

Te Pire mō Ō-Rākau, Te Pae o Maumahara/Ō-Rākau Remembrance Bill

Government Bill

Explanatory note

General policy statement

Legislation is required to give effect to certain provisions of te Whakaaetanga Whakataunga mō Ō-Rākau, te Pae o Maumahara/the Deed of Agreement Relating to the Ō-Rākau Site dated 31 October 2023 between the Crown, Maniapoto, Raukawa, and Waikato (the **Ō-Rākau deed**). This Bill enables the record of title for the Ō-Rākau site to be held in the names of the ancestors (**ngā tūpuna**) who fought at the battle of Ō-Rākau (or had other connections with the land) and enables Maniapoto, Raukawa, and Waikato to jointly have, and exercise, the rights and obligations of the registered owner of the Ō-Rākau site.

Background

Ō-Rākau, located near Kihikihi (approximately 40 kilometres south of Hamilton) is an area to which Maniapoto, Raukawa, and Waikato have long-standing customary connections. It was the site of a pā constructed by Kīngitanga forces during the 1863–64 Crown invasion of the Waikato, and the site of the last major battle of the Waikato War. Additional iwi are recognised as having connections to the Ō-Rākau site through their involvement in the battle of Ō-Rākau, which took place from 31 March to 2 April 1864.

Key elements of this Bill

The vesting and ownership arrangements in this Bill are not redress provided for in settlement of any historical claims under te Tiriti o Waitangi/the Treaty of Waitangi. The Ō-Rākau deed and this Bill instead reflect the desire of all parties to acknowledge the history associated with, and the national significance of, the battle of Ō-Rākau and to enable the recognition of ngā tūpuna associated with the Ō-Rākau site.

Tūpuna title is an established means of holding title. Maniapoto, Raukawa, and Waikato have supplied the initial list of tūpuna in whom the Ō-Rākau site will be vested. The Bill provides that, in future, Maniapoto, Raukawa, and Waikato will be able to jointly apply in writing, from time to time, to change ngā tūpuna as recorded on the record of title for the Ō-Rākau site and in *Schedule 2* to reflect developing historical knowledge.

While the record of title will be registered in the names of ngā tūpuna, Maniapoto, Raukawa, and Waikato will act as kaitiaki on behalf of ngā tūpuna, having the rights, duties, and powers of the registered owners of the Ō-Rākau site, and must perform those duties jointly. Certain provisions of the Bill, such as that the Ō-Rākau site is non-rateable under the Local Government (Rating) Act 2002, will cease to apply to the Ō-Rākau site if it is transferred from ngā tūpuna.

The Ō-Rākau deed records that Maniapoto, Raukawa, and Waikato intend to establish a managing entity to involve groups with a connection to the battle of Ō-Rākau in the administration of the Ō-Rākau site and will facilitate a process inviting each of those groups to develop a historical narrative that sets out that group's unique association with and perspective of the battle of Ō-Rākau.

Departmental disclosure statement

The Office for Māori Crown Relations—Te Arawhiti is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=33>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause.

Part 1

Preliminary provisions

Clause 3 states the purpose of the Bill, which is to give legal effect to certain provisions of the Ō-Rākau deed, including vesting the Ō-Rākau site in the names of an initial list of tūpuna who fought at the battle of Ō-Rākau or had a customary connection to the site, and setting out the rights and obligations in relation to the land.

Clause 4 provides that the provisions of the Bill take effect on the vesting date (as opposed to the day on which the Bill comes into force) unless another provision states otherwise.

Clause 5 is the interpretation clause and defines certain terms used in the Bill, including identifying the different iwi and other representative parties who will deal with the administration of the Ō-Rākau site.

Clause 6 explains certain te reo Māori terms used in the Bill. It is provided in both te reo Māori and English.

Clause 7 provides for any transitional and savings provisions, of which there are none in the Bill as introduced.

Clause 8 binds the Crown.

Clause 9 records the background to the Bill, including the historical events that took place at Ō-Rākau in 1863–64, and the more recent discussions between the Crown and iwi to agree on the future of the Ō-Rākau site. It is provided in both te reo Māori and English.

Part 2

Vesting of Ō-Rākau site and related matters

Clause 10 vests the Ō-Rākau site in the tūpuna listed in *Schedule 2*.

