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Act | In force | Latest version | as at 01 October 2026 | 2017 No 7 |
Administered by Ministry of Māori Development—Te Puni Kōkiri

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Checking for related legislation...

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Version as at 1 October 2026

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Public Act 2017 No 7
Date of assent 20 March 2017
Commencement see section 2

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Māori Development—Te Puni Kōkiri.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

2 Commencement

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

Part 1
Ngā Pānui Whakamārama—Preliminary provisions

3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology given by the Crown to Whanganui Iwi in Ruruku Whakatupua—Te Mana o Te Iwi o Whanganui; and

(b) to give effect to the provisions of the deed of settlement that establish Te Pā Auroa nā Te Awa Tupua; and

(c) to give effect to the provisions of the deed of settlement that settle the historical claims of Whanganui Iwi as those claims relate to the Whanganui River.

4 Provisions to take effect on settlement date

(1) The provisions of this Act take effect on the settlement 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—

(a) the provision to have full effect on that date; or

(b) a power to be exercised under the provision on that date; or

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This Act binds the Crown.

Interpretation provisions

6 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 the deed of settlement.

7 Interpretation

In this Act, unless the context otherwise requires,—

bed, in relation to the Whanganui River,—

(a) means the space of land that the waters of the Whanganui River cover at its fullest flow without overtopping its banks; and

(b) includes the subsoil, the plants attached to the bed, the space occupied by the water, and the airspace above the water

consent authority has the meaning given in section 2(1) of the Resource Management Act 1991

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

deed of settlement means the deed—

(a) comprising—

(i) Ruruku Whakatupua—Te Mana o Te Awa Tupua; and

(ii) Ruruku Whakatupua—Te Mana o Te Iwi o Whanganui; and

(b) dated 5 August 2014 and signed by—

(i) the Honourable Christopher Finlayson and the Honourable William English, for and on behalf of the Crown; and

(ii) Dardanella Metekingi-Mato, Julie Te Turi Ranginui, John Niko Maihi, Brendon Te Tiwha Puketapu, and Te Kenehi Robert Mair, for and on behalf of Whanganui Iwi

Director-General means the Director-General of Conservation

hapū of Whanganui Iwi includes the hapū listed in clause 1 of Schedule 1

health and well-being includes environmental, social, cultural, and economic health and well-being

historical claims has the meaning given in section 9

Joint Process Agreement has the meaning given in section 2(1) of the Te

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(a) the iwi with interests in the Whanganui River; and

(b) the hapū of those iwi, if those hapū have interests in the Whanganui River

iwi with interests in the Whanganui River includes the following iwi, acting in relation to the Whanganui River or its catchment through their representative iwi organisations:

(a) Ngā Rauru Kītahi; and

(b) Ngāti Apa; and

(c) Ngāti Maniapoto; and

(d) Ngāti Maru; and

(e) Ngāti Rereahu; and

(f) Ngāti Ruanui; and

(g) Ngāti Tuwharetoa; and

(h) Whanganui Iwi

marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

Ngā Tāngata Tiaki o Whanganui means the trust of that name established by trust deed dated 4 August 2014

pakohe means metamorphosed indurated mudstone (otherwise known as argillite)

public notice, unless otherwise specified, has the meaning given in section 2(1) of the Resource Management Act 1991

relevant local authorities means, as the context requires, 1 or more of the following:

(a) the Manawatu–Wanganui Regional Council:

(b) the Ruapehu District Council:

(c) the Stratford District Council:

(d) the Whanganui District Council

relevant local government legislation means any legislation regulating the operation, procedures, decision-making, and conduct of members of a local authority joint committee, including—

(a) the Local Government Act 2002:

(b) the Local Government Official Information and Meetings Act 1987:

(c) the Local Authorities (Members' Interests) Act 1968

Ruruku Whakatupua—Te Mana o Te Awa Tupua means the part of the deed of settlement referred to by that name

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settlement date means the date that is 30 working days after the date on which this Act comes into force

Te Awa Tupua means the legal person created by section 14

Te Awa Tupua register and **register** mean the register of hearing commissioners provided for in subpart 7 of Part 2

Te Awa Tupua status means the status conferred on Te Awa Tupua by —

(a) the Te Awa Tupua recognition recorded in section 12; and

(b) the declaration of legal personality set out in section 14(1)

Te Heke Ngahuru ki Te Awa Tupua and **Te Heke Ngahuru** mean the strategy required by subpart 4 of Part 2

Te Karewao means the advisory group established by section 27

Te Kōpuka nā Te Awa Tupua and **Te Kōpuka** mean the strategy group established by subpart 4 of Part 2

Te Korotete o Te Awa Tupua and **Te Korotete** mean the Te Awa Tupua Fund provided for in subpart 6 of Part 2

Te Pā Auroa nā Te Awa Tupua and **Te Pā Auroa** mean the framework outlined in section 10 and provided for by Part 2

Te Pou Tupua means the office established by section 18

tikanga means customary law, values, and practices

trustees and **trustees of Ngā Tāngata Tiaki o Whanganui** mean the trustees of Ngā Tāngata Tiaki o Whanganui, acting in their capacity as trustees

Tupua te Kawa means the intrinsic values set out in section 13

Whanganui Iwi has the meaning given in section 8

Whanganui River and **River**, other than in relation to the matters provided for in subpart 5 of Part 2 and Schedule 5, mean—

(a) the body of water known as the Whanganui River that flows continuously or intermittently from its headwaters to the mouth of the Whanganui River on the Tasman Sea and is located within the Whanganui River catchment; and

(b) all tributaries, streams, and other natural watercourses that flow continuously or intermittently into the body of water described in paragraph (a) and are located within the Whanganui River catchment; and

(c) all lakes and wetlands connected continuously or intermittently with the bodies of water referred to in paragraphs (a) and (b) and all tributaries, streams, and other natural watercourses flowing into those lakes and wetlands; and

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Whanganui River catchment and **catchment** mean the area shown titled as the Whanganui River catchment on SO 469123

working day means a day other than—

(a) a Saturday, a 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 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:

(d) the day observed as anniversary day in Wellington and Whanganui.

Section 7 **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

8 Meaning of Whanganui Iwi

(1) In this Act, **Whanganui Iwi**—

(a) means the collective group comprising every individual who is descended from a person who, at any time after 6 February 1840, exercised customary rights and responsibilities in respect of the Whanganui River by virtue of being descended from—

(i) Ruatipua:

(ii) Paerangi:

(iii) Haunui-ā-Pāpārangi; and

(b) includes those individuals referred to in paragraph (a); and

(c) includes the iwi, hapū, and tūpuna rohe groups whose members —

(i) descend from Ruatipua, Paerangi, or Haunui-ā-Pāpārangi; and

(ii) collectively exercise, or at any time exercised, customary rights and responsibilities in respect of the Whanganui River; and

(d) includes the hapū and tūpuna rohe groups identified in clauses 1 and 2 of Schedule 1; and

(e) includes any whānau, hapū, or other groups to the extent that they are composed of individuals referred to in paragraph (a), including the hapū and tūpuna rohe groups identified in clauses 1 and 2 of Schedule 1; but

(f) does not include the individuals identified in clause 3 of Schedule 1

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customary rights and responsibilities means rights, interests, and responsibilities exercised in relation to the Whanganui River and its catchment according to tikanga Māori, including rights, interests, and responsibilities in relation to the use and occupation of the Whanganui River and its catchment

descended means that a person is descended from another person by —

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with the tikanga of Whanganui Iwi.

(3) The tūpuna rohe groups of Whanganui Iwi are identified in clause 2 of Schedule 1.

9 Meaning of historical claims

(1) In this Act, **historical claims**—

(a) means the claims described in subsection (2); and

(b) includes the claims described in subsection (3); but

(c) does not include the claims described in subsection (4).

(2) The historical claims are every claim that Whanganui Iwi or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

(a) is founded on a right arising—

(i) from the Treaty of Waitangi or its principles; or

(ii) under legislation; or

(iii) at common law (including aboriginal title or customary law); or

(iv) from a fiduciary duty; or

(v) otherwise; and

(b) arises from, or relates to, acts or omissions before 21 September 1992—

(i) by or on behalf of the Crown; or

(ii) by or under legislation; and

(c) relates to the Whanganui River.

(3) The historical claims include those parts of the Wai 167 claim to the Waitangi Tribunal that relate to the Whanganui River.

(4) However, the historical claims do not include—

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descended from an ancestor who is not referred to in section 8(1)(a); or

(b) a claim that Whanganui Iwi had or may have, to the extent that the claim does not relate to the Whanganui River; or

(c) a claim that a representative entity had or may have that is based on a claim referred to in paragraph (a).

(5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

(6) In this section, **representative entity** means—

(a) the trustees; and

(b) any person, including any trustee, acting for or on behalf of—

(i) the collective group referred to in section 8(1)(a); or

(ii) 1 or more members of Whanganui Iwi; or

(iii) 1 or more of the whānau, hapū, or groups referred to in section 8(1)(c) or (d).

Part 2
Te Pā Auroa nā Te Awa Tupua—Te Awa Tupua framework

Subpart 1—Scope and effect of Te Pā Auroa nā Te Awa Tupua

10 Scope of this Part

This Part gives effect to Te Pā Auroa nā Te Awa Tupua, a framework that provides for—

(a) the legal recognition of Te Awa Tupua:

(b) the legal recognition and effect of Tupua te Kawa:

(c) the establishment of Te Pou Tupua, its membership reflecting the partnership under the Treaty of Waitangi/Te Tiriti o Waitangi:

(d) the establishment of Te Kōpuka nā Te Awa Tupua:

(e) the development and effect of Te Heke Ngahuru ki Te Awa Tupua:

(f) the vesting of the Crown-owned parts of the bed of the

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11 Effect and interpretation of Te Pā Auroa

(1) Te Pā Auroa is a relevant consideration in the exercise of all statutory functions, powers, and duties in relation to the Whanganui River or to activities in its catchment that affect the Whanganui River.

