

**NGATI PAHAUWERA TIAKI TRUST  
MANDATORY DEED OF AMENDMENT**

**THIS DEED** is made by

**THE TRUSTEES OF THE NGATI PAHAUWERA TIAKI TRUST** (the Trustees)

**BACKGROUND**

1. Clause 20.2.1 of the Ngati Pahauwera Tiaki Trust Deed ("the Trust Deed") provides that the Trustees must sign a deed of amendment amending the definition of Ngati Pahauwera to ensure it is the same as the definition of Ngati Pahauwera in the latest of the following:

1.1 the Agreement in Principle;

1.2 the Deed of Settlement;

1.3 the Settlement Act.

2. The Trustees signed an Agreement in Principle between Ngati Pahauwera and the Crown for the Settlement of the Historical Claims and Foreshore and Seabed Claims of Ngati Pahauwera ("the Agreement in Principle") in Wellington on 30 September 2008.

**NOW THE TRUSTEES AGREE** as follows:

3. The definitions of "Member of Ngati Pahauwera" and "Ngati Pahauwera" in clause 1.1 of the Trust Deed are replaced with the following:

**"Member of Ngati Pahauwera"** means a person who is referred to in paragraphs (a), (b), (c) or (d) of the definition of Ngati Pahauwera.

**"Ngati Pahauwera"** subject to any amendment pursuant to clause 21.2 means:

- (a) The members of one or more of the hapu listed in paragraph A of the fifth schedule who have exercised

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or descend from those who have exercised customary rights within Maungaharuru ki Tangitu centred upon the Mohaka River; and

(b) For the purposes of defining the beneficiaries of the Ngati Pahauwera historical Treaty claims including being members of the Ngati Pahauwera Development Trust and Ngati Pahauwera Tiaki Trust:

(i) the members of one or more of the hapu listed in paragraph B of the fifth schedule who have exercised or descend from those who have exercised customary rights between (and including) the Waikari River to Poututu; and

(ii) the members of one or more of the hapu listed in paragraph C of the fifth schedule to the extent that those members exercised or descend from those who have exercised customary rights between (and including) the Waikari River to Poututu.

(c) Every individual referred to in paragraph (a) and (b); and

(d) Any whanau, hapu or group of individuals to the extent that that whanau, hapu or group of individuals is composed of individuals referred to in paragraph (a) and (b);

(e) For the purpose of paragraph (a) and (b) **descend** means:

(i) Direct descent by birth from a Member of Ngati Pahauwera; or

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- (ii) Adoption by a Member of Ngati Pahauwera
- (f) For the purpose of paragraph (a) and (b), **customary rights** means rights held according to tikanga Maori (Maori customary law, values and practices) including:
- (i) Rights to occupy land;
  - (ii) Rights relating to the use and stewardship of:
    - (A) land;
    - (B) public Foreshore and Seabed; or
    - (C) other natural and physical resources;
  - (iii) Rights to affiliate to marae; and
  - (iv) Rights of burial.
- (g) For the purpose of paragraph (e)(ii), **adoption** means:
- (i) Legal adoption under the Adoption Act 1955;  
or
  - (ii) Customary adoption, including as whangai, consistent with Ngati Pahauwera tikanga. The categories and criteria for customary adoption, including the rights that people adopted according to custom are able to exercise, will be further developed between this Agreement in Principle and the Deed of Settlement and Settlement Legislation."

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4. The fifth schedule of the Trust Deed is replaced with the following:

**“FIFTH SCHEDULE  
HAPŪ OF THE CONFEDERATION OF NGATI PAHAUWERA**

**A. Hapu of the Ngati Pahauwera Confederation**

Ngarangiaitu, Nga Uri-o-Mamangu, Ngaitahua / Ngaitahiao, Ngaitaraparoa, Ngai Taane, Ngai Taumau, Ngai Te Awha, Ngai Te Huki, Ngai Te Ngau Patea, Ngai Te Rau, Ngai Te Rongo, Ngai Te Ruatai, Ngati Ao Kino, Ngati Heki, Ngati Heouri, Ngati Hine Kete, Ngati Hinekino, Ngati Hine Ku, Ngati Hinemokai, Ngati Hine Mura, Ngati Hine Tunge, Ngati Honomokai, Ngati Irirangi, Ngati Iriwhata, Ngati Kahu-o-te Rangi, Ngati Kaihaere, Ngati Katihe, Ngati Kapekape, Ngati Kapua Matotoru, Ngati Kapukapu, Ngati Kawe, Ngati Kotihe, Ngati Kukura, Ngati Kura/Kurahikakawa, Ngati Matengahuru, Ngati Mawewai, Ngati Mawete, Ngati Mouru, Ngati Pahauwera, Ngati Paikea, Ngati Pari, Ngati Paroa, Ngati Patupaku, Ngati Pehi, Ngati Peke, Ngati Poporo, Ngati Pouanga, Ngati Poupou, Ngati Puraro, Ngati Purua/ Popoia, Ngati Rahu, Ngati Rangi Haere Kau, Ngati Ririwehi, Ngati Ruakohatu, Ngati Tahiroa, Ngati Tangopu, Ngati Taponga / Tapunga, Ngati Tatua, Ngati Taumau, Ngati Tuhemata, Ngati Wera, Ngati Huatu

**B. Related Hapu with rights north of between (and including) the Waikari River and Poututu**

Ngati Hikapii, Ngati Hineiro, Ngati Kautata, Ngati Hinekaraka, Ngati Moe, Ngati Peke, Ngai Te Rongo, Ngai Te Ruatai, Ngai Tahu, Ngati Tataku, Ngati Tauhere, Ngati Te Maaha, Ngati Te Paanga, Ngati Te Rangitakuao, and Ngai Te Rauiri

**C. Other Hapu to the extent that they hold rights between (and including) the Waikari River and Poututu**

Ngati Hinerangi/Ngati Hine Paia, Ngati Ira, Ngati Moe, Ngai Te Ao Kapiti/Aukapiti, Ngai Te Aonui, Ngati Rangitohumare, Ngai Te Ruruku, Ngati Hine Rakai, Ngai Tapui, Ngati Paeahi”

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SIGNED as a Deed on 2 July 2009

12. 1/2  
1/2 CML  
1/2  
1/2

Gerald Aranui Kuki Green  
Trustee

Arthur Gemmell  
Trustee

12. 1/2  
1/2 CML  
1/2  
1/2

Kuki Green Gerald Aranui  
Trustee

Sissell Henderson  
Trustee

Charlie Lambert  
Trustee

Tureiti Moxon  
Trustee

Toro Waaka  
Trustee

WITNESS

Name: Ramata Nordan Smail  
Occupation: Solicitor  
Address: Auckland