Clause 11 deals with how the Ō-Rākau site will be administered given that the legal owners (**ngā tūpuna**) are ancestors from the 1860s. The clause therefore confers the ownership rights and obligations jointly on the representatives of Ngā Ahi e Toru (as defined in *clause 5*).

Clauses 12 and 13 provide a future mechanism for the representatives of Ngā Ahi e Toru to change the names of ngā tūpuna registered on the record of title, and listed in *Schedule 2*. An application to change ngā tūpuna must be made jointly by all 3 of the Ngā Ahi e Toru representatives. These clauses account for ever-evolving historical knowledge and aim to ensure that the list of tūpuna registered on the record of title and in *Schedule 2* is kept accurate based on current knowledge. Changes to *Schedule 2* cannot be made unless the record of title has first been changed under *clause 12*. This upholds the principle of indefeasibility of title and ensures that the record of title reflects the true legal ownership of the Ō-Rākau site at all times.

Clause 14 sets out how Ngā Ahi e Toru is to sign instruments or applications that are to be lodged with Land Information New Zealand in relation to the record of title for the Ō-Rākau site. The signing requirements also apply to an application to the Minister under *clause 13* to change *Schedule 2*.

Clause 15 sets out the Registrar-General of Land's process for creating the record of title for the Ō-Rākau site, and the recording of any relevant interests on the title. This clause also states that section 15 of the Land Transfer Act 2017, which deals with the registration of deceased persons on a record of title, does not apply.

Clause 16 deals with the application of other enactments including the Conservation Act 1987, the Crown Minerals Act 1991, the Resource Management Act 1991, Te Ture Whenua Maori Act 1993, and the Local Government (Rating) Act 2002.

Clause 17 sets out various matters the Registrar-General of Land must record on the record of title, including that the land is subject to Part 4A of the Conservation Act 1987.

Clause 18 provides a mechanism for any of the 3 representatives of Ngā Ahi e Toru to assign their status as representative under the Bill to another entity. The existing representative must first be satisfied of the matters outlined in *clause 18* and must provide notice to the other 2 representatives.

Clause 19 sets out the process if the land is to be transferred from ngā tūpuna to a new owner in the future.

Schedules

There are 3 schedules, as follows:

- *Schedule 1* sets out transitional, savings, and related provisions:
- *Schedule 2* lists the tūpuna to be recorded initially on the record of title. In the future, that schedule may be amended by Order in Council to reflect changes to the record of title:
- *Schedule 3* contains the legal description of the Ō-Rākau site.

Hon Tama Potaka

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is Te Ture mō Ō-Rākau, Te Pae o Maumahara **2024/Ō-Rākau Remembrance Act 2024**.
- (2) This Act may also be cited as— 5
- (a) Te Ture mō Ō-Rākau, Te Pae o Maumahara **2024**; or
- (b) the Ō-Rākau Remembrance Act **2024**.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1 10
Preliminary provisions

3 Purpose

The purpose of this Act is to give effect to certain provisions of the Ō-Rākau deed relating to the Ō-Rākau site.

4 Provisions take effect on vesting date 15

- (1) The provisions of this Act take effect on the vesting 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— 20
- (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.

5 Interpretation

In this Act, unless the context otherwise requires,—

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

interest means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property 5

Maniapoto has the meaning given in section 13 of the Maniapoto Claims Settlement Act 2022

Maniapoto deed of settlement has the meaning given to deed of settlement in section 12 of the Maniapoto Claims Settlement Act 2022

Ngā Ahi e Toru means each of the following: 10

- (a) Maniapoto:
- (b) Raukawa:
- (c) Waikato

ngā tūpuna means the tūpuna (the ancestors) that are recorded on the record of title for the Ō-Rākau site 15