(2) The statutory functions, powers, and duties referred to in subsection (1) must be exercised in a manner that is consistent with the purpose of the legislation under which those statutory functions, powers, and duties are exercised.

(3) This Part must be interpreted in a manner that best furthers—

(a) the intent of Te Pā Auroa set out in clause 1.4 of Ruruku Whakatupua—Te Mana o Te Awa Tupua; and

(b) the agreements expressed in the deed of settlement in relation to Te Pā Auroa.

Subpart 2—Te Awa Tupua

Te Awa Tupua and Tupua te Kawa

12 Te Awa Tupua recognition

Te Awa Tupua is an indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements.

13 Tupua te Kawa

Tupua te Kawa comprises the intrinsic values that represent the essence of Te Awa Tupua, namely—

Ko Te Kawa Tuatahi

(a) *Ko te Awa te mātāpuna o te ora*: the River is the source of spiritual and physical sustenance:

Te Awa Tupua is a spiritual and physical entity that supports and sustains both the life and natural resources within the Whanganui River and the health and well-being of the iwi, hapū, and other communities of the River.

Ko Te Kawa Tuarua

(b) *E rere kau mai i te Awa nui mai i te Kahui Maunga ki Tangaroa*: the great River flows from the mountains to the sea:

Te Awa Tupua is an indivisible and living whole from the mountains to the sea, incorporating the Whanganui River and all of its physical and metaphysical elements.

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Ko au te Awa, ko te Awa ko au: I am the River and the River is me:

The iwi and hapū of the Whanganui River have an inalienable connection with, and responsibility to, Te Awa Tupua and its health and well-being.

Ko Te Kawa Tuawhā

(d) *Ngā manga iti, ngā manga nui e honohono kau ana, ka tupu hei Awa Tupua*: the small and large streams that flow into one another form one River:

Te Awa Tupua is a singular entity comprised of many elements and communities, working collaboratively for the common purpose of the health and well-being of Te Awa Tupua.

Legal status of Te Awa Tupua

14 Te Awa Tupua declared to be legal person

(1) Te Awa Tupua is a legal person and has all the rights, powers, duties, and liabilities of a legal person.

(2) The rights, powers, and duties of Te Awa Tupua must be exercised or performed, and responsibility for its liabilities must be taken, by Te Pou Tupua on behalf of, and in the name of, Te Awa Tupua, in the manner provided for in this Part and in Ruruku Whakatupua—Te Mana o Te Awa Tupua.

15 Legal effect of declaration of Te Awa Tupua status

(1) This section applies to persons exercising or performing a function, power, or duty under an Act referred to in Schedule 2—

(a) if the exercise or performance of that function, power, or duty relates to—

(i) the Whanganui River; or

(ii) an activity within the Whanganui River catchment that affects the Whanganui River; and

(b) if, and to the extent that, the Te Awa Tupua status or Tupua te Kawa relates to that function, duty, or power.

(2) Persons exercising or performing a function, power, or duty (**decision makers**) under the Acts listed in clause 1 of Schedule 2 must recognise and provide for—

(a) the Te Awa Tupua status; and

(b) Tupua te Kawa.

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(b) Tupua te Kawa.

(4) The obligations under subsections (2) and (3)—

(a) apply in addition to section 11(1); and

(b) must be carried out in a manner that is consistent with the purpose of the Act under which the function, power, or duty is exercised or performed.

(5) Subsections (2) and (3)—

(a) do not remove, or prevent the exercise of, any discretion that a decision maker has in exercising or performing a function, power, or duty under an Act referred to in subsection (2) or (3); but

(b) permit a decision maker to consider the Te Awa Tupua status and Tupua te Kawa as determining factors when exercising or performing a function, power, or duty under an Act listed in Schedule 2.

(6) If the exercise or performance of a function, power, or duty under subsection (2) or (3) requires a decision, document, or report, that decision, document, or report must state how the requirements of subsection (2) or (3), as the case may be, have been complied with.

16 Limits to effect of this Act and deed of settlement

Unless expressly provided for by or under this Act, nothing in this Act —

(a) limits any existing private property rights in the Whanganui River; or

(b) creates, limits, transfers, extinguishes, or otherwise affects any rights to, or interests in, water; or

(c) creates, limits, transfers, extinguishes, or otherwise affects any rights to, or interests in, wildlife, fish, aquatic life, seaweeds, or plants; or

(d) affects the application of any enactment.

17 Application of other Acts to Te Awa Tupua

Te Awa Tupua is to be treated as—

(a) an institution for the purpose of applying for registration as a charitable entity under the Charities Act 2005:

(b) a public body for the purposes of clauses 30 and 30A of Schedule 7 of the Local Government Act 2002:

(c) a public authority for the purpose of section 33X of the

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(e) a public authority for the purposes of the Resource Management Act 1991:

(f) a body corporate for the purpose of applying to be a heritage protection authority under section 188 of the Resource Management Act 1991:

(g) a public body for the purposes of sections 4 and 35 of the Outdoor Access Act 2008.

Section 17(g): amended, on 10 July 2026, by section 366 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Subpart 3—Te Pou Tupua

Establishment, purpose, functions, and powers

18 Establishment, purpose, and powers of Te Pou Tupua

(1) The office of Te Pou Tupua is established.

(2) The purpose of Te Pou Tupua is to be the human face of Te Awa Tupua and act in the name of Te Awa Tupua.

(3) Te Pou Tupua has full capacity and all the powers reasonably necessary to achieve its purpose and perform and exercise its functions, powers, and duties in accordance with this Act.

19 Functions of Te Pou Tupua

(1) The functions of Te Pou Tupua are—

(a) to act and speak for and on behalf of Te Awa Tupua; and

(b) to uphold—

(i) the Te Awa Tupua status; and

(ii) Tupua te Kawa; and

(c) to promote and protect the health and well-being of Te Awa Tupua; and

(d) to perform, for and on behalf of Te Awa Tupua, landowner functions for—

(i) the land vested in Te Awa Tupua by section 41(1) or under section 53(3), except to the extent that section 42(2) is applicable; and

(ii) any land transferred to, or vested in, Te Awa Tupua under section 48; and

(e) to administer Te Korotete; and

(f) to maintain the Te Awa Tupua register; and

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(h) to enter into the relationship documents described in clauses 3.36 to 3.42 of Ruruku Whakatupua—Te Mana o Te Awa Tupua; and

(i) to take any other action reasonably necessary to achieve its purpose and perform its functions.

(2) Without limiting subsection (1), Te Pou Tupua, in performing its functions,—

(a) must act in the interests of Te Awa Tupua and consistently with Tupua te Kawa:

(b) must develop appropriate mechanisms for engaging with, and reporting to, the iwi and hapū with interests in the Whanganui River on matters relating to Te Awa Tupua, as a means of recognising the inalienable connection of those iwi and hapū with Te Awa Tupua:

(c) may report publicly on matters relating to Te Awa Tupua:

(d) may engage with any relevant agency, other body, or decision maker to assist it to understand, apply, and implement the Te Awa Tupua status and the Tupua te Kawa, including (if Te Pou Tupua and the agency, body, or decision maker agree) by developing or reviewing relevant guidelines or policies:

(e) may participate in any statutory process affecting Te Awa Tupua in which Te Pou Tupua would be entitled to participate under any legislation.

Appointments

20 Appointments to Te Pou Tupua

Nominations

(1) The office of Te Pou Tupua comprises 2 persons appointed by nominators as set out in subsections (2), (3), and (4).

(2) One person must be nominated by the iwi with interests in the Whanganui River and one person must be nominated on behalf of the Crown as provided for in subsections (3) and (4).

(3) In the case of the first nomination after the commencement of this Act, 1 person must be nominated on behalf of the Crown by the Minister for Treaty of Waitangi Negotiations, in consultation with the Minister for Māori Development, the Minister of Conservation, and the Minister for the Environment.

(4) For all subsequent nominations, 1 person must be nominated on behalf of the Crown by the Minister for the Environment, in consultation

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(5) In making their nominations, a nominator must be satisfied that the relevant nominee has the mana, skills, knowledge, and experience to achieve the purpose and perform the functions of Te Pou Tupua.

(6) However, before making a nomination, a nominator must give notice to the other nominator—

(a) of the name of the proposed nominee:

(b) inviting comment from the other nominator on the suitability of the proposed nominee, having regard to the requirement of subsection (5).

Appointments

(7) The nominators must jointly appoint the persons nominated under subsection (1), having regard to the ability of the 2 nominees jointly to fulfil the purpose and perform the functions of Te Pou Tupua.

(8) Further provision is made for matters relevant to Te Pou Tupua in Part 1 of Schedule 3.

(9) In this section and Schedule 3, **nominator** means, as the case requires, —

(a) the iwi with interests in the Whanganui River:

(b) the nominating Minister.

Administrative matters

21 Liabilities

(1) The persons appointed to Te Pou Tupua are not personally liable for any action taken or omission made in their capacity as Te Pou Tupua, but only if the action or omission relates to their powers and functions under this Act and they have acted in good faith.

(2) Except as provided for in section 56, Te Pou Tupua is responsible for the liabilities of Te Awa Tupua.

22 Administrative support

Te Pou Tupua and the trustees must enter into a contract under which the trustees provide administrative support for Te Pou Tupua, including support in the administration of Te Korotete (the Te Awa Tupua Fund), unless Te Pou Tupua and the trustees agree otherwise.

