

**Reprint  
as at 25 March 2005**



**Te Runanga o Ngati Awa Act 2005**

Private Act 2005 No 1  
Date of assent 24 March 2005  
Commencement see section 2

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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## Preamble

- (1) Te Runanga o Ngati Awa was constituted by Te Runanga o Ngati Awa Act 1988. That Act declared Te Runanga o Ngati Awa to be a Maori Trust Board within the meaning and for the purposes of the Maori Trust Boards Act 1955. Te Runanga o Ngati Awa acts for and on behalf of nga uri o nga hapu o Ngati Awa, being the members of the Ngati Awa tribe in the Eastern Bay of Plenty:
- (2) On 27 March 2003, Ngati Awa entered into a deed of settlement with the Crown to settle all of its historical claims against the Crown under the Treaty of Waitangi:
- (3) It is a condition of the deed of settlement that a governance entity be established to receive and administer the settlement for and on behalf of Ngati Awa:
- (4) Discussions have occurred both within Ngati Awa and between Ngati Awa and the Crown in order to identify and agree on the nature of the governance entity to be established to receive and administer the settlement redress for and on behalf of Ngati Awa. Te Runanga o

Ngati Awa, in its present role as a Maori Trust Board, is not regarded as suitable to undertake this function:

- (5) The Crown and Ngati Awa have agreed on the nature of the governance entity to be established to receive and administer the settlement. In establishing this entity, it is not thought desirable to abolish Te Runanga o Ngati Awa, but to make changes to its structure and the way it operates:
- (6) The members of Ngati Awa have, by postal ballot, agreed to the reconstitution of Te Runanga o Ngati Awa as proposed by this Act:
- (7) This Act is necessary to reconstitute Te Runanga o Ngati Awa and satisfy the condition in the deed of settlement for the establishment of a governance entity to receive and administer the settlement redress for and on behalf of Ngati Awa.

**1 Title**

This Act is Te Runanga o Ngati Awa Act 2005.

**2 Commencement**

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

**Part 1**  
**Preliminary provisions**

**3 Interpretation**

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

- (a) means the charter of Te Runanga; and
- (b) includes any amendments made to the charter

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

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

**deed of settlement—**

- (a) means the deed signed by representatives of Ngati Awa and the Crown on 27 March 2003 recording the settlement of Ngati Awa's historical claims against the Crown in respect of the Crown's breaches of its obligations to Ngati Awa under the Treaty of Waitangi; and
- (b) includes any amendments made to the deed of settlement

**hapu** has the same meaning as in the charter

**member of Ngati Awa** means every individual referred to in paragraph (b)(ii) of the definition of Ngati Awa

**Ngati Awa—**

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

**Ngati Awa area of interest** has the same meaning as in the charter

**Ngati Awa tipuna** means a person who exercised customary rights—

- (a) by virtue of being descended from—
  - (i) Awanuirangi II; or
  - (ii) a recognised ancestor of the hapu; and
- (b) at any time after 6 February 1840 predominantly in relation to the Ngati Awa area of interest

**representatives of Te Runanga** has the same meaning as in the charter

**Te Kahui Kaumatua** has the same meaning as in the charter

**Te Runanga** means Te Runanga o Ngati Awa established by section 5

**Whakaruruhau** has the same meaning as in the charter.

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

#### **4 Act binds the Crown**

This Act binds the Crown.

### **Part 2**

#### **Establishment of Te Runanga o Ngati Awa**

##### **5 Te Runanga o Ngati Awa established**

- (1) This section establishes Te Runanga o Ngati Awa.
- (2) Te Runanga is the same body as established by Te Runanga o Ngati Awa Act 1988.
- (3) However, Te Runanga ceases to be a Maori Trust Board within the meaning of the Maori Trust Boards Act 1955.

##### **6 Functions of Te Runanga**

- (1) Te Runanga is a body that represents Ngati Awa.
- (2) Subsection (1) does not limit the Crown's rights, functions, and obligations in relation to other representative entities.
- (3) Te Runanga must hold and administer its assets in accordance with the charter.

##### **7 Te Runanga to be body corporate with full rights and powers**

- (1) Te Runanga is a body corporate with perpetual succession and a common seal.
- (2) For the purposes of carrying out its functions, Te Runanga has—

- (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
  - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (3) Subsection (2) applies subject to—
- (a) the provisions of this Act and any other enactment; and
  - (b) the general law.

## **8 Charter**

- (1) The charter of Te Runanga is the charter adopted—
- (a) by postal ballot of the adult members of Ngati Awa held between 26 January 2004 and 1 March 2004;
  - (b) by resolution of Te Runanga on 25 June 2004.
- (2) The charter must—
- (a) require Te Runanga to hold its assets on trust for the benefit of—
    - (i) the members of Ngati Awa as at the commencement of this Act; and
    - (ii) future members of Ngati Awa; and
  - (b) specify the duties and obligations of Te Runanga in administering its assets; and
  - (c) specify the manner in which the representatives of Te Runanga are to be elected; and
  - (d) require Te Runanga to maintain a register of members of Ngati Awa.
- (3) The charter may—
- (a) provide specific objects that are consistent with subsection (2)(a) for which Te Runanga is to administer its assets; and
  - (b) without limiting subsection (2)(a) or paragraph (a) of this section, provide for Te Runanga,—
    - (i) in administering its assets, to make provision for the benefit of any member or any class or classes of members of Ngati Awa; and
    - (ii) to accept, hold, or otherwise deal with any assets on trust for a specific purpose; and
    - (iii) to arrange for any of its assets to be held by—

- (A) a community trust if Te Runanga has, at all times, the power to appoint and remove all of the trustees of the community trust:
  - (B) a company if, at all times, the company is wholly owned by Te Runanga; and
  - (c) specify the manner in which Te Kahui Kaumatua and Whakaruruhau are to be appointed; and
  - (d) contain any other provisions that are not inconsistent with this Act, any other enactment, or the general law.
- (4) The Trustee Act 1956 does not apply in relation to the assets held on trust under subsections (2)(a) and (3)(b).
  - (5) The charter may be amended by Te Runanga in accordance with any terms and conditions specified in the charter for its amendment.
  - (6) Te Runanga must ensure that copies of the charter may be purchased at a reasonable price at the head office of Te Runanga.

## **9 Head office**

- (1) The head office of Te Runanga is at Louvain House, 10 Louvain Street, Whakatane.
- (2) Te Runanga may change the location of its head office.
- (3) A change in the location of Te Runanga's head office does not take effect until the address of the new location is notified in the *Gazette*.

## **Part 3**

### **Transitional provisions and repeals**

#### **10 Membership of Te Runanga**

The persons holding office, immediately before the commencement of this Act, as members of the Board of Te Runanga under the Maori Trust Boards Act 1955 continue to hold office as members of Te Runanga until the election of representatives of Te Runanga is completed under the charter.

#### **11 Taxes and duties**

- (1) This section applies for the purposes of the Inland Revenue Acts (as defined in section 3(1) of the Tax Administration Act

1994) and any other enactment that imposes or provides for the collection of any tax, duty, levy, rate, or other charge.

- (2) Any declaration of trust executed by Te Runanga under section 24B of the Maori Trust Boards Act 1955 and approved by the Commissioner under that section before the commencement of this Act—
- (a) applies only in relation to property that before the commencement of this Act was acquired by or vested in Te Runanga and (before that date) has been subjected to that declaration of trust; but
  - (b) does not apply to—
    - (i) the redress provided under the deed of settlement or any other property acquired by or vested in Te Runanga pursuant to or consequent upon the settlement of Ngati Awa's historical claims against the Crown in respect of the Crown's breaches of its obligations to Ngati Awa under the Treaty of Waitangi; or
    - (ii) any property acquired or vested in Te Runanga on or after the commencement of this Act.

## **12 Final accounts of Te Runanga as Maori Trust Board**

- (1) As soon as reasonably practicable after the commencement of this Act, Te Runanga must cause to be prepared final accounts of Te Runanga o Ngati Awa as a Maori Trust Board as at the close of the day before the commencement of this Act.
- (2) A copy of the final accounts, together with a copy of the report of the Auditor-General on those accounts, must be sent by Te Runanga to the Minister of Maori Affairs.
- (3) A copy of the final accounts together with a copy of the report of the Auditor-General on those accounts, must be presented to the House of Representatives by the Minister of Maori Affairs as soon as practicable after their receipt by the Minister.

## **13 Consequential amendments to Maori Trust Boards Regulations 1985**

*Amendment(s) incorporated in the regulations.*

**14 Repeal**

- (1) Te Runanga o Ngati Awa Act 1988 is repealed.
  - (2) Subsection (1) does not affect the restoration of the character, mana, and reputations and the pardon granted by section 11 of Te Runanga o Ngati Awa Act 1988.
  - (3) Section 11 of Te Runanga o Ngati Awa Act 1988 is set out in the Schedule for ease of reference.
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**Schedule**

s 14(3)

**Section 11 of Te Runanga o Ngati Awa  
Act 1988****11 Character, mana, and reputation restored**

He panui tenei ki te motu katoa, ka tutuki ana tenei Ture, koinei te wa e whakahokia ai ki a ratou te ihi, te mana, te tapu o nga tangata o Ngati Awa i mauhereheretia, i whakawakia i te tau 1865, ki o ratou whanau hoki, ki o ratou iwi, tae atu ki a Ngati Awa whanui. Ka wetekina katoatia nga whiu o te ture i pa ki a ratou i roto i nga pakanga whenua o Te Tau 1865.

It is hereby declared that after the passing of this Part of this Act the character, mana, and reputation of the persons of Ngati Awa descent who were arrested, tried, and labelled as rebels in or about 1865 is restored to them and their whanau and to the iwi of Ngati Awa as a whole, and a full pardon is hereby granted to them in respect of all matters arising out of the land wars in 1865.

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## **Notes**

### **1 *General***

This is a reprint of Te Runanga o Ngati Awa Act 2005. The reprint incorporates all the amendments to the Act as at 25 March 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

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