Ō-Rākau deed—

- (a) means te Whakaetanga Whakataunga mō Ō-Rākau, te Pae o Maumahara/the Deed of Agreement Relating to the Ō-Rākau Site dated 31 October 2023 and signed by—
 - (i) the Honourable Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti, and the Honourable Grant Robertson, Minister of Finance, for and on behalf of the Crown; and 20
 - (ii) Peter Te Matakahere Douglas, Bella Luana Takiari-Brame, Arepa Kruger Wetere, John Reihana Kaati, Muiora Barry, William Gannin Ormsby, Shannon Tariki Mangu Manawaiti, Ronald Tahitakerei, Maria Pareraukawa Te Huia Maniapoto, Luke Thomas Moss, Wanairangi Kihirachael Tuwhangai, Mary Jacqueline Tapu, Georgina Annette Winter, and Kathryn Kahu McClintock, being the trustees of Te Nehenehenui; and 25
 - (iii) Kataraina Hodge, Marina Monehu Hireme, Huia Te Ata Huru-hanga Te Kanawa, Nachele Griffiths, Juanita Elaine Temarama, Cohra Jay Taihako Maui, Debbie Jean Davies, Phillipa Tapu, Rina Polly Lawson, Steven Cecil Daryll Oxenham, Grant Thompson, Donnie Maria Parker, Waimatao Jordene Sydney, Paraone Francis Gloyne, and James Luke Te Whakaheke Whetu, being the trustees of the Raukawa Settlement Trust; and 30
 - (iv) Tukoroirangi Morgan and Rahui Papa, for and on behalf of Te Whakakitenga o Waikato Incorporated as trustee of the Waikato Raupatu Lands Trust; and 35
- (b) includes— 40

- (i) the schedules of, and attachments to, the deed; and
- (ii) any amendments to the deed or its schedules and attachments

Ō-Rākau site means the land of that name described in **Schedule 3**

Raukawa has the meaning given in section 13 of the Raukawa Claims Settlement Act 2014 5

Raukawa deed of settlement has the meaning given to deed of settlement in section 12 of the Raukawa Claims Settlement Act 2014

record of title has the meaning given in section 5(1) of the Land Transfer Act 2017

Registrar-General has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017 10

representative of Ngā Ahi e Toru means each of the following, or a replacement that is assigned the status of representative of Ngā Ahi e Toru under **section 18**:

- (a) for Maniapoto, the trustees of Te Nehenehenui: 15
- (b) for Raukawa, the trustees of the Raukawa Settlement Trust:
- (c) for Waikato, Te Whakakitenga o Waikato Incorporated as trustee of the Waikato Raupatu Lands Trust

trustees of Te Nehenehenui has the meaning given in section 12(1) of the Maniapoto Claims Settlement Act 2022 20

trustees of the Raukawa Settlement Trust has the meaning given in section 12 of the Raukawa Claims Settlement Act 2014

vesting date means the date that is 20 working days after the date on which this Act comes into force

Waikato has the meaning given in section 7 of the Waikato Raupatu Claims Settlement Act 1995 25

Waikato Raupatu deed of settlement has the meaning given to deed of settlement in section 7 of the Waikato Raupatu Claims Settlement Act 1995

Waikato Raupatu Lands Trust means the trust of that name established by trust deed dated 10 November 1995 30

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;
- (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday: 35
- (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:

- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington.

6 He whakamāramatanga o ngā kupu reo Māori/Explanations of te reo Māori terms

Ka whakatakoto tēnei wehenga i ngā whakamāramatanga o ētehi kupu Māori kua whakamahia i tēnei Ture, engari he kuputohu noa iho, e hara i te whakamāramatanga tukupū: 5

- (a) **Ō-Rākau, Te Pae o Maumahara**—Ō-Rākau, te pae o maumahara. Ka whakamahia ēnei kupu i roto i te taitara o tēnei Ture:
- (b) **Ngā Ahi e Toru**—Ko ngā ahi e toru, e tohu ana i a Maniapoto, Raukawa me Waikato (e rūpeke tahi ana hei Ngā Ahi e Toru), e whakarāmeme ai te ahi, te mahana, te whakaaro pai me te mahi ngātahi a tēnā, a tēnā mō Ō-Rākau, i Ō-Rākau hoki, e tiria ai taua mahana me taua uara tētahi ki tētahi. 10

The following are English explanations of certain te reo Māori terms used in this Act, but they are merely a guide, not definitions: 15

- (a) **Ō-Rākau, Te Pae o Maumahara**—Ō-Rākau, the threshold of memories. This term is used in the name of this Act:
- (b) **Ngā Ahi e Toru**—the 3 fires, symbolising Maniapoto, Raukawa, and Waikato (coming together as Ngā Ahi e Toru), whose individual fires and warmth, good will, and mahi ngātahi come together for and at Ō-Rākau, where that warmth and value are shared with each other. 20

7 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms. 25

8 Act binds the Crown

This Act binds the Crown.