23 Application of Charities Act 2005

The persons appointed to Te Pou Tupua are to be treated, for the purpose of applying for registration as a charitable entity under the Charities Act 2005, as officers of Te Awa Tupua.

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Te Pou Tupua is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

25 Tax treatment of Te Awa Tupua and Te Pou Tupua

(1) Te Awa Tupua and Te Pou Tupua 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.

(2) In particular, and to avoid doubt,—

(a) income derived by Te Awa Tupua is treated as income derived by Te Pou Tupua; and

(b) expenditure incurred by Te Awa Tupua is treated as expenditure incurred by Te Pou Tupua; and

(c) the application of funds attributable to Te Awa Tupua is treated as the application of funds attributable to Te Pou Tupua; and

(d) goods and services supplied by Te Awa Tupua are treated as goods and services supplied by Te Pou Tupua; and

(e) goods and services acquired or used by Te Awa Tupua are treated as goods and services acquired or used by Te Pou Tupua; and

(f) obligations placed on Te Awa Tupua under section 15B of the Tax Administration Act 1994 are treated as obligations placed on Te Pou Tupua.

(3) Any income, expenditure, supply, acquisition, or use as described in subsection (2) is not income, expenditure, supply, acquisition, or use by Te Awa Tupua.

(4) A notice issued by the Commissioner of Inland Revenue to Te Awa Tupua is treated for the purposes of the Inland Revenue Acts as a notice issued to Te Pou Tupua.

(5) Despite subsections (1) to (4), Te Awa Tupua and Te Pou Tupua are jointly and severally liable under the Inland Revenue Acts.

Amendments to Income Tax Act 2007

26 Amendments to Income Tax Act 2007

(1) This section amends the Income Tax Act 2007.

(2) After section CH 10, insert:

Expenditure other than for entities' purposes

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(1) This section applies when Te Pou Tupua, as defined in the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, incurs an amount of expenditure in an income year for a purpose outside the scope and effect of Part 2 of that Act.

Income: amount of expenditure

(2) Te Pou Tupua derives income in the income year equal to the amount of the expenditure.

(3) After section CW 40B, insert:

CW 40C Te Pou Tupua

(1) An amount of income derived by Te Pou Tupua (as defined in the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017) is exempt income.

(2) However, subsection (1) does not apply for an amount of income under section CH 11 (Te Awa Tupua and Te Pou Tupua).

Te Karewao

27 Establishment and purpose of Te Karewao

(1) An advisory group to be known as Te Karewao is established to provide advice and support to Te Pou Tupua in the performance of its functions.

(2) In providing advice and support to Te Pou Tupua, Te Karewao must act in the interests of Te Awa Tupua and consistently with Tupua te Kawa.

(3) Part 2 of Schedule 3 provides for matters relevant to Te Karewao.

28 Appointments to Te Karewao

(1) Te Karewao consists of—

(a) 1 person appointed by the trustees; and

(b) 1 person appointed by the iwi with interests in the Whanganui River (other than Whanganui Iwi); and

(c) 1 person appointed by the relevant local authorities.

(2) If Te Pou Tupua performs a function in relation to a discrete part of the Whanganui River, Te Karewao must also include 1 person appointed by the iwi and hapū with interests in that part of the River, but only for the purpose of providing advice and support about that function.

(3) Despite subsections (1) and (2), Te Pou Tupua may invite other persons to assist it or Te Karewao, including representatives of—

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(c) relevant departments of State; and

(d) other agencies that Te Pou Tupua considers relevant in the circumstances.

(4) Persons invited under subsection (3) to give assistance do not become members of Te Karewao.

Subpart 4—Te Kōpuka nā Te Awa Tupua and Te Heke Ngahuru ki Te Awa Tupua

Te Kōpuka nā Te Awa Tupua

29 Nature and purpose of Te Kōpuka

(1) Te Kōpuka is established to be a strategy group for Te Awa Tupua.

(2) Te Kōpuka comprises representatives of persons and organisations with interests in the Whanganui River, including iwi, relevant local authorities, departments of State, commercial and recreational users, and environmental groups.

(3) The purpose of Te Kōpuka is to act collaboratively to advance the health and well-being of Te Awa Tupua.

(4) Further provisions relating to Te Kōpuka are set out in Part 1 of Schedule 4.

30 Functions of Te Kōpuka

(1) The primary function of Te Kōpuka is to develop and approve Te Heke Ngahuru.

(2) Further functions of Te Kōpuka are—

(a) to monitor the implementation of Te Heke Ngahuru; and

(b) to review Te Heke Ngahuru; and

(c) to provide a forum for discussion of issues relating to the health and well-being of Te Awa Tupua; and

(d) to perform any functions that may be delegated to it by a local authority; and

(e) to take any other action that Te Kōpuka considers appropriate for achieving its purpose and performing its functions.

(3) In performing its functions, Te Kōpuka must have particular regard to —

(a) the Te Awa Tupua status; and

(b) Tupua te Kawa.

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31 General powers

Te Kōpuka has full capacity and all the powers reasonably necessary to achieve its purpose and perform its functions.

Membership of Te Kōpuka

32 Appointment of members

(1) Te Kōpuka consists of not more than 17 members, appointed by the appointers as follows:

- (a) 1 member appointed by the trustees:
- (b) up to 5 members appointed by the iwi with interests in the Whanganui River:
- (c) up to 4 members appointed by the relevant local authorities:
- (d) 1 member appointed by the Director-General of Conservation:
- (e) 1 member appointed by the New Zealand Fish and Game Council or its successor:
- (f) 1 member appointed by Genesis Energy Limited or its successor:
- (g) 1 member appointed to represent environmental and conservation interests:
- (h) 1 member appointed to represent tourism interests:
- (i) 1 member appointed to represent recreational interests:
- (j) 1 member appointed to represent the primary industries sector.

(2) The Manawatu–Wanganui Regional Council must make the appointments under subsection (1)(g) to (j), but only after it has consulted any groups representing the interests referred to in those paragraphs, the relevant departments of State, and other relevant agencies.

(3) The appointers must use their best endeavours to appoint members not later than 40 working days—

- (a) after the settlement date; or
- (b) after the commencement of any subsequent term.

(4) Before making an appointment under subsection (1), each appointer must—

- (a) be satisfied that the person to be appointed has the mana, skills, knowledge, or experience—
  - (i) to participate effectively in Te Kōpuka; and
  - (ii) to contribute to achieving the purpose of Te Kōpuka; and

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skills, knowledge, and experience.

(5) In this section and section 33(3), **appointers** means the persons responsible for making appointments to Te Kōpuka under subsections (1) and (2).

Legal status of Te Kōpuka

33 Status of Te Kōpuka

(1) Despite Schedule 7 of the Local Government Act 2002, Te Kōpuka is a permanent joint committee for the administrative purposes of—

(a) the Manawatu–Wanganui Regional Council; and

(b) the Ruapehu District Council; and

(c) the Stratford District Council; and

(d) the Whanganui District Council.

(2) The relevant local government legislation does not apply to Te Kōpuka.

(3) In this section, **permanent joint committee** means a joint committee described in clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 except that the committee must not be discharged other than with the written and unanimous agreement of the appointers.

Collaboration in freshwater planning

34 Collaborative planning process

If at any time the Manawatu–Wanganui Regional Council adopts, under any legislation, a collaborative planning process to develop a policy statement or plan relating to freshwater management in the Whanganui River catchment, Te Kōpuka is to be the group appointed by the Council for that process.

Te Heke Ngahuru ki Te Awa Tupua

35 Purpose of Te Heke Ngahuru

The purpose of Te Heke Ngahuru is to provide for the collaboration of persons with interests in the Whanganui River, in order to address and advance the health and well-being of Te Awa Tupua.

36 Contents of Te Heke Ngahuru

(1) Te Heke Ngahuru must—

(a) identify the issues relevant to the health and well-being of Te

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(c) recommend actions to deal with those issues.

(2) Provisions relating to the development, approval, notification, and review of Te Heke Ngahuru are set out in Part 2 of Schedule 4.

37 Legal effect of Te Heke Ngahuru

(1) Persons exercising or performing functions, powers, or duties under any of the Acts referred to in subsection (2) must have particular regard to Te Heke Ngahuru.

(2) The Acts are as follows:

(a) the Acts listed in clause 1 of Schedule 2; and

(b) the Heritage New Zealand Pouhere Taonga Act 2014; and

(ba) the rest of the Natural Environment Act 2026; and

(bb) the rest of the Planning Act 2026; and

(c) the rest of the Resource Management Act 1991.

(3) The obligations under subsection (1) apply—

(a) if the exercise or performance of that function, power, or duty relates to—

(i) the Whanganui River; or

(ii) an activity within the Whanganui River catchment that affects the Whanganui River; and

(b) in a manner that is consistent with the purpose of the Act under which that function, power, or duty is exercised or performed; and

(c) if, and to the extent that, Te Heke Ngahuru relates to that function, power, or duty.

(4) If the exercise or performance of a function, power, or duty referred to in this section is the subject of a written report, decision, or document, the report, decision, or document must state how subsection (1) has been complied with.

(5) A person exercising or performing a function, power, or duty to which this section applies may, in his or her discretion, adopt or implement Te Heke Ngahuru, wholly or in part, including as part of an RMA planning document, but may do so only in accordance with the applicable statutory process.

(6) In this section and section 38, **RMA planning document** means a regional policy statement, regional plan, or district plan as these terms are defined in section 43AA of the Resource Management Act 1991.

