranaki; ā 30
- (c) nō te mōhiotanga o te Karauna ki te korenga o te maunga i rāhuitia, kīhei a ia i whakatika i tōna hē, engari, ka mārō tana pānui i te whakataunga o Taranaki maunga hei rāhui ngahere i mua i ngā whakawhiwhinga karaati a te Kōmihana Tuarua o te Taiuru; ā,
- (d) nā ērā mahi katoa a te Karauna i kore ai e taea te whakahokinga o Taranaki maunga mā te tukanga paremata, ka mutu, he takahanga tērā i te Tiriti o Waitangi me ōna mātāpono. 35
- (5) E whakaae ana te Karauna, nāna i whakakore te toenga o ngā pārangā o ngā Māori o Taranaki ki ngā maunga o Taranaki i te tau 1899 i tana whakatairanga i te whakawhitinga o te Rāhui o ngā Pae Maunga o Patuhā, i tukuna ai ki ngā uri o Taranaki nō rātou aua pārangā rā, mō ētehi whenua o waho atu o Taranaki. Ina koa, e whakaae ana te Karauna, i tāna whakatutuki i tēnei whakawhitinga: 40

- (a) i mōhio katoa a ia, ka noho ngā rāhui o te Taiuru, i tōna tikanga, hei painga mō ngā Māori o Taranaki; ā
- (b) i mōhio a ia ki te wātea o ētehi whenua kounga e pātata tonu ana ki te Rāhui o ngā Pae Maunga o Patuhā, engari i whakatau a ia ki te hoko i aua whenua ki ngā Pākehā whakatū kāinga, ka tuku ai i ngā whenua e iwa tekau maero nei te tawhiti atu; ā, 5
- (c) ko tana korenga i āta whai ki te tiaki i ngā pāraua o Taranaki maunga tētehi takahanga i te Tiriti o Waitangi me ōna mātāpono.
- (6) E whakaae ana te Karauna, nōna e whakarite ana i te Rāhui Ngahere o Egmont, me te Papa Taiao ā-Motu o Egmont i muri mai, kīhei a ia i tuku kia whai wāhi ngā iwi o Taranaki ki ngā kōrero, kīhei hoki a ia i whai whakaaro ki ngā pāraua tuku iho o aua iwi rā. Nā reira, kīhei te Karauna i whakamana i te rangatiratanga o ngā iwi o Taranaki, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono. 10
- (7) E whakaae ana anō hoki te Karauna, e whia tau tana korenga i tuku kia whai wāhi tētehi māngai Māori ki te hautūtanga o te Papa Taiao ā-Motu o Egmont. Nā tērā i kore ai i āhei te whakamahi, te whakahaere rānei a ngā Māori o Taranaki i ngā rawa whaihua nui i raro i ā rātou tikanga, ā, nā reira hoki i aukati tā rātou tū hei kaitiaki i te maha o ngā wāhi tapu. He takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono. 20
- (8) E mihi ana te Karauna ki te kaha o te Poari Māori o Taranaki ki te kake i ngā āhuatanga kino i mahue iho ai i te pakanga, te muru me te raupatu, i te nui hoki o te korenga o te Karauna i whakaae ki ngā nawe o ngā Māori o Taranaki. E mōhio ana anō hoki te Karauna i ngā taumahatanga i pīkautia ai e Te Poari Māori o Taranaki i te ngahuru tau 1970, i a ia e whakamātau ana ki te whakawhiti kōrero e pā ana ki te whakahokinga mai o Taranaki Maunga, ki te whakatūnga o tētehi māngai Māori ki te Poari mō te Papa Taiao ā-Motu o Egmont, ki te whakaturetanga anō hoki o te ingoa o “Taranaki” hei ingoa mō te maunga. 25
- (9) E whakaae ana te Karauna, ko āna tini takahanga i te Tiriti o Waitangi kua motu i ngā hononga kua roa i waenganui i ngā tāngata whenua o Taranaki me ō rātou maunga, ka mutu, kua nui, kua roa hoki te te ngaunga e te mamae. 30
- (1) The Crown acknowledges that the tūpuna maunga are of profound significance to the tangata whenua of Taranaki. For centuries, the peaks and ranges of Taranaki have served as pillars that support and uphold every aspect of life. They are a source of water and food, they are repositories of memory and knowledge, they connect the earth to the heavens, and they are revered ancestors. The Crown acknowledges that the well-being of ngā maunga o Taranaki is intrinsic to the well-being of Ngā Iwi o Taranaki. 35
- (2) The Crown acknowledges that its indiscriminate confiscation of the sacred peaks and ranges of Taranaki deprived Taranaki Māori of access to sites of pro- 40

- found cultural, spiritual, and historical significance, and severed relationships of care that the whānau, hapū, and iwi of Taranaki had exercised for centuries. In doing so, the Crown broke its promise, made through te Tiriti o Waitangi/the Treaty of Waitangi, that Māori would retain the full and undisturbed possession of any land that they wished to retain. The Crown’s confiscation of Panitahi, Patuhā, Kaitake, Pouākai, and Taranaki Maunga was wrongful and unjust, caused immeasurable distress to ngā tāngata o Taranaki, and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5
- (3) The Crown acknowledges that it failed to honour the Governor’s personal promises that certain lands, including large parts of Taranaki Maunga, would not be confiscated, and then failed to implement the undertakings made to return those lands. 10
- (4) The Crown acknowledges that Taranaki Māori have sought the return of the mountains ever since they were confiscated. In 1879, the Crown established the West Coast Commission to investigate Māori complaints that the reserves they had been awarded by the Compensation Court had not been created, and to determine what land was available for return. With respect to those investigations, the Crown acknowledges that— 15
- (a) it incorrectly informed the West Coast Commission in 1880 that Taranaki Maunga and its surrounds had already been made a forest reserve; and 20
- (b) the West Coast Commission subsequently excluded all the land within a six-mile radius of the peak of Taranaki Maunga from its recommended awards to Taranaki Māori; and
- (c) when the Crown realised the Maunga had not been reserved, it failed to correct its error and instead formally declared Taranaki Maunga to be a forest reserve before the Second West Coast Commission’s awards were formally granted; and 25
- (d) together, the Crown’s actions meant that Taranaki Maunga was never eligible for return to Māori through the compensation processes, in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 30
- (5) The Crown acknowledges that it deprived Taranaki Māori of their last remaining interests in ngā maunga o Taranaki in 1899 when it promoted the exchange of the Patua Ranges Reserve, which had been granted to Taranaki owners in 1883, for land outside Taranaki. In particular, the Crown acknowledges that when it carried out this exchange— 35
- (a) it had full knowledge that the West Coast reserves were intended to benefit Taranaki Māori; and
- (b) it was aware that there was good-quality land available immediately adjacent to the Patua Ranges Reserve, but chose to sell that land to settlers and instead provide land 90 miles away; and 40

- (c) its failure to actively protect the interests of Taranaki Māori was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that when it established the Egmont Forest Reserve, and later the Egmont National Park, it failed to consult the iwi of Taranaki or consider their customary interests. By doing so, the Crown failed to recognise the rangatiratanga of ngā iwi o Taranaki, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5
- (7) The Crown further acknowledges that it failed for many years to provide for Māori representation in the governance of Egmont National Park. This left Taranaki Māori unable to use or manage the area’s rich resources in accordance with their tikanga, and prevented them from exercising kaitiakitanga over its many sacred places. This was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10
- (8) The Crown acknowledges the efforts of the Taranaki Māori Trust Board to overcome the legacy of war and raupatu, and the Crown’s consistent failure to recognise the validity of the grievances of Taranaki Māori. The Crown further acknowledges the challenges the Taranaki Māori Trust Board faced in the 1970s when it attempted to negotiate the return of Taranaki Maunga, Māori representation on the Egmont National Park Board, and the restoration of the name “Taranaki” to the maunga. 15  
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- (9) The Crown acknowledges that its many breaches of te Tiriti o Waitangi/the Treaty of Waitangi have severed connections that had long existed between the tangata whenua of Taranaki and their mountains, and have caused immense and enduring harm.
- 6 He Kupu Whakapāha nā te Karauna ki Ngā Iwi o Taranaki/Apology of the Crown to Ngā Iwi o Taranaki** 25
- E tāpae nei te Karauna i te whakapāha e whai ake nei ki ngā uri o Taranaki o mua, o nāianei hoki:
- “(a) E tino whakapāha ana te Karauna nā te mea kua raruraru tana hononga ki ngā tāngata whenua o Taranaki mō ngā reanga e hia nā te auau o tō te Karauna korenga i whakatinana i tāna i kī taurangi ai i te Tiriti o Waitangi. E whakapāha ana te Karauna i te tere o te huringa o te wā e tupu ai te pitomata o te patuitanga, i tīmata mai rā i te tau 1840, hei wā mō te rīri, mō te raupatu, mō te hapanga hoki. 30
- (b) E nui whakaharaha ana te whakapāha a te Karauna i tana raupatu i a Taranaki mounga i te tau 1865, i motu ai te roa me te hōhonu o tō koutou hononga ki tō koutou tupuna mounga. I ngā tekau tau ka whai mai, i tua atu o tō te Karauna kore i whakaae ki tō koutou rangatiratanga, i whakaparahakotia hoki e ia taua rangatiratanga nā tana kore i whakaae ki te whakahoki i te mounga ki a koutou, ki te tuku kia whai wāhi koutou ki tōna manaakitanga, ki te whakamana hoki i tōna ingoa e tika ana. E nui whakaharaha ana te āwhitu o te Karauna i ana tini takahanga i te Tiriti 35  
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o Waitangi me ōna mātāpono, i te kaha me te kino kē atu o te mamae nāna nei i whiu ki runga i ngā whānau, i ngā hapū me ngā iwi o Taranaki.

- (c) Kāore e taea aua mamae o mua rā te whakakore. Heoti anō, e tūmanako ana te Karauna, mā tēnei whakapāha, mā ngā whakaritenga hoki i tēnei whakaaetanga e tuia anō ai, e whakapakaringia ai hoki ō koutou hononga ki ngā mouna, e titiro anō ai ngā whakatupuranga o muri nei ki a Taranaki hei tohu mō te aumangea me te tūmanako, tē mahara kē ai ki a ia hei tohu mō te rironga. E anga whakamua ana te Karauna ki tōna wā e tū ai a Taranaki mouna hei tohu, hei whakatinanatanga hoki mō tētehi hononga ki a koutou i runga i te whakapono, i te ngātahi o te whakaaro nui ki te Tiriti o Waitangi me ōna mātāpono.”

The Crown offers the following apology to ngā uri o Taranaki, past and present:

- “(a) The Crown is deeply sorry that its relationship with the tangata whenua of Taranaki has for generations been blighted by the Crown’s repeated failures to honour the commitments it made in te Tiriti o Waitangi/the Treaty of Waitangi. The Crown is sorry that the promise of partnership that arose in 1840 so quickly became a history of conflict, confiscation, and neglect.
- (b) The Crown profoundly apologises for its confiscation of Taranaki Maunga in 1865, which severed connections with your ancestral mountain that were ancient and deep. In the decades that followed, the Crown not only failed to recognise your rangatiratanga but treated it with disdain, refusing to return the maunga, to involve you in its care, or to restore its rightful name. The Crown deeply regrets its many breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, and the immense and compounding harm they have inflicted on the whānau, hapū, and iwi of Taranaki.
- (c) Much of this harm cannot be undone. However, the Crown hopes that through this apology, and through the arrangements in Te Ruruku Pūtakerongo, your connections to ngā maunga can be restored and strengthened, so that future generations might again look to Taranaki as a symbol of resilience and hope, rather than of loss. The Crown also looks to a future where Taranaki Maunga symbolises and embodies a relationship with you that is founded on trust and a shared respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.”

*Purpose provision*

- 7 Purpose of this Act** 40  
The purpose of this Act is—

- (a) to record Te Pūeatanga ki te Ao, comprising the historical account, together with the acknowledgements, and apology by the Crown to Ngā Iwi o Taranaki with respect to their historical grievances relating to their tūpuna maunga; and
- (b) to give effect to He Kawa Tupua, comprising— 5
- (i) Te Mana o Ngā Maunga, for the purpose of recognising, promoting, and protecting the health and well-being of Te Kāhui Tupua and its status; and
- (ii) Te Mana o Te Kāhui, for the purposes of recognising and providing for the mana and relationship of Ngā Iwi o Taranaki with Te Kāhui Tupua; and 10
- (c) to give effect to the provisions of Te Ruruku Pūtakerongo.

*Interpretation provisions*

**8 Interpretation of Act generally**

It is the intention of Parliament that the provisions of this Act are interpreted in a manner that best furthers the agreements expressed in Te Ruruku Pūtakerongo. 15

**9 Interpretation**

In this Act, unless the context otherwise requires,—

**access arrangement** has the meaning given in section 2(1) of the Crown Minerals Act 1991 20

**application**, for the purposes of **Schedule 4**, has the meaning given in **clause 1** of that schedule

**appointers**, in relation to Te Tōpuni Kōkōrangī, means the trustees and the Minister of Conservation, as provided for in **section 31** 25

**asset management company** means the company that may be established under **section 43(1)** with the name Te Kāhui Tupua Limited

**asset management policy** means the policy adopted by Te Tōpuni Kōkōrangī under **section 46**

**coastal marine area** has the meaning given in section 2(1) of the Resource Management Act 1991 30

**concession** has the meaning given in section 2(1) of the Conservation Act 1987

**concession revenue**, in relation to an activity within Te Papa-Kura-o-Taranaki, means—

- (a) rents, fees, and royalties within the meaning of section 17Y of the Conservation Act 1987; and 35

- (b) rents, fees, and royalties paid by a third party under an authorisation issued under the National Parks Act 1980 that are similar in nature to those imposed under section 17Y of the Conservation Act 1987; but
- (c) does not include fees such as—
- (i) cost recovery charges imposed by the Director-General as a condition of a concession of authorisation; or
  - (ii) charges that have been imposed under section 17X(e) or (j), 17ZH, or 60B of the Conservation Act 1987
- conservation legislation** means the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act 10
- conservation management strategy** has the meaning given in section 2(1) of the Conservation Act 1987
- Crown** has the meaning given in section 2(1) of the Public Finance Act 1989
- Crown mineral** means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991,— 15
- (a) that is the property of the Crown under section 10 or 11 of that Act; or
  - (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964
- cultural materials plan** means the plan provided for in **subpart 2 of Part 8**
- Director-General** means the Director-General of Conservation, and includes a delegate appointed by the Director-General under section 58 of the Conservation Act 1987 20
- effective date** means the date that is 40 working days after the date on which this Act comes into force
- existing interests**, in relation to land that becomes Te Whenua Taurikura,— 25
- (a) means a lawful interest in existence immediately before the date on which the relevant land is vested in Te Kāhui Tupua or added to Te Papa-Kura-o-Taranaki; and
  - (b) includes legal rights and authorisations to carry out activities on or in relation to that land 30
- He Kawa Ora mō Te Papa-Kura-o-Taranaki** and **He Kawa Ora** mean the management plan required by **section 93**
- He Takapou Tupua** means the relationship agreement entered into by Te Tōpuni Kōkōrangi and the Minister of Conservation and Director-General
- industrial rocks and building stones** has the meaning given in section 2(1) of the Crown Minerals Act 1991 35
- interest**, in relation to land, means an easement, a covenant, a lease, a licence, a licence to occupy, a tenancy, or other right or obligation affecting that land
- kōkawa** means the mineral known as Taranaki andesite

**kōkōwai** means the mineral known as red ochre

**matā** means the mineral known as black obsidian

**minerals programme**—

- (a) has the meaning given in section 2(1) of the Crown Minerals Act 1991; and
- (b) includes the Minerals Programme for Minerals (excluding Petroleum) 2013 and the Minerals Programme for Petroleum 2013

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**Minister of Conservation**—

- (a) has the meaning given to Minister in section 2(1) of the Conservation Act 1997; and
- (b) includes, if relevant, a delegate appointed by the Minister, including on the terms provided by section 57 of the Conservation Act 1987

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**national park** has the meaning given in section 2 of the National Parks Act 1980

**national park management plan** means a management plan within the meaning of section 45 of the National Parks Act 1980

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**New Zealand Conservation Authority** means the authority established under section 6A of the Conservation Act 1987

**New Zealand register** has the meaning given in section 2(1) of the Companies Act 1993

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**Ngā Iwi o Taranaki** has the meaning given in **section 10**

**Ngā Pou Whakatupua** means the values set out in **section 19**

**Ngaa Rauru Kiitahi** means the iwi of that name defined in the trust deed of Te Kaahui o Rauru Trust

**Ngāruahine** means the iwi of that name defined in the trust deed of Te Korowai o Ngāruahine Trust

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**Ngāti Maru** means the iwi of that name defined in the trust deed of Te Kāhui Maru Trust: Te Iwi o Maruwharanui

**Ngāti Mutunga** means the iwi of that name defined in the trust deed of Te Rūnanga o Ngāti Mutunga Trust

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**Ngāti Ruanui** means the iwi of that name defined in the trust deed of Te Rūnanga o Ngāti Ruanui Trust

**Ngāti Tama** means the iwi of that name defined in the trust deed of Te Rūnanga o Ngāti Tama Trust

**notice**—

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- (a) means a notice given under this Act; and
- (b) includes a notice given by electronic means

- official geographic name** has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008
- onewa** means the mineral known as basalt or greywacke
- pākohe** means metamorphosed indurated mudstone, also known as argillite
- permit**, in relation to mining activities, has the meaning given in section 2(1) of the Crown Minerals Act 1991 5
- post-settlement governance entity** and **governance entity** mean the trustees of 1 or more of the following trusts:
- (a) Te Kaahui o Rauru Trust (established by trust deed dated 27 November 2003): 10
  - (b) Te Kāhui Maru Trust: Te Iwi o Maruwharanui (established by trust deed dated 13 July 2018):
  - (c) Te Kāhui o Taranaki Trust (established by trust deed dated 24 June 2013):
  - (d) Te Korowai o Ngāruahine Trust (established by trust deed dated 20 June 2013): 15
  - (e) Te Kotahitanga o Te Atiawa Trust (established by trust deed dated 31 March 2014):
  - (f) Te Rūnanga o Ngāti Mutunga Trust (established by trust deed dated 14 September 2006): 20
  - (g) Te Rūnanga o Ngāti Ruanui Trust (established by trust deed dated 10 December 2001):
  - (h) Te Rūnanga o Ngāti Tama Trust (established by trust deed dated 20 January 2003)
- Registrar-General** has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017 25
- specially protected area** has the meaning given in section 2 of the National Parks Act 1980
- successor company** means a company—
- (a) incorporated by Te Tōpuni Kōkōrangī on the same terms that apply to the asset management company in accordance with **section 51(2)**; and 30
  - (b) into which all or some of its assets and liabilities are transferred or merged
- taonga tūānuku** means kōkawa, kōkōwai, matā, onewa, and pākohe
- Taranaki Iwi** means the iwi of that name defined in the trust deed of Te Kāhui o Taranaki Trust 35
- Taranaki Māori Educational Trust** means the trust established by declaration of the Taranaki Maori Trust Board in a deed dated 8 November 1961

**Taranaki Māori Trust Board** and **Trust Board** mean the Trust Board constituted under section 9 of the Maori Trust Boards Act 1955

**Taranaki Region** means the region identified in the Local Government (Taranaki Region) Reorganisation Order 1989 and SO Plan 13043

**Taranaki/Whanganui Conservation Board** means the board established under section 6L of the Conservation Act 1987 to perform functions in the area that includes Te Papa-Kura-o-Taranaki 5

**Te Atiawa** means the iwi of that name defined in the trust deed of Te Kotahitanga o Te Atiawa Trust

**Te Iho Tāngaengae** means the statement by Ngā Iwi o Taranaki about their connection and relationship with their tūpuna maunga and Te Kāhui Tupua, as set out in **section 3** 10

**Te Kāhui Tupua** means the legal person created by **section 18(1)**

**Te Kāhui Tupua status** means the status declared in **sections 17 and 18**

**Te Papa-Kura-o-Taranaki** means the national park of that name that is located in the Taranaki Region 15

**Te Papa-Kura-o-Taranaki mineral** means all of the following that form part of Te Whenua Taurikura:

- (a) any mineral that is the property of the Crown; and
- (b) taonga tūānuku; and 20
- (c) industrial rocks and building stones

**Te Ruruku Pūtakerongo** means the collective redress deed dated 1 September 2023 and signed by—

- (a) the Honourable Andrew James Little and the Honourable Willow-Jean Prime for and on behalf of the Crown; and 25
- (b) —, Jamie Tuuta, Liana Poutu, Hemi Sundgren, Te Pahunga Davis, and Haimona Maruera for and on behalf of Ngā Iwi o Taranaki; and
- (c) Michael Noho for and on behalf of Te Kaahui o Rauru Trust; and
- (d) Holden Hohaia for and on behalf of Te Kāhui Maru Trust: Te Iwi o Maruwharanui; and 30
- (e) Jacqui King for and on behalf of Te Kāhui o Taranaki Trust; and
- (f) Paula Carr for and on behalf of Te Korowai o Ngāruahine Trust; and
- (g) Liana Poutu for and on behalf of Te Kotahitanga o Te Atiawa Trust; and
- (h) Jamie Tuuta for and on behalf of Te Rūnanga o Ngāti Mutunga Trust; and 35
- (i) Haimona Maruera for and on behalf of Te Rūnanga o Ngāti Ruanui Trust; and
- (j) Frances White for and on behalf of Te Rūnanga o Ngāti Tama Trust; and

(k) Michael Noho, Holden Hohaia, Jacqui King, Paula Carr, Liana Poutu, Jamie Tuuta, Haimona Maruera, and Frances White, as trustees to Te Tōpuni Ngārahu

**Te Ruruku Pūtakerongo schedule** means the schedule that is part of Te Ruruku Pūtakerongo 5

**Te Tōpuni Kōkōrangī** means the statutory body established by **section 27**

**Te Tōpuni Ngārahu** means the trust of that name established by the Te Tōpuni Ngārahu Trust Deed dated 1 September 2023 to be the collective governance entity for Ngā Iwi o Taranaki for the purposes of He Kawa Tupua

**Te Whenua Taketake** means the land described in **Schedule 1** 10

**Te Whenua Taurikura** means the land held from time to time in the name of Te Kāhui Tupua that forms part of Te Papa-Kura-o-Taranaki

**Te Whenua Tupu** means the land that is held from time to time in the name of Te Kāhui Tupua but is not part of Te Papa-Kura-o-Taranaki

**trustees and trustees of Te Tōpuni Ngārahu** mean the trustees of Te Tōpuni Ngārahu, acting in their capacity as trustees of the governance entity of Ngā Iwi o Taranaki 15

**tūpuna maunga** means the ancestral mountains that form part of Te Kāhui Tupua within the Taranaki Region

**uri** means descendants 20

**vesting date** means the date specified as the vesting date by an Order in Council made under **section 64**

**working day** means a day other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day: 25
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday:
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year: 30
- (d) the day observed as anniversary day in Wellington or Taranaki.