9 He whakamārama/Background

- (1) Ka whakatakoto tēnei wehenga i ngā whakamārama o te puka whakaaetanga e pā ana ki te pae o te riri o Ō-Rākau me tēnei Ture. 30
Whakamārama aronehe
- (2) Ko te pakanga o Ō-Rākau tētehi o ngā pakanga tino hira rawa i te hītori o Aotearoa. Koia te pakanga matua whakamutunga o tā te Karauna urutomo ki a Waikato. I ngā tau 1860, ko Waikato te pou o te Kīngitanga, he rangatohe iwi maha e whai ana i te mutunga o ngā kakaritanga i waenga iwi, i te pupuru whenua, i te whakamanatanga o te reo Māori i ngā take whakahaere i ō rātou anō hapori. 35

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- (3) He mea urutomo a Waikato e te Ope Taua o Piritene i te Hūrae 1863, ā, tae noa mai ki te mutunga o Pēpuere 1864 kua kōkiri atu ki Kihikihi i muri i ngā kakaritanga wawana. I te Māche 1864 ka whakatau ngā kaihautū ki te hanga i tētehi pā i Ō-Rākau ki reira matatū ai.
- (4) Tōna 300 o ngā Māori nō Tainui waka me ētahi anō iwi, he hautoru o rātou he wāhine he tamariki, i tū ki Ō-Rākau nōna i tāwhawhe ai e tōna 1,400 hōia Piritene i te 31 o Māche 1864. E toru rā te roa o te pakanga, me te whakatau tata i mate tata ki te haurua o rātou e noho ana i roto i te pā. I whakanau ērā e toe ana i te pā i te tono kia whakahauraro, ka pahiko ohorete atu, ā, i taua pahikotanga i hinga, i taotū rānei ētehi atu. E noho ana te māia i kitea i Ō-Rākau hei tohu mō te ātete Māori ki ngā mahi tika kore a te Karauna ko te hekenga ā-toto me te whakamōtī rawa te mutunga iho. 5 10
- (5) Kua whakaae te Karauna, i roto i te Whakaaetanga Whakataunga a Maniapoto, i te Whakaaetanga Whakataunga a Raukawa me te Whakaaetanga Whakataunga mō te Raupatu i Waikato, ko te raupatu—tae atu ki tana urutomo ki Waikato, ko te pakanga, te hekenga ā-toto me te raupatu whenua te mutunga iho—he tika kore, he takahi i te mana o te Tiriti o Waitangi/the Treaty of Waitangi me ana mātāpono. 15
- (6) Kāore anō ngā mahi hautoa me te whakawhere a ngā Māori i whawhai i Ō-Rākau kia whakamana tikahia i te pae o Ō-Rākau. 20
- Ngā takenga hou*
- (7) Mai rā anō i te tau 1864 e tautiakina ana te mōhiotanga me te tūhononga ki ngā mahi i te pakanga o Ō-Rākau e ētehi rōpū me ētehi tāngata. I te 2011 ka whakatūria The Battle of Ō-Rākau Heritage Society Inc, ki te arotahi ki te whakanui i te huritau 150 o taua pakanga me te whakaako i tana hītori ki ētehi atu hei ara whakahōnora i ngā mahi onamata me te whakatairanga i te whakareka me te māramatanga. 25
- (8) He mea hoko e te Karauna i te 2015 tētahi papanoho i te Rori o Arapuni, tērā i whakaarohia ko te pae o te pā o Ō-Rākau i tū ai te pakanga o Ō-Rākau. I hokona taua pae e te Karauna hei whakamana i te hiranga o te pae, me ngā mahi i taka i Ō-Rākau, ki te Māori me te Pākehā. 30
- (9) I te Noema 2017 ka tuhi reta te Karauna ki ētehi iwi e whakapuaki ana i te hiahia kia kōrerorerotia te anamata o taua pae. Nō te tōmuatanga o te 2018 kua whakawhanakehia e Maniapoto, Raukawa, me Waikato he marohi tuatahi mō te āhua e puritia ai te pae o te riri o Ō-Rākau hei whakanui i ērā katoa i whai pānga ki ngā mahi i taka i Ō-Rākau. I tukuna te marohi ki ngā rōpū whai hononga ki te pakanga o Ō-Rākau kia whiwhi whakahoki kōrero. 35
- (10) Kua tuhia e Maniapoto, Raukawa, me Waikato (e huihui tahi ana hei Ngā Ahi e Toru) me te Karauna ngā wāhi matua e whakaae tahi ai rātou mō te anamata o te pae o te riri o Ō-Rākau i roto i te puka whakaaetanga. 40
- (11) Kua whakaaehia e Ngā Ahi e Toru mā rātou e mahi mō ngā tūpuna e pā ana ki te pae o te riri o Ō-Rākau.