Section 37(2)(ba): inserted, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

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38 Review of RMA planning documents

(1) Each time Te Heke Ngahuru, or an amendment to it, is approved, each relevant local authority—

(a) must consider its RMA planning documents in light of the Te Awa Tupua status, Tupua te Kawa, and Te Heke Ngahuru; and

(b) may, in its discretion, initiate a review of an RMA planning document under section 79 of the Resource Management Act 1991 in order to meet its obligations under sections 15(2) and (3) and 37(1).

(2) If a relevant local authority initiates a review under subsection (1), on completion of that review,—

(a) the local authority must inform Te Kōpuka and Te Pou Tupua of the outcome of the review; and

(b) if it considers that an RMA planning document requires alteration, it may propose to change the document under Schedule 1 of the Resource Management Act 1991; but

(c) if it considers that an RMA planning document does not require alteration, it need not give public notice of that document despite section 79 of the Resource Management Act 1991.

Subpart 5—Kia Matara Rawa—Vesting of parts of bed of Whanganui River in Te Awa Tupua

39 Interpretation

(1) In this subpart and Schedule 5,—

adjoining land means land that immediately before the settlement date had, or on or after the settlement date has, a water boundary with the Whanganui River, whether or not that land, on or after the settlement date, is physically adjacent to the bed of the River

balance land means the land that remains in the name of the transferor after the rest of the land is transferred to, or vested in, Te Awa Tupua

cadastre has the meaning given in section 4 of the Cadastral Survey Act 2002

Crown land has the meaning given in section 2 of the Land Act 1948

Crown-owned parts of the bed of the Whanganui River means the parts of the bed of that River that were, immediately before the settlement date, owned by the Crown and held under—

(a) the Conservation Act 1987; or

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(d) the National Parks Act 1980

interest, in relation to the bed of the Whanganui River, means a covenant, easement, lease, licence, licence to occupy, or other right or obligation relating to the bed of the Whanganui River

Māori customary land has the meaning given in section 4 of Te Ture Whenua Maori Act 1993

Māori freehold land has the meaning given in section 4 of Te Ture Whenua Maori Act 1993

Māori land has the meaning given in section 4 of Te Ture Whenua Maori Act 1993

railway infrastructure has the meaning given in section 4(1) of the Railways Act 2005

Registrar-General means the Registrar-General of Land appointed in accordance with section 4 of the Land Transfer Act 1952

structure has the meaning given in section 2(1) of the Resource Management Act 1991

transfer land means land to which section 48 applies

transferor means the person in whose name the fee simple estate in the balance land and transfer land is registered immediately before the transfer or vesting of the transfer land under this subpart

water boundary means a moveable natural boundary set at the landward margin of the bed of any river, stream, or lake

Whanganui River and the **River** mean—

(a) the body of water known as the Whanganui River that flows continuously or intermittently from its headwaters to the mouth of the Whanganui River on the Tasman Sea and is located within the Whanganui River catchment; and

(b) all tributaries, streams, and other natural watercourses that flow continuously or intermittently into the body of water defined in paragraph (a) and are located within the Whanganui River catchment; and

(c) all tributaries, streams, and other natural watercourses that flow continuously or intermittently into any lakes that are connected continuously or intermittently with the bodies of water defined in paragraphs (a) and (b); and

(d) the beds of the body of water, tributaries, streams, and other natural watercourses defined in paragraphs (a) to (c).

(2) To avoid doubt, in this subpart and Schedule 5, **Whanganui River** does not include any lake or lake bed.

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40 Removal of existing status

On the settlement date, any Crown-owned part of the bed of the Whanganui River that is—

(a) a conservation area under the Conservation Act 1987 ceases to be a conservation area:

(b) Crown land under the Land Act 1948 ceases to be Crown land:

(c) a national park under the National Parks Act 1980 ceases to be a national park:

(d) a reserve under the Reserves Act 1977 has its reservation revoked.

41 Vesting

(1) On the settlement date, the fee simple estate in the Crown-owned parts of the bed of the Whanganui River vests in Te Awa Tupua.

(2) The vesting by subsection (1) does not include—

(a) legal roads; or

(b) railway infrastructure; or

(c) structures; or

(d) to avoid doubt, any part of the bed of the Whanganui River—

(i) held under the Public Works Act 1981; or

(ii) located in the marine and coastal area.

(3) Despite section 11(1) of the Crown Minerals Act 1991, the vesting by subsection (1) includes pakohe, gravel, sand, and shingle in or on the land that is vested, but only to the extent that they are owned by the Crown.

42 Restoration of former status

(1) Upon the vesting of the fee simple estate in the Crown-owned parts of the bed of the Whanganui River by section 41(1), any part that, immediately before the vesting, was—

(a) a conservation area is declared to be a conservation area under the Conservation Act 1987 and is subject to the same conservation purposes that applied before the vesting by section 41(1):

(b) a national park is declared to be a national park under the National Parks Act 1980:

(c) a reserve is declared to be a reserve under the Reserves Act 1977 and subject to the same reserve classification that it had

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duties that would otherwise have been exercised or performed by Te Pou Tupua under section 19(1)(d)(i) as a result of the vesting.

Land not to be alienated

43 Limits on alienation of land vested in Te Awa Tupua

(1) The following land, for as long as it is part of the bed of the Whanganui River, must not be alienated:

(a) the land vested by section 41(1); and

(b) any land vested under section 53(3) or 55(3)(a).

(2) In this section, **alienate**—

(a) means to sell, gift, mortgage, charge, or otherwise transfer; but

(b) does not include—

(i) the acquisition or taking under Part 2 of the Public Works Act 1981 of an interest in the land that is less than a fee simple estate; or

(ii) except in the case of an acquisition or a taking described in subparagraph (i), the granting, for a term of less than 35 years (including any renewals), of an easement, a lease, a licence, or other interest in the land that is less than a fee simple estate.

(3) Subsection (1) does not apply to minerals vested in Te Awa Tupua by section 41(3).

(4) If a matter arises that may lead to the development of a proposal to acquire or take an interest in land less than a fee simple estate under Part 2 of the Public Works Act 1981, as soon as is reasonably possible the Crown or local authority, as the case may be, must—

(a) fully inform Te Pou Tupua of the matter that has arisen; and

(b) engage with Te Pou Tupua on the development of any proposal, including the nature and terms of any proposed acquisition or taking of land that is less than a fee simple estate in the land.

(5) In subsection (4)(b), the process of engagement between Te Pou Tupua and the Crown or local authority, as the case may be, includes a requirement—

(a) to provide Te Pou Tupua with relevant information on the nature of the matter that has arisen; and

(b) to invite Te Pou Tupua to participate with the Crown or local authority, as the case may be, in developing the nature and terms of any acquisition or taking of an interest in land less than a fee simple estate in the land

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44 Application of certain legislation

(1) The following legislation does not apply to the vesting of land by section 41(1) or under section 53(3):

(a) Part 4A of the Conservation Act 1987:

(b) the Public Works Act 1981, except as provided for by section 55(2)(b):

(c) sections 24 and 25 of the Reserves Act 1977:

(d) Te Ture Whenua Maori Act 1993, except as expressly provided for in this Act.

(2) The vesting by section 41(1) or under section 53(3) does not, unless expressly provided for,—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other lawful rights to subsurface minerals.

(3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

(a) the vesting by section 41(1) or under section 53(3); or

(b) any vesting in the Crown under section 54(2) or 55(7); or

(c) any matter incidental to, or required for the purpose of, any vesting.

45 Application of certain rules to adjoining lands

(1) Subsection (2) applies if, and to the extent that, there are water boundaries between the Whanganui River and the adjoining lands.

(2) The common law rules of accretion, erosion, and avulsion apply to the water boundaries when the adjoining lands are subject to those rules.

(3) In relation to land transferred or vested under section 48(2) or 49(1), the boundary between the transferred or vested land and any adjoining land is a water boundary.

Status of certain rights and interests

46 Certain matters not affected by vesting

(1) The vesting of the Crown-owned parts of the bed of the Whanganui River by section 41(1) or under section 53(3) or 55(3)(a) does not create or transfer—

(a) a proprietary interest in water; or

(b) a proprietary interest in wildlife, fish, aquatic life, seaweeds, or plants (except in relation to plants attached to the bed of the

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under section 53(3) or 55(3)(a):

(a) existing public use of, and access to and across, the Whanganui River, including navigation rights; and

(b) existing private property rights, including customary rights and title; and

(c) the existing rights of State-owned enterprises and mixed ownership model companies; and

(d) existing resource consents and other existing statutory authorisations; and

(e) fishing rights recognised under—

(i) the Conservation Act 1987:

(ii) the Fisheries Act 1996:

(iii) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; and

(f) the existing ownership of, and consents for, lawful structures in or on any part of the Whanganui River, and any existing lawful rights to use, access, occupy, maintain, remove, repair, or demolish those structures; and

(g) the statutory functions, powers, and duties of the relevant local authorities, except as otherwise provided in this Act; and

(h) the application of any other enactment, unless expressly provided otherwise by this Act.

(3) Despite the vestings referred to in subsection (1),—

(a) the consent of Te Pou Tupua to use water is not required but a consent authority may determine under the Resource Management Act 1991 that Te Pou Tupua is an affected person for the purpose of applications for resource consents relating to water; and

(b) the consent of Te Pou Tupua may be required in relation to the use of the bed of the Whanganui River.

(4) In this section,—

mixed ownership model company means a company listed in Schedule 5 of the Public Finance Act 1989

State-owned enterprise means a company listed in Schedule 1 of the State-Owned Enterprises Act 1986

to use water includes to take, dam, divert, or discharge into water, but does not include the use of land, including the bed of the Whanganui River, or the erection of structures.

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In this section, **existing interest** means, in relation to land vested by section 41(1) or under section 53(3) or 55(3)(a), a lawful interest in existence immediately prior to the date on which the land is vested.

(2) An existing interest continues to apply in accordance with its terms, with any necessary modifications, until—

(a) the land is no longer part of the bed of the Whanganui River; or

(b) the interest expires or is terminated, whichever is the sooner.

(3) Unless section 42(2) applies, on and from the date on which the land is vested,—

(a) Te Pou Tupua is to be treated as the grantor of any existing interests granted at any time before the vesting by the Crown as the landowner; and

(b) a reference in a document to the enactment under which that interest was granted is to be read as a reference to this Act.

Future acquisitions and interests

48 Bed of River on land not owned or held by the Crown

(1) This section—

(a) applies to land—

(i) not owned or otherwise held by the Crown under any enactment; and

(ii) on which, at any time after the settlement date, any part of the Whanganui River is located; but

(b) does not apply to Māori land.

(2) The part of the land on which the bed of the Whanganui River is located may be transferred to, or vested in, Te Awa Tupua as long as written agreement for the transfer or vesting is first obtained from Te Pou Tupua and the owner of the land.

(3) If any land transferred to, or vested in, Te Awa Tupua under this section is subject to a lease, licence, mortgage, or charge, the consent of the holder of the lease, licence, mortgage, or charge is required.

49 Bed of River on Māori freehold land

(1) If part of the Whanganui River is located on Māori freehold land, the Māori Land Court may, on application by a person referred to in subsection (2), make a vesting order to vest in Te Awa Tupua the part of any Māori freehold land on which the bed of the Whanganui River is located.

(2) The persons who may apply to the Māori Land Court under subsection

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the legal owners of the fee simple estate in the land, if the legal owners are different from the beneficial owners of the land:

(b) any legal owners of the fee simple estate in the land, if the legal owners are the same as the beneficial owners:

(c) Te Pou Tupua.

(3) The Māori Land Court must not make a vesting order under subsection (1)—

(a) without the consent, as applicable, of—

(i) at least 75% of the owners, if no owner has a defined share in the land; or

(ii) the persons who together own at least 75% of the beneficial freehold interest in the land; and

(b) without the consent of the legal owners of the fee simple estate in the land, if that owner differs from the beneficial owners of the land.

(4) The Māori Land Court must not make a vesting order in respect of Māori freehold land set apart as a Māori reservation under Part 17 of Te Ture Whenua Maori Act 1993 or any prior enactment to the same effect unless—

(a) the reservation of the land is first cancelled under section 338 of that Act; or

(b) the land to be vested in Te Awa Tupua under subsection (1) is first excluded from the reservation under that section.

(5) Land that is subject to a lease, licence, mortgage, or charge may be vested in Te Awa Tupua under this section, but only with the consent of the holder of the lease, licence, mortgage, or charge.

(6) In exercising its jurisdiction under subsection (1), the Māori Land Court may make other orders that it considers necessary—

(a) to provide for reasonable access to any part of the balance land:

(b) to apportion or adjust, as between the land vested in Te Awa Tupua under subsection (1) and the balance land, all rights, obligations, or liabilities arising from any lease, licence, mortgage, or charge to which the land is subject at the date of the vesting.

(7) In exercising its powers under subsection (6)(b), the Māori Land Court —

(a) may exercise those powers as it thinks equitable; but

(b) must not, if the land is subject to a mortgage or lease, apportion or adjust any rights, obligations, or liabilities without the

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(a) has effect according to its tenor in the same manner and in all respects as if the necessary transfers, releases, covenants, and other dispositions or agreements had been duly made by the appropriate persons; and

(b) may be registered under the Land Transfer Act 1952 accordingly.

(9) The following provisions of Te Ture Whenua Maori Act 1993 apply, as relevant, to orders made under subsection (1):

(a) section 43 (relating to rehearings):

(b) section 44 (relating to the special powers of the Chief Judge):

(c) section 49 (which confers a right of appeal to the Māori Appellate Court):

(d) section 77 (which provides for when orders become conclusive):

(e) section 123 (which provides for orders affecting title to Māori freehold land to be registered).

50 Registration and related matters

(1) If land is transferred to, or vested in, Te Awa Tupua under section 48(2) or 49(1), the Registrar-General must, upon registration of the transfer or vesting of the land,—

(a) cancel the existing computer register for both the balance land and the land that is transferred or vested; and

(b) create 1 computer register for the estate in the balance land in the name of the registered proprietor immediately prior to the transfer or vesting, as the case may be.

(2) Land vested under section 49(1) ceases to be Māori freehold land upon registration of the vesting order.

(3) The land transferred or vested under section 48(2) or 49(1) must, for as long as Te Awa Tupua remains the legal owner of the land, be described in the cadastre as part of the bed of the Whanganui River.

(4) The transfer or vesting of land under section 48(2) or 49(1) is subject to the completion of any survey required to create a computer register for any balance land.

51 Return of land transferred or vested under section 48 or 49

(1) This section applies—

(a) to any part of the bed of the Whanganui River that—

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(ii) no longer forms part of the bed of the Whanganui River because there has been a change in the course of the River arising from a natural event or process; and

(b) for the purpose of enabling Te Pou Tupua to amalgamate land that no longer forms part of the bed of the Whanganui River with adjoining land owned by others (**appurtenant land**).

(2) If the conditions set out in subsection (1) are met,—

(a) Te Pou Tupua may transfer the land referred to in subsection (1)(a) to the owner of the appurtenant land; or

(b) in the case of land that was formerly Māori freehold land, the Māori Land Court may, on application by Te Pou Tupua, make a vesting order to vest the land in the owner of the appurtenant land.

(3) In making a vesting order under subsection (2)(b), the Māori Land Court—

(a) must include in the order the relative interests of the several owners of the land, which must be calculated by reference to the relative values of the interests those owners hold in the appurtenant land; and

(b) may vest the land in—

(i) the owners of the land, in the shares set out in the order described in paragraph (a), if those persons are the legal owners of the appurtenant land; or

(ii) if those persons differ from the legal owners of the appurtenant land, the legal owners of the appurtenant land on behalf of those persons; and

(c) may cancel the titles under which the vested land and the appurtenant land are held and make an amalgamation order substituting for those titles 1 title for the whole of the land.

(4) Land transferred or vested under subsection (2) becomes adjoining land to which section 45 applies.

(5) Land vested under subsection (2)(b) becomes Māori freehold land upon registration of the vesting order.

(6) A transfer or vesting under subsection (2) is subject to the completion of any survey required to create a computer register for the land to be transferred or vested.

(7) The owner of the appurtenant land may apply to the Registrar-General to issue 1 computer register for the appurtenant land and the land transferred or vested under this section.

(8) The Registrar-General must comply with an application received

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52 Application of other enactments

(1) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or vesting of land under section 48(2), 49(1), or 51(2) or to any matter incidental to, or required for, the purpose of that transfer or vesting.

(2) A transfer or vesting referred to in subsection (1) does not—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other lawful rights to subsurface minerals.

(3) Section 123 of Te Ture Whenua Maori Act 1993 applies to any orders made under section 49(1) or (6) or 51(2)(b) or (3)—

(a) while Te Awa Tupua is the legal owner of the land to which the orders apply; and

(b) as if the orders were orders to which Part 5 of Te Ture Whenua Maori Act 1993 applies.

(4) In relation to a transfer or vesting referred to in subsection (1), the permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required.

53 Land that becomes part of bed of Whanganui River

(1) Subsection (3) applies to any part of land owned by the Crown if, after the settlement date,—

(a) the land is held under an Act referred to in subsection (2); and

(b) the land is or, because there is a change in the course of the River arising from a natural event or process, becomes part of the bed of the Whanganui River.

(2) The Acts referred to in subsection (1)(a) are—

(a) the Conservation Act 1987:

(b) the Land Act 1948:

(c) the National Parks Act 1980:

(d) the Reserves Act 1977.

(3) On and from the date on which the land referred to in subsection (1) becomes part of the bed of the Whanganui River, the fee simple estate in that land vests in Te Awa Tupua as if that land were vested by section 41(1).

54 Land that ceases to be part of bed of Whanganui River

(1) This section applies if, after the settlement date,—

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because there is a change in the course of the River arising from a natural event or process; and

(b) the title to that land is not determined by an enactment or by the common law rules of accretion, erosion, or avulsion.

(2) If the land to which this section applies was previously vested in Te Awa Tupua under section 53(3) or by section 41(1), on and from the date that the land ceases to be part of the bed of the Whanganui River, that land—

(a) vests in the Crown; and

(b) resumes the status it had immediately before it was vested in Te Awa Tupua, in accordance with the Act under which the land was formerly held.

(3) However, in relation to land to which this section applies, any existing interests continue to apply under the legislation that applied to that interest prior to the vesting in, or transfer of the land to, Te Awa Tupua until the interest expires or is terminated, whichever is the sooner.

(4) In subsection (3), **existing interests** has the meaning given in section 47(1).

55 Land held under Public Works Act 1981 and no longer required for public work

(1) This section applies to any parts of the bed of the Whanganui River that are held by the Crown under the Public Works Act 1981.

(2) If at any time a part of the bed of the Whanganui River to which this section applies is no longer required for a public work under the Public Works Act 1981, the chief executive of Land Information New Zealand must—

(a) notify Te Pou Tupua in writing as to the part of the bed that is no longer required for a public work; and

(b) comply with the requirements of sections 40 and 41 of the Public Works Act 1981.

(3) If any land that is part of the bed remains in Crown ownership after the requirements under subsection (2)(b) have been complied with,—

(a) on and from the date on which that compliance is complete, that land vests in Te Awa Tupua; and

(b) the chief executive of Land Information New Zealand must notify Te Pou Tupua in writing that that land has been vested in Te Awa Tupua under this subsection; and

(c) that land must be described in the cadastre as part of the bed of the Whanganui River

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does not include structures or any part of the bed of the Whanganui River located in the marine and coastal area; but

(b) despite section 11(1) of the Crown Minerals Act 1991, does include pakohe, gravel, sand, and shingle in or on the land that is vested, but only to the extent that they are owned by the Crown.

(5) Part 4A of the Conservation Act 1987 and section 11 and Part 10 of the Resource Management Act 1991 do not apply—

(a) to the vesting of any part of the bed of the Whanganui River under subsection (3)(a); or

(b) to any matter incidental to, or required by, that vesting.

(6) Subsection (7) applies if—

(a) land vested in Te Awa Tupua by subsection (3)(a) ceases to be part of the bed of the Whanganui River as a result of a change in the course of the River arising from a natural event or process; and

(b) the title to that land is not determined by legislation or by the common law rules of accretion, erosion, or avulsion.

(7) Land described in subsection (6) vests in the Crown as Crown land subject to the Land Act 1948.

Liabilities and responsibilities

56 Certain exclusions

(1) The liabilities of Te Awa Tupua in respect of land it owns by virtue of section 41(1), 53(3), or 55(3)(a) are excluded in accordance with clause 1 of Schedule 5.

(2) On and from the date on which land is vested by section 41(1) or under section 53(3) or 55(3)(a), the Crown continues to have the liabilities applying under clause 2 of Schedule 5.

Subpart 6—Te Korotete o Te Awa Tupua, Te Awa Tupua Fund

57 Te Korotete established

(1) There is a fund called Te Korotete.

(2) Te Korotete includes the Crown contribution to Te Korotete, as provided for by clause 7.1 of Ruruku Whakatupua—Te Mana o Te Awa Tupua.

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58 Administration of Te Korotete

(1) Te Korotete must be—

(a) held by Te Awa Tupua; and

(b) administered by Te Pou Tupua on behalf of Te Awa Tupua.

(2) In administering Te Korotete, Te Pou Tupua must—

(a) seek advice and recommendations from Te Karewao; but

(b) make all final decisions in relation to Te Korotete.

(3) To avoid doubt,—

(a) grants from Te Korotete may be combined with funds from other sources:

(b) Te Awa Tupua may seek and receive contributions for Te Korotete from any source.

(4) The trustees must support Te Pou Tupua in the administration of Te Korotete, as may be required by the contract entered into under section 22.

59 Application of funding

(1) Te Pou Tupua must allocate the Crown contribution to Te Korotete on a contestable basis in accordance with the processes required by clauses 7.5 and 7.7 of Ruruku Whakatupua—Te Mana o Te Awa Tupua.

(2) Te Pou Tupua may allocate, as provided for in subsection (3),—

(a) any money (other than the Crown contribution) that is provided for Te Korotete; and

(b) income derived from the Crown contribution or any additional money.

(3) Money to which subsection (2) refers may be allocated—

(a) as provided for by subsection (1); or

(b) as Te Pou Tupua considers is consistent with the performance of its functions and the purpose of Te Korotete, including to meet the costs associated with the performance of the functions of Te Pou Tupua under section 19.

(4) In this section, **Crown contribution** means the contribution referred to in section 57(2).

Subpart 7—Ngā Ritenga Whakaū—Other arrangements relating to Te Awa Tupua

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60 Protection of name

(1) No person may, without making a written request to Te Pou Tupua and receiving a written authorisation from Te Pou Tupua,—

(a) cause an incorporated or unincorporated body to be formed or registered under any name, title, style, or designation that includes the name Te Awa Tupua:

(b) carry on trade activities under any name, title, style, or designation that includes the name Te Awa Tupua:

(c) in relation to 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 Awa 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 Awa Tupua as to be likely to mislead, confuse, or deceive a person into believing that there is an association with Te Awa Tupua.

(3) Subsection (4) applies to a request under subsection (1) by—

(a) an iwi with interests in the Whanganui River:

(b) any person, for use for an educational or other charitable purpose.

(4) Te Pou Tupua must not unreasonably withhold the requested authorisation, if the proposed use—

(a) is consistent with Tupua te Kawa; and

(b) promotes the health and well-being of Te Awa Tupua.

(5) If Te Pou Tupua considers that the grant of an authorisation may adversely affect the mana of Te Awa Tupua, Te Pou Tupua must—

(a) notify the trustees of the authorisation requested; and

(b) obtain and consider the views of the trustees before making a decision on any request for an authorisation under subsection (1).

(6) If Te Pou Tupua considers that the name Te Awa Tupua is being used in a manner contrary to subsection (1) or (2), Te Pou Tupua may—

(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 Awa Tupua is being used in a manner contrary to subsection (1) or (2); and

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(i) a declaration that the use of the name Te Awa Tupua by the person to whom notice was given under paragraph (b) is contrary to subsection (1) or (2); and

(ii) an order to cease the relevant use of the name.

Te Awa Tupua register

61 Te Awa Tupua register

(1) A register of hearing commissioners, to be called the Te Awa Tupua register, must be developed and agreed, in consultation with iwi with interests in the Whanganui River, by—

(a) Te Pou Tupua; and

(b) the Secretary for the Environment; and

(c) the Director-General; and

(d) the relevant local authorities.

(2) The purpose of the register is to provide a register of persons qualified to hear and determine applications under the Resource Management Act 1991 for resource consents—

(a) relating to the Whanganui River:

(b) for activities in the Whanganui River catchment that affect the Whanganui River.

(3) Te Pou Tupua must maintain the Te Awa Tupua register.

(4) In this section, section 62, and Schedule 6, **hearing commissioner** means a person accredited under section 39A of the Resource Management Act 1991 to act as a hearing commissioner.

62 Persons who may be included on Te Awa Tupua register

(1) The iwi with interests in the Whanganui River may nominate hearing commissioners to be included on the Te Awa Tupua register.

(2) The Te Awa Tupua register must include persons who have—

(a) skills, knowledge, and experience in a range of disciplines including tikanga Māori; and

(b) knowledge of the Whanganui River; and

(c) an understanding of Te Awa Tupua and Te Pā Auroa nā Te Awa Tupua.

(3) Further provisions relating to the Te Awa Tupua register are set out in Schedule 6.

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63 Application of Resource Management Act 1991

(1) Subsection (2) applies if—

(a) a consent authority determines that Te Pou Tupua is an affected person in relation to a resource consent application relating to the Whanganui River or activities within the Whanganui River catchment that affect the River; and

(b) Te Pou Tupua gives written consent to the application.

(2) Despite sections 95D(e) and 104(3)(a)(ii) of the Resource Management Act 1991, the consent authority must not disregard any effect on the Whanganui River.

Activities on surface of Whanganui River

64 Management of activities on surface of water

(1) As soon as practicable after the settlement date, the groups and organisations referred to in subsection (2) (the **collaborative group**) must collectively establish a process under which they collaborate to —

(a) review how activities carried out on the surface of the water of the Whanganui River are being regulated; and

(b) consider how to improve and co-ordinate the management of those activities.

(2) The collaborative group consists of representatives of—

(a) iwi with interests in the Whanganui River; and

(b) the Department of Conservation; and

(c) Maritime New Zealand; and

(d) the relevant local authorities.

(3) Without limiting the requirements of subsection (1), the collaborative group must consider—

(a) the nature and extent of existing and possible future activities on the surface of the Whanganui River; and

(b) the existing regulatory provisions for managing and controlling activities on the surface of the Whanganui River; and

(c) the relationship between activities on the surface of the Whanganui River and activities on land adjacent to the River; and

(d) matters relevant to public health and safety; and

(e) the health and well-being of Te Awa Tupua; and

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(a) consult Te Pou Tupua, as appropriate; and

(b) report to the relevant Ministers on the completion of their work.

(5) In subsection (3)(b), **regulatory provisions**—

(a) means the provisions of any statute that provide for the matters described in that paragraph; and

(b) includes instruments made under the statute for the same purpose, such as regulations, rules, bylaws, standards, and instruments such as policy statements and plans.

(6) In this section and section 65, **relevant Ministers** includes 1 or more of the following:

(a) the Minister of Conservation:

(b) the Minister for the Environment:

(c) the Minister for Workplace Relations and Safety:

(d) the Minister of Local Government:

(e) the Minister for Māori Development:

(f) the Minister of Transport.

65 Power to make regulations for activities on surface of water

(1) After the relevant Ministers have considered the report required by section 64(4)(b), they may recommend, if they are satisfied that the existing regulatory methods are inadequate for the purposes described in subsection (2), that the Governor-General make regulations for 1 or more of those purposes.

(2) The Governor-General may, by Order in Council made on the recommendation of the relevant Ministers given in accordance with subsection (1), make regulations relating to the management of activities carried out on the surface of the water of the Whanganui River for the purpose of providing for—

(a) public health and safety:

(b) the health and well-being of Te Awa Tupua:

(c) any other matter relevant to the management of those activities.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

There is no secondary legislation made under this section currently on this website

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Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 65(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Fisheries

66 Co-ordination of fisheries in Whanganui River catchment

(1) As soon as practicable after the settlement date, the groups and organisations referred to in subsection (2) must establish a representative group (the **fisheries co-ordination group**) to—

(a) co-ordinate the planning and management activities of organisations with responsibility for fisheries or fish habitat management in the Whanganui River catchment; and

(b) provide a forum for the iwi with interests in the Whanganui River to contribute to the protection, management, and sustainable utilisation of fisheries and fish habitat managed in the Whanganui River under any relevant legislation, including —

(i) the Conservation Act 1987:

(ii) the Fisheries Act 1996:

(iii) the Resource Management Act 1991.