## 10 Meaning of Ngā Iwi o Taranaki

In this Act, **Ngā Iwi o Taranaki**—

- (a) means the collective group of the following iwi: 35
  - (i) Ngaa Rauru Kiitahi, and
  - (ii) Ngāruahine; and
  - (iii) Ngāti Maru; and
  - (iv) Ngāti Mutunga; and

- (v) Ngāti Ruanui; and
  - (vi) Ngāti Tama; and
  - (vii) Taranaki Iwi; and
  - (viii) Te Āti Awa; and
- (b) includes 1 or more of those iwi and their hapū; and 5
- (c) includes the present and future members of 1 or more of those iwi and their hapū.

*Other matters*

**11 Act binds the Crown**

This Act binds the Crown. 10

**12 Provisions to take effect on effective date**

- (1) The provisions of this Act take effect on the effective date unless stated otherwise.
- (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for— 15
- (a) the provision to have full effect on that date; or
  - (b) a power to be exercised under the provision on that date; or
  - (c) a duty to be performed under the provision on that date.

**13 Limit on duration of trusts does not apply**

- (1) A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,— 20
- (a) do not prescribe or restrict the period during which—
    - (i) Te Tōpuni Ngārahu may exist in law; or
    - (ii) the trustees may hold or deal with property or income derived from property; and 25
  - (b) do not apply to a document entered into to give effect to Te Ruruku Pūtakerongo if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.
- (2) However, if Te Tōpuni Ngārahu is or becomes a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019. 30

**14 Access to Te Ruruku Pūtakerongo**

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

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

5

## **15 Limits to effect of this Act and Te Ruruku Pūtakerongo**

### *General principles*

- (1) Nothing in this Act or in Te Ruruku Pūtakerongo—
  - (a) usurps or limits—
    - (i) the relationships between Ngā Iwi o Taranaki and Te Kāhui Tupua; or 10
    - (ii) the mana of, or exercise of, rights and responsibilities according to tikanga or customary law by Ngā Iwi o Taranaki; or
    - (iii) the ability for Ngā Iwi o Taranaki to participate in any statutory or other process relevant to Te Kāhui Tupua; or 15
    - (iv) the ability or requirement for any person or entity to engage with Ngā Iwi o Taranaki; or
    - (v) any other rights that Ngā Iwi o Taranaki may have arising—
      - (A) from legislation, te Tiriti o Waitangi/the Treaty of Waitangi or its principles, the common law, or a fiduciary duty; or 20
      - (B) in any other way; or
  - (b) precludes Ngā Iwi o Taranaki from referring to, describing, or relying on, in any statutory process,—
    - (i) their relationship with Te Kāhui Tupua; or
    - (ii) the arrangements set out in this Act or Te Ruruku Pūtakerongo, including— 25
      - (A) Te Kāhui Tupua status; and
      - (B) Ngā Pou Whakatupua; and
      - (C) Te Iho Tāngaengae; or
  - (c) extinguishes or limits any extant customary rights or aboriginal title or limits the ability of a group to apply for, or be granted such rights; or 30
  - (d) constitutes or implies an acknowledgement by the Crown that any customary right or aboriginal title exists; or
  - (e) limits, diminishes, or removes the obligations under section 4 of the Conservation Act 1987 or implies that the obligations under that provision are satisfied by complying with this Act or Te Ruruku Pūtakerongo. 35

- (2) Nothing in this Act or in Te Ruruku Pūtakerongo displaces or diminishes the role of an iwi or hapū of Ngā Iwi o Taranaki in relation to Te Kāhui Tupua or any other matter.
- (3) Without limiting **subsection (1)**, nothing in this Act or in Te Ruruku Pūtakerongo applies to the coastal marine area, except as provided in the following provisions: 5
- (a) **section 3** (Te Iho Tāngaengae); and
  - (b) **section 17** (recognition of Te Kāhui Tupua); and
  - (c) **section 19** (Ngā Pou Whakatupua); and
  - (d) **section 52(1) and (2)** (standing of the trustees of Te Tōpuni Ngārahu and Te Tōpuni Kōkōrangī under this Act). 10
- (4) Nothing in this Act or in Te Ruruku Pūtakerongo, unless expressly provided otherwise,—
- (a) limits any existing private property rights; or
  - (b) creates, limits, transfers, extinguishes, or otherwise affects any rights or interests in water, wildlife, fish, aquatic life, or plants; or 15
  - (c) affects the application of any legislation.
- 16 Exclusion of jurisdiction**
- (1) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of— 20
- (a) Te Ruruku Pūtakerongo; or
  - (b) this Act; or
  - (c) the redress provided under this Act or Te Ruruku Pūtakerongo. 25
- (2) However, **subsection (1)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of Te Ruruku Pūtakerongo or this Act.

## Part 2 Te Kāhui Tupua 30

### Subpart 1—Te Kāhui Tupua and Ngā Pou Whakatupua

#### **17 Recognition of Te Kāhui Tupua**

- (1) Te Kāhui Tupua is a living and indivisible whole comprising Taranaki Maunga and other tūpuna maunga, including Pouākai and Kaitake, from their peaks to, and including, all the surrounding lands, and incorporating all their physical and metaphysical elements. 35

- (2) In this section, **surrounding lands** means the lands located within the Taranaki Region that form part of Te Kāhui Tupua.

### 18 Te Kāhui Tupua as legal person

- (1) Te Kāhui Tupua is a legal person and has all the rights, powers, duties, responsibilities, and liabilities of a legal person. 5
- (2) The rights, powers, and duties of Te Kāhui Tupua must be exercised and performed, and responsibility for its liabilities must be taken on behalf of, and in the name of, Te Kāhui Tupua—
- (a) by Te Tōpuni Kōkōrangī, unless otherwise provided for by this Act or Te Ruruku Pūtakerongo; and 10
- (b) in accordance with this Act, Te Ruruku Pūtakerongo, and the National Parks Act 1980.

### 19 Ngā Pou Whakatupua: Maunga values

Ngā Pou Whakatupua comprises the following intrinsic values that represent the essence of Te Kāhui Tupua and are intended to reflect the cultural, spiritual, ancestral, and historical relationship between Ngā Iwi o Taranaki and Te Kāhui Tupua: 15

- (a) **Ko Te Kāhui Tupua, he rārangi maunga here ā-nuku, here ā-rangi: Te Kāhui Tupua, the mountain range binding heaven and earth**  
Te Kāhui Tupua is a living and indivisible whole incorporating all of its physical and metaphysical elements: 20
- (b) **Ko Te Kāhui Tupua, koia ko ō mātou nei okiokinga, ko mātou nei tō rātou okiokitanga: Te Kāhui Tupua, our embodiment in life and death**  
Te Kāhui Tupua represents and upholds the ancestral, historical, cultural, and spiritual relationship between Ngā Iwi o Taranaki and their tūpuna maunga: 25
- (c) **Ko Te Kāhui Tupua, ko te puna i heke mai ai te tangata: Te Kāhui Tupua, from which we descend and take our identity**  
Te Kāhui Tupua and its health and well-being are fundamental to the identity, tikanga, reo, and health and well-being of Ngā Iwi o Taranaki: 30
- (d) **Ko Tupua Kawa, ko Tawhito Kawa, he kawa ora: The ancestral knowledge, the ancient law, the law of existence**  
Te Kāhui Tupua is a source of spiritual, cultural, and physical well-being of— 35
- (i) the lands, waters, flora, fauna, and other natural resources of Taranaki; and
- (ii) the people of Taranaki:

- (e) **Ko Te Kāhui Tupua, he puna koropupū, he manawa whenua, hei mou ake nei i te tini mokopuna: Te Kāhui Tupua, a spring, a source of enduring naturally filtered water and life, protected for future generations**

Ngā Iwi o Taranaki, the Crown, and all of the communities of Taranaki have an intergenerational responsibility actively to protect the health and well-being of Te Kāhui Tupua. 5

**20 Effect of Te Kāhui Tupua status and Ngā Pou Whakatupua**

- (1) Te Kāhui Tupua status and Ngā Pou Whakatupua are the foundation for the governance, management, and administration of Te Papa-Kura-o-Taranaki under this Act. 10
- (2) Except as it is modified by this Act, the National Parks Act 1980 continues to apply to Te Papa-Kura-o-Taranaki.
- (3) In addition to the general purposes set out in section 4(1) of the National Parks Act 1980, the provisions of that Act have effect for the purpose of acknowledging and upholding Te Kāhui Tupua status and Ngā Pou Whakatupua. 15
- (4) In addition to the requirements of section 4(2) of the National Parks Act 1980, Te Papa-Kura-o-Taranaki must be administered and maintained to acknowledge and uphold Te Kāhui Tupua status and Ngā Pou Whakatupua.
- (5) Te Kāhui Tupua status and Ngā Pou Whakatupua may be considered by persons described in **subsection (6)** when exercising or performing powers, functions, or duties under any legislation that relate to, or may affect, Te Kāhui Tupua. 20
- (6) **Subsection (5)** applies to persons acting under—
- (a) conservation legislation within Te Papa-Kura-o-Taranaki, to the extent that the functions, powers, or duties are not expressly dealt with under this Act or Te Ruruku Pūtakerongo: 25
- (b) conservation legislation within the surrounding lands outside the boundaries of Te Papa-Kura-o-Taranaki:
- (c) other legislation within Te Papa-Kura-o-Taranaki or the surrounding lands. 30
- (7) **Subsections (5) and (6)** do not limit any obligations a person may have under section 4 of the Conservation Act 1987 (te Tiriti o Waitangi/the Treaty of Waitangi) or under any other legislation.
- (8) To avoid doubt, Te Papa-Kura-o-Taranaki must, in accordance with section 4 of the Conservation Act 1987, be administered under the National Parks Act 1980 so as to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi. 35

- (9) Statements of general policy, including the general policy for national parks and any conservation management strategy, must not derogate from this Act or Te Ruruku Pūtakerongo.
- 21 Application of Resource Management Act 1991 in relation to consent applications** 5
- (1) **Subsection (2)** applies if—
- (a) a consent authority determines that Te Kāhui Tupua is an affected person in relation to a resource consent application under the Resource Management Act 1991 that relates to Te Kāhui Tupua or to activities affecting Te Kāhui Tupua; and 10
- (b) Te Tōpuni Kōkōrangī gives written approval for that application.
- (2) Despite sections 95D(e) and 104(3)(a)(ii) of the Resource Management Act 1991, the consent authority must not disregard any relevant effects on Te Kāhui Tupua.
- Subpart 2—Official geographic names 15
- 22 Interpretation**
- In this subpart, **Board** and **Gazetteer** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.
- 23 Official geographic names of Te Papa-Kura-o-Taranaki and Taranaki Maunga** 20
- (1) Te Papa-Kura-o-Taranaki is the official geographic name of the national park.
- (2) Taranaki Maunga is the official geographic name of the tupuna maunga that is the highest peak in the national park.
- (3) Egmont National Park and Mount Taranaki or Mount Egmont cease to be official geographic names. 25
- (4) The Board must amend the Gazetteer to record, in respect of Te Papa-Kura-o-Taranaki,—
- (a) that the former official geographic name has been discontinued; and
- (b) the new official geographic name that has been assigned.
- (5) The naming of Te Papa-Kura-o-Taranaki by **subsection (1)** is to be treated as having been made under— 30
- (a) section 7(1)(d) of the National Parks Act 1980; and
- (b) Part 2 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.
- (6) Section 7(1)(d) of the National Parks Act 1980 ceases to apply to Te Papa-Kura-o-Taranaki. 35

- 24 Official geographic names of tūpuna maunga and other features**
- (1) ~~A name~~The names specified in the second column of the table in clause 15.2 of Te Ruruku Pūtakerongo ~~is~~are the official geographic ~~name of feature, names of features described in the third and fourth columns of that table,~~ including Taranaki Maunga, Pouākai, Patuhā, Kaitake, and Panitahi, ~~described in the third and fourth columns of that table.~~ 5
- (2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the effective date by virtue of a determination of the Board made under section 19 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 10
- 25 Publication of official geographic names**
- (1) The Board must, as soon as practicable after the effective date, give public notice, in accordance with section 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, of each official geographic name specified under **sections 23 and 24.** 15
- (2) The notice must state that each official geographic name became an official geographic name on the effective date.
- 26 Subsequent alteration of official geographic names**
- (1) In making a determination to alter the official geographic name of a feature named under **section 24**, the Board— 20
- (a) need not comply with section 16, 17, 18, 19(1), or 20 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; but
- (b) must have the written consent of the trustees.
- (2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 25

### Part 3

#### Te Tōpuni Kōkōrangī

Subpart 1—Te Tōpuni Kōkōrangī: establishment, purpose, functions, and powers 30

**27 Te Tōpuni Kōkōrangī established**

Te Tōpuni Kōkōrangī is established as a statutory body.

**28 Purpose of Te Tōpuni Kōkōrangī**

The purpose of Te Tōpuni Kōkōrangī is—

- (a) to be the human face and voice of Te Kāhui Tupua; and 35

- (b) to perform functions in relation to Te Papa-Kura-o-Taranaki in accordance with this Act, Te Ruruku Pūtakerongo, and the National Parks Act 1980.

## 29 Functions of Te Tōpuni Kōkōrangī

The functions of Te Tōpuni Kōkōrangī are—

- (a) to act and speak for and on behalf of, and in the name of, Te Kāhui Tupua; and
- (b) to uphold and promote—
- (i) Te Kāhui Tupua status and Ngā Pou Whakatupua; and
  - (ii) the health, well-being, and interests of Te Kāhui Tupua; and
- (c) to engage with, and form relationships with, the trustees of Te Tōpuni Ngārahū, including by means of written agreements; and
- (d) to form relationships with the iwi and hapū of Ngā Iwi o Taranaki with interests in Te Papa-Kura-o-Taranaki; and
- (e) to enter into He Takapou Tupua; and
- (f) form relationships with Crown agencies, and other bodies that have functions affecting Te Kāhui Tupua, including—
- (i) the Taranaki/Whanganui Conservation Board; and
  - (ii) the New Zealand Conservation Authority; and
- (g) to develop and recommend for approval He Kawa Ora; and
- (h) to advise the New Zealand Conservation Authority and the Director-General, as appropriate, on matters relating to Te Papa-Kura-o-Taranaki, including—
- (i) the effectiveness of the implementation within Te Papa-Kura-o-Taranaki of the general policy for national parks; and
  - (ii) the interpretation of He Kawa Ora; and
  - (iii) any other matter relating to Te Papa-Kura-o-Taranaki; and
- (i) for the purposes of **Schedule 4**, to consider and determine, jointly with the Minister of Conservation, applications for concessions and authorisations for an interest in land relating to Te Papa-Kura-o-Taranaki; and
- (j) to perform other land-related functions in relation to Te Papa-Kura-o-Taranaki; and
- (k) to perform functions in relation to the asset management company that may be established under **section 43(1)** to manage assets on behalf of Te Kāhui Tupua; and
- (l) to perform functions delegated to it by the Minister of Conservation under section 57(1) of the Conservation Act 1987 (other than the functions applying under Part 5A of that Act); and

- (m) to perform other relevant functions in accordance with this Act and Te Ruruku Pūtakerongo.

### **30 Capacity and powers of Te Tōpuni Kōkōrangī**

- (1) Te Tōpuni Kōkōrangī has full capacity and all the powers reasonably necessary to achieve its purpose and exercise and perform its powers, functions, and duties in accordance with this Act, Te Ruruku Pūtakerongo, the National Parks Act 1980, and other applicable legislation. 5
- (2) In achieving its purposes and performing its functions, Te Tōpuni Kōkōrangī must—
- (a) act in the interests, and in the name, of Te Kāhui Tupua; and 10
- (b) in relation to Te Papa-Kura-o-Taranaki (as provided for in part 7 of Te Ruruku Pūtakerongo), act consistently with—
- (i) Te Kāhui Tupua status and Ngā Pou Whakatupua; and
- (ii) the purposes in section 4 of the National Parks Act 1980 as modified by this Act; and 15
- (iii) the requirements of other applicable legislation as modified by this Act.

#### *Membership of Te Tōpuni Kōkōrangī*

### **31 Appointments to Te Tōpuni Kōkōrangī**

- (1) Te Tōpuni Kōkōrangī consists of 8 members, appointed as follows: 20
- (a) 4 members appointed by the trustees; and
- (b) 4 members appointed by the Minister of Conservation.
- (2) In making appointments, an appointer must be satisfied that the members have the mana, standing in the community, skills, knowledge, and experience—
- (a) to participate effectively in Te Tōpuni Kōkōrangī; and 25
- (b) to contribute to achieving the purposes and performing the functions of Te Tōpuni Kōkōrangī.
- (3) In considering the appointment of members, an appointer must have particular regard to—
- (a) Te Kāhui Tupua status and Ngā Pou Whakatupua; and 30
- (b) the particular features of the land within Te Papa-Kura-o-Taranaki; and
- (c) the relationship of Ngā Iwi o Taranaki with Te Kāhui Tupua; and
- (d) the proposed member's knowledge and understanding of Te Kāhui Tupua; and
- (e) the interests of nature conservation, earth sciences, recreation, tourism, and the local community; and 35

- (f) the need for the membership of Te Tōpuni Kōkōrangī to reflect a balance of skills, knowledge, and experience.
- (4) Before making an appointment, each appointer must—
- (a) notify the other appointer of a proposed appointment; and
  - (b) seek and consider the views of the other appointer as to whether the proposed member satisfies the requirements of this section; and 5
  - (c) discuss with the other appointer any proposal for a member to be appointed for a fourth or further consecutive term.
- (5) If an appointer fails to make an appointment at the beginning of a term, that does not affect the ability of Te Tōpuni Kōkōrangī to perform its functions and duties or exercise its powers. 10
- 32 Appointment of chairperson and deputy chairperson**
- (1) For the first term, the trustees must appoint a member of Te Tōpuni Kōkōrangī appointed by the trustees under **section 31(1)(a)** to be the chairperson of Te Tōpuni Kōkōrangī. 15
- (2) **Subsection (1)** also applies if the chairperson is replaced during that term.
- (3) For subsequent terms, Te Tōpuni Kōkōrangī must appoint the chairperson from all the members of Te Tōpuni Kōkōrangī.
- (4) The chairperson is appointed for the same 3-year term as the members of Te Tōpuni Kōkōrangī, unless the chairperson— 20
- (a) resigns from the office of chairperson or as a member; or
  - (b) is removed as a member of Te Tōpuni Kōkōrangī; or
  - (c) is removed as chairperson by Te Tōpuni Kōkōrangī; or
  - (d) otherwise vacates the office of chairperson.
- (5) The member appointed as the chairperson— 25
- (a) may be reappointed to that office at the end of the chairperson’s term of office; and
  - (b) if appointed during a 3-year term to fill a vacancy in the chairperson’s position, is appointed for the remainder of the 3-year term.
- (6) The chairperson may vote on any matter, but does not have a casting vote. 30
- (7) Te Tōpuni Kōkōrangī—
- (a) may at any time appoint a member to be the deputy chairperson to perform the functions of the chairperson in the chairperson’s absence; but
  - (b) is not required to make that appointment. 35

**33 Decision making**

- (1) When making decisions, the members of Te Tōpuni Kōkōrangī must—

- (a) strive to achieve a consensus of its members; and
  - (b) act in accordance with the declaration made under **clause 4 of Schedule 2**.
- (2) However, if, in the opinion of the chairperson, consensus is not practicable after allowing a reasonable period for discussion, a decision of Te Tōpuni Kōkōrangī may be made with the agreement of at least 75% of the members present and voting (or participating in accordance with procedures set under **clause 12(3) of Schedule 2**). 5
- (3) In the case of decisions relating to He Kawa Ora, the chairperson may initiate any process to assist Te Tōpuni Kōkōrangī in making the decision (including by engaging a third party). 10
- 34 Application of other Acts to Te Tōpuni Kōkōrangī**
- The following Acts apply to Te Tōpuni Kōkōrangī:
- (a) the Official Information Act 1982; and
  - (b) the Ombudsmen Act 1975; and 15
  - (c) the Public Audit Act 2001.
- 35 Liabilities and responsibilities in respect of Te Papa-Kura-o-Taranaki and Te Whenua Taurikura**
- (1) This section applies to Te Papa-Kura-o-Taranaki and Te Whenua Taurikura. *General* 20
- (2) The Crown, rather than Te Kāhui Tupua or Te Tōpuni Kōkōrangī, has responsibility for all existing or future liabilities relating to, or arising from, the ownership of Te Whenua Taurikura in respect of the following matters:
- (a) any existing or future contamination of Te Whenua Taurikura; and
  - (b) any water, plants, wildlife, fish, or aquatic life on Te Whenua Taurikura and any associated biosecurity risks associated with Te Whenua Taurikura; and 25
  - (c) any structures or improvements on Te Whenua Taurikura; and
  - (d) any existing interests in Te Whenua Taurikura; and
  - (e) any activity, whether authorised by a consent, designation, as a permitted activity, or under any legislation, on Te Whenua Taurikura; and 30
  - (f) any public access to, or use of, Te Whenua Taurikura.
- (3) In relation to Te Whenua Taurikura and Te Papa-Kura-o-Taranaki, the Crown retains, or must assume, any other liability arising from the exercise or performance of statutory powers or functions, or decisions made, by the Director-General and the Minister of Conservation. 35

- (4) The Crown will inform Te Tōpuni Kōkōrangī before it takes any action in relation to any existing or future liabilities relating to either Te Whenua Taurikura or Te Papa-Kura-o-Taranaki.

*Rates*

- (5) The Crown remains responsible for rating obligations arising in respect of Te Whenua Taurikura. 5

**36 Costs of meeting certain liabilities**

- (1) This section applies if Te Tōpuni Kōkōrangī or Te Kāhui Tupua—
- (a) has a liability arising from the statutory functions or powers relating to Te Kāhui Tupua or to Te Papa-Kura-o-Taranaki or Te Whenua Taurikura; but 10
  - (b) is not able to meet the costs or obligations imposed by the liability.
- (2) Te Tōpuni Kōkōrangī must, at the earliest practicable time, give written notice of the matter to—
- (a) Te Tōpuni Ngārahu; and 15
  - (b) the Director-General, the Minister of Conservation, and the Minister of Finance.
- (3) Te Tōpuni Kōkōrangī may, in that notice, propose options for meeting the costs and other obligations associated with the liability.
- (4) Te Tōpuni Ngārahu, the Minister of Conservation, and the Minister of Finance— 20
- (a) may propose options or seek proposals from Te Tōpuni Kōkōrangī for meeting the liability; and
  - (b) must consider and respond to any proposals that any of them may make; and 25
  - (c) may agree to provide assistance to Te Tōpuni Kōkōrangī or Te Kāhui Tupua, specifying any conditions for that assistance that they consider appropriate.

*Further provisions*

**37 Further provisions relating to establishment and administration of Te Tōpuni Kōkōrangī** 30

Further provisions relevant to Te Tōpuni Kōkōrangī are set out in **Schedule 2**.

Subpart 2—Name Te Kāhui Tupua protected

**38 Protection of name Te Kāhui Tupua by Te Tōpuni Kōkōrangī**

- (1) No person may, without making a written request to Te Tōpuni Kōkōrangī and receiving a written authorisation from Te Tōpuni Kōkōrangī,— 35

- 
- (a) cause an incorporated or unincorporated body to be formed or registered under any name, title, style, or designation that includes the name Te Kāhui Tupua:
- (b) carry on trade activities under any name, title, style, or designation that includes the name Te Kāhui Tupua: 5
- (c) in relation to the promotion of any commercial goods or services, display, exhibit, or otherwise use in any business, trade, or occupation, a name, title, style, or designation that includes the name Te Kāhui Tupua.
- (2) **Subsection (1)** applies to the use, in the manner described in **paragraphs (a) to (c)**, of any other name, title, style, or designation that so resembles the name Te Kāhui Tupua as to be likely to mislead, confuse, or deceive a person into believing that there is an association with Te Kāhui Tupua. 10
- (3) **Subsection (1)** does not apply to any person using the name Te Kāhui Tupua for a genuine creative, educational, or historical purpose.
- (4) Te Tōpuni Kōkōrangī must not unreasonably withhold its consent to a written request for authorisation, if the proposed use of the name— 15
- (a) is consistent with Te Kāhui Tupua status and Ngā Pou Whakatupua; and
- (b) promotes the health and well-being of Te Kāhui Tupua.
- (5) If Te Tōpuni Kōkōrangī receives a request from Ngā Iwi o Taranaki for a written authorisation under **subsection (1)**, Te Tōpuni Kōkōrangī— 20
- (a) must notify the trustees of the authorisation requested; and
- (b) must obtain and consider the views of the trustees before making a decision on any request for an authorisation; and
- (c) may impose any reasonable conditions on the authorisation that it considers appropriate in the circumstances. 25
- (6) If Te Tōpuni Kōkōrangī considers that the name Te Kāhui Tupua is being used in a manner contrary to **subsection (1) or (2)**, Te Tōpuni Kōkōrangī may— 30
- (a) use any relevant statutory process to object to the use of the name; and
- (b) give written notice to any person,—
- (i) stating that the name Te Kāhui Tupua is being used in a manner contrary to **subsection (1) or (2)**; and
- (ii) requesting that person to cease further use of the name in that manner; and
- (c) apply to a court—
- (i) for a declaration that the use of the name Te Kāhui Tupua by the person to whom notice was given under **paragraph (b)** is contrary to **subsection (1) or (2)**; and 35
- (ii) for an order to cease the relevant use of the name.

Subpart 3—Te Papa-Kura-o-Taranaki place section in conservation  
management strategy**39 Place section for Te Papa-Kura-o-Taranaki**

- (1) A place section for Te Papa-Kura-o-Taranaki must be included in any relevant conservation management strategy that applies to Te Papa-Kura-o-Taranaki. 5
- (2) The place section must acknowledge and uphold Te Kāhui Tupua status and Ngā Pou Whakatupua.
- (3) Section 17F of the Conservation Act 1987 applies to the preparation of a place section, subject to the requirements of **section 40**.
- (4) In this subpart, **relevant conservation management strategy** means a conservation management strategy that covers an area in which all or part of Te Papa-Kura-o-Taranaki is located. 10

**40 Preparing Te Papa-Kura-o-Taranaki place section**

- (1) Te Tōpuni Kōkōrangī must participate in preparing a place section for Te Papa-Kura-o-Taranaki, as follows: 15
- (a) before preparing a draft conservation management strategy, as it will apply to Te Papa-Kura-o-Taranaki, the Director-General must engage with Te Tōpuni Kōkōrangī and the Taranaki/Whanganui Conservation Board to agree—
- (i) the issues to be dealt with; and 20
- (ii) the processes ~~to~~ that apply to the preparation of the draft place section until it is approved under section 17F(p)(i) of the Conservation Act 1987; and
- (b) in preparing the draft place section under section 17F(a) of the Conservation Act 1987, the Director-General must engage with Te Tōpuni Kōkōrangī in accordance with the processes agreed under **paragraph (a)(ii)**; and 25
- (c) the Director-General must formally notify Te Tōpuni Kōkōrangī when a draft conservation management strategy that includes a draft place section is publicly notified under section 17F(a) of the Conservation Act 1987; and 30
- (d) if submissions are received on the draft place section under section 17F(c) of that Act,—
- (i) the Director-General must engage with Te Tōpuni Kōkōrangī in relation to the draft place section for Te Papa-Kura-o-Taranaki; and 35
- (ii) a representative of Te Tōpuni Kōkōrangī may, together with representatives of the Director-General and the Taranaki/Whanganui

- Conservation Board, hear submissions on the draft place section under section 17F(f) and (g) of the Conservation Act 1987.
- (2) The role of the representative of Te Tōpuni Kōkōrangī under **subsection (1)(d)(ii)** is to advise the representatives of the Director-General and the Taranaki/Whanganui Conservation Board on matters that include the consistency of the draft place section with— 5
- (a) He Kawa Ora; and
- (b) Te Kāhui Tupua status and Ngā Pou Whakatupua.
- (3) After considering the draft place section and summary of submissions (if any) prepared by the Director-General, the Taranaki/Whanganui Conservation Board must engage with Te Tōpuni Kōkōrangī before referring the draft place section back to the Director-General for revision under section 17F(k) of the Conservation Act 1987. 10
- (4) The New Zealand Conservation Authority must consult Te Tōpuni Kōkōrangī, the Director-General, and the Taranaki/Whanganui Conservation Board before it may amend the draft place section under section 17F(n) or (p) of the Conservation Act 1987. 15

## Part 4

### Asset management

- 41 Right of Te Kāhui Tupua to own assets** 20
- (1) Te Kāhui Tupua may own assets.
- (2) ~~Any assets that Te Kāhui Tupua owns other than Te Whenua Taurikura must be managed by the asset management company on behalf of Te Kāhui Tupua.~~
- (2) Any assets that Te Kāhui Tupua owns (other than Te Whenua Taurikura) must be managed on behalf of Te Kāhui Tupua by an asset management company established under **section 43**. 25
- (3) ~~The asset management company—~~
- (a) ~~has full capacity and all the powers reasonably necessary to achieve its purpose and undertake its management responsibilities; and~~
- (b) ~~must assume all liabilities arising from its management of any assets as if it were the owner of those assets.~~ 30
- 42 Purpose of asset management company**
- The purpose of ~~the~~ an asset management company established under **section 43** is to manage the assets owned by Te Kāhui Tupua (other than Te Whenua Taurikura) in a manner that— 35
- (a) supports the health and well-being of Te Kāhui Tupua; and
- (b) is consistent with Te Kāhui Tupua status and Ngā Pou Whakatupua.

**43 Establishment of asset management company by Te Tōpuni Kōkōrangī**

- (1) Te Tōpuni Kōkōrangī may, for the purposes of this Act, establish an asset management company under the Companies Act 1993.
- (2) If Te Tōpuni Kōkōrangī exercises its discretion under **subsection (1)**, ~~that company—~~ 5
- (a) ~~is, and must act as, the shareholder’s representative and perform shareholder functions under the Companies Act 1993 on behalf of Te Kāhui Tupua; and~~
- (b) must appoint the directors of the asset management company.
- (a) Te Kāhui Tupua is the sole shareholder of the asset management company; and 10
- (b) Te Tōpuni Kōkōrangī must, on behalf of Te Kāhui Tupua,—
- (i) exercise and perform all of the shareholder’s powers, functions, and duties under the Companies Act 1993; and
- (ii) appoint the directors of the asset management company consistently with section 153 of the Companies Act 1993. 15
- (3) In appointing the directors of the asset management company, Te Tōpuni Kōkōrangī must be satisfied that the directors, collectively, have—
- (a) knowledge and understanding of Te Kāhui Tupua status and Ngā Pou Whakatupua; and 20
- (b) the commercial expertise and business skills reasonably necessary for the asset management company to achieve its purpose.
- (4) Te Tōpuni Kōkōrangī must also—
- (a) draft and approve the constitution of the asset management company; and 25
- (b) apply to register the asset management company and the constitution in accordance with section 12 of the Companies Act 1993.

**43A Powers and responsibilities of asset management company**

- (1) An asset management company established under **section 43** has full capacity and all the powers reasonably necessary to achieve its purpose and undertake its management responsibilities on behalf of Te Kāhui Tupua, including the following: 30
- (a) it may acquire assets for, or dispose of assets owned by, Te Kāhui Tupua as if the asset management company were the absolute owner of those assets; and 35
- (b) it may make financial contributions to any person, but only for the purpose set out in **section 42**; and
- (c) it must ensure that all liabilities that arise from its management of assets owned by Te Kāhui Tupua are satisfied.

- (2) In **subsection (1)(b) and section 44(d), financial contribution** means payments made to support the health and well-being of Te Kāhui Tupua, including payments for goods and services, contractual arrangements, and grants.
- 44 Constitution** 5
- The asset management company's constitution must—
- (a) reflect the ~~statutory~~ purpose of the company (*see* **section 42**); and
  - (b) provide that Te Kāhui Tupua is the sole shareholder and that shares must not be ~~alienated~~ transferred or made subject to any security interest; and
  - (c) require the asset management company to act consistently with the asset management policy adopted under **section 46**; and 10
  - (d) prevent the asset management company from making any distributions (within the meaning of section 2(1) of the Companies Act 1993) to Te Kāhui Tupua or Te Tōpuni Kōkōrangī, but without limiting the power of the asset management company to make financial contributions under **section 43A(1)(b)**; and 15
  - (e) ~~enable the asset management company to make financial contributions to any person in order to support the health and well-being of Te Kāhui Tupua; and~~
  - (e) provide that— 20
    - (i) the activities of the asset management company are not carried on for the private pecuniary profit of any individual; and
    - (ii) all profit is retained by the asset management company or applied for the purpose set out in **section 42**; and
  - (f) ~~protect any of the matters set out in **section 43(2) and (3) and paragraphs (a) to (e)** of this section from being amended; and~~ 25
  - (f) ensure that the matters referred to in **section 43(2) and (3)** are not disregarded or those specified in **paragraphs (a) to (e)** are not changed; and
  - (g) provide for any other matters required by the Companies Act 1993, as modified by this Act. 30
- 45 Asset management**
- ~~Despite the Companies Act 1993 or any other legislation~~ any legislation or rule of law, Te Tōpuni Kōkōrangī—
- (a) is not required to— 35
    - (i) ~~to~~ provide initial or future capital (or similar funding) to the asset management company; or

- (ii) ~~to~~ underwrite the operational costs or liabilities of the asset management company; and
- (b) must not propose or consider changes to those ~~protected~~ parts of the constitution of the asset management company referred to in **section 44(f)**. 5
- 46 Administration of assets ~~Asset management policy~~**
- (1) Unless the Minister of Conservation and the trustees of Te Tōpuni Ngārahu agree otherwise, not later than 6 months after an asset management company is established under **section 43**, Te Tōpuni Kōkōrangī must prepare and adopt an asset management policy that— 10
- (a) focuses on supporting the health and well-being of Te Kāhui Tupua; and
- (b) identifies the types of assets, including land, that may be acquired and ~~held~~ managed by the asset management company on behalf of Te Kāhui Tupua; and
- (c) identifies any criteria to be applied when decisions are made about acquiring or disposing of those assets; and 15
- (d) identifies policies that apply to the administration, management, or use ~~or application~~ of those assets; and
- (e) identifies any reporting requirements.
- (2) Te Tōpuni Kōkōrangī must prepare the asset management policy in ~~discussion~~ consultation with the asset management company. 20
- (3) Before adopting the draft asset management policy, Te Tōpuni Kōkōrangī must ~~provide a copy of the draft policy for their comment to~~ consult—
- (a) the trustees; and
- (b) the Minister of Conservation. 25
- 47 Review and amendment**
- (1) Te Tōpuni Kōkōrangī may review and amend the asset management policy, including in response to issues raised by the asset management company.
- (2) When reviewing and amending the asset management policy, Te Tōpuni Kōkōrangī must do so in a manner that is consistent with the requirements of **section 46**. 30
- 48 Application of funding by asset management company**
- Before the asset management company applies funding to operational activities within Te Papa-Kura-o-Taranaki (*see subpart 2 of Part 7*), it must work with the Director-General, and, if relevant, with Te Tōpuni Kōkōrangī, to plan for how that funding is to be used or applied, including by using the processes ~~provided for~~ described in **section 98(3)**. 35

**49 Reporting and accountability**

- (1) The asset management company must report ~~under the Companies Act 1993~~ for annually on the assets it manages on behalf of Te Kāhui Tupua, including preparing the annual report in accordance with sections 208 and 211 of the Companies Act 1993. 5
- (2) The annual report of the asset management company must contain the following:
- (a) a summary of the activities of the company ~~over the previous 12 months for the previous accounting period;~~ and
  - (b) ~~financial and other statements required by, and prepared in accordance with, generally accepted accounting practice;~~ and 10
  - (b) the financial statements required to be prepared—
    - (i) under subpart 2 of Part 11 of the Companies Act 1993 or any other legislation; and
    - (ii) in accordance with generally accepted accounting practice; and 15
  - (c) an audit report.
- (3) The annual report must be presented to the House of Representatives by the Minister of Conservation as an appendix to the annual report of Te Tōpuni Kōkōrangī (*see **clause 21(4) of Schedule 2***).
- (4) Te Tōpuni Kōkōrangī, the trustees of Te Tōpuni Ngārahu, and the Crown are not responsible or accountable for the use or management of the assets managed by the asset management company on behalf of Te Kāhui Tupua, except in relation to any functions they perform ~~under this subpart~~ under **sections 43, 46, and 47**. 20

**50 ~~Acts applying~~ Application of other Acts to asset management company** 25

The following Acts apply to the asset management company:

- (a) ~~the Companies Act 1993; and~~
- (b) ~~the Public Audit Act 2001.~~

The asset management company is a public entity for the purposes of the Public Audit Act 2001 and, for the purposes of that Act, the Auditor-General is to appoint an auditor, if required, for the asset management company. 30

**51 ~~Dissolution~~ Removal of asset management company from New Zealand register**

- (1) If the asset management company is ~~dissolved~~ removed from the New Zealand register in accordance with the Companies Act 1993, Te Tōpuni Kōkōrangī must decide, as soon as practicable, whether to ~~incorporate a successor company.~~ 35

- (a) apply to restore the asset management company to the New Zealand register (if that is an option); or
- (b) incorporate a successor company.
- (2) If a successor company is incorporated, ~~that must be it~~ it must be incorporated on the same terms as ~~apply applied~~ to the asset management company established under **section 43**, including with respect to the purpose and constitutional requirements (see **sections 42 and 44**). 5
- (3) Te Tōpuni Kōkōrangī must decide whether to seek tax-exempt status for the successor company and whether any other government decisions are required for the successor company to be established. 10
- (4) To support the incorporation of a successor company, the Minister of Conservation ~~is responsible for discussions~~ must discuss with other relevant Ministers ~~on proposals~~ that require government decisions, including the tax status of a successor company.
- (5) Subject to **subsection (7)**, if the asset management company is ~~dissolved~~ removed from the New Zealand register and a successor company has not been incorporated by the time ~~of that dissolution~~ the asset management company is removed, any assets managed by the asset management company at the date of its ~~dissolution~~ removal will, on and from that date, be managed by the trustees on the same terms as ~~apply applied~~ (with any necessary modifications) to the asset management company. 15 20
- (6) However, if ~~a successor~~ the asset management company is restored to the New Zealand register or a successor management company is incorporated at a later date, ~~the management of any remaining assets automatically transfers from the trustees to the successor company~~ the restored or successor management company must take over the management of any remaining assets from the trustees on and from the date of its restoration or incorporation. 25
- (7) **Subsection (5)** is subject to any processes or requirements under the Companies Act 1993 being satisfied.—
- (a) ~~any processes or requirements under the Companies Act 1993 being satisfied;~~ and 30
- (b) ~~all obligations of the asset management company being provided for.~~
- (8) Whether a successor company is incorporated or the trustees carry out the management role of the asset management company (see **subsection (5) subsections (5) and (6)**), the successor company or the trustees may exercise the powers and ~~perform the functions and duties of the asset management company as provided for in this Act and in Te Ruruku Pūtakerongo~~ responsibilities of the asset management company provided for under this Act. 35

## Part 5

### Standing, status, and taxation matters applying to certain entities under this Act

- 52 Standing of trustees of Te Tōpuni Kōkōrangī and trustees of Te Tōpuni Ngārahu** 5
- (1) The trustees of Te Tōpuni Ngārahu, must be treated as—
- (a) a public body for the purposes of the Local Government Act 2002; and
  - (b) an iwi authority and a public authority for the purposes of the Resource Management Act 1991.
- (2) Te Tōpuni Kōkōrangī and the trustees of Tōpuni Ngārahu are, for the purpose of a matter relating to, or affecting Te Kāhui Tupua under any legislation,—
- (a) recognised as having an interest in Te Kāhui Tupua greater than, and separate from, any interest in common with the public generally; and
  - (b) entitled to lodge a submission relating to that matter if there is a process for lodging submissions in relation to that matter; and 10
  - (c) entitled to be heard on that matter if a hearing, proceeding, or inquiry is held in relation to that matter. 15
- (3) **Subsections (1) and (2)** do not limit any other rights that Te Tōpuni Kōkōrangī or the trustees of Te Tōpuni Ngārahu may have under any legislation that relates to, or affects, Te Kāhui Tupua. 20
- 53 Status of Te Tōpuni Ngārahu under Te Ture Whenua Maori Act 1993**
- (1) Te Tōpuni Ngārahu is not a trust constituted in respect of—
- (a) any Māori land for the purposes of section 236(1)(b) of Te Ture Whenua Maori Act 1993; or
  - (b) any General land owned by Māori for the purposes of section 236(1)(c) of that Act. 25
- (2) In this section, **Māori land** and **General land owned by Māori** have the meanings given to those terms in section 4 of Te Ture Whenua Maori Act 1993.
- 54 Charitable status of Te Tōpuni Kōkōrangī** 30
- (1) Te Tōpuni Kōkōrangī is to be treated as 1 or more institutions for the purpose of making an application for charitable status under the Charities Act 2005.
- (2) Persons appointed to Te Tōpuni Kōkōrangī under **section 31(1)** are to be treated as officers of Te Kāhui Tupua for the purposes of **subsection (1)**.

*Taxation matters***55 Tax treatment of Te Kāhui Tupua and Te Tōpuni Kōkōrangī**

- (1) Te Kāhui Tupua and Te Tōpuni Kōkōrangī are deemed to be the same person for the purposes of the Inland Revenue Acts and the liabilities and obligations placed on a person under those Acts. 5
- (2) In particular, and to avoid doubt,—
- (a) income derived by Te Kāhui Tupua is treated as income derived by Te Tōpuni Kōkōrangī; and
- (b) expenditure incurred by Te Kāhui Tupua is treated as expenditure incurred by Te Tōpuni Kōkōrangī; and 10
- (c) the application of funds attributable to Te Kāhui Tupua is treated as the application of funds attributable to Te Tōpuni Kōkōrangī; and
- (d) goods and services supplied by Te Kāhui Tupua are treated as goods and services supplied by Te Tōpuni Kōkōrangī; and
- (e) goods and services acquired or used by Te Kāhui Tupua are treated as goods and services acquired or used by Te Tōpuni Kōkōrangī; and 15
- (f) obligations placed on Te Kāhui Tupua under section 15B of the Tax Administration Act 1994 are treated as obligations placed on Te Tōpuni Kōkōrangī.
- (3) A notice issued by the Commissioner of Inland Revenue to Te Kāhui Tupua is treated for the purpose of the Inland Revenue Acts as a notice issued to Te Tōpuni Kōkōrangī. 20
- (4) Despite **subsections (1) to (3)**, Te Kāhui Tupua and Te Tōpuni Kōkōrangī are jointly and severally liable under the Inland Revenue Acts.
- (5) In this section, **Inland Revenue Acts** has the meaning given in section 3(1) of the Tax Administration Act 1994. 25

*Amendments to Income Tax Act 2007***56 Amendments to Income Tax Act 2007**

- (1) This section amends the Income Tax Act 2007.
- (2) After section CH 11, insert: 30

**CH 11B ~~Unauthorised expenditure:~~ Te Kāhui Tupua and Te Tōpuni Kōkōrangī***When this section applies*

- (1) This section applies when Te Tōpuni Kōkōrangī (as defined in Te Ture Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Act **2023**) incurs an amount of expenditure in an income year for a purpose outside the scope and effect of **Part 3** of that Act. 35

	<i>Income: amount of expenditure</i>	
(2)	Te Tōpuni Kōkōrangī is treated as deriving income for the income year of an amount equal to the amount of the expenditure.	
<b>CH 11C</b>	<b><u>Unauthorised expenditure: Asset Te Ture Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Act 2023 asset management company</u></b>	5
	<i>When this section applies</i>	
(1)	This section applies when the asset management company (as defined in Te Ture Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Act 2023) incurs an amount of expenditure in an income year for a purpose outside the purpose of the company set out in <b>Part 4</b> of that Act.	10
	<i>Income: amount of expenditure</i>	
(2)	The asset management company is treated as deriving income for the income year of an amount equal to the amount of the expenditure.	
(3)	After section CW 40C, insert:	15
<b>CW 40D</b>	<b>Te Tōpuni Kōkōrangī</b>	
	<i>Exempt income</i>	
(1)	An amount of income derived by Te Tōpuni Kōkōrangī (as defined in Te Ture Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Act 2023) is exempt income.	20
	<i>Exclusion</i>	
(2)	However, <b>subsection (1)</b> does not apply for an amount of income under <b>section CH 11B</b> ( <del>Unauthorised expenditure: Te Kāhui Tupua and Te Tōpuni Kōkōrangī</del> ).	
<b>CW 40E</b>	<b><u>Asset Te Ture Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Act 2023 asset management company</u></b>	25
	<i>Exempt income</i>	
(1)	An amount of income derived by the asset management company (as defined in Te Ture Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Act 2023) is exempt income.	30
	<i>Exclusion</i>	
(2)	However, <b>subsection (1)</b> does not apply for an amount of income under <b>section CH 11C</b> ( <del>Unauthorised expenditure: Te Ture Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Act 2023 asset management company</del> ).	35

## Part 6

### Land and minerals

#### 57 Outline of this Part

- (1) This Part provides for the vesting of land and minerals in Te Kāhui Tupua and for other matters as follows: 5
- (a) **subpart 1** vests Te Whenua Taketake, and certain minerals within that land, in Te Kāhui Tupua and provides for the registration of title; and
  - (b) **subpart 2** provides for—
    - (i) the acquisition of Crown-owned land to be added to Te Papa-Kura-o-Taranaki and matters relevant to its vesting and status under the National Parks Act 1980; and 10
    - (ii) the addition of Te Whenua Tupu to Te Papa-Kura-o-Taranaki; and
    - (iii) land or interests in land acquired for, or added to, Te Papa-Kura-o-Taranaki; and
    - (iv) the registration of land to which this Part applies; and 15
  - (c) **subpart 3** sets out the provisions relevant to holding land acquired as Te Whenua Tupu; and
  - (d) **subpart 4** deals with the process by which land may be excluded from Te Papa-Kura-o-Taranaki and the registration of that land; and
  - (e) **subpart 5** sets out miscellaneous provisions applying to certain land and improvements within Te Papa-Kura-o-Taranaki; and 20
  - (f) **subpart 6** outlines certain protections applying to Te Whenua Taurikura under the Crown Minerals Act 1991; and
  - (g) **subpart 7** deals with the application of certain legislation applying to Te Papa-Kura-o-Taranaki and Te Whenua Taketake. 25
- (2) In this Part,—
- Crown-owned land** means land that is—
- (a) a conservation area under the Conservation Act 1987; or
  - (b) subject to the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974; or 30
  - (c) a reserve under the Reserves Act 1977; or
  - (d) land acquired by the Crown for national park purposes
- other Crown land** means land owned by the Crown that is not specified in the definition of Crown-owned land.

Subpart 1—Vesting of land and minerals

*Vesting of Te Whenua Taketake*

**58 Te Whenua Taketake vested in Te Kāhui Tupua**

- (1) Te Whenua Taketake ceases to be—
- (a) vested in the Crown; and 5
  - (b) a national park under the National Parks Act 1980.
- (2) The fee simple estate in Te Whenua Taketake vests in Te Kāhui Tupua.
- (3) Te Whenua Taketake—
- (a) is declared to be a national park subject to the National Parks Act 1980 as if it were constituted under that Act; and 10
  - (b) is held as Te Whenua Taurikura under this Act; and
  - (c) has the official geographic name Te Papa-Kura-o-Taranaki.

**59 Te Whenua Taurikura is inalienable**

Te Whenua Taurikura must not be alienated, mortgaged, charged, ~~of~~ or otherwise disposed of, unless provided for in or under **section 74 or 102**. 15

*Vesting of certain minerals*

**60 Vesting of certain minerals in Te Kāhui Tupua**

Despite section 11 of the Crown Minerals Act 1991, the vesting of Te Whenua Taketake under **section 58(2)** includes taonga tūānuku and industrial rocks and building stones— 20

- (a) that are Crown-owned; and
- (b) that form part of Te Whenua Taketake.

*Registration*

**61 Registration of Te Whenua Taketake in name of Te Kāhui Tupua**

- (1) The Registrar-General must, in accordance with a written application by a person authorised by the Director-General,— 25
- (a) create 1 record of title for the fee simple estate in Te Whenua Taketake in the name of Te Kāhui Tupua; and
  - (b) record on the record of title—
- (i) any interests that are registered, noted, or to be noted and are described in the application; and 30
  - (ii) that the land is—

- (A) Te Whenua Taurikura and subject to Te Ture Whakatupua mō te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**; and
- (B) subject to the National Parks Act 1980.
- (2) A record of title for the fee simple estate must be created for Te Whenua Taketake as soon as is reasonably practicable after the effective date, but not later than 24 months after that date. 5
- (3) **Subsection (1)**—
- (a) applies despite the Land Transfer Act 2017 or any other enactment or rule of law; and 10
- (b) is subject to the completion of any survey necessary to create a record of title.

### Subpart 2—Acquiring land for, and adding land to, Te Papa-Kura-o-Taranaki

*Land or interests in land acquired for Te Papa-Kura-o-Taranaki* 15

#### 62 Role of Te Tōpuni Kōkōrangī in land acquisition

- (1) When considering whether land may be added to Te Papa-Kura-o-Taranaki, either by acquiring private land or transferring the administration of other Crown land, the Director-General must discuss with, and obtain the agreement of,— 20
- (a) Te Tōpuni Kōkōrangī, that it is appropriate to investigate adding the land to Te Papa-Kura-o-Taranaki; and
- (b) the trustees, that it is appropriate to investigate vesting the land in Te Kāhui Tupua.
- (2) Before Te Tōpuni Kōkōrangī makes a recommendation to add Crown-owned land to Te Papa-Kura-o-Taranaki, Te Tōpuni Kōkōrangī must obtain the written consent of the trustees to the vesting of the land in Te Kāhui Tupua. 25

#### 63 Land or interests in land acquired for, or added to, Te Papa-Kura-o-Taranaki

- (1) Te Tōpuni Kōkōrangī and the New Zealand Conservation Authority must jointly advise the Minister of Conservation of their intention to jointly request the Director-General under section 8(1) of the National Parks Act 1980 to investigate and report on either of the following proposals: 30
- (a) to add Crown-owned land or Te Whenua Tupu to Te Papa-Kura-o-Taranaki: 35
- (b) to acquire private land for Te Papa-Kura-o-Taranaki.

- (2) Subject to **section 62(2)**, the powers of the Minister of Conservation under **subsection (3)** may be exercised only on the joint recommendation of Te Tōpuni Kōkōrangī and the New Zealand Conservation Authority, after consulting the Taranaki/Whanganui Conservation Board.
- (3) The Minister of Conservation may— 5
- (a) acquire the following under section 9 of the National Parks Act 1980 for national park purposes:
- (i) private land to add to Te Papa-Kura-o-Taranaki; or
- (ii) an interest in private land by way of a lease or licence to be administered as if the land were part of Te Papa-Kura-o-Taranaki; 10  
or
- (b) recommend that the Governor-General, by Order in Council, declare that Crown-owned land (including land acquired under **paragraph (a)(i)**) or Te Whenua Tupu be added to Te Papa-Kura-o-Taranaki (*see sections 64(2) and 66*). 15
- (4) In this subpart, **private land** has the meaning given in section 2 of the National Parks Act 1980.

#### 64 Vesting of Crown-owned land in Te Kāhui Tupua

- (1) This section applies if the Minister of Conservation makes a recommendation under **section 63(3)(b)** in relation to Crown-owned land. 20
- (2) The Governor-General may, on that recommendation, declare by Order in Council that, on the vesting date,—
- (a) any part of the Crown-owned land described in the Order in Council that is—
- (i) a conservation area under the Conservation Act 1987 ceases to be a conservation area: 25
- (ii) subject to the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974 ceases to be subject to those Acts:
- (iii) a reserve under the Reserves Act 1977 has its reserve status revoked: 30
- (iv) land acquired by the Crown for national park purposes ceases to be held for those purposes; and
- (b) the Crown-owned land described in the Order in Council ceases to be vested in the Crown; and 35
- (c) the fee simple estate in that land vests in Te Kāhui Tupua; and
- (d) that land is—
- (i) part of Te Papa-Kura-o-Taranaki and subject to the National Parks Act 1980; and

- (ii) held as Te Whenua Taurikura under Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**.
- (3) The Order in Council may set out any other matters ~~relevant to~~ necessary for the vesting. 5
- (4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 65 Names of Crown protected areas discontinued**
- (1) **Subsection (2)** applies to the Crown-owned land, or part of that land that, immediately before the date on which the land vests in Te Kāhui Tupua under **section 64(2)(c)**, was all or part of a Crown protected area. 10
- (2) The official geographic name of the Crown protected area is discontinued for that land or part of it, and the Board must amend the Gazetteer accordingly.
- (3) In this section, **Crown protected area** has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 15
- 66 Addition of Te Whenua Tupu to Te Papa-Kura-o-Taranaki**
- (1) If the Minister of Conservation makes a recommendation under **section 63(3)(b)** in relation to Te Whenua Tupu, the Governor-General may, by Order in Council—
- (a) add specified Te Whenua Tupu to Te Papa-Kura-o-Taranaki; and 20
- (b) provide that on the date specified in the order, the land described in the order—
- (i) ceases to be Te Whenua Tupu; and
- (ii) is part of Te Papa-Kura-o-Taranaki and subject to the National Parks Act 1980; and 25
- (iii) is held as Te Whenua Taurikura under Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**.
- (2) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 30

### *Minerals*

**67 Inclusion of certain minerals**

- Despite section 11 of the Crown Minerals Act 1991, the vesting referred to in **section 64(2)** and the addition of land referred to in **section 66(1)** include taonga tūānuku and industrial rocks and building stones that— 35
- (a) are Crown-owned; and

- (b) form part of the land described in any Order in Council made under those sections.

*Registration*

**68 Registration of land added to Te Papa-Kura-o-Taranaki**

- (1) This section applies to any land described in an Order in Council made under **section 64(2) or 66(1)**. 5
- (2) After an Order in Council comes into force, a person authorised by the Director-General must apply in writing to the Registrar-General to create a new record of title for the fee simple estate in Te Whenua Taurikura.
- (3) The Registrar-General must, in accordance with that application,— 10
- (a) register the Order in Council against any records of title referred to in the Order in Council and cancel those records as far as they relate to the land described in the Order in Council; and
- (b) cancel the existing record of title for Te Whenua Taurikura; and
- (c) create, in the name of Te Kāhui Tupua, 1 record of title for the fee simple estate in Te Whenua Taurikura (being the land described in the Order in Council and the land in the record of title in the name of Te Kāhui Tupua immediately before that record is cancelled under **paragraph (b)**); and 15
- (d) record on the record of title— 20
- (i) any interests that are registered, noted, or to be noted and are described in the application; and
- (ii) that the land—
- (A) is Te Whenua Taurikura and subject to Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**; and 25
- (B) is subject to the National Parks Act 1980.
- (4) The Registrar-General must ensure that the notations referred to in **section 71(6)(b)** are not noted on any record of title for Te Whenua Taurikura.
- (5) **Subsection (3)**— 30
- (a) applies despite the Land Transfer Act 2017 or any other enactment or rule of law; and
- (b) is subject to the completion of any survey necessary to create a record of title.

## Subpart 3—Te Whenua Tupu

**69 Asset management company to exercise role of registered owner**

- (1) Despite land being registered in the name of Te Kāhui Tupua as Te Whenua Tupu, the asset management company must exercise the rights and powers and perform the duties of the registered owner of that land on behalf of, and in the name of, Te Kāhui Tupua. 5
- (2) **Subsection (1)** is subject to **section 72(2)**.
- (3) The Registrar-General must have regard to **subsection (1)**.
- (4) If the asset management company is ~~dissolved as provided for in~~ removed from the New Zealand register (*see* **section 51**), references to the asset management company in this subpart must be read as references to any successor company or the trustees of Te Tōpuni Ngārahu, as the case requires. 10

**70 Registration of instruments if asset management company dissolved removed from New Zealand register**

- (1) This section applies if the asset management company is ~~dissolved~~ removed from the New Zealand register. 15
- (2) Any instrument presented to register a transfer or interest in land that affects Te Whenua Tupu must include a statement to the effect that under this section any successor company or the trustees, as the case may be, may exercise the rights and powers, and perform the duties of the registered owner of the land on behalf of, and in the name of, Te Kāhui Tupu. 20
- (3) In reliance on this section, the Registrar-General may register instruments executed by any successor company or the trustees.

**71 Acquisition of land as Te Whenua Tupu**

- (1) This section applies if an agreement is entered into by the asset management company and the owner of any land to transfer the fee simple estate in that land to Te Kāhui Tupua as Te Whenua Tupu. 25
- (2) An agreement referred to in **subsection (1)** must be consistent with the asset management policy developed by Te Tōpuni Kōkōrangī (*see* **section 46**).
- (3) Before it enters into an agreement referred to in **subsection (1)**, the asset management company must obtain the written consent of the trustees. 30
- (4) The asset management company may, on behalf of, and in the name of Te Kāhui Tupua,—
- (a) acquire the fee simple estate in the land as Te Whenua Tupu; or
- (b) sign a transfer instrument or other document, or do anything else to effect the transfer. 35
- (5) The transfer instrument must state that when the transfer instrument is registered, the land will become Te Whenua Tupu and subject to Te Ture Whakatu-

pua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**.

- (6) The Registrar-General must—
- (a) have regard to the matters in **subsection (4)**; and
  - (b) on registering the transfer instrument, record on the record of title for the land that the land is Te Whenua Tupu and subject to Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**. 5

## 72 Te Whenua Tupu is alienable

- (1) Te Whenua Tupu may be alienated, mortgaged, charged, or otherwise disposed of, subject to **subsection (2)** and if consistent with the asset management policy. 10
- (2) The asset management company must obtain the written consent of the trustees before it enters into an agreement to transfer the fee simple estate in Te Whenua Tupu to the Crown or a third party. 15

## 73 Transfer of Te Whenua Tupu to the Crown or third party

- (1) The asset management company may, subject to **section 72(2)**,—
- (a) transfer the fee simple estate in Te Whenua Tupu to the Crown or a third party; and
  - (b) sign a transfer instrument or other document or do anything else necessary to effect the transfer. 20
- (2) Land transferred in accordance with this section—
- (a) ceases to be Te Whenua Tupu; and
  - (b) is no longer held under this Act.
- (3) The transfer instrument must state that the land is no longer Te Whenua Tupu and subject to Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**. 25
- (4) On registering the transfer of the land, the Registrar-General must remove from the record of title for the land a notation that the land is Te Whenua Tupu and subject to Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**. 30

## Subpart 4—Land excluded from Te Papa-Kura-o-Taranaki

### 74 Minister may propose exclusion of land

- (1) The Minister of Conservation may, under section 11 of the National Parks Act 1980, propose legislation to exclude land from Te Papa-Kura-o-Taranaki (**excluded land**), but only— 35

- (a) on the joint recommendation of Te Tōpuni Kōkōrangī and the New Zealand Conservation Authority; and
  - (b) after consulting the Taranaki/Whanganui Conservation Board.
- (2) Before Te Tōpuni Kōkōrangī makes a recommendation to exclude land from Te Papa-Kura-o-Taranaki that is to be vested in the Crown or a third party, Te Tōpuni Kōkōrangī must obtain the written consent of the trustees to that land ceasing to be vested in Te Kāhui Tupua. 5

## 75 Vesting of excluded land

### *Excluded land to be vested in the Crown or third party*

- (1) If excluded land is to be vested in the Crown or a third party, the legislation proposed under **section 74** must— 10
- (a) enable that vesting; and
  - (b) provide that, on and from the date specified in the legislation, the land—
    - (i) ceases to be vested in Te Kāhui Tupua; and
    - (ii) ceases to be a national park under the National Parks Act 1980; and 15
    - (iii) is no longer held under Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**.

### *Excluded land to be held as Te Whenua Tupu in name of Te Kāhui Tupua*

- (2) If excluded land is to remain held in the name of Te Kāhui Tupua, but as Te Whenua Tupu, the legislation proposed under **section 74** must provide that, on and from the date specified in the legislation, the land— 20
- (a) ceases to be a national park under the National Parks Act 1980; and
  - (b) is Te Whenua Tupu and subject to Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**. 25
- (3) The legislation must also make provision for other relevant matters, including the ownership of taonga tūānuku and industrial rocks and building stones vested in Te Kāhui Tupua.

## *Registration*

## 76 Registration of excluded land 30

### *Excluded land to be vested in the Crown or third party*

- (1) If land excluded from Te Papa-Kura-o-Taranaki by legislation made in accordance with **section 74** is to be vested in the Crown or a third party, the Registrar-General must,—
- (a) on written application by a person authorised by the Director-General, create a record of title for the fee simple estate in the excluded land in the name of the Crown or person in whom the land is vested; and 35

- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; and
- (c) ensure that the notations referred to in **section 61(1)(b)(ii)** are not included on any record of title for the land.
- Excluded land to be held as Te Whenua Tupu in name of Te Kāhui Tupua* 5
- (2) If excluded land is to be held in the name of Te Kāhui Tupua, but as Te Whenua Tupu (under **section 75(2)**), the Registrar-General must,—
- (a) on written application by a person authorised by the Director-General,—
- (i) create, in the name of Te Kāhui Tupua, a record of title for the fee simple estate in Te Whenua Tupu referred to in that section; and 10
- (ii) record on the record of title—
- (A) any interests that are registered, noted, or to be noted and that are described in the application; and
- (B) that the land is Te Whenua Tupu and subject to Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**; and 15
- (b) ensure that the notations referred to in **section 61(1)(b)(ii)** are not included on any record of title for the land.
- (3) **Subsections (1) and (2)** are subject to the completion of any survey necessary to create a record of title. 20
- (4) **Subsection (2)** applies despite the Land Transfer Act 2017 or any other enactment or rule of law.
- 77 Record of title for Te Whenua Taurikura if land excluded**
- (1) If land is excluded from Te Papa-Kura-o-Taranaki by legislation made in accordance with **section 74**, a person authorised by the Director-General must apply in writing to the Registrar-General to create a new record of title for the fee simple estate in Te Whenua Taurikura. 25
- (2) The Registrar-General must, in accordance with that application,—
- (a) cancel the existing record of title for Te Whenua Taurikura; and
- (b) create, in the name of Te Kāhui Tupua, 1 record of title for the fee simple estate in Te Whenua Taurikura (being the land described in the record of title in the name of Te Kāhui Tupua immediately before that record was cancelled under **paragraph (a)**, but excluding the land removed in accordance with **section 74**); and 30
- (c) record on the record of title— 35
- (i) any interests that are registered, noted, or to be noted and are described in the application; and

- (ii) that the land is Te Whenua Taurikura and subject to Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**.
- (3) **Subsection (2)**—
- (a) applies despite the Land Transfer Act 2017 or any other enactment or rule of law; and 5
- (b) is subject to the completion of any survey necessary to create a record of title.

### Subpart 5—Provisions applying to certain land and improvements

#### *Land or interests in land not added to Te Papa-Kura-o-Taranaki* 10

#### **78 Land or interests in land acquired for, but not added to, Te Papa-Kura-o-Taranaki**

- (1) This section applies in respect of land, easements, or other interests in land that the Crown seeks to acquire under section 9 of the National Parks Act 1980—
- (a) for the purpose of managing Te Papa-Kura-o-Taranaki; but 15
- (b) that are not to be added to, or administered as if they were part of, Te Papa-Kura-o-Taranaki.
- (2) The New Zealand Conservation Authority must consult Te Tōpuni Kōkōurangi and the Taranaki/Whanganui Conservation Board before it recommends that the Minister of Conservation acquire such land, easements, or interests in land. 20
- (3) The land, easements, or other interests in land acquired in accordance with this section are, while they are held for the purpose of managing Te Papa-Kura-o-Taranaki, subject to Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023** and the National Parks Act 1980. 25

#### *Provisions relating to existing interests, improvements, and other matters*

#### **79 Existing interests to continue**

- (1) Despite any land becoming part of Te Papa-Kura-o-Taranaki, existing interests relating to that land continue to apply according to their terms and conditions, with any necessary modifications, until the interest expires or is terminated. 30
- (2) For the purposes of any existing interests (for which there is a grantor or grantee) that affect any land that will be part of Te Papa-Kura-o-Taranaki, on and ~~after~~ from the date on which the land becomes part of Te Papa-Kura-o-Taranaki,—
- (a) the Crown will exercise the rights of, and be subject to the obligations of,— 35
- (i) the grantor if the land is subject to the relevant interest; or

- (ii) the grantee if the relevant interest benefits the land; and
- (b) if the context requires, a reference to other legislation must be read as a reference to that legislation as modified by this Act.

## 80 Ownership of improvements

- (1) The vesting of land by **section 58(2)** or of Crown-owned land by Order in Council made under **section 64(2)** does not include—
  - (a) improvements, including walking or vehicle tracks that have been surfaced or formed; or
  - (b) to avoid doubt, legal roads.

*Crown-owned improvements on Te Whenua Taketake at effective date* 10
- (2) Improvements owned by the Crown and attached to Te Whenua Taketake immediately before the effective date continue to be owned by the Crown.

*Improvements on Te Whenua Taurikura after effective date*
- (3) Unless otherwise agreed by the Crown and any other relevant party (or unless provided for in an existing interest), **subsections (4) and (5)**, as relevant, apply to improvements—
  - (a) attached to land other than Te Whenua Taketake immediately before the date on which that land becomes part of Te Papa-Kura-o-Taranaki:
  - (b) attached to any part of Te Whenua Taurikura after the effective date.
- (4) On the date on which the land becomes Te Whenua Taurikura, improvements referred to in **subsection (3)(a)**—
  - (a) vest in the Crown; or
  - (b) if relevant, continue to be owned by the Crown.
- (5) Improvements referred to in **subsection (3)(b)** are owned by the Crown.

*Improvements that revert to grantor of existing interest* 25
- (6) If improvements attached to Te Whenua Taurikura are subject to an existing interest that provides for the ownership of the improvements to revert to the grantor, the ownership reverts to the Crown.
- (7) However, **subsection (6)** does not—
  - (a) preclude the Crown from reaching another agreement relating to any improvements within the scope of that provision; or
  - (b) apply if an existing interest or agreement reached between the Crown and a relevant party provides otherwise.

*Application of other legislation to improvements*
- (8) An improvement attached to Te Whenua Taurikura is subject to the same legislative provisions that applied immediately before the land became Te Whenua Taurikura, including the offence, seizure and forfeiture provisions in sections 60 and 61 of the National Parks Act 1980. 35

- (9) In this section and **sections 81 and 82**, **improvements** does not include the land beneath the improvements.

## 81 Further provisions relating to ownership of improvements

### *Other improvements attached with consent to Te Whenua Taketake*

- (1) The vesting of Te Whenua Taketake by **section 58(2)** does not affect the ownership of improvements attached to that land, with the consent of the Crown, before the land was vested. 5

### *Improvements attached to land before land added to Te Papa-Kura-o-Taranaki*

- (2) **Subsection (3)** applies in relation to improvements attached to land, with the consent of the relevant landowner,— 10
- (a) if the land is added to Te Papa-Kura-o-Taranaki in accordance with **section 64**:
- (b) if any Te Whenua Tupu is added to Te Papa-Kura-o-Taranaki in accordance with **section 66**.

- (3) The ownership of improvements described in **subsection (2)** is not affected by— 15
- (a) the land being included in Te Papa-Kura-o-Taranaki:
- (b) the vesting of the land in accordance with **section 64(2)(c)**:
- (c) the vesting of improvements referred to in **section 80(4)(a)**.

### *Limits to application of this section* 20

- (4) **Subsections (1) and (2)** do not apply to the existing interests referred to in **section 79**.
- (5) **Subsection (1)** does not apply to the improvements referred to in **section 80(1) and (2)**.
- (6) This section does not confer the right for improvements to which it applies to remain on Te Whenua Taurikura. 25

## 82 Use of Crown-owned improvements

Crown-owned improvements attached to Te Whenua Taurikura may be used, occupied, accessed, maintained, removed, or demolished by the Director-General, or by a person authorised by the Director-General, in a manner that— 30

- (a) is not inconsistent with He Kawa Ora; and
- (b) is consistent with— 35
- (i) the terms of any existing interests; and
- (ii) any existing authorisation to use the improvements given by the Crown to a third party; and
- (iii) any conditions applying to the Crown's acquisition of the improvements.

**83 Existing bylaws, management plans, and other arrangements**

- (1) Despite the vesting of Te Whenua Taketake by **section 58(2)**,—
- (a) a bylaw that applied to that land immediately before the vesting remains in force until it is revoked under the National Parks Act 1980:
  - (b) a national park management plan that applied to that land immediately before the vesting remains in force until He Kawa Ora is approved under **clause 9 of Schedule 3**. 5
- (2) The vesting of Te Whenua Taketake by **section 58(2)** does not affect plans, agreements, or other arrangements existing immediately before the effective date that granted rights to the Crown or placed obligations on it in respect of Te Whenua Taketake. 10
- (3) If relevant, such plans, agreements, or other arrangements are to be interpreted as if the Crown were still the owner or occupier of Te Whenua Taketake.
- (4) However, on and from the effective date, all such plans, agreements, or other arrangements are subject to this Act and the National Parks Act 1980. 15

**84 Registration of instruments**

- (1) Any instrument presented for registering an interest in land that affects Te Whenua Taurikura must be certified by a person authorised by the Director-General as—
- (a) having the agreement of Te Tōpuni Kōkōrangī (or the trustees if **clause 6(1) of Schedule 4** applies) to the registration of the instrument; or 20
  - (b) being a minor technical matter that does not require the agreement of Te Tōpuni Kōkōrangī (or the trustees if **clause 6(1) of Schedule 4** applies).
- (2) Despite the registration of land in the name of Te Kāhui Tupua, the Registrar-General may register an interest in land that affects Te Whenua Taurikura, provided it has been certified in accordance with **subsection (1)**. 25
- (3) The Registrar-General is entitled to rely on the certification given under **subsection (2)**.
- (4) **Subsection (1)** does not apply to a written application made under **section 61(1), 68(2), 76(1)(a) or (2)(a), or 77(1)**. 30

Subpart 6—Protections under Crown Minerals Act 1991

**85 Meaning of terms used in this subpart**

In this subpart,—

**minimum impact activity** has the meaning given in section 2(1) of the Crown Minerals Act 1991 35

**Minister** and **appropriate Ministers** have the meanings given in section 2(1) of the Crown Minerals Act 1991

**vested minerals** means the minerals vested in Te Kāhui Tupua under this Act, including taonga tūānuku and industrial rocks and building stones vested under **section 67**.

#### **86 Existing protection of Te Whenua Taurikura to be retained**

- (1) This section applies despite the vesting in Te Kāhui Tupua of the fee simple estate in Te Whenua Taurikura. 5
- (2) Te Whenua Taurikura continues to be land—
- (a) that is excluded from the operation of any minerals programme; and
- (b) that cannot be included in any permit issued under the Crown Minerals Act 1991. 10
- (3) The minerals programmes are amended by replacing every reference to the Egmont National Park and Mount Egmont National Park with a reference to Te Papa-Kura-o-Taranaki.
- (4) Subject to **sections 88 and 114(1)(c)**, without the agreement of Te Tōpuni Kōkōrangī,— 15
- (a) no person may access Te Whenua Taurikura under section 49 or 50 of the Crown Minerals Act 1991; and
- (b) the appropriate Minister must not accept or grant an application for an access arrangement in respect of Te Whenua Taurikura under the Crown Minerals Act 1991. 20
- (5) **Subsection (4)** also applies to any commercial use of the vested minerals.
- (6) Every person who must serve a notice under section 59 of the Crown Minerals Act 1991 in relation to Te Whenua Taurikura must also serve the notice on Te Tōpuni Kōkōrangī.

#### **87 Additional protections for Te Whenua Taurikura** 25

- (1) This section applies if, after the effective date, the protections referred to in **section 86** are removed or modified to the extent that prospecting, exploration, or mining of any vested minerals is no longer prohibited on or in Te Whenua Taurikura.
- (2) The permitting arrangements under the Crown Minerals Act 1991 cease to apply to the vested minerals. 30
- (3) No person may, without first requesting and receiving written authorisation from Te Tōpuni Kōkōrangī,—
- (a) carry out prospecting, exploration, or mining of the vested minerals in or on Te Whenua Taurikura; or 35
- (b) purport to change the ownership of those minerals.
- (4) No person may access Te Taurikura under section 49 or 50 of the Crown Minerals Act 1991 without the agreement of Te Tōpuni Kōkōrangī.

- (5) No Minister may enter into an access arrangement under the Crown Minerals Act 1991 in respect of Te Whenua Taurikura without the agreement of Te Tōpuni Kōkōrangī.

**88 Continuing use of industrial rocks and building stones**

- (1) The Director-General may,— 5
- (a) under section 8(2) of the Crown Minerals Act 1991, use, or permit the use of, industrial rocks and building stones vested in Te Kāhui Tupua for national park purposes; and
- (b) under section 50(2) of the National Parks Act 1980, permit the use of industrial rocks and building stones incidental to accommodation facilities approved under section 50(1) of that Act. 10
- (2) This section applies despite—
- (a) the vesting of land in Te Kāhui Tupua under **section 58(2)** or by Order in Council made under **section 64(2)**; and
- (b) the authorisation required for certain activities under **section 86(3)**. 15

**89 Joint decisions in respect of vested minerals**

- (1) Applications for the prospecting, exploring, or mining of any vested minerals that require an application for a concession or an authorisation under the National Parks Act 1980 must be determined by applying the joint decision-making process set out in **section 102 and clauses 4 and 5 of Schedule 4**. 20
- (2) An application of the kind described in **subsection (1)** does not apply to—
- (a) the taking of cultural minerals under **section 114**; or
- (b) the use of industrial rocks and building stones under **section 88**.

Subpart 7—Miscellaneous 25

**90 Application of other enactments to Te Papa-Kura-o-Taranaki**

- (1) Except as provided in **sections 60 and 67** (which refer to the vesting of certain minerals), the vesting of the fee simple estate of Te Whenua Taurikura in Te Kāhui Tupua does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or 30
- (b) affect other rights to subsurface minerals within Te Whenua Taurikura.
- (2) Nothing in Part 4A of the Conservation Act 1987 or the Public Works Act 1981 applies to the vesting in Te Kāhui Tupua of the fee simple estate in Te Whenua Taurikura under this Act.
- (3) Nothing in Te Ture Whenua Maori Act 1993 applies to Te Whenua Taurikura. 35
- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

- (a) the vestings by **sections 58(2) and 64(2)(c)**; or
- (b) any matter incidental to, or required for the purpose of, those vestings.

### 91 Certain enactments do not apply

- (1) The following enactments cease to apply to Te Whenua Taketake:
  - (a) Part 3 of the Crown Forest Assets Act 1989: 5
  - (b) sections 568 to 570 of the Education and Training Act 2020:
  - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:
  - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986:
  - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975. 10
- (2) The Registrar-General must ensure that no resumptive memorial recorded under an enactment listed in **subsection (1)** is entered on the record of title for Te Whenua Taketake.

### 92 Statutory memorials

The Registrar-General must ensure that statutory memorials recorded under a repealed enactment are not entered on the record of title for Te Whenua Taurikura. 15

## Part 7

### Te Papa-Kura-o-Taranaki

Subpart 1—He Kawa Ora mō Te Papa-Kura-o-Taranaki 20

### 93 He Kawa Ora mō Te Papa-Kura-o-Taranaki

- (1) There must be a national park management plan, to be called He Kawa Ora mō Te Papa-Kura-o-Taranaki (He Kawa Ora), prepared and approved in a manner that is consistent with—
  - (a) the National Parks Act 1980; and 25
  - (b) this Act.
- (2) He Kawa Ora must provide for the management of Te Papa-Kura-o-Taranaki in a manner that is consistent with—
  - (a) this Act; and
  - (b) Te Ruruku Pūtakerongo; and 30
  - (c) the National Parks Act 1980.
- (3) He Kawa Ora has the same status and effect as a national park management plan prepared under the National Parks Act 1980.

**94 Responsibility for preparing He Kawa Ora**

Te Tōpuni Kōkōrangī must oversee the preparation of a draft He Kawa Ora, but may appoint a committee for that purpose.

**95 Further requirements relating to He Kawa Ora**

Further provision is made in **Schedule 3** for the appointment of a planning team, and for the preparation, notification, submission, and approval processes for He Kawa Ora. 5

**Subpart 2—Operational management of Te Papa-Kura-o-Taranaki**

**96 Matters relevant to operational management of Te Papa-Kura-o-Taranaki**

(1) The Director-General is responsible for the operational management of Te Papa-Kura-o-Taranaki, subject to— 10

- (a) the requirements of **subsection (2)**; and
- (b) any arrangement that the Director-General and the trustees may agree in discussions held under **section 98(2)**.

(2) The operational management of Te Papa-Kura-o-Taranaki must be undertaken in a manner that is consistent with— 15

- (a) this Act and Te Ruruku Pūtakerongo, including Te Kāhui Tupua status and Ngā Pou Whakatupua; and
- (b) the National Parks Act 1980; and
- (c) He Kawa Ora; and 20
- (d) other legislation and planning documents provided for under legislation such as a conservation management strategy or general policy for national parks.

**97 Aspirations of Ngā Iwi o Taranaki**

(1) The aspirations of Ngā Iwi o Taranaki for the operational management of Te Papa-Kura-o-Taranaki are as follows: 25

- (a) to enhance the capacity and capability of Ngā Iwi o Taranaki to fulfil their responsibilities as uri of Te Kāhui Tupua; and
- (b) to participate in the operational management of Te Papa-Kura-o-Taranaki in partnership with the Director-General; and 30
- (c) to explore opportunities for projects and partnerships of interest and benefit to both the Director-General and Ngā Iwi o Taranaki.

(2) Ngā Iwi o Taranaki and the Director-General must work together in partnership to support the achievement of those aspirations.

**98 Achieving aspirations of Ngā Iwi o Taranaki**

- (1) The Director-General and Ngā Iwi o Taranaki must discuss how to achieve the aspirations of Ngā Iwi o Taranaki for the operational management of Te Papa-Kura-o-Taranaki.
- (2) Early in the annual operational management planning process, the Director-General must meet with the trustees to—
- (a) ~~to~~ discuss priorities, including the statement of priorities of Te Tōpuni Kōkōrangī for the next operational management year; and
  - (b) ~~to~~ discuss planned operational management activities; and
  - (c) ~~to~~ explore opportunities to work together on projects and in partnerships of benefit to both the Director-General and the trustees; and
  - (d) ~~to~~ explore opportunities for Ngā Iwi o Taranaki to develop their capacity and capability to fulfil their responsibilities as uri of Te Kāhui Tupua through participation in operational management activities; and
  - (e) ~~to~~ explore other opportunities to enhance conservation and cultural outcomes.
- (3) If projects, partnerships, or participation arrangements are agreed under **subsection (2)(c) or (d)**, the Director-General must use section 53(2)(i) of the Conservation Act 1987 or other methods that may become available under legislation to give effect to any agreed arrangements.

**99 Role of Te Tōpuni Kōkōrangī in planning of operational management**

- (1) Te Tōpuni Kōkōrangī must, on behalf of Te Kāhui Tupua, participate in the operational management of Te Papa-Kura-o-Taranaki.
- (2) Before beginning the annual operational management planning process, Te Tōpuni Kōkōrangī must—
- (a) meet with the Director-General to discuss operational management issues and priorities for the year ahead (the operational management year); and
  - (b) consider and determine priorities for implementing He Kawa Ora for the operational management year; and
  - (c) provide a statement of those priorities to the Director-General.
- (3) The Director-General may discuss the statement of priorities with Te Tōpuni Kōkōrangī—
- (a) at any stage during the annual operational management planning process; or
  - (b) during the operational management year to which the statement applies.

## 100 Reporting to Te Tōpuni Kōkōrangī on operational management

- (1) After each operational management year, the Director-General must provide a report to Te Tōpuni Kōkōrangī on—
  - (a) implementing He Kawa Ora for that operational management year; and
  - (b) how the statement of priorities has been reflected in the operational management for that year; and 5
  - (c) the total amount of concession revenue and other rents, fees, and royalties and how those have been applied for the benefit of Te Papa-Kura-o-Taranaki; and
  - (d) any part of the statement of priorities that has not been reflected in the operational activities for the year, and the reasons for that. 10
- (2) The concession revenue and other rents, fees, and royalties referred to in **subsection (1)(c)** are those paid under an authorisation for an activity within Te Papa-Kura-o-Taranaki in accordance with **section 102**.
- (3) Te Tōpuni Kōkōrangī must consider the Director-General's report and report to the Director-General and other parties as appropriate on— 15
  - (a) the effectiveness of the implementation of He Kawa Ora for that operational management year; and
  - (b) the extent to which the statement of priorities has been reflected in the operational management for that year. 20
- (4) Te Tōpuni Kōkōrangī may make recommendations to the Director-General that it considers appropriate.
- (5) If Te Tōpuni Kōkōrangī makes recommendations, the Director-General and Te Tōpuni Kōkōrangī must— 25
  - (a) discuss those recommendations; and
  - (b) consider how the future operational management of Te Papa-Kura-o-Taranaki may be informed by those recommendations.
- (6) The Crown continues to have a discretion as to the amount of its contribution to the operational management of Te Papa-Kura-o-Taranaki, but that amount must include an amount equivalent to the concession revenue and other rents, fees, and royalties received under **section 102**. 30

## 101 Tendering of contracts for services within Te Papa-Kura-o-Taranaki

- (1) Before the effective date, the Director-General and the trustees must discuss—
  - (a) whether any certain categories of contracting opportunities are not of interest to Ngā Iwi o Taranaki ~~so will~~ and will therefore not require action under **subsection (3)**; and 35
  - (b) the types of contracting opportunities for which the tendering process might be modified; and

- (c) reasonable time frames within which the trustees must respond to any proposals.
- (2) After that discussion, the Director-General and the trustees—
- (a) must agree in writing how to deal with those matters; and
- (b) may review the agreement from time to time. 5
- (3) At any time when the Director-General is tendering contracting opportunities or considering contracting third parties for services within Te Papa-Kura-o-Taranaki, the Director-General must notify the trustees of the contract being tendered in accordance with any agreement reached under **subsection (2)**.
- (4) This section is subject to compliance with— 10
- (a) the normally accepted processes of procurement; and
- (b) the relevant law.

*Other matters relevant to operational management*

**102 Concessions—Applications for activities within Te Papa-Kura-o-Taranaki**

- (1) Subject to the process set out in ~~clause 5 of Schedule 4~~, as applicable, the following provisions, as they relate to decision making under the Conservation Act 1987 and the National Parks Act 1980, continue to apply to applications to undertake activities in Te Papa-Kura-o-Taranaki: 15
- (a) Part 3B of the Conservation Act 1987; and
- (b) ~~section 49~~ sections 49 and 50 of the National Parks Act 1980. 20
- (2) ~~The process set out in Schedule 4 applies to an application for interests in Te Papa-Kura-o-Taranaki made after the effective date, but does not apply to an application to renew a concession by a concessionaire if the renewal—~~
- (a) ~~is on the same terms and conditions as the concession being renewed; and~~ 25
- (b) ~~is consistent with He Kawa Ora; and~~
- (c) ~~meets the contractual requirements for a valid right of renewal.~~
- (2) The process set out in Schedule 4 applies to an application for an interest in Te Whenua Taurikura made after the effective date, but clauses 4 to 9 of Schedule 4 do not apply to an application to renew an interest in Te Whenua Taurikura if the application— 30
- (a) is on the same terms and conditions as the interest in Te Whenua Taurikura being renewed; and
- (b) is consistent with He Kawa Ora; and
- (c) meets the contractual requirements for a valid right of renewal. 35
- (3) In this subpart, **application** has the meaning given in **clause 1 of Schedule 4**.

- 103 Concession revenue**  
Concession revenue for an activity within Te Papa-Kura-o-Taranaki must be—  
(a) paid into a Crown Bank Account; and  
(b) be applied within, and for the benefit of, Te Papa-Kura-o-Taranaki.
- 104 New roads within Te Papa-Kura-o-Taranaki** 5  
Before the Minister of Conservation gives consent under section 55 of the National Parks Act 1980 for the construction of any new road within Te Papa-Kura-o-Taranaki, the Minister must consult Te Tōpuni Kōkōrangī and have regard to its views.
- 105 Introduction of biological control organisms** 10  
Before the Minister of Conservation may approve the introduction of a biological control organism into Te Papa-Kura-o-Taranaki for the purpose of controlling plant or animal pests under section 5A(1) of the National Parks Act 1980, the Minister must—  
(a) meet the requirements of section 5A(2) and (3) of that Act; and 15  
(b) consult Te Tōpuni Kōkōrangī and have regard to its views.
- 106 Introduction of live aquatic life**  
Before the Minister of Conservation approves live aquatic life that is not endemic to the location to be introduced into Te Papa-Kura-o-Taranaki under section 26ZM(3) of the Conservation Act 1987, the Minister must— 20  
(a) meet the requirements of section 26ZM(4) of that Act; and  
(b) consult Te Tōpuni Kōkōrangī and have regard to its views.
- 107 Specially protected areas**  
(1) The Minister of Conservation may recommend to the Governor-General that a specially protected area be established within Te Papa-Kura-o-Taranaki under section 12(1) of the National Parks Act 1980, but only— 25  
(a) if the specially protected area is provided for in He Kawa Ora; or  
(b) with the agreement of Te Tōpuni Kōkōrangī, if He Kawa Ora does not provide for the specially protected area.  
(2) A specially protected area within Te Papa-Kura-o-Taranaki may be altered or cancelled, but only after the Minister has consulted Te Tōpuni Kōkōrangī. 30
- Administrative and procedural decisions*
- 108 Decisions on interests in Te Whenua Taurikura**  
(1) Te Tōpuni Kōkōrangī and the Minister must jointly make decisions that would otherwise be made by the Minister under Part 3B of the Conservation Act 1987 35

or under the National Parks Act 1980 in relation to applications for interests in Te Whenua Taurikura.

- (2) However, despite **subsection (1)**, the administrative and procedural decisions set out in **section 109** are not to be made jointly under **subsection (1)**.

#### **109 Decisions that are responsibility of Minister of Conservation** 5

Despite the provisions in this Act and provisions in Te Ruruku Putākerongo that provide for the Minister of Conservation and Te Tōpuni Kōkōrangi to act jointly in relation to Te Papa-Kura-o-Taranaki (*see* **section 29(i)** and **clause 4 of Schedule 5**), the Minister of Conservation has the sole responsibility for the following decisions about Te Papa-Kura-o-Taranaki: 10

- (a) to return an application to the applicant under section 17SA or 17SD(4) of the Conservation Act 1987:
- (b) to publicly notify an application for a lease or licence under section 17SC(1) of the Conservation Act 1987:
- (c) to give an applicant reasonable time to comment on information given to the applicant under section 17SE(2) of the Conservation Act 1987: 15
- (d) to require a concessionaire to provide a complete statement of their audited financial accounts and other relevant information under section 17ZB(1) of the Conservation Act 1987:
- (e) to vary the terms of a concession, as long as the variation (or amendment) under section 17ZC(3)(a) of the Conservation Act 1987 complies with section 17ZC(1) of that Act: 20
- (f) executing an instrument in accordance with section 17ZC(4) of the Conservation Act 1987 to provide for a variation or an extension to a concession: 25
- (g) to cancel the grant of a concession under section 17ZD(1) of the Conservation Act 1987 if an applicant fails to sign a concession document within 1 month of being required to do so:
- (h) to direct, in accordance with section 17ZD(3) of the Conservation Act 1987, that money paid by an applicant or a concessionaire is not to be forfeited to the Minister if a concession is cancelled or lapses under that section: 30
- (i) to consent to the transfer or assignment of an interest in a concession under section 17ZE of the Conservation Act 1987, as long as that does not involve— 35
  - (i) the sale or other disposition of any interest in the concession to a third party; or
  - (ii) a change of control within a concessionaire company that would represent more than 50% in the shareholding of the company:

- (j) to serve a demand for payment on a concessionaire under section 17ZH(c) of the Conservation Act 1987:
- (k) to exempt a concessionaire, or grant relief, from paying an amount apportioned for the use of services or facilities under section 17ZH(f) of the Conservation Act 1987.

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## Part 8

### Redress to assist Ngā Iwi o Taranaki to reconnect with Tūpuna Maunga tūpuna maunga

#### Subpart 1—Taonga tūturu

- 110 Application and interpretation** 10
- (1) This subpart applies to taonga tūturu newly found within Te Papa-Kura-o-Taranaki on or after the effective date.
  - (2) ~~In this subpart, **chief executive** means the chief executive of the Ministry for Culture and Heritage.~~
  - (2) In this subpart,— 15  
**chief executive** means the chief executive of the Ministry for Culture and Heritage  
**taonga tūturu**—
    - (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; 20  
and
    - (b) includes ngā taonga tūturu as defined in that section of that Act.
- 111 Newly found taonga tūturu**
- (1) Te Kāhui Tupua must be treated as a registered collector of newly found taonga tūturu for the purposes of section 14 of the Protected Objects Act 1975.
  - (2) Te Tōpuni Kōkōrangī must act for and on behalf of Te Kāhui Tupua under this subpart. 25
  - (3) Taonga tūturu must be held in the interim custodianship of Te Kāhui Tupua until the ownership of the newly found taonga tūturu is determined under the Protected Objects Act 1975, subject to any conditions that the chief executive considers appropriate. 30
  - (4) **Subsection (3)** does not apply if, at any time, the chief executive considers that an alternative to the interim custody would be appropriate in the circumstances, such as, for example, if conservation treatment is required.
  - (5) Te Tōpuni Kōkōrangī must, in accordance with section 11(3) of the Protected Objects Act 1975, notify the chief executive when taonga tūturu are newly found within Te Papa-Kura-o-Taranaki and are being held in the interim custody of Te Kāhui Tupua. 35

- (6) The chief executive must notify Te Tōpuni Kōkōrangī of newly found taonga tūturu that is in the custody of the chief executive or that has been notified to the chief executive.
- (7) At the time when notice is given under **subsection (5) or (6)**, Te Kāhui Tupua must be treated as having lodged a claim under section 11 of the Protected Objects Act 1975 for ownership of the newly found taonga tūturu. 5

### 112 Costs associated with conservation, storage, etc

- (1) The chief executive must meet the costs, as agreed with Te Tōpuni Kōkōrangī,—
- (a) associated with the remedial conservation or preservation of taonga tūturu to which this subpart applies; but 10
- (b) excluding costs associated with the storage and security of those taonga tūturu, unless otherwise provided for under section 11(4) of the Protected Objects Act 1975.
- (2) The Director-General may be asked to meet the costs of security or storage for taonga tūturu newly found in Te Papa-Kura-o-Taranaki if— 15
- (a) **section 111(4)** does not apply; and
- (b) the chief executive has not agreed to meet the costs under **subsection (1)**; and
- (c) the taonga tūturu is not being held on behalf of Te Kāhui Tupua by another person or body such as an iwi, or the trustees; and 20
- (d) no other suitable arrangement can be made for the custody, storage, and security of the taonga tūturu.

### Subpart 2—Cultural materials

### 113 Interpretation 25

In this subpart,—

**authorisation** means an authorisation issued under **section 114**

**cultural materials** means 1 or more of the following:

- (a) plants or plant materials:
- (b) taonga tūānuku: 30
- (c) dead protected wildlife

**dead protected wildlife** means the dead body or part of the dead body of wildlife absolutely or partially protected under the Wildlife Act 1953

**plant** has the meaning given in section 2 of the National Parks Act 1980 and includes part of a plant 35

**plant materials** means parts of plants taken in accordance with the cultural materials plan

**possessing dead protected wildlife** means having custody of dead protected wildlife for non-commercial cultural purposes

**riverbed** means the land that the waters of a river, stream, or tributary, or other natural watercourse, cover at its fullest flow without flowing over its banks

**taking for cultural purposes** means,— 5

- (a) in relation to all cultural materials (including taonga tūānuku), taking for non-commercial cultural purposes; and
- (b) in relation to taonga tūānuku,—
  - (i) searching by hand taonga tūānuku within the boundaries of Te Papa-Kura-o-Taranaki; and 10
  - (ii) removing by hand taonga tūānuku from within the boundaries of Te Papa-Kura-o-Taranaki; and
  - (iii) removing other minerals by hand if bound to taonga tūānuku and removal is reasonably necessary for working the taonga tūānuku; but 15
- (c) in relation to taonga tūānuku, that a person must not,—
  - (i) on any day, remove more than the person can carry by hand in 1 load without assistance; or
  - (ii) use machinery or cutting equipment to remove the taonga tūānuku. 20

*Authorisations to take materials within Te Papa-Kura-o-Taranaki*

**114 Authorisation to take cultural materials**

- (1) The trustees, or a post-settlement governance entity with delegated authority from the trustees, may issue written authorisations to individual members of Ngā Iwi o Taranaki to do the following within Te Papa-Kura-o-Taranaki: 25
  - (a) take plant materials:
  - (b) possess dead protected wildlife:
  - (c) take taonga tūānuku.
- (2) An authorisation must be issued in accordance with— 30
  - (a) He Kawa Ora; and
  - (b) the cultural materials plan.
- (3) A person may exercise a right under **subsection (1)** despite not having any authorisation required by conservation legislation (but subject to any requirements in relation to a specially protected area; *see section 107*).
- (4) An authorisation may be issued— 35
  - (a) without the requirement for a permit or other authorisation under the Crown Minerals Act 1991; and

- (b) despite sections 4(2)(b), 5, 60(1)(d) and (h), and 71D(1)(d) and (h) of the National Parks Act 1980.
- (5) A person exercising a right authorised under this section must comply with all other lawful requirements.
- (6) To avoid doubt, an authorisation issued under this section must not permit the hunting or killing of live wildlife, within Te Papa-Kura-o-Taranaki, under the Wildlife Act 1953. 5

*Cultural materials plan*

**115 Requirement for cultural materials plan**

- (1) The trustees and the Director-General must jointly prepare and agree a cultural materials plan to provide for— 10
  - (a) taking for cultural purposes plant material and taonga tūānuku found within Te Papa-Kura-o-Taranaki; and
  - (b) possessing dead protected wildlife found within Te Papa-Kura-o-Taranaki. 15
- (2) The trustees and Director-General must begin to prepare the first cultural materials plan not later than 12 months after the effective date, or at a later date that the trustees and Director-General agree.

**116 Scope of cultural materials plan**

- (1) The cultural materials plan for Te Papa-Kura-o-Taranaki must— 20
  - (a) provide a statement on behalf of Ngā Iwi o Taranaki in relation to cultural materials; and
  - (b) identify species, areas, and methods that are permitted when taking plant materials for cultural purposes; and
  - (c) identify the scope of what is permitted for possessing dead protected wildlife; and 25
  - (d) identify any monitoring requirements for taking plant materials for cultural purposes; and
  - (e) in relation to taking taonga tūānuku for cultural purposes, identify suitable riverbed areas, the methods permitted, and the quantities of taonga tūānuku that may be taken from those areas; and 30
  - (f) include any other matters relevant to—
    - (i) taking plant materials or taonga tūānuku; or
    - (ii) possessing dead protected wildlife.
- (2) In addition, the plan must specify— 35
  - (a) any suitable areas within Te Papa-Kura-o-Taranaki for taking taonga tūānuku for cultural purposes if particular taonga tūānuku are not found in,

or are not reasonably accessible from, riverbeds within Te Papa-Kura-o-Taranaki; and

- (b) the methods permitted for taking taonga tūānuku for cultural purposes from those areas and the quantities that may be taken; and
- (c) other agreed conditions of access. 5

#### 117 Review of cultural materials plan

- (1) The trustees and the Director-General must begin to review the first cultural materials plan not later than 2 years after its approval, or at a later date that the trustees and Director-General agree.
- (2) Subsequent reviews of the plan may begin when the trustees and the Director-General agree, but at intervals of not more than 5 years following completion of the previous review. 10

#### 118 Resolution of conservation issues

- (1) This section applies if the trustees or the Director-General identify a conservation issue arising from or affecting, under the cultural materials plan,— 15
  - (a) the taking of plant materials or taonga tūānuku; or
  - (b) the possessing of dead protected wildlife.
- (2) The trustees and Director-General must work together to develop solutions for the issue, which may include—
  - (a) the Director-General considering placing restrictions on persons who would otherwise be permitted by the plan to take plant materials or taonga tūānuku, or possess dead protected wildlife: 20
  - (b) the trustees considering restricting the number of authorisations granted to take plant materials or taonga tūānuku, or possess dead protected wildlife: 25
  - (c) the trustees and the Director-General agreeing to amend the cultural materials plan.
- (3) If the Director-General is not satisfied that a conservation issue has been appropriately dealt with under **subsection (2)**,—
  - (a) the Director-General may give notice to the trustees that any specified part of the cultural materials plan is suspended; and 30
  - (b) on and from the date given in the notice, **section 114(3)** will cease to apply to the part of the cultural materials plan that is suspended.
- (4) If the Director-General takes action under **subsection (3)**, the trustees and the Director-General must continue to seek to resolve the conservation issue, so that the Director-General is able to revoke the suspension as soon as practicable. 35

**119 The Crown’s rights**

This subpart does not restrict the Crown from exercising its powers and performing its functions and duties in accordance with the Crown Minerals Act 1991.

**Part 9**

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**Governance and other matters****Subpart 1—Taranaki Māori Trust Board****120 Dissolution of Taranaki Māori Trust Board**

- (1) The Trust Board is dissolved on the latest of the following dates:
- (a) the effective date: 10
  - (b) the date on which the final order made by the Māori Land Court (the **final order**) takes effect to vest all Māori freehold land that is beneficially owned by the Trust Board in other persons:
  - (c) the date on which the final order of the Māori Land Court takes effect—
    - (i) to transfer to other persons the administration of all Māori freehold land administered by the Trust Board as a responsible trustee; 15
    - or
    - (ii) to remove the Trust Board as a responsible trustee of such land:
  - (d) the date on which the final order made by the Māori Land Court takes effect to vest in other persons all the shares in the Parininihi ki Waitotara Incorporation held in the name of the Trust Board: 20
  - (e) the date on which the Minister for Māori Development presents the final report for the Trust Board to the House of Representatives under **section 122(3)**.
- (2) A person holding office as a member of the Trust Board immediately before the commencement date of this Act is not entitled to compensation as a result of the expiry under this section of the member’s term of office. 25

**121 Dissolution of Taranaki Māori Educational Trust and removal from register**

- (1) The Taranaki Māori Educational Trust is dissolved on the same day as the Trust Board is dissolved under **section 120**. 30
- (2) The Taranaki Māori Educational Trust must be removed from the register of charitable entities under section 31 of the Charities Act 2005 on and from the date of its dissolution under **subsection (1)**.
- (3) This section applies despite anything in the Charities Act 2005. 35

## 122 Final report of Trust Board

- (1) As soon as practicable after the commencement date of this Act, the Trust Board must prepare a final report as if it were an annual report required by section 31 of the Maori Trust Boards Act 1955.
- (2) The final report must show the financial results of the Trust Board's affairs during the period starting on the day after the last day covered by the previous annual report and ending on the day before the commencement date of this Act. 5
- (3) As soon as practicable after the final report is completed, the Trust Board must provide it to the Minister for Māori Development, who must present it to the House of Representatives as soon as practicable after receiving it. 10
- (4) The report presented to the House of Representatives must confirm that the Trust Board has no assets or liabilities.

## 123 Matters not affected by transfer or dissolution

Nothing given effect to, or authorised by, this subpart—

- (a) places any person in breach of a contract or confidence, or makes them guilty of a civil wrong; or 15
- (b) gives rise to a right for any person to terminate or cancel any contract or arrangement, to accelerate the performance of an obligation, to impose a penalty, or to increase a charge; or
- (c) places any person in breach of an enactment, rule of law, or contract that prohibits, restricts, or regulates the assignment or transfer of an asset or a liability or the disclosure of information; or 20
- (d) releases a surety wholly or in part from an obligation; or
- (e) invalidates or discharges a contract.

Subpart 2—Repeals and consequential amendments 25

## 124 Repeal of Mount Egmont Vesting Act 1978

The Mount Egmont Vesting Act 1978 (1978 No 38) is repealed.

## 125 Amendment to Maori Trust Boards Act 1955

- (1) This section amends the Maori Trust Boards Act 1955.
- (2) Repeal section 9. 30

## 126 Consequential amendments

Amend the enactments specified in **Schedule 5** as set out in that schedule.

## Schedule 1

### Legal description of Te Whenua Taketake

s 9

<i>Taranaki Land District—New Plymouth, Stratford and South Taranaki Districts</i>	5
34,094.4410 hectares, more or less, being Sections 1, 2, 3, 4, 5, 6, and 7 SO 580612, Section 1 SO 580613, Section 1 SO 580614, Sections 1 and 2 SO 580615, Section 1 SO 580616, Section 1 SO 580617, Section 1 SO 580618, and Section 1 SO 580619. All records of title TN94/35, TN104/207, TN117/153, TND3/1394, TND4/1494, TNF2/883, TN268/73, and TNF3/461; balance records of title TN117/151, TN117/152, and TN117/154; all transfers 186910, and 187935; all Orders in Council W8005, 178375, and 114047; Part Order in Council 2290; all Proclamation 254044; all <i>Gazette</i> notices 189934, 220553, 397628.3, 400904.2, 408695, 414459, and 445105.3; and all <i>Gazettes</i> 1938 p 2357, 1956 p 1325, 1958 p 700, 1960 p 284, 1964 p 1139, 1970 p 983, 1970 p 2185, and 1971 p 3020.	10 15

## Schedule 2 Te Tōpuni Kōkōrangī

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### *Provisions relating to appointments and membership of Te Tōpuni Kōkōrangī*

- 1 Process for appointments by trustees** 5
- The trustees must determine their own process for appointing members to Te Tōpuni Kōkōrangī under **section 31(1)(a)**.

**2 Process for appointments by Minister of Conservation**

- (1) Before making appointments as required by **section 31(1)(b)**, the Minister of Conservation must—
- (a) give public notice that includes the following matters:
    - (i) the date by which appointments must be made; and 5
    - (ii) the number of appointments to be made; and
    - (iii) a request for nominations to be received by the Minister of Conservation up to 28 working days after the date of the public notice; and
  - (b) consult the New Zealand Conservation Authority; and 10
  - (c) in the case of the first appointments made under this Act, also consult the Minister for Treaty of Waitangi Negotiations on the proposed appointments.
- (2) Appointments under **section 31(1)(b)** are made by giving notice in the *Gazette*. 15
- (3) In this schedule, **public notice**—
- (a) means a notice given—
    - (i) at least twice in a daily newspaper circulating in the Taranaki region; and
    - (ii) at other times and in ~~other a~~ manner that the Minister of Conservation considers appropriate; and 20
  - (b) includes a notice given by electronic means.

**3 When appointments take effect**

- (1) Appointments made under **clause 2** take effect on and from the date of the public notice given under **clause 2(2)** or a later date specified in the *Gazette*. 25
- (2) In the case of the first appointments made under this Act, appointments take effect from the effective date for a term of 3 years.

**4 Declaration to be made by proposed appointees**

- Before any appointment to Te Tōpuni Kōkōrangī takes effect, a proposed appointee must declare in writing that the member will— 30
- (a) act in a manner that achieves the purposes of Te Tōpuni Kōkōrangī and for no other purpose; and
  - (b) act in good faith and not pursue the member's own interests at the expense of the interests of Te Kāhui Tupua or Te Tōpuni Kōkōrangī; and
  - (c) work with other members to assist Te Tōpuni Kōkōrangī to strive for consensus in decision making; and 35

- (d) promote a relationship of utmost good faith and collaboration among all the members of Te Tōpuni Kōkōrangī; and
- (e) act with honesty and integrity as a member of Te Tōpuni Kōkōrangī; and
- (f) exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances; and
- (g) not contravene this Act or Te Ruruku Pūtakerongo or cause their contravention, or agree to Te Tōpuni Kōkōrangī contravening them.

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## 5 Costs of making appointments

- (1) Each appointer must meet the costs of making their appointments and any fees payable to the appointers.
- (2) The Director-General must pay fees to the members appointed by the Minister of Conservation in accordance with the Fees and Travelling Allowances Act 1951.

10

## 6 Term of appointment

- (1) Each member of Te Tōpuni Kōkōrangī—
  - (a) is appointed for a term of 3 years unless the member resigns, is removed by that member’s appointer, or vacates the office; and
  - (b) may be appointed for consecutive terms.
- (2) The first term of Te Tōpuni Kōkōrangī—
  - (a) commences on the effective date; and
  - (b) ends at the end of the day preceding the third anniversary of the effective date.
- (3) Each subsequent term—
  - (a) commences on the third anniversary of the commencement of the preceding term; and
  - (b) ends at the end of the day before the third anniversary of the commencement date of that term.
- (4) Despite **subclause (1)(a)**, at the end of a term, a member continues to hold office until a new member is appointed to replace that member.

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## 7 Disqualification

- (1) A person who is a disqualified person must not be appointed as a member of Te Tōpuni Kōkōrangī.
- (2) If a member becomes a disqualified person during their term, that person is no longer a member of Te Tōpuni Kōkōrangī.
- (3) Te Tōpuni Kōkōrangī must give written notice to the member concerned and to both appointers if a member becomes disqualified.
- (4) In this clause, **disqualified person** means a person—

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- 
- (a) who is an undischarged bankrupt; or
- (b) who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, the Takeovers Act 1993, or other relevant enactment; 5  
or
- (c) who is subject to a property order under the Protection of Personal and Property Rights Act 1988; or
- (d) in respect of whom a personal order has been made under the Protection of Personal and Property Rights Act 1988 that reflects adversely on that person's— 10
- (i) competence to manage their own affairs in relation to their property; or
- (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of their personal care and welfare; or 15
- (e) who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless the person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person; or
- (f) employed by the Director-General under the Public Service Act 2020; or 20
- (g) who is a member of Parliament; or
- (h) who is disqualified or prohibited from holding office under another Act, or removed from office under another Act for dishonesty, wilful misconduct, or negligence.
- 8 Removal, resignation, or other vacancy 25**
- (1) A member of Te Tōpuni Kōkōrangī appointed by the trustees under **section 31(1)(a)** may be removed by, and at the sole discretion of, the trustees.
- (2) A member of Te Tōpuni Kōkōrangī appointed by the Minister of Conservation under **section 31(1)(b)** may be removed by that Minister for reasons of— 30
- (a) inability to perform the functions of the office; or
- (b) neglect of duty; or
- (c) misconduct.
- (3) If a member is removed under this clause, the relevant appointer must give notice in writing of the removal of that member to— 35
- (a) the member concerned; and
- (b) Te Tōpuni Kōkōrangī; and
- (c) the other appointer.

- (4) A member may resign by giving notice in writing to both appointers and to Te Tōpuni Kōkōrangī.
- (5) If a member resigns or is removed under this clause, or the office otherwise becomes vacant, the vacancy is an extraordinary vacancy.

**9 Extraordinary vacancies** 5

- (1) An extraordinary vacancy must be filled in the same manner as that in which the appointment was made.
- (2) A person appointed to fill an extraordinary vacancy must be appointed for the remainder of the term for which the vacating member was appointed.
- (3) The ability of Te Tōpuni Kōkōrangī to perform its functions is not affected 10 by—
- (a) an extraordinary vacancy; or
- (b) a failure by an appointer to make an appointment.

**10 Liability of members**

A member of Te Tōpuni Kōkōrangī who has acted in good faith in the course of Te Tōpuni Kōkōrangī performing its functions is not personally liable for any act or omission of Te Tōpuni Kōkōrangī or of any member of Te Tōpuni Kōkōrangī. 15

*Conflict of interest*

**11 Interests must be disclosed** 20

- (1) A member of Te Tōpuni Kōkōrangī must disclose any actual or potential interest in a matter to Te Tōpuni Kōkōrangī.
- (2) Te Tōpuni Kōkōrangī must maintain an interests register that records the actual or potential interests that are disclosed to it.
- (3) Te Tōpuni Kōkōrangī must consider and, if necessary, take steps to manage, 25 any actual or potential conflict of interest.
- (4) A member of Te Tōpuni Kōkōrangī has an **actual or potential interest in a matter** if that member—
- (a) may derive a financial benefit from the matter:
- (b) is the spouse, civil union partner, de facto partner, child, or parent of a 30 person who may derive a financial benefit from the matter:
- (c) may have a financial interest in a person to whom the matter relates:
- (d) is a partner, director, officer, Board member, or trustee of a person who may have a financial interest in a person to whom the matter relates:
- (e) is otherwise directly or indirectly interested in the matter. 35
- (5) However, a person is not interested in a matter if the person's interest is so remote or insignificant that it cannot reasonably be regarded as likely to

- influence the person in carrying out their responsibilities as a member of Te Tōpuni Kōkōrangī.
- (6) A member of Te Tōpuni Kōkōrangī is not precluded from discussing or voting on a matter only because—
- (a) the member is affiliated to an iwi or a hapū with interests in Te Kāhui Tupua; or 5
  - (b) the economic, social, cultural, and spiritual values of an iwi or a hapū with interests in Te Kāhui Tupua, and their relationships with Te Kāhui Tupua, are being advanced by or reflected in—
    - (i) the subject matter under consideration; or 10
    - (ii) a decision or recommendation of Te Tōpuni Kōkōrangī; or
    - (iii) the participation of the member in the matter.
- (7) The following are not, in themselves, interests that must be disclosed or recorded:
- (a) the affiliation of a member of Te Tōpuni Kōkōrangī to an iwi or a hapū with interests in Te Kāhui Tupua; 15
  - (b) the fact that a member of Te Tōpuni Kōkōrangī is also a member of the governance entity of an iwi of Taranaki.
- (8) In this clause, **matter** means—
- (a) the performance by Te Tōpuni Kōkōrangī of its functions and the exercise of its powers; or 20
  - (b) an arrangement, agreement, contract, concession, or permit made, entered into, or granted (or any consideration of or proposal to do so) by Te Tōpuni Kōkōrangī.
- Procedural matters* 25
- 12 Meeting procedures**
- (1) Te Tōpuni Kōkōrangī must,—
- (a) at its first meeting in each year, agree a schedule of meetings for the year; and
  - (b) review that schedule regularly to ensure that it allows Te Tōpuni Kōkōrangī to achieve its purpose and perform its functions. 30
- (2) The chairperson must preside over meetings of Te Tōpuni Kōkōrangī.
- (3) Unless expressly provided for in this Act, Te Tōpuni Kōkōrangī may develop its own procedures, including—
- (a) providing for meetings to be held in person or by other means; and 35
  - (b) other matters relating to the conduct of meetings.

- 13 Who may attend, speak, and vote at meetings of Te Tōpuni Kōkōrangī**
- (1) Meetings of Te Tōpuni Kōkōrangī are open to members of the public and the news media, unless Te Tōpuni Kōkōrangī decides that they must be excluded from all or part of a meeting because—
- (a) their attendance would be likely to result in the disclosure of information that there is good reason to withhold; or 5
  - (b) the presence or conduct of a member of the public or news media would be likely to prejudice, or continue to prejudice, the orderly or efficient conduct of the meeting.
- (2) The Director-General (or a delegate of the Director-General) is entitled to attend and speak, but not vote, at meetings of Te Tōpuni Kōkōrangī that concern matters relevant to the statutory functions of the Director-General or the Minister of Conservation, unless Te Tōpuni Kōkōrangī decides, on reasonable grounds, that the person may not attend a part of the meeting. 10
- (3) A representative of the trustees is entitled to attend and speak, but not vote, at meetings of Te Tōpuni Kōkōrangī that concern matters relevant to the statutory functions of the trustees, unless Te Tōpuni Kōkōrangī decides, on reasonable grounds, that the person may not attend part of a meeting. 15
- 14 Quorum**
- (1) The quorum for a meeting of Te Tōpuni Kōkōrangī is not fewer than 6 members. 20
- (2) If the chairperson or deputy chairperson is not present at a meeting, the members present may appoint 1 of the members appointed by the trustees to preside over that meeting.
- (3) If Te Tōpuni Kōkōrangī has made appropriate provision under **clause 12(3)**, a quorum may be achieved at a meeting where some members are present in person and others participate by other means. 25
- 15 Notice of meetings**
- (1) Public notice of the meetings of Te Tōpuni Kōkōrangī must be given in whatever manner the chairperson considers appropriate, including on an ~~Internet~~ internet site or by any other electronic means. 30
- (2) Notice must be given not later than 10 working days before a scheduled meeting.
- (3) A notice must include—
- (a) the date, time, and place of the relevant meeting; and 35
  - (b) where documentation relevant to the meeting may be obtained or viewed; and
  - (c) the entitlement of members of the public and news media to attend and when they may be excluded.

- (4) The agenda and documentation relevant to a meeting must be made publicly available at least 2 working days before the meeting.
- (5) If Te Tōpuni Kōkōrangī does not give public notice in accordance with **sub-clause (2)**, it must do so as soon as practicable.
- (6) A meeting of Te Tōpuni Kōkōrangī is not invalid merely because the meeting was not publicly notified, or documents were not made available, in accordance with this clause. 5
- 16 Variation of agenda**
- A matter not included on the agenda may be discussed at a meeting if—
- (a) Te Tōpuni Kōkōrangī decides to discuss the matter at the meeting; and 10
- (b) the chairperson explains immediately after that decision, and when the meeting is open to members of the public and the news media,—
- (i) why the matter was not included on the agenda; and
- (ii) why discussion of the matter cannot be delayed until the next meeting of Te Tōpuni Kōkōrangī. 15
- 17 Information relating to meetings**
- (1) The minutes and reports relating to any meeting of Te Tōpuni Kōkōrangī must be made available for public inspection at a time and in a manner determined to be reasonable by the chairperson of Te Tōpuni Kōkōrangī.
- (2) The requirement under **subclause (1)** does not apply to any information— 20
- (a) that was dealt with in a meeting (or part of a meeting) at which the public or news media was or are to be excluded; or
- (b) that, for any other reason, the chairperson considers on reasonable grounds should not be available for public inspection.
- (3) A request for any minutes or reports, whether or not made available for public inspection, must be treated as a request under the Official Information Act 1982. 25
- 18 Privilege**
- Published statements*
- (1) The publication of any defamatory matter included in an agenda, minutes, reports, or other documentation relating to a meeting is privileged. 30
- (2) **Subclause (1)** applies if—
- (a) a meeting of Te Tōpuni Kōkōrangī or part of it is open to the public and a member of the public or the news media is given a copy of the agenda or other documentation relating to the meeting; or 35
- (b) the minutes of a meeting or part of it are made available to a member of the public or the news media.

- (3) **Subclause (1)** does not apply if, in any proceedings for defamation, the plaintiff proves that the defendant was mainly motivated to publish the matter by ill will towards the plaintiff, or otherwise took improper advantage of the publication.

*Oral statements*

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- (4) An oral statement made at a meeting of Te Tōpuni Kōkōrangī under the procedural rules adopted by Te Tōpuni Kōkōrangī (*see clause 11(3)*) is privileged.

- (5) However, in any proceedings for defamation, if the plaintiff proves that, in publishing the matter, the defendant was mainly motivated to make the statement by ill will towards the plaintiff or otherwise took improper advantage of the statement, the statement is not privileged.

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- (6) The privilege referred to in **subclause (4)** is in addition to any other privilege, whether qualified or absolute, that applies to the procedures of Te Tōpuni Kōkōrangī under any other enactment or rule of law.

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*Committees*

**19 Appointment of committees**

- (1) Te Tōpuni Kōkōrangī may establish committees to deal with matters that it decides are appropriate.

- (2) Te Tōpuni Kōkōrangī may—

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(a) appoint a committee at any time:

(b) revoke the appointment of a committee:

(c) reappoint or reconstitute a committee:

(d) delegate tasks to a committee:

(e) replace or amend the terms of appointment of the members of a committee.

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- (3) Te Tōpuni Kōkōrangī must not delegate final decision making on any matter to a committee.

- (4) A committee is subject to the direction and control of Te Tōpuni Kōkōrangī and must carry out all directions of Te Tōpuni Kōkōrangī.

30

*Other administrative matters*

**20 Administrative support and operational costs**

- (1) The Director-General must provide Te Tōpuni Kōkōrangī with the administrative support necessary for it to exercise its powers and perform its functions under this Act and Te Ruruku Pūtakerongo.

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- (2) Persons appointed to support Te Tōpuni Kōkōrangī are to be—

- (a) appointed by the Director-General, subject to the agreement of the trustees; and
- (b) employed by, or under contract to, the Director-General.
- (3) The level of administrative support provided to Te Tōpuni Kōkōrangī must be set out in accordance with the requirements of He Takapou Tupua. 5
- (4) Except as provided in **clause 5(1)** and **clause 2(b) of Schedule 3**, the Director-General must meet the reasonable operational costs of Te Tōpuni Kōkōrangī in relation to exercising its powers and performing its statutory functions, including the cost of—
- (a) travel and other expenses of Te Tōpuni Kōkōrangī members; and 10
- (b) professional indemnity and public liability insurance for Te Tōpuni Kōkōrangī and its members; and
- (c) preparing and publishing any reports by Te Tōpuni Kōkōrangī; and
- (d) providing legal, accounting, auditing, and other necessary professional services to Te Tōpuni Kōkōrangī. 15
- (5) On the date that is the third anniversary of the effective date, or a later date as agreed by the parties, the trustees and the Director-General, in consultation with Te Tōpuni Kōkōrangī, must review the provision of administrative support and operational costs provided under this clause.
- 21 Reporting** 20
- (1) Te Tōpuni Kōkōrangī must adopt and publish an annual report and provide it to the trustees and the Minister of Conservation in their capacity as appointers.
- (2) The annual report must contain—
- (a) a report on Te Tōpuni Kōkōrangī's performance of its functions and progress in achieving its purpose (*see section 29*); and 25
- (b) if required, an audit report prepared by an auditor appointed by the Auditor-General for the matters referred to in **paragraph (a)**; and
- (c) as an appendix, the annual report of the asset management company.
- (3) The annual report may include any other matter that Te Tōpuni Kōkōrangī wishes to report on to the appointers. 30
- (4) The Minister of Conservation must present the report to the House of Representatives as soon as practicable after the Minister has received it.
- (5) Te Tōpuni Kōkōrangī and the appointers may meet to discuss any matters arising out of the annual report.
- (6) Te Tōpuni Kōkōrangī— 35
- (a) may publish reports on matters that it considers appropriate to report on publicly without the need to comply with **subclause (4)**; and
- (b) must provide those reports to the appointers.

- (7) **Subclause (5)** does not apply to reports published under **subclause (6)**.

## Schedule 3

### Preparation and approval of He Kawa Ora for Te Papa-Kura-o-Taranaki

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<b>1</b>	<b>Interpretation</b>	<b>5</b>
	In this schedule, <b>public notice</b> includes the giving of notice by any electronic means.	
<b>2</b>	<b>Planning team must be appointed</b>	
	The trustees and the Director-General—	
	(a) must each appoint 1 lead planner to work together (as the <b>planning team</b> ) to provide planning advice and drafting services to support Te Tōpuni Kōkōrangī in the preparation of He Kawa Ora; and	10
	(b) must each meet the reasonable costs of their appointee incurred in the course of the preparation of He Kawa Ora; and	
	(c) may agree a different approach to that described in <b>paragraph (a)</b> , but must contribute equally to the cost of any different approach, unless they otherwise agree.	15
<b>3</b>	<b>Process before preparation of He Kawa Ora begins</b>	
(1)	Te Tōpuni Kōkōrangī and the planning team must meet—	
	(a) to discuss the process for preparing He Kawa Ora; and	20
	(b) to enable Te Tōpuni Kōkōrangī to provide oversight to the planning team on a draft He Kawa Ora.	
(2)	Te Tōpuni Kōkōrangī must begin discussions with, and seek the views of, the following parties in relation to what is to be included in He Kawa Ora:	

- 
- (a) the trustees; and
  - (b) the iwi and hapū of Ngā Iwi o Taranaki with interests in Te Papa-Kura-o-Taranaki; and
  - (c) the New Zealand Conservation Authority; and
  - (d) the Taranaki/Whanganui Conservation Board; and 5
  - (e) local authorities within whose boundaries Te Papa-Kura-o-Taranaki is located; and
  - (f) any other person or organisation that Te Tōpuni Kōkōrangī considers appropriate.
- (3) Te Tōpuni Kōkōrangī must give public notice,— 10
- (a) stating that a draft He Kawa Ora is to be prepared; and
  - (b) inviting written comments by a specified date on the matters that should be dealt with in He Kawa Ora.
- (4) **Subclauses (2) and (3)** must be complied with— 15
- (a) before preparation of a draft He Kawa Ora begins; and
  - (b) not later than 12 months after the effective date, or a later date that the trustees and the Director-General may agree.
- 4 Preparation of draft He Kawa Ora**
- When the steps described in **clause 3** are completed,—
- (a) Te Tōpuni Kōkōrangī and the planning team must consider the comments received under **clause 3(2) and (3)(b)**; and 20
  - (b) the planning team, overseen by Te Tōpuni Kōkōrangī, must prepare a draft He Kawa Ora.
- 5 Notification and submissions**
- (1) When Te Tōpuni Kōkōrangī is satisfied with the draft He Kawa Ora, it must— 25
- (a) give public notice of the draft He Kawa Ora in accordance with the process required by section 47(1) and (2) of the National Parks Act 1980; and
  - (b) invite submissions in accordance with that section; and
  - (c) provide the draft He Kawa Ora to the persons and organisations listed in **clause 3(2)**. 30
- (2) After consulting the trustees and the Director-General, Te Tōpuni Kōkōrangī may determine any other processes it considers appropriate to promote awareness of, and obtain views on, the draft He Kawa Ora.
- (3) Te Tōpuni Kōkōrangī must keep a summary record of meetings held and views obtained on the draft He Kawa Ora through any other processes determined under **subclause (2)**. 35

- 6 Consideration of submissions and views** 5
- (1) Te Tōpuni Kōkōrangī must—
- (a) give a reasonable opportunity to persons who wish to be heard on their submissions or views to appear and be heard by Te Tōpuni Kōkōrangī in a manner that is consistent with the process required by section 47(3) of the National Parks Act 1980; and 5
  - (b) provide for the planning team to attend the hearings; and
  - (c) consider all written submissions, views obtained through the processes determined under **clause 5(2)**, and any oral submissions made at the hearing that— 10
    - (i) are relevant to the draft He Kawa Ora; and
    - (ii) comply with the conditions given in the public notice for making a submission or for obtaining views.
- (2) After considering the submissions and views, the planning team, under the oversight of Te Tōpuni Kōkōrangī,— 15
- (a) must prepare a summary of those submissions and views, recommending how they will be responded to; and
  - (b) must seek the views of Te Tōpuni Kōkōrangī on appropriate amendments to the draft He Kawa Ora; and
  - (c) may amend the draft He Kawa Ora in the manner it considers appropriate; and 20
  - (d) must provide the revised draft He Kawa Ora and the summary of submissions and views to Te Tōpuni Kōkōrangī.
- (3) Te Tōpuni Kōkōrangī must review the draft He Kawa Ora provided to it and may— 25
- (a) refer the draft He Kawa Ora back to the planning team for further amendment; or
  - (b) refer the draft He Kawa Ora, with the summary of submissions and views, to the trustees and the Minister of Conservation for approval.
- 7 Referral to trustees and Minister of Conservation for approval** 30
- (1) After the trustees and the Minister of Conservation have considered the draft He Kawa Ora, the summary of submissions and views, and any explanation of how their issues have been dealt with (*see subclause (3)(c)*),—
- (a) they may jointly agree to refer the draft He Kawa Ora, without any further amendment, to the New Zealand Conservation Authority for comment; or 35
  - (b) if they do not agree, comply with **subclause (2)**.
- (2) The trustees and the Minister of Conservation must—

- (a) work together to deal with any issues identified with the draft He Kawa Ora; and
- (b) then must either—
- (i) jointly refer the draft He Kawa Ora back to Te Tōpuni Kōkōrangī to deal with the outstanding issues; or 5
- (ii) if, after 40 working days (or later as agreed by the parties), issues remain outstanding, one party, after notifying the other party of their intention, refer the draft He Kawa Ora back to Te Tōpuni Kōkōrangī to consider the outstanding issues.
- (3) If the draft He Kawa Ora is referred back to Te Tōpuni Kōkōrangī under **subclause (2)(b)**, Te Tōpuni Kōkōrangī must— 10
- (a) consider the issues raised by either the trustees or the Minister of Conservation, or both, and the explanation of how they have been dealt with; and
- (b) make any further amendment to the draft He Kawa Ora that it considers necessary and appropriate; and 15
- (c) refer the draft He Kawa Ora back to the trustees and the Minister of Conservation under **subclause (1)** with an explanation of how the issues they raised have been dealt with.
- 8 Role of New Zealand Conservation Authority** 20
- (1) When the draft He Kawa Ora is referred to the New Zealand Conservation Authority under **clause 7(1)(a)(ii)**, the Authority must—
- (a) consider the draft He Kawa Ora in light of **section 93**; and
- (b) within 40 working days of receiving it, provide any comments on it to the trustees and the Minister of Conservation. 25
- (2) The trustees and the Minister of Conservation must recognise and provide for the comments of the New Zealand Conservation Authority, but may do so in the manner they consider appropriate in the circumstances.
- (3) The obligation on the trustees and the Minister of Conservation under **subclause (2)** does not— 30
- (a) limit their discretion to approve the draft He Kawa Ora; or
- (b) require them to refer the draft He Kawa Ora to Te Tōpuni Kōkōrangī for further amendment under **subclause (4)** if the trustees and the Minister of Conservation do not consider that to be necessary or appropriate.
- (4) The trustees and the Minister of Conservation may jointly agree to refer the draft He Kawa Ora back to Te Tōpuni Kōkōrangī under **clause 7(3)** to deal with any matters raised by the New Zealand Conservation Authority. 35
- (5) The steps set out in **clause 7** must be followed if the draft He Kawa Ora is referred back to Te Tōpuni Kōkōrangī under **subclause (4)**, except that the

draft He Kawa Ora may only need to be referred once to the New Zealand Conservation Authority, as provided for in **clause 7(1)(a)**.

## 9 Approval of He Kawa Ora

- (1) When the processes set out in **clauses 7 and 8** have been completed, the trustees and the Minister of Conservation— 5
- (a) may jointly approve He Kawa Ora; and
- (b) if the plan is approved, must—
- (i) jointly give public notice of the date on which He Kawa Ora was approved; and
- (ii) state in the public notice the date on which He Kawa Ora comes into force, if they have agreed on a date later than the date of approval. 10
- (2) When He Kawa Ora has been approved, it must be made available publicly during ordinary office hours, free of charge, at places determined by Te Tōpuni Kōkōrangī and at the office of the Director-General in Wellington. 15
- (3) The trustees and the Minister of Conservation may also make He Kawa Ora publicly available by any means they consider appropriate, including electronic means.

## 10 Review and amendment of He Kawa Ora

- (1) Unless a longer period is agreed by the trustees and the Minister of Conservation, Te Tōpuni Kōkōrangī must commence a full review of He Kawa Ora not later than 10 years after— 20
- (a) the approval of the first He Kawa Ora under **clause 9**; or
- (b) any subsequent approval of He Kawa Ora following a full review.
- (2) At any time that Te Tōpuni Kōkōrangī considers it necessary or desirable, it may undertake a review of He Kawa Ora, in whole or in part, and, in accordance with the processes described in **clauses 2 to 9**, may— 25
- (a) amend He Kawa Ora; or
- (b) prepare a new He Kawa Ora.
- (3) However, if Te Tōpuni Kōkōrangī considers an amendment will not materially affect the objectives and policies of He Kawa Ora or the public interest in Te Papa-Kura-o-Taranaki, it may deal with the amendment by way of the approval process set out in **clause 9**. 30

## 11 Bylaws

- (1) When preparing a draft He Kawa Ora under **clause 4**, Te Tōpuni Kōkōrangī may— 35
- (a) review any existing relevant bylaws; and

- 
- (b) identify any matters in them that require amendment or replacement; and
  - (c) identify any matters that are to be regulated by new bylaws.
- (2) The Director-General must, before beginning a process to develop a new bylaw or amend an existing one, work with Te Tōpuni Kōkōurangi and the trustees in relation to the proposed new bylaw or amendment. 5
- (3) An amendment proposed, or a new bylaw, may only be approved if not inconsistent with He Kawa Ora as approved under **clause 9**.

## Schedule 4

### Decisions on applications relating to Te Papa-Kura-o-Taranaki

ss 9, 29, 84, 102

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<b>1</b>	<b>Interpretation</b>	
	In this schedule,—	5
	<b>application</b> means an application for—	
	(a) a concession that the Minister must consider under section 17T(1) of the Conservation Act 1987:	
	(b) an authorisation, other than a concession, for an interest in Te Whenua Taurikura, that the Minister must consider under the National Parks Act 1980, including under section 50(1) of that Act	10
	<b>concessionaire</b> has the meaning given in section 2(1) of the Conservation Act 1987	
	<b>grantor</b> means a person with authority to grant an application for an interest in Te Whenua Taurikura under the Conservation Act 1987 or the National Parks Act 1980	15

**interest in Te Whenua Taurikura** means a lease, an easement, or a licence to occupy land within Te Papa-Kura-o-Taranaki

**Minister** means the Minister of Conservation.

## 2 Pre-application process

- (1) The Director-General must, for persons proposing to make an application in respect of Te Papa-Kura-o-Taranaki,— 5
- (a) ensure that they are informed about Te Ruruku Pūtakerongo and this Act, including the effect of Te Kāhui Tupua status and Ngā Pou Whakatupua; and
  - (b) encourage them to enter into discussions with iwi and hapū of Ngā Iwi o Taranaki with interests in Te Papa-Kura-o-Taranaki about their proposed applications. 10
- (2) An application for an activity within Te Papa-Kura-o-Taranaki must include the following information, in addition to the information required by section 17S of the Conservation Act 1987: 15
- (a) sufficient information about how the proposed activity is consistent with Te Kāhui Tupua status and Ngā Pou Whakatupua; and
  - (b) for applications for interests in Te Whenua Taurikura, any additional information about how the proposed activity is consistent with Te Ruruku Pūtakerongo and this Act; and 20
  - (c) a record of the discussions that the applicant has had with iwi and hapū of Ngā Iwi o Taranaki with interests in Te Papa-Kura-o-Taranaki about the application.

### *Role of trustees and Director-General in considering applications*

- ## 3 Categories of applications 25
- (1) Before the effective date (or a later date that the parties agree), the trustees and the Director-General must discuss—
- (a) whether any categories of application do not require the process set out in **clauses 11 to 13** to be applied; and
  - (b) the kinds of applications for which the process may be modified, including in accordance with section 17ZG of the Conservation Act 1987; and 30
  - (c) how the process set out in **clauses 11 to 13** will respect and support the role of individual iwi and hapū of Ngā Iwi o Taranaki; and
  - (d) reasonable time frames for responses to be given in the course of the process. 35
- (2) After those discussions, the trustees and the Director-General—
- (a) must agree in writing how to deal with the matters discussed; and
  - (b) may from time to time review that agreement.

*Te Tōpuni Kōkōrangī and Minister to determine interests in Te Whenua  
Taurikura***4 Decisions on interests in Te Whenua Taurikura**

- (1) The requirements set out in ~~this clause~~ and **clause 5(1)** must be followed in relation to all applications for interests in Te Whenua Taurikura that are submitted to the Minister after the effective date. 5
- (2) Those requirements are in addition to—
- (a) the process set out in **clauses 11 to 14 13**; and
  - (b) the processes and criteria that apply under—
    - (i) the Conservation Act 1987; and 10
    - (ii) the National Parks Act 1980.

**5 Process to support decision-making**

- (1) To enable Te Tōpuni Kōkōrangī and the Minister (the **decision makers**) to make a joint decision,—
- (a) the Director-General must provide the application to both decision makers at the same time; and 15
  - (b) both decision makers must, during the process, be given the same advice from the Department of Conservation, subject to arrangements required to ensure that Crown legal privilege is maintained; and
  - (c) if either decision maker seeks further advice from a third party, that advice must be shared with the other decision maker, subject to arrangements required to ensure that legal privilege is maintained; and 20
  - (d) the decision makers must together discuss their preliminary views on an application; and
  - (e) jointly provide a preliminary decision to the applicant, with reasons, and invite written comments on that decision by a specified date; and 25
  - (f) after considering any comments received from the applicant by the specified date,—
    - (i) jointly make a final decision; and
    - (ii) jointly grant or decline the application in accordance with that decision. 30
- (2) A decision to grant an application under **subclause (1)(f)** is an agreement by Te Tōpuni Kōkōrangī that any interest in land provided for in relation to the application is to be registered against the title for Te Whenua Taurikura for the purposes of **section 84(1)** (registration of instruments). 35
- (3) Despite the process by which Te Tōpuni Kōkōrangī and the Minister are joint decision makers, the Minister is to be treated as the grantor.

- (4) Te Tōpuni Kōkōrangī or the Minister may, either jointly or separately, require further information under section 17SD(1) of the Conservation Act 1987 from the applicant in respect of any application for an interest in Te Whenua Taurikura.
- (5) Te Tōpuni Kōkōrangī and the Minister must make a decision on an application for an interest in Te Whenua Taurikura under section 17SB(1) of the Conservation Act 1987 not later than 40 working days after receiving the application. 5
- 6 Applications by asset management company**
- (1) If the asset management company (or an entity in which the company holds an ownership interest) applies for an interest in Te Whenua Taurikura,— 10
- (a) the trustees and the Minister of Conservation must make the decision jointly as to whether to grant the application; and
- (b) the references to Te Tōpuni Kōkōrangī in this clause and **clause 5** must be read as references to the trustees.
- (2) An application by the asset management company (or an entity in which the company holds an ownership interest) that does not include an interest in Te Whenua Taurikura must be processed and determined in the same manner as any other application. 15
- 7 Review**
- Within 5 years after the effective date, Te Tōpuni Kōkōrangī and the Minister may, in consultation with the trustees,— 20
- (a) review the process by which decisions are made under **clause 5(1)**; and
- (b) agree in writing to modify that process.
- 8 Hearings**
- (1) This clause applies if the Minister participates in a hearing— 25
- (a) held in accordance with section 49(2)(c) of the Conservation Act 1987; and
- (b) in respect of a concession application for an interest in Te Whenua Taurikura submitted under **clause 4(3)**.
- (2) A representative of Te Tōpuni Kōkōrangī may participate in the hearing in the same manner as the Minister. 30
- (3) If the Director-General appoints a panel to hear the application, the Director-General must appoint to the panel a person recommended by the trustees.
- 9 Termination of interests**
- (1) Before the Minister, as grantor, makes a final decision to terminate an interest or part of an interest in Te Whenua Taurikura that was granted under **clause 5(1)(f)(ii)**, the Minister must seek the agreement of Te Tōpuni Kōkōrangī to that course of action. 35

- (2) Te Tōpuni Kōkōurangi must not unreasonably withhold its agreement.

*Other matters applying to all applications*

**10 Applications to be considered by Minister**

- (1) The Minister must consider all applications that relate to Te Papa-Kura-o-Taranaki in accordance with the process set out in **clauses 11 to 13**. 5
- (2) However, that process—
- (a) does not replace or discharge the obligations of the Minister or the Director-General to the individual iwi and hapū of Ngā Iwi o Taranaki; but
- (b) applies in addition to existing processes and criteria applying under the Conservation Act 1987 and the National Parks Act 1980. 10

**11 Initial notice**

- (1) When an application is received under Part 3B of the Conservation Act 1987 that relates to Te Whenua Taurikura and complies with section 17T(1)(a) to (d) of the Conservation Act 1987, the Director-General must notify the trustees in writing as soon as practicable that an application has been received. 15
- (2) The notice must—
- (a) provide information to the trustees on the nature of the application; and
- (b) specify a reasonable date by which the trustees must provide any initial views on the application; and 20
- (c) identify who is to make the decision on the application; and
- (d) identify the person in the Department of Conservation, in the Taranaki area, who is the contact person for the application.

**12 Views of trustees on concession applications**

- (1) The trustees must, by the date specified under **clause 11(2)(b)**, provide any views on an application in writing to the Director-General. 25
- (2) The Director-General must confirm in writing to the trustees—
- (a) how the Director-General—
- (i) understands the views of the trustees on the application; and
- (ii) expects those views to be dealt with in the process set out in **clauses 11 to 13**; and 30
- (b) any issues that the Director-General identifies as arising from those views.

**13 Reasons for decision**

- (1) The decision maker must record in writing, as part of the decision document,— 35
- (a) any views provided by the trustees; and

- (b) how the decision provides for those views; and
  - (c) how the decision reflects section 4 of the Conservation Act 1987, Te Ruruku Pūtakerongo, and this Act.
- (2) The decision maker must provide a copy of the decision document to the trustees, subject to the need to withhold commercial or other sensitive information that the Director-General would otherwise withhold under the Official Information Act 1982. 5

#### 14 Review

The trustees and the Director-General must—

- (a) communicate with each other openly as to the effectiveness of the process set out in **clauses 11 to 13** for determining applications; and 10
- (b) not later than 2 years after the effective date (or a later date that they agree), jointly commence a review of the effectiveness of that process.

## Schedule 5

### Consequential amendments

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#### Part 1

#### Amendments to Acts

5

#### Conservation Act 1987 (1987 No 65)

In section 6P(6), replace “the Egmont National Park” with “Te Papa-Kura-o-Taranaki”.

In section 6P(6)(b), replace “the Taranaki Maori Trust Board” with “Te Tōpuni Ngārahu”. 10

In Schedule 1, repeal the item relating to “Mount Egmont Vesting Act 1978”.

In Schedule 1, insert in its appropriate alphabetical order:

“Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**”.

#### National Parks Act 1980 (1980 No 66)

15

After section 6(3), insert:

(4) By virtue of **section 23(2) and (5)** of Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**, the Egmont National Park is now named Te Papa-Kura-o-Taranaki.

After section 10(4), insert:

20

(5) Nothing in subsection (2) applies to Te Papa-Kura-o-Taranaki.

In section 18, insert as subsection (2):

(2) **Subsection (1)(b)** does not apply to Te Papa-Kura-o-Taranaki.

After section 30(1), insert:

(1A) Nothing in subsection (1) applies to Te Papa-Kura-o-Taranaki. 25

In section 43, insert as subsection (2):

(2) Nothing in this section applies to Te Papa-Kura-o-Taranaki (*see section 80* of Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**).

In section 79, delete “or the Mount Egmont Vesting Act 1978”.

30

#### Public Audit Act 2001 (2001 No 10)

In Schedule 2, insert in its appropriate alphabetical order:

Te Tōpuni Kōkōrangī, as defined in **section 9** of Te Ture Whakatupua mō Te Kāhui Tupua **2023**/the Taranaki Maunga Collective Redress Act **2023**

**Public Finance Act 1989 (1989 No 44)**

In Schedule 6, insert its appropriate alphabetical order:

Te Kāhui Tupua

Te Ture Whakatupua mō Te Kāhui Tupua **2023**/  
Taranaki Maunga Collective Redress Act **2023**

**Taranaki Harbour Board Empowering Act 1924 (1924 No 15L)**

In Schedules 1, 3, and 4, replace “Egmont National Park” with “Te Papa-Kura-o-Taranaki” in each place. 5

**Taranaki Harbours Board Empowering Act 1955 (1955 No 7L)**

In Schedules 2 and 3, replace “the Egmont National Park” with “Te Papa-Kura-o-Taranaki” in each place.

**Wellington Bishopric Endowment Trust (Church of England) Act 1929 (1929 No 4P)** 10

In Schedule 2, replace “Mount Egmont” with “Taranaki Maunga”.

**Part 2**

**Consequential amendments to secondary legislation**

**Egmont National Park Bylaws 1981 (SR 1981/64)**

In bylaw 1(1), replace “the Egmont National Park” with “Te Papa-Kura-o-Taranaki”. 15

In bylaw 2, definition of **Park**, replace “the Egmont National Park” with “Te Papa-Kura-o-Taranaki”.

**Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2018 (LI 2018/174)**

In the Schedule, insert in its appropriate alphabetical order: 20

Te Tōpuni Ngārahu

**Maori Trust Boards Regulations 1985 (SR 1985/258)**

In Schedules 1 and 2, revoke the items relating to Taranaki Maori Trust Board.

**National Parks (Infringement Offences) Regulations 2019 (LI 2019/327)**

In Schedule 3, Part 3, replace “Egmont National Park Bylaws 1981” with “Te Papa-Kura-o-Taranaki Bylaws 1981”. 25

**Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki  
Maunga Collective Redress Bill**

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