- (1) This section sets out the background to the Ō-Rākau deed and this Act.
Historical background
- (2) The battle of Ō-Rākau was one of the most significant events in the history of Aotearoa/New Zealand and was the last major battle of the Crown’s invasion of Waikato. In the 1860s, Waikato was the centre of the Kīngitanga, a pan-tribal movement seeking the end of intertribal conflict, the retention of land, and Māori having a dominant voice in the governance of their own communities. 5
- (3) The British Army invaded Waikato in July 1863, and by the end of February 1864 soldiers had advanced to Kihikihi after much hard fighting. In March 1864, Māori leaders decided to construct a pā at Ō-Rākau where they would make a stand. 10
- (4) About 300 Māori from Tainui waka and other tribal groups, one-third of whom may have been women and children, were present at Ō-Rākau when it was encircled by some 1,400 British troops on 31 March 1864. The battle lasted for 3 days, and it has been estimated that about half the pā’s occupants were killed. Those remaining refused an offer to surrender and made a surprise escape, in the course of which they suffered additional casualties. The bravery shown at Ō-Rākau has become a symbol of Māori resistance in the face of the Crown’s unjust actions that caused loss of life and devastation of property. 15
- (5) The Crown has acknowledged, in the Maniapoto deed of settlement, the Raukawa deed of settlement, and the Waikato Raupatu deed of settlement, that raupatu—including its invasion of the Waikato, which led to war, loss of life, and confiscation of land—was unjust and a grievous breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (6) The courage and sacrifice of the Māori who fought at Ō-Rākau have never been sufficiently recognised at the Ō-Rākau site. 25
Recent background
- (7) Since 1864, the knowledge of, and connection to, the events at the battle of Ō-Rākau have been maintained by a number of groups and individuals. In 2011, The Battle of Ō-Rākau Heritage Society Incorporated was established, with a focus on commemorating the 150th anniversary of the battle to educate others about this history, as a way to honour the past and promote healing and understanding. 30
- (8) In 2015, the Crown purchased a property on Arapuni Road, which is believed to contain the site of Ō-Rākau pā where the battle of Ō-Rākau occurred. The Crown purchased the property in recognition of the significance of the site, and the events at Ō-Rākau, to both Māori and Pākehā. 35
- (9) In November 2017, the Crown wrote to a number of iwi with a wish to discuss the future of the site. By early 2018, Maniapoto, Raukawa, and Waikato had developed an initial proposal for a way to hold the Ō-Rākau site that provided recognition for all those who had a connection to the events at Ō-Rākau. The 40

proposal was provided to groups with a connection to the battle of Ō-Rākau for comment.

- (10) Maniapoto, Raukawa, and Waikato (coming together as Ngā Ahi e Toru) and the Crown have recorded key areas of agreement for the future of the Ō-Rākau site in the Ō-Rākau deed. 5
- (11) Ngā Ahi e Toru have agreed to act as kaitiaki on behalf of ngā tūpuna in relation to the Ō-Rākau site.

Part 2

Vesting of Ō-Rākau site and related matters

Vesting, administration, and documents for Ō-Rākau site 10

10 Vesting of Ō-Rākau site

The fee simple estate in the Ō-Rākau site vests in the tūpuna listed in **Schedule 2**, and the registered owners of the Ō-Rākau site will accordingly be ngā tūpuna from time to time until any transfer under **section 19**.

11 Administration and dealing with Ō-Rākau site 15

- (1) This section applies despite—
- (a) the vesting of the Ō-Rākau site under **section 10**; or
 - (b) ngā tūpuna being the registered owners of the Ō-Rākau site.
- (2) The representatives of Ngā Ahi e Toru—
- (a) have all the rights and obligations of the registered owner of the Ō-Rākau site; and 20
 - (b) must exercise the rights, and perform the obligations, jointly in the names of the representatives of Ngā Ahi e Toru.
- (3) The Registrar-General and any other relevant person must have regard to this section. 25

12 Changes to tūpuna named on record of title

- (1) This section applies after the record of title has been created for the Ō-Rākau site under **section 15**.
- (2) The representatives of Ngā Ahi e Toru may, at any time, jointly apply in writing to the Registrar-General to change ngā tūpuna (who are the registered owners of the Ō-Rākau site). 30
- (3) The application must specify 1 or more of the following:
- (a) the name of each tūpuna who is to be added:
 - (b) the correct name of each tūpuna whose name is to be corrected:
 - (c) the name of each tūpuna who is to be removed. 35

- (4) On receipt of an application in accordance with this section and **section 14**, the Registrar-General must register the tūpuna, as changed under the application, as the owners of the fee simple estate in the Ō-Rākau site.

13 Changes to tūpuna named in Schedule 2

- (1) This section applies after the Registrar-General has registered a change of ngā tūpuna under **section 12(4)**. 5
- (2) The representatives of Ngā Ahi e Toru may, at any time, jointly apply in writing to the Minister to update **Schedule 2** to replicate the changes made to the record of title under **section 12**.
- (3) The application must include the following: 10
- (a) a copy of the application made to the Registrar-General under **section 12**; and
- (b) a copy of the record of title for the Ō-Rākau site as registered under **section 12(4)**.
- (4) The Governor-General may, by Order in Council, made on the recommendation of the Minister, amend or replace **Schedule 2** to replicate ngā tūpuna listed on the record of title. 15
- (5) The Minister must not make a recommendation under **subsection (4)** unless an application has been received in accordance with this section and **section 14**. 20
- (6) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

14 Signing and other requirements for instruments and applications

- (1) This section applies to— 25
- (a) an instrument to be lodged under the Land Transfer Act 2017 for registration on the record of title for the Ō-Rākau site that must be executed by the representatives of Ngā Ahi e Toru; and
- (b) an application to change ngā tūpuna under **section 12**; and
- (c) an application to change the tūpuna listed in **Schedule 2** under **section 13**. 30

Collective reference

- (2) An instrument or application is not required to individually name each tūpuna registered on the record of title for the Ō-Rākau site but may refer collectively to ngā tūpuna.

Signing requirements

- (3) For each representative of Ngā Ahi e Toru that executes the instrument or application,— 35

- (a) the persons who sign must state on that instrument or application which representative of Ngā Ahi e Toru that person represents; and
- (b) where an instrument or application is being signed by the trustees of an unincorporated trust,—
- (i) 2 trustees may sign on behalf of all of the trustees; and 5
- (ii) those trustees must sign in the presence of a witness, who must also sign the instrument or application.
- (4) The Registrar-General, or the Minister as applicable, need not make any inquiries as to the persons who sign the instrument or application for each representative of Ngā Ahi e Toru. 10
- Other requirement*
- (5) The instrument or application must be accompanied by each notice given under **section 18** that is still in effect.

Provisions related to vesting of Ō-Rākau site

- 15 Registration of ownership** 15
- (1) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for the fee simple estate in the Ō-Rākau site in the names of the tūpuna listed in **Schedule 2**; and
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application. 20
- (2) **Subsection (1)** is subject to the completion of any survey necessary to create a record of title.
- (3) A record of title must be created under this section as soon as is reasonably practicable after the vesting date, but not later than— 25
- (a) 3 months after the vesting date; or
- (b) any later date that is agreed in writing by the Crown and the representatives of Ngā Ahi e Toru.
- (4) Section 15 of the Land Transfer Act 2017 does not apply in relation to the Ō-Rākau site. 30
- (5) In this section, **authorised person** means a person authorised by the chief executive of Land Information New Zealand.

16 Application of other enactments

- (1) The vesting of the fee simple estate in the Ō-Rākau site under this Part is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 35

- (2) The vesting of the fee simple estate in the Ō-Rākau site under this Part does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— 5
- (a) the vesting of the fee simple estate in the Ō-Rākau site under this Part; or
 - (b) any matter incidental to, or required for the purpose of, the vesting.
- (4) The representatives of Ngā Ahi e Toru, when acting in respect of the Ō-Rākau site in accordance with this Act, are not a trust constituted in respect of— 10
- (a) any Māori land for the purpose of section 236(1)(b) of Te Ture Whenua Maori Act 1993; or
 - (b) any General land owned by Māori for the purpose of section 236(1)(c) of that Act.
- (5) Nothing in Te Ture Whenua Maori Act 1993 applies to the Ō-Rākau site. 15
- (6) The Ō-Rākau site is non-rateable under the Local Government (Rating) Act 2002.

17 Matters to be recorded on record of title

- (1) The Registrar-General must record on the record of title for the Ō-Rākau site—
- (a) that the land is subject to Part 4A of the Conservation Act 1987; and 20
 - (b) that the land is subject to **sections 11, 12, 14, 16(4) to (6), 18, and 19.**
- (2) A notation made under **subsection (1)(a)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act. 25

Replacing representatives or owners

18 Replacement for representative of Ngā Ahi e Toru

- (1) A representative of Ngā Ahi e Toru (the **existing entity**) may assign its status as representative of Ngā Ahi e Toru to another entity (the **new entity**), including the trustees of a trust. 30
- (2) The existing entity must be satisfied that the new entity—
- (a) is appropriate to exercise the rights and obligations of the existing entity under the Ō-Rākau deed and this Act; and
 - (b) has a structure that—
 - (i) provides for transparent decision making; and 35
 - (ii) includes a dispute resolution process; and

- (c) is accountable to the other representatives of Ngā Ahi e Toru in fulfilling the joint obligations under the Ō-Rākau deed and under this Act.
- (3) The existing entity must give notice to the other 2 representatives of Ngā Ahi e Toru.
- (4) The notice must— 5
- (a) state that the new entity has replaced the existing entity as a representative of Ngā Ahi e Toru under this section; and
- (b) specify the date of the assignment; and
- (c) specify the name of the new entity and, if it is an unincorporated trust, the names of the trustees; and 10
- (d) specify the street address, postal address, and electronic address for notices to the new entity.
- (5) The new entity is a representative of Ngā Ahi e Toru under this Act, in place of the existing entity, starting on the date specified in the notice given under this section. 15
- 19 Subsequent transfer from ngā tūpuna to new owner**
- (1) The fee simple estate in the Ō-Rākau site may be transferred from ngā tūpuna only in accordance with this section.
- (2) The transfer instrument must state that, after the transfer, the land is not subject to **sections 11, 12, 14, 16(4) to (6), 18, and 19.** 20
- (3) On registration of the transfer,—
- (a) the Registrar-General must remove from the record of title for the Ō-Rākau site the notations that the land is subject to **sections 11, 12, 14, 16(4) to (6), 18, and 19;** and
- (b) the land is no longer subject to those sections. 25

Schedule 1
Transitional, savings, and related provisions

s 7

Part 1
Provisions relating to this Act as enacted

5

There are no transitional, savings, or related provisions in this Act as enacted.

Schedule 2

Ngā tūpuna o Ō-Rākau

ss 10, 13, 15

Ahumai Te Paerata	
Ahuriri Te Kohika	5
Brownie Ngaheu	
Ewa (daughter of Hineiturama)	
Haa Moetu	
Hauauru	
Hemara Rerehau Te Whanonga	10
Hine-i-turama	
Hitiri Te Paerata	
Hoani Paruparu	
Hone Teri	
Kaawhia Te Ngohi	15
Kahotea Tamaki	
Karipa Kiharoa	
Matawaia (married to Ahumai)	
Maupakanga	
Ngā Whira	20
Niketi Poneke	
Patena	
Peita Kotuku	
Perenera [sic] Perenara Te Huia	
Poneke	25
Poupatate Te Huihi	
Puhiwāhine	
Raureti Paiaka	
Rewi Manga Maniapoto	
Rihi	30
Taonui Hikaka	
Te Ahipu Tukorehu	
Te Awhipera Nepe	
Te Kohika Raureti	
Te Paerata (Hoariri)	35

Te Rangikātua (Te Riri)	
Te Raore	
Te Takiwa te Momo	
Te Tatana (married to Ahumai before he went to Waipapa)	
Te Uruhero Tipa	5
Te Wairoa Piripi	
Te Waro Te Haate	
Te Whakatapu Paiaka	
Te Whakataute Te Huia Raureti	
Te Wharekotua	10
Tiniwata Te Kohika	
Ti-Ti-Ti Ti Te Kepa (also named Taro Titi Tekepa)	
Wahanui Huatare	
Werohia Te Hiko	
Winitana Tupotahi	15

Schedule 3

Ō-Rākau site

s 5

Name of property	Description	Interests
Ō-Rākau site	<i>South Auckland Land District— Waipa District</i> 9.7254 hectares, more or less, being Lot 1 DPS 19526 and Lot 1 DPS 25608. All transfer 10039559.1.	Nil