(2) The fisheries co-ordination group consists of representatives of—

(a) iwi with interests in the Whanganui River; and

(b) the Ministry for Primary Industries; and

(c) the Department of Conservation; and

(d) the New Zealand Fish and Game Council; and

(e) the Manawatu–Wanganui Regional Council.

(3) The members of the fisheries co-ordination group must agree on the terms of reference for the group.

(4) This section, and actions taken under it, do not limit the rights of any iwi under—

(a) the Fisheries Act 1996; or

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Customary food gathering

67 Power to make regulations for management of customary food gathering

(1) As soon as practicable after the settlement date, the iwi with interests in the Whanganui River and the Ministry for Primary Industries (together, **the participants**) must establish a collaborative process to develop regulations under the Fisheries Act 1996 for the management of customary food gathering by the iwi with interests in the Whanganui River.

(2) The Governor-General may, by Order in Council made on the recommendation of the Minister for Primary Industries given in accordance with subsection (3), make regulations under the Fisheries Act 1996 to provide for—

(a) the management of customary food gathering by iwi with interests in the Whanganui River; and

(b) the issuing of customary authorisations.

(3) The Minister for Primary Industries must recommend the making of regulations if the participants agree and give notice to the Minister that regulations are required for the management of customary food gathering in relation to the Whanganui River.

Taonga tūturu

68 Taonga tūturu

(1) This section applies to taonga tūturu found in the Whanganui River on or after the settlement date.

(2) The taonga tūturu must be held in the interim custody of Te Awa Tupua until the ownership of the taonga tūturu is determined under the Protected Objects Act 1975, subject to any conditions that the chief executive considers appropriate.

(3) Subsection (2) does not apply if, at any time, the chief executive, in his or her discretion, considers that an alternative to the interim custody of Te Awa Tupua would be appropriate in the circumstances, such as, for example, if conservation treatment is required.

(4) The discretion of the chief executive or any other person under section 11(2) of the Protected Objects Act 1975 to apply to the Māori Land Court applies under this section.

(5) Te Pou Tupua must, in accordance with section 11(3) of the Protected Objects Act 1975, notify the chief executive when taonga tūturu are found in the Whanganui River and are being held in the interim

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For the purpose of giving a notice required by section 11(4)(a)(ii) of the Protected Objects Act 1975, Te Awa Tupua is to be treated as a party that has an interest in a taonga tūturu to which this section applies.

(7) This section does not limit—

(a) the National Parks Act 1980; or

(b) except as provided for in this section, the Protected Objects Act 1975.

(8) In this section, **chief executive** means the chief executive of the Ministry for Culture and Heritage.

Part 3
Te Mana o Te Iwi o Whanganui—Whanganui Iwi redress

Subpart 1—Hei pounga wai hoe mai nā hō mātua —Crown acknowledgements and apology

69 Acknowledgements

(1) The Crown acknowledges through this settlement that Te Awa Tupua is an indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating its tributaries and all its physical and metaphysical elements—"E rere kau mai te Awa nui, mai i te Kāhui Maunga ki Tangaroa".

(2) The Crown acknowledges that to Whanganui Iwi the enduring concept of Te Awa Tupua—the inseparability of the people and the River—underpins the responsibilities of the iwi and hapū of Whanganui in relation to the care, protection, management, and use of the Whanganui River in accordance with the kawa and tikanga maintained by the descendants of Ruatipua, Paerangi, and Haunui-a-Paparangi.

(3) The Crown acknowledges and respects the intrinsic connection between the iwi and hapū of Whanganui and the Whanganui River reflected in the Whanganui pepeha, "Ko au te awa, ko te awa ko au".

(4) The Crown acknowledges the importance of the Whanganui River as a source of physical and spiritual sustenance for iwi and hapū of Whanganui, including—

(a) as home for the iwi and hapū of Whanganui, with 143 known marae along the length of the River; and

(c) as a food basket and fishery; and

(d) as a source of rongoā and other resources.

(5) The Crown acknowledges that the iwi and hapū of Whanganui, over many generations since 1840, have maintained the position that they never willingly or knowingly relinquished their rights and interests in the Whanganui River and have sought to protect and provide for their special relationship with the Whanganui River in many ways, including—

(a) raising grievances directly with the Crown, including numerous petitions to Parliament beginning in the nineteenth century; and

(b) pursuing legal proceedings regarding the ownership of the bed of the Whanganui River through a succession of courts and a Royal Commission of Inquiry between 1938 and 1962; and

(c) opposing the establishment and operation of the Tongariro Power Scheme, including litigation relating to the effect of the scheme on the Whanganui River; and

(d) filing claims regarding the Whanganui River in the Waitangi Tribunal.

(6) The Crown acknowledges that it has not adequately dealt with the longstanding grievances of the iwi and hapū of Whanganui in relation to the Whanganui River.

(7) The Crown acknowledges that since 1840 it has assumed control and authority over the Whanganui River. In particular, the Crown acknowledges that it promoted and implemented legislation during the nineteenth and early twentieth centuries that had little or no recognition of Whanganui Iwi interests in the Whanganui River and that had no provision for the involvement of Whanganui Iwi in the management of the River, including—

(a) the enactment of the Wanganui River Trust Act 1891 and its amendments, which empowered the Wanganui River Trust to erect jetties, clear the Whanganui River for navigation purposes, and control and sell river gravel and shingle; and

(b) the enactment of the Coal-mines Act Amendment Act 1903, which deemed the beds of all navigable rivers to "have always been vested in the Crown" and that all minerals contained within those river beds belonged to the Crown; and

(c) the acquisition of over 6 700 acres of riparian land owned by Whanganui Iwi along the Whanganui River under the Public Works Act 1908 for scenery preservation purposes.

(8) The Crown acknowledges that it has failed to recognise, respect, and protect the special relationship of the iwi and hapū of Whanganui with

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(a) from the mid-1880s the Crown started to remove pā tuna and utu piharau and alter the Whanganui River to enable the passage of steam boats on the River; and

(b) the removal of pā tuna and utu piharau adversely affected an important food source and valuable taonga of Whanganui Iwi; and

(c) Whanganui Iwi opposed the actions of the Wanganui River Trust in relation to the clearance of the Whanganui River, including the destruction and damage of pā tuna and utu piharau, which led to the conviction of members of Whanganui Iwi who took steps to try to protect their taonga; and

(d) River clearances contributed to a decline in the exercise of customary fishing practices by the iwi and hapū of Whanganui and an associated loss of mātauranga.

(10) The Crown acknowledges that the Crown and other parties have extracted large amounts of gravel from the bed of the Whanganui River and that the effects of that extraction and the lack of compensation have been a source of grievance for Whanganui Iwi since the late nineteenth century.

(11) The Crown acknowledges that by the middle of the twentieth century the cumulative effect of the Crown's acts and omissions in relation to the Whanganui River had caused significant prejudice to Whanganui Iwi.

(12) The Crown acknowledges that the cumulative effect of these acts and omissions amounted to a failure to actively protect the interests of Whanganui Iwi and was a breach of the Treaty of Waitangi and its principles.

(13) The Crown acknowledges that the cumulative effect of its actions and omissions undermined the ability of the iwi and hapū of Whanganui to exercise their customary rights and responsibilities in respect of the Whanganui River and consequently the expression of their mana.

(14) The Crown acknowledges that the litigation between 1938 and 1962 relating to the ownership of the bed of the Whanganui River—

(a) was in part a reaction to the Crown's actions affecting the Whanganui River; and

(b) was required to be framed in terms of English law as a claim for a title to the riverbed, rather than to the River as an indivisible whole; and

(c) resulted in several findings between 1938 and 1954 that Whanganui Iwi had held the bed of the Whanganui River at 1840 under their customs and usages; and

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(e) was pursued at significant financial and emotional cost to the hapū and whānau of Whanganui.

(15) The Crown acknowledges that in relation to the creation and establishment of the Tongariro Power Development Scheme—

(a) the Crown was aware of the concerns of Whanganui Iwi in relation to the scheme; and

(b) the Crown failed to consult with Whanganui Iwi; and

(c) the Crown's failure to consult with Whanganui Iwi was inconsistent with the Crown's duty to act in good faith towards Whanganui Iwi and was a breach of the Treaty of Waitangi and its principles.

(16) The Crown acknowledges that the diversion of the headwaters of the Whanganui River for the Tongariro Power Development scheme—

(a) is considered by Whanganui Iwi to be inconsistent with their tikanga; and

(b) has had an adverse effect on the cultural and spiritual values of Whanganui Iwi; and

(c) has caused distress and remains a significant grievance for Whanganui Iwi.

(17) The Crown acknowledges the national importance of the Whanganui River and its contribution to New Zealand's development through—

(a) its natural, scenic, and conservation value; and

(b) its value for recreation and tourism; and

(c) its economic and historical value as the longest navigable river in New Zealand and use as a "highway" during European settlement in the nineteenth and early twentieth centuries; and

(d) its value as a resource for gravel extraction; and

(e) its value as a resource for electricity generation, including the significant contribution it has to the generation and stability of New Zealand's electricity supply.

(18) The Crown acknowledges that through this settlement Whanganui Iwi have sought to bring all the iwi, hapū, and other communities of the Whanganui River together for the common purpose of upholding and protecting the mana of the Whanganui River and its health and well-being for the benefit of future generations and, ultimately, all of New Zealand.

(19) The Crown acknowledges that the approach taken by Whanganui Iwi in respect of this settlement represents significant compromise and generosity of spirit by Whanganui Iwi and promotes a collaborative,

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70 Apology

The text of the apology offered by the Crown to Whanganui Iwi, as set out in Ruruku Whakatupua—Te Mana o Te Iwi o Whanganui, is as follows:

"(a) The Crown makes this apology in respect of the Whanganui River to the iwi and hapū of Whanganui, their tūpuna, and their uri.

(b) The Crown recognises through this settlement that Te Awa Tupua embodies the Whanganui River as an indivisible whole from the mountains to the sea and the inalienable interconnection between the iwi and hapū of Whanganui and the Whanganui River, as expressed in the Whanganui pepeha "E rere kau mai te Awa nui, mai i te Kāhui Maunga ki Tangaroa. Ko au te awa, ko te awa ko au" ("The Great River flows from the mountains to the sea. I am the River and the River is me").

(c) The Crown unreservedly apologises for its actions and omissions that have breached the Treaty of Waitangi and its principles and damaged the special relationship between the iwi and hapū of Whanganui and the Whanganui River.

(d) The Crown deeply regrets that it undermined the ability of Whanganui Iwi to exercise their customary rights and responsibilities in respect of the Whanganui River, and consequently the expression of their mana. The Crown further regrets that this compromised the physical, cultural, and spiritual well-being of the iwi and hapū of Whanganui Iwi.

(e) The Crown recognises that for generations the iwi and hapū of Whanganui have tirelessly pursued justice in respect of the Whanganui River. The Crown recognises and sincerely regrets the opportunities it has missed, until now, to adequately address those grievances. Redress, through this settlement (Ruruku Whakatupua) and the Te Awa Tupua framework (Te Pā Auroa nā Te Awa Tupua), is long overdue.

(f) With this apology the Crown seeks to atone for its past wrongs, and begin the process of healing. This settlement marks the beginning of a renewed and enduring relationship between Whanganui Iwi and the Crown that has Te Awa Tupua at its centre and is based on mutual trust and cooperation, good faith, and respect for the Treaty of Waitangi and its principles."

Subpart 2—Ko au te Awa, ko te Awa ko au—Whanganui Iwi standing

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71 Relationship between Whanganui Iwi and Te Awa Tupua

(1) The Crown acknowledges that Whanganui Iwi—

(a) have an inalienable interconnection with Te Awa Tupua and its health and well-being; and

(b) have responsibility to Te Awa Tupua in relation to its health and well-being.

(2) The Crown further acknowledges that—

(a) the relationship of Whanganui Iwi and Te Awa Tupua is a taonga of Whanganui Iwi; and

(b) the recognition of Te Awa Tupua is based on the tikanga and mātauranga of Whanganui Iwi; and

(c) Whanganui Iwi have responsibilities as tāngata tiaki in relation to—

(i) the mana and mouri of Te Awa Tupua; and

(ii) the mātauranga that underpins that mana and mouri.

Status of trustees under other Acts

72 Recognition of interests of trustees for purposes of Resource Management Act 1991

For the purposes of the Resource Management Act 1991, the trustees —

(a) are to be treated as—

(i) an iwi authority; and

(ii) a public authority; and

(b) are entitled to lodge submissions on a matter relating to or affecting the Whanganui River, if there is a process for lodging submissions in relation to that matter; and

(c) are entitled to be heard on a matter relating to or affecting the Whanganui River, if a hearing, proceeding, or inquiry is to be held in relation to that matter; and

(d) are recognised as having an interest in Te Awa Tupua greater than, and separate from, any interest in common with the public generally.

73 Application of other Acts to trustees

(1) For the purposes of Acts other than the Resource Management Act

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(b) are entitled to lodge submissions on those matters, if there is a process for lodging submissions in relation to that matter; and

(c) are entitled to be heard on those matters, if a hearing, proceeding, or inquiry is to be held in relation to that matter; and

(d) are recognised as having an interest in Te Awa Tupua greater than, and separate from, any interest in common with the public generally.

(2) The trustees are to be treated as a public body for the purposes of—

(a) clause 30 of Schedule 7 of the Local Government Act 2002; and

(b) the Outdoor Access Act 2008.

Section 73(2)(b): amended, on 10 July 2026, by section 366 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

74 Limits to application of sections 72 and 73

(1) Sections 72 and 73 do not provide the trustees with a right to be consulted or notified (including limited notification under the Resource Management Act 1991) if the trustees would not otherwise have that right.

(2) If there is a discretion under the Resource Management Act 1991 or an Act referred to in section 73 for the decision maker to consult or notify the trustees,—

(a) that discretion continues despite sections 72 and 73; but

(b) the decision maker must have regard to—

(i) the recognition acknowledged in sections 72(d) and 73(1)(d); and

(ii) the Crown's acknowledgement set out in section 71.

(3) Sections 72 and 73 do not—

(a) limit or remove any procedural requirements applying to the trustees in relation to lodging submissions or giving notice of an intention to be heard; or

(b) prevent any other person, including any iwi or hapū with interests in the Whanganui River, from being recognised as an interested person on matters relating to, or affecting, the Whanganui River; or

(c) recognise mana whenua in relation to the whole or any part of the Whanganui River or its catchment; or

(d) bind, compromise, advantage, or disadvantage any other person; or

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(a) means a requirement—

(i) to lodge a submission or file a notice of intention to appear or be heard; or

(ii) as to the timing, form, nature of service, or other procedure applying when a submission is lodged or a notice of intention to appear or be heard is filed; but

(b) does not include a substantive requirement.

Subpart 3—Rangahau e Tāne, miroi e Tāne—Authorised customary activities

75 Interpretation

In this subpart and Schedule 7,—

authorised customary activity means—

(a) the launching and use, in, on, or over the Whanganui River, of waka and support craft, and the erection and use of temporary associated structures, including barges and temporary jetties, for ceremonial, customary, recreational, educational, and sporting purposes such as—

(i) the annual Te Tira Hoe Waka; and

(ii) tribal games; and

(iii) regattas; and

(iv) tangihanga of significance to Whanganui Iwi, including the transportation of tūpāpaku (human remains); and

(v) other significant tribal events; and

(b) the collection of river stones, shingle, sand, and pakohe from the Whanganui River for customary purposes; and

(c) the use of the Whanganui River for customary practices relating to the health and well-being of persons, including bathing, cleansing, baptisms, and other customary practices; and

(d) the installation and use in, on, or over the Whanganui River of pā tuna (eel weirs), utu piharau (lamprey weirs), and other traditional fishing structures for the purpose of revitalising, maintaining, and carrying out customary fishing practices and applying knowledge

conservation legislation means the Conservation Act 1987 and the Acts listed in Schedule 1 of that Act

customary fishing activity means an activity described in paragraph

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(a) a local authority:

(b) the Minister of Conservation and Director-General in relation to activities regulated under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977:

(c) the administering body of any reserve under the Reserves Act 1977

river stones activity means an activity described in paragraph (b) of the definition of authorised customary activity

tangihanga activity means the waka activity described in paragraph (a)(iv) of the definition of authorised customary activity

traditional fishing structures means the structures described in paragraph (d) of the definition of authorised customary activity

waka activity means an activity described in paragraph (a) of the definition of authorised customary activity.

Acknowledgement and right to carry out authorised customary activities

76 Acknowledgement

(1) The Crown acknowledges that the carrying out of customary activities by Whanganui Iwi is an integral part of the relationship of Whanganui Iwi with the Whanganui River.

(2) All persons exercising or performing functions and powers under the Resource Management Act 1991 must recognise and provide for the acknowledgement given in subsection (1).

77 Authorisation

(1) Members of Whanganui Iwi may carry out authorised customary activities on the Whanganui River, subject to the requirements of this subpart and Schedule 7.

(2) Subsection (1) applies despite—

(a) sections 9 to 17 of the Resource Management Act 1991; and

(b) any rule in a regional plan or district plan; and

(c) any requirement for a permit or an authorisation under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977, unless section 81(1)(c) applies; and

(d) any navigational bylaw; and

(e) the requirement for a permit or an authorisation under any other enactment, except to the extent that section 81 applies.

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(1) The trustees must, in consultation with the iwi and hapū with interests in the Whanganui River, develop appropriate protocols and processes in relation to—

(a) the parts of the Whanganui River where an authorised customary activity may be carried out; and

(b) who is permitted to carry out an authorised customary activity; and

(c) any conditions to apply to carrying out an authorised customary activity, including the terms on which the activity may be limited or suspended in whole or in part.

(2) An authorised customary activity must be carried out in accordance with—

(a) the protocols and processes that apply to that activity; and

(b) the criteria referred to in section 79.

Criteria

79 Requirements to be met before certain activities may be carried out

(1) The requirements set out in this section must be met before the following authorised customary activities may be carried out:

(a) a river stones activity:

(b) a customary fishing activity.

(2) For a river stones activity that is to be carried out on or over any part of the Whanganui River that is administered under conservation legislation, the trustees and the Director-General must develop under section 78, and agree, the criteria that must be met before the activity may be carried out.

(3) For a customary fishing activity,—

(a) the trustees, the Director-General, and any other relevant officer of the Crown must, in consultation with the relevant local authorities, develop under section 78, and agree, the criteria that must be met before the activity may be carried out on or over the Whanganui River; and

(b) if the activity is to be carried out on or over any part of the Whanganui River that is administered under conservation legislation, the trustees and the Director-General must consider whether any further criteria are needed in respect of the activity.

(4) The criteria developed and agreed under this section may—

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include any conditions for carrying out an authorised customary activity, including the terms on which it may be limited or suspended in whole or in part:

(c) be varied by agreement of the trustees and the persons responsible for developing and agreeing the criteria.

Savings, application, and exemption provisions

80 Existing rights saved

The right of members of Whanganui Iwi to carