

NGĀTI PĀHAUWERA DEVELOPMENT TRUST

and

THE CROWN

**DEED OF AGREEMENT IN RELATION TO THE MARINE
AND COASTAL AREA**

[], 2017

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BACKGROUND

- A. Ngāti Pāhauwera maintain they are the people of their moana and awa and they exercise mana moana, mana whenua and tino rangatiratanga. Ngāti Pāhauwera maintain their moana and awa have always belonged to Ngāti Pāhauwera, and they have never conceded ownership to anyone else. Ngāti Pāhauwera say that the reason for this application is both to preserve the rights of Ngāti Pāhauwera in the application area, but also to protect the natural resources within the application area and the observance of tikanga assists in the protection of the environment for future generations. Ngāti Pāhauwera maintain this is their obligation of kaitiakitanga. Ngāti Pāhauwera say that their rights and obligations have been handed down from their forebears and they depend on their moana and awa to continue to live as Ngāti Pāhauwera. Ngāti Pāhauwera maintain the river water, river beds, sea water, foreshore and seabed and all the resources within them (even those which are excluded from the Ngāti Pāhauwera applications under the Act) are all part of one another and their health depends on the rights and obligations of Ngāti Pāhauwera. Ngāti Pāhauwera maintain the moana and awa and the rights and obligations of Ngāti Pāhauwera are completely interlinked and must be preserved and protected for future generations.
- B. The Crown recognises that the purpose of the Act includes to recognise the mana tuku iho exercised in the marine and coastal area by iwi, hapū, and whānau as tangata whenua, to provide for the exercise of customary interests in the common marine and coastal area and to acknowledge the Treaty of Waitangi (te Te Tiriti o Waitangi). In accordance with the Act, the Crown is entering into a recognition agreement to provide for the exercise of Ngāti Pāhauwera's customary interests in the part of the common marine and coastal area the recognition agreement applies to.
- C. On 12 December 2013, the Minister and the Minister of Māori Affairs confirmed, on behalf of the Crown, that they were satisfied that the Ngāti Pāhauwera Development Trust were the mandated representatives, appointed by Ngāti Pāhauwera, to negotiate a recognition agreement with the Crown under the Act.
- D. The Ngāti Pāhauwera Development Trust applied on behalf of Ngāti Pāhauwera to enter into, under section 95 of the Act, an agreement with the Crown recognising customary marine title, wāhi tapu protection and protected customary rights in the common marine and coastal area between Poututu Stream and Pōnui Stream and between mean high water springs to the limits of the territorial sea, including the Mōhaka River mouth.
- E. The Minister considered relevant evidence made available to him in relation to the Trust's application and is satisfied that the test for customary marine title in section 58 of the Act is met in respect of part of the application area between Waihua River mouth and Pōnui Stream and between mean high-water springs and mean low-water springs and not including the Mōhaka River mouth.
- F. The Minister offered to enter into negotiations for a recognition agreement in respect of this area pursuant to section 95 of the Act for recognition of customary marine title with the Ngāti Pāhauwera Development Trust on 17 August 2016.
- G. The Crown acknowledges that:
- I. the Trustees of the Ngāti Pāhauwera Development Trust strongly disagree with the Minister's view of the application and they consider

the evidence demonstrates that Ngāti Pāhauwera meet the tests for customary marine title, wāhi tapu protection and protected customary rights throughout the application area;

- II. the Trustees of the Ngāti Pāhauwera Development Trust maintain Ngāti Pāhauwera do not and in fact cannot concede their rights and obligations in respect of the application area; and
- III. the Ngāti Pāhauwera Development Trust have filed an application in the High Court on behalf of Ngāti Pāhauwera for a Recognition Order in respect of parts (both area and application types) of the application not recognised by the Minister. The Crown and the Trustees of the Ngāti Pāhauwera Development Trust agree that by entering into a recognition agreement in respect of the Minister's offer, Ngāti Pāhauwera are not conceding any rights in respect of the remainder of the application (area or application type). On this basis the Ngāti Pāhauwera Development Trust accepted the offer on 17 February 2017.

- H. The Ngāti Pāhauwera Development Trust initialled this Deed of Agreement on behalf of Ngāti Pāhauwera on [] May 2017. This signalled to the members of Ngāti Pāhauwera that this Deed of Agreement is ready for them to choose whether or not to ratify it.
- I. The Minister and the Minister for Māori Development are satisfied that the members of Ngāti Pāhauwera have ratified this Deed of Agreement by a process agreed between the Ngāti Pāhauwera Development Trust and the Minister and the Minister for Māori Development on 15 May 2017.
- J. The Minister and the Minister for Māori Development are satisfied that the Ngāti Pāhauwera Development Trust is a suitable trust, sufficiently representative and accountable to Ngāti Pāhauwera members, to administer customary marine title for and on behalf of Ngāti Pāhauwera.
- K. The Minister has agreed, on behalf of the Crown, to provide certain rights to Ngāti Pāhauwera in relation to hāngī stones in the application area.

It is therefore agreed as follows:

PARTIES

- 1. The parties to this Deed of Agreement are:
 - 1.1. The Minister, the Hon Christopher Finlayson QC, for and on behalf of the Crown; and
 - 1.2. The trustees of the Ngāti Pāhauwera Development Trust for and on behalf of Ngāti Pāhauwera.

EFFECTIVE DATE OF THIS DEED OF AGREEMENT

- 2. This Deed of Agreement takes effect on the day of its signing.

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RECOGNITION AGREEMENT

3. The Crown is satisfied that customary marine title exists in respect of part of the application area because it meets the requirements of section 58 of the Act.
4. Attachment 1 of this Deed of Agreement forms a recognition agreement for the purposes of section 95 of the Act.

LEGISLATION

5. The Crown must propose the recognition agreement bill for introduction to the House of Representatives as soon as practical but no later than 12 months of the date that this Deed of Agreement comes into effect.
6. The recognition agreement bill must provide for all matters for which legislation is required to give effect to this Deed of Agreement.
7. The recognition agreement bill is attached as Attachment 2 of this Deed of Agreement.
8. The recognition agreement bill proposed for introduction to the House of Representatives:
 - 8.1. may be amended as required; and
 - 8.2. must comply with the drafting standards and conventions of the Parliamentary Counsel Office for Governments Bills, as well as the requirements of the Legislature under Standing Orders, Speakers' Rulings, and conventions; and
 - 8.3. must be in a form that is satisfactory to the Ngāti Pāhauwera Development Trust and the Crown.
9. The recognition agreement bill will bring into effect the recognition agreement attached to this Deed of Agreement, as contemplated by section 96 of the Act.
10. The recognition agreement bill will amend section 57 of the Ngāti Pāhauwera Treaty Claims Settlement Act 2012 so that the definition of relevant hāngī stones is changed to include hāngī stones that are situated in the common marine and coastal area between mean high water springs to the limits of the territorial sea between Poututu Stream and Pōnui Stream including the Mōhaka River mouth (the area of common marine and coastal area bounded by a straight line from 39.078697°S 177.344438°E to 39.263729°S 177.451353°E and a straight line from 39.149687°S 177.127369°E to 39.332388°S 177.269685°E). The area that the definition of hāngī stones relates to is depicted in the map at schedule 1 of this Deed of Agreement. Schedule 1 does not form part of the definition of the area.
11. The recognition agreement bill will provide that the rights and responsibilities of Ngāti Pāhauwera as the customary marine title group are to be exercised and performed on their behalf by the Ngāti Pāhauwera Development Trust and all dealings in relation to the customary marine title area, whether by the Crown or any other person, must be with the Ngāti Pāhauwera Development Trust.
12. The Crown and the Ngāti Pāhauwera Development Trust will use reasonable endeavours to facilitate the orderly enactment of the recognition agreement bill.

SURVEY

13. The Crown agrees, at its own expense, to procure a survey of the customary marine title area described in the recognition agreement in accordance with all relevant survey standards issued by the Surveyor-General so that a survey office plan can be approved by Land Information New Zealand prior to the introduction of the recognition agreement bill.
14. On approval of the survey plan referred to in clause 13, the recognition agreement will be varied to include the survey plan in place of the map at Appendix 1 of the recognition agreement and to provide that the survey plan, as it is when included in the recognition agreement, prevails over the description of the area if there is any inconsistency. The variation will be made by both parties signing a new agreement on the varied terms, which will replace the initial agreement.

SCOPE

15. This Deed of Agreement becomes unconditional on the recognition agreement bill coming into force. However, this clause and clauses 12 to 14 of this Deed of Agreement are binding on its signing.
16. This Deed of Agreement is without prejudice until it becomes unconditional and cannot be used as evidence in any proceedings before, or be presented to, the Courts, the Waitangi Tribunal and any other judicial body or tribunal.
17. To avoid doubt, it is recorded that Ngāti Pāhauwera may pursue a customary marine title order or seek to negotiate with the Minister a customary marine title recognition agreement anywhere in the common marine and coastal area except for in the customary marine title area described in the recognition agreement attached to this Deed of Agreement provided any such application or notification to do so was made in accordance with section 95 or 100 of the Act.
18. This Deed of Agreement constitutes the entire agreement in relation to the matters in them and supersedes all earlier negotiations, representations, warranties, understandings and agreements between the parties in relation to the application, the Act or any other matters covered by this Deed of Agreement.

CONTACTS

19. All correspondence in relation to this Deed of Agreement will be provided in writing to the following addresses:
 - 19.1. for Ngāti Pāhauwera: The Ngāti Pāhauwera Development Trust
15 Shakespeare Road
NAPIER 4110
 - 19.2. for the Crown: The Solicitor General
Level 3
Justice Centre
19 Aitken Street
WELLINGTON 6140

INTERPRETATION

20. **Act** – means the Marine and Coastal Area (Takutai Moana) Act 2011.

21. **common marine and coastal area** - has the meaning given in section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011.
22. **Crown** - has the meaning given in section 2 of the Public Finance Act 1989.
23. **customary marine title** - has the meaning given in section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011.
24. **customary marine title area** - has the meaning given in section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011.
25. **customary marine title group** - has the meaning given in section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011.
26. **dealings** - means to consult, provide notice to, consider or take into account the views of, or seek the consent or permission of the customary marine title group.
27. **hāngī stones** – has the meaning in section 57 of the Ngāti Pāhauwera Treaty Claims Settlement Act 2012.
28. **member of Ngāti Pāhauwera** - has the meaning given in section 11 of the Ngāti Pāhauwera Treaty Claims Settlement Act 2012.
29. **Minister** – has the meaning of responsible Minister given in section 9 of the Marine and Coastal (Takutai Moana) Act 2011.
30. **Ngāti Pāhauwera** – has the meaning given in section 12 of the Ngāti Pāhauwera Treaty Claims Settlement Act 2012.
31. **Ngāti Pāhauwera Development Trust** – means the trustees for the time being of the Ngāti Pāhauwera Development Trust established by trust deed executed on 27 September 2008.
32. **recognition agreement** – has the meaning given in section 95(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011.
33. **trust deed** – means the Ngāti Pāhauwera Development Trust deed executed on 27 September 2008.
34. In the interpretation of this Deed of Agreement, unless the context otherwise requires:
 - 34.1. headings appear as a matter of convenience and are not to affect the interpretation of this Deed of Agreement; and
 - 34.2. where a word or expression is defined in this Deed of Agreement, other parts of speech and grammatical forms of that word or expression have corresponding meanings; and
 - 34.3. a reference to legislation includes a reference to that legislation as amended, consolidated or substituted; and
 - 34.4. a particular Minister of the Crown includes any Minister of the Crown who, under authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the relevant Act or matter; and

- 34.5. an agreement on the part of two or more persons binds each of them jointly and severally; and
- 34.6. the background to this Deed of Agreement is not to affect the interpretation of a clause.

SIGNATORIES

SIGNED for and on behalf of
CROWN by the Minister in the presence of:



Hon Christopher Finlayson QC

Signature of Witness

Witness Name

Occupation

Address

SIGNED for and on behalf of
**NGĀTI PĀHAUWERA AND THE TRUSTEES
OF THE NGĀTI PĀHAUWERA
DEVELOPMENT TRUST** by Toro Edward
Waaka as Chair of the Ngāti Pāhauwera
Development Trust in the presence of:

Toro Edward Waaka

Signature of Witness

Witness Name

Occupation

Address



SIGNED for and on behalf of
**NGĀTI PĀHAUWERA AND THE TRUSTEES
OF THE NGĀTI PĀHAUWERA
DEVELOPMENT TRUST** by Tania Hodges of
the Ngāti Pāhauwera Development Trust in
the presence of:

Tania Hodges

Signature of Witness

Witness Name

Occupation

Address

SIGNED for and on behalf of
**NGĀTI PĀHAUWERA AND THE TRUSTEES
OF THE NGĀTI PĀHAUWERA
DEVELOPMENT TRUST** by Tureiti Moxon of
the Ngāti Pāhauwera Development Trust in
the presence of:

Tureiti Moxon

Signature of Witness

Witness Name

Occupation

Address

RA

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SIGNED for and on behalf of
**NGĀTI PĀHAUWERA AND THE TRUSTEES
OF THE NGĀTI PĀHAUWERA
DEVELOPMENT TRUST** by Chaans
Tumataroa-Clarke of the Ngāti Pāhauwera
Development Trust in the presence of:

Chaans Tumataroa-Clarke

Signature of Witness

Witness Name

Occupation

Address

SIGNED for and on behalf of
**NGĀTI PĀHAUWERA AND THE TRUSTEES
OF THE NGĀTI PĀHAUWERA
DEVELOPMENT TRUST** by Ngaire Culshaw
of the Ngāti Pāhauwera Development Trust in
the presence of:

Ngaire Culshaw

Signature of Witness

Witness Name

Occupation

Address

RA

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SIGNED for and on behalf of
**NGĀTI PĀHAUWERA AND THE TRUSTEES
OF THE NGĀTI PĀHAUWERA
DEVELOPMENT TRUST** by Richard Allen of
the Ngāti Pāhauwera Development Trust in
the presence of:

Richard Allen

Signature of Witness

Witness Name

Occupation

Address

SIGNED for and on behalf of
**NGĀTI PĀHAUWERA AND THE TRUSTEES
OF THE NGĀTI PĀHAUWERA
DEVELOPMENT TRUST** by Rex Adsett of the
Ngāti Pāhauwera Development Trust in the
presence of:

Rex Adsett

Signature of Witness

Witness Name

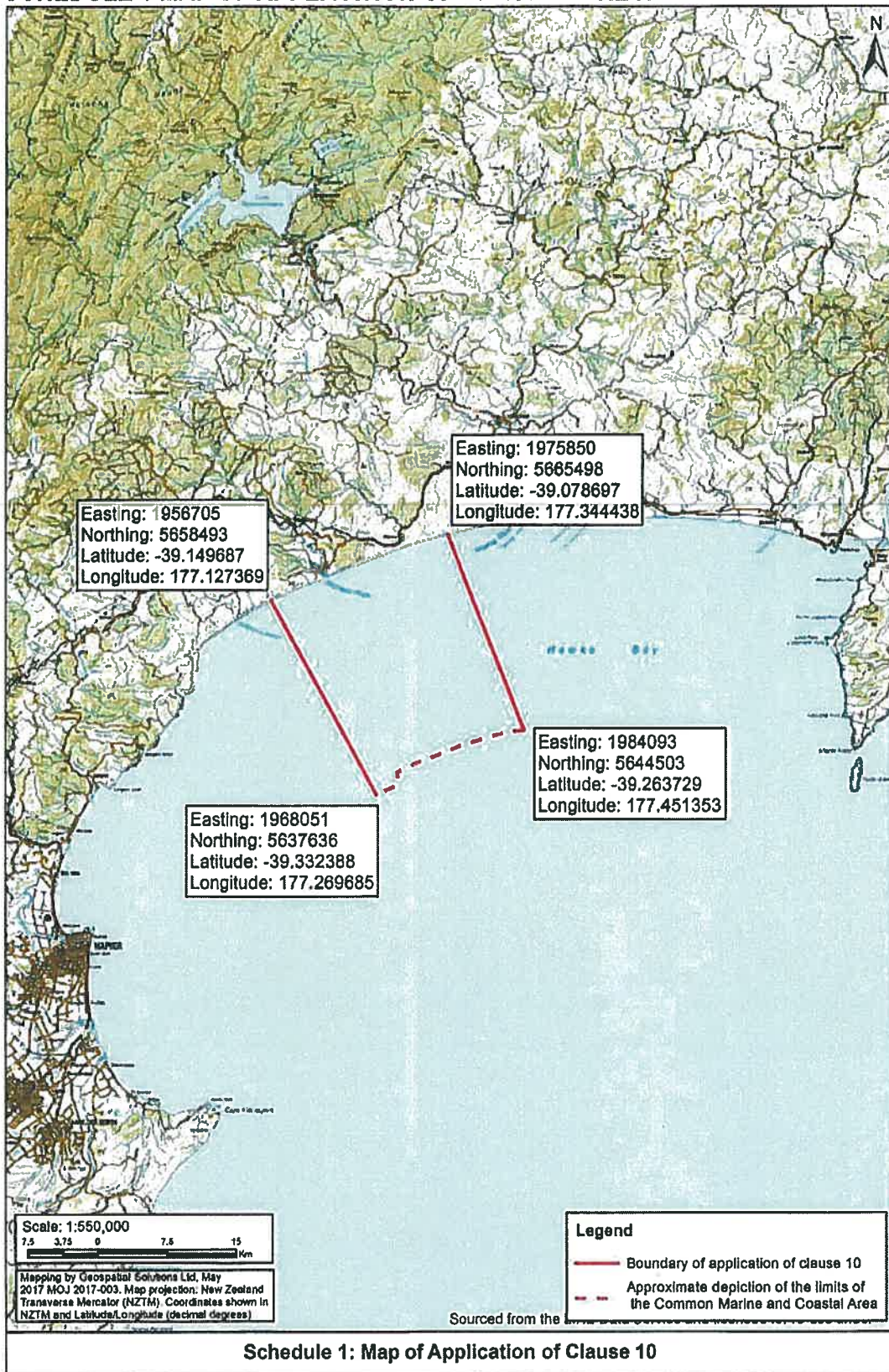
Occupation

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SCHEDULE 1 MAP OF APPLICATION OF CLAUSE 10 REGARDING HĀNGĪ STONES



ATTACHMENT 1: RECOGNITION AGREEMENT

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Agreement to recognise customary marine title of Ngāti Pāhauwera

Date

1. This agreement is signed on the ____ day of ____ 2017.

Parties

2. The parties to this agreement are:
 - 2.1. the Minister, the Hon Christopher Finlayson QC, for and on behalf of the Crown; and
 - 2.2. the trustees of the Ngāti Pāhauwera Development Trust for and on behalf of Ngāti Pāhauwera.

Recognition of customary marine title

3. This agreement is made under section 95 of the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act). It recognises and provides for customary marine title held by Ngāti Pāhauwera.
4. The Crown is satisfied that the customary marine title exists because it meets the requirements of section 58 of the Act.

Customary marine title area

5. The customary marine title area to which this Recognition Agreement relates is the part of the common marine and coastal area that:
 - 5.1. is the area between mean high-water springs and mean low-water springs and between the following lines:
 - 5.1.1. a straight line from 39.091815°S 177.291402°E (near the Waihua River mouth) to 39.092867°S 177.291917°E (offshore from the Waihua River mouth); and
 - 5.1.2. a straight line from 39.150189°S 177.127798°E (near the Ponui Stream mouth) to 39.151176°S 177.128491°E (offshore from the Ponui Stream mouth); but
 - 5.2. excludes the bed of the Mōhaka River.
6. The map at Appendix 1 shows the customary marine title area described in clause 5 but does not form part of its definition.

Customary marine title group

7. Ngāti Pāhauwera is the customary marine title group for the customary marine title area described in clause 5.

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Contact details

8. All correspondence in relation to this Recognition Agreement will be provided in writing to the following addresses:

for Ngāti Pāhauwera: The Ngāti Pāhauwera Development Trust
15 Shakespeare Road
NAPIER 4110

for the Crown: The Solicitor General
Level 3
Justice Centre
19 Aitken Street
WELLINGTON 6140

Interpretation

9. **Ngāti Pāhauwera** – has the meaning given in section 12 of the Ngāti Pāhauwera Treaty Claims Settlement Act 2012.
10. **Ngāti Pāhauwera Development Trust** – means the trustees for the time being of the Ngāti Pāhauwera Development Trust being a trust established by trust deed executed on 27 September 2008.
11. In the interpretation of this Recognition Agreement:
- 11.1. a term used has the meaning given by the Marine and Coastal Area (Takutai Moana) Act 2011;
- 11.2. where a word or expression is defined in this Recognition Agreement, other parts of speech and grammatical forms of that word or expression have corresponding meanings; and
- 11.3. a reference to legislation includes a reference to that legislation as amended, consolidated or substituted.

SIGNED for and on behalf of the **CROWN** by the
Minister in the presence of:

Hon Christopher Finlayson QC

Signature of Witness

Witness Name

Occupation

Address

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SIGNED for and on behalf of **NGĀTI PĀHAUWERA** by Toro Edward Waaka as Chair of the Ngāti Pāhauwera Development Trust, in the presence of:

Toro Edward Waaka

Signature of Witness

Witness Name

Occupation

Address

SIGNED for and on behalf of **NGĀTI PĀHAUWERA** by Tania Hodges of the Ngāti Pāhauwera Development Trust, in the presence of:

Tania Hodges

Signature of Witness

Witness Name

Occupation

Address

SIGNED for and on behalf of **NGĀTI PĀHAUWERA** by Tureiti Moxon of the Ngāti Pāhauwera Development Trust, in the presence of:

Tureiti Moxon

RA

Signature of Witness

Witness Name

Occupation

Address

el. *NC* *17*

SIGNED for and on behalf of **NGĀTI PĀHAUWERA** by Chaans Tumataroa-Clarke of the Ngāti Pāhauwera Development Trust, in the presence of:

Chaans Tumataroa-Clarke

Signature of Witness

Witness Name

Occupation

Address

SIGNED for and on behalf of **NGĀTI PĀHAUWERA** by Ngaire Culshaw of the Ngāti Pāhauwera Development Trust, in the presence of:

Ngaire Culshaw

Signature of Witness

Witness Name

Occupation

Address

SIGNED for and on behalf of **NGĀTI PĀHAUWERA** by Richard Allen of the Ngāti Pāhauwera Development Trust, in the presence of:

Richard Allen

Signature of Witness

Witness Name

Occupation

Address

Handwritten initials and signatures: "RA" (above Richard Allen), "CL" (bottom left), "NC" (top right), "TH" (bottom right), and a large stylized signature in the center.

SIGNED for and on behalf of **NGĀTI
PĀHAUWERA** by Rex Adsett of the Ngāti
Pāhauwera Development Trust, in the presence
of:

Rex Adsett

Signature of Witness

Witness Name

Occupation

Address

AA

el. [Signature] [Signature] [Signature]



The map at Appendix 1 and this note are for illustrative purposes only and do not form part of the definition of the customary marine title area for the purposes of the Recognition Agreement. The lines formed between the two co-ordinate points near the Walhwa River mouth and the two co-ordinate points near the Pōnui Stream mouth form the eastern and western boundaries respectively of the customary marine title area. Between these two boundaries the customary marine title area is bounded to the landward side by mean-high water springs and the seaward side by mean-low water springs

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Initialled version of the Deed of Agreement between Ngāti Pāhauwera and the Crown for ratification

ATTACHMENT 2: DRAFT RECOGNITION AGREEMENT BILL

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PCO 17870/5.1

Drafted by Shane Williams

IN CONFIDENCE

Ngāti Pāhauwera Marine and Coastal Area (Takutai Moana) (Recognition of Customary Marine Title) Bill

Government Bill

Explanatory note

General policy statement

[OTS to provide.]

Omnibus Bill to be divided into 2 Bills

This Bill is an omnibus Bill introduced in accordance with Standing Order 263.

It is intended to divide the Bill at the committee of the whole House stage so that—

- *Part 1 and Schedules 1 and 2* become the Marine and Coastal Area (Takutai Moana) (Recognition of Customary Marine Title) Bill:
- *Part 2* becomes the Ngāti Pāhauwera Treaty Claims Settlement Amendment Bill.

Departmental disclosure statement

The [name of department] 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 [PPU to insert URL and link] (if it has been provided for publication).

Or [Counsel to delete the option that does not apply]

A departmental disclosure statement is not required for this Bill.

Clause by clause analysis

Clause 1 is the Title clause.

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Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 states the purpose of *Part 1*. The purpose is to bring each recognition agreement into effect. A recognition agreement—

- is made under section 95(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) by 1 or more iwi, hapū, or whānau groups and the Crown; and
- recognises and provides for the customary marine title of the groups in a part of the common marine and coastal area of New Zealand.

The purpose of *Part 1* is also to provide for the administration of the rights and obligations relating to customary marine title.

Clause 4 has definitions.

Clause 5 gives effect to any transitional, savings, and related provisions set out in *Schedule 1*, but there are no such provisions initially.

Clause 6 provides that the Bill binds the Crown.

Clause 7 provides that each recognition agreement set out in a schedule of the Bill takes effect on the effective date specified in the schedule. This gives effect to the recognition agreement set out in *Schedule 2* that recognises the customary marine title of Ngāti Pāhauwera. The clause also refers readers to sections 60 to 93 of the Act for provisions about the rights and obligations relating to recognised customary marine title.

Clause 8 provides that the persons specified in a schedule are the representative of a customary marine title group in respect of the customary marine title recognised by the recognition agreement in that schedule. The clause provides that the rights and obligations relating to the customary marine title are to be exercised and performed only by the representative (on behalf of the customary marine title group). *Schedule 2* specifies the trustees of the Ngāti Pāhauwera Development Trust as the representative of Ngāti Pāhauwera.

Clause 9 requires any person who must deal with a customary marine title group under the Act to deal with the group's representative.

Clause 10 provides that *Part 2* amends the Ngāti Pāhauwera Treaty Claims Settlement Act 2012.

Clause 11 amends section 57 of that Act to extend the definition of relevant hāngi stones to the part of the common marine and coastal area between 2 lines that start near the mouths of Poututu Stream and Pōnui Stream. This extends the scope of the provisions about extraction of hāngi stones under sections 57 to 61 of that Act.

Schedule 1 is a placeholder for transitional provisions about any future amendments to *Part 1*.

Schedule 2 relates to the recognition agreement that recognises the customary marine title of Ngāti Pāhauwera. The schedule—

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Explanatory note	Ngāti Pāhauwera Marine and Coastal Area (Takutai Moana) (Recognition of Customary Marine Title) Bill	3
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- specifies the effective date on which the recognition agreement takes effect; and
- specifies the representative of Ngāti Pāhauwera in respect of the customary marine title; and
- sets out the recognition agreement.

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Hon Christopher Finlayson

Ngāti Pāhauwera Marine and Coastal Area (Takutai Moana) (Recognition of Customary Marine Title) Bill

Government Bill

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	Customary marine title of Ngāti Pāhauwera	

The Parliament of New Zealand enacts as follows:

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cl 1

Ngāti Pāhauwera Marine and Coastal Area (Takutai Moana) (Recognition of Customary Marine Title) Bill

1 Title

This Act is the Ngāti Pāhauwera Marine and Coastal Area (Takutai Moana) (Recognition of Customary Marine Title) Act **2017**.

2 Commencement

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

Part 1

Recognition and administration of customary marine title

3 Purpose

The purpose of **this Part** is—

- (a) to bring each recognition agreement into effect; and
- (b) to provide for the administration of the rights and obligations relating to customary marine title.

4 Interpretation

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

recognition agreement means an agreement that—

- (a) is made under section 95(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011 by 1 or more iwi, hapū, or whānau groups and the Crown; and
- (b) recognises and provides for the customary marine title of the 1 or more groups in a part of the common marine and coastal area of New Zealand **representative**, in relation to a customary marine title group, has the meaning given by **section 8(1)**.

- (2) A term used in **this Part** has the meaning given by the Marine and Coastal Area (Takutai Moana) Act 2011.

5 Transitional, savings, and related provisions

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

6 Act binds the Crown

This Part binds the Crown.

7 Recognition agreements take effect

- (1) A recognition agreement set out in **Part 2** of a schedule of **this Part** takes effect on the effective date specified in **Part 1** of that schedule.

Ngāti Pāhauwera Marine and Coastal Area (Takutai Moana)
(Recognition of Customary Marine Title) Bill

Part 2 cl 11

- (2) See sections 60 to 93 of the Marine and Coastal Area (Takutai Moana) Act 2011 for provisions about the rights and obligations relating to the customary marine title recognised by a recognition agreement.

8 Representatives administer rights and obligations relating to customary marine title

- (1) The persons specified as the representative in **Part 1** of a schedule of **this Part** (the **representative**) represent a customary marine title group in respect of the customary marine title recognised by the agreement in **Part 2** of that schedule.
- (2) The rights and obligations under the Marine and Coastal Area (Takutai Moana) Act 2011 that relate to the customary marine title are to be exercised and performed only by the representative on behalf of the customary marine title group.

9 Dealings with representative of customary marine title group

- (1) Any person, including the Crown, that is required to deal with a customary marine title group under the Marine and Coastal Area (Takutai Moana) Act 2011 must deal with the representative of the customary marine title group.
- (2) In this section, to **deal** with a group includes to consult, provide notice to, consider or take into account the views of, or seek the consent or permission of the group.

Part 2

Amendment to Ngāti Pāhauwera Treaty Claims Settlement Act 2012

10 Principal Act

This Part amends the Ngāti Pāhauwera Treaty Claims Settlement Act 2012 (the **principal Act**).

11 Section 57 amended (Interpretation)

- (1) In section 57, repeal the definition of **coastal marine area**.
- (2) In section 57, replace the definition of **relevant hāngi stones** with:
- relevant hāngi stones** means hāngi stones that are situated in—
- (a) the bed of the Mohaka River or Te Hoe River to the extent that the bed of the river is situated in the core area of interest; or
- (b) the part of the common marine and coastal area (as defined by section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011) that is between the following lines:
- (i) a straight line from 39.078697°S and 177.344438°E (landward near Poututu Stream) to 39.263729°S and 177.451353°E (seaward); and

FA

el.

17-11-17

17-11-17

Part 2 cl 11

**Ngāti Pāhauwera Marine and Coastal Area (Takutai
Moana) (Recognition of Customary Marine Title) Bill**

- (ii) a straight line from 39.149687°S and 177.127369°E (landward near Pōnui Stream) to 39.332388°S and 177.269685°E (seaward).

RA

Q. [Signature] 17/12/17

Ngāti Pāhauwera Marine and Coastal Area (Takutai
Moana) (Recognition of Customary Marine Title) Bill

Schedule 1

Schedule 1
Transitional, savings, and related provisions

s 5

Part 1
Provisions relating to this Part as enacted

There are no transitional, savings, or related provisions in this Part relating to **this Part** as enacted.

PA

5
[Handwritten signatures and initials]

Schedule 2

Ngāti Pāhauwera Marine and Coastal Area (Takutai
Moana) (Recognition of Customary Marine Title) Bill

Schedule 2
Customary marine title of Ngāti Pāhauwera

ss 7, 8

Part 1
Effective date and representative

Effective date

The date of commencement of this schedule.

Representative

The trustees of the Ngāti Pāhauwera Development Trust established by a trust deed dated 27 September 2008.

Part 2
Recognition agreement

[Insert full text of the recognition agreement, including the survey plan.]

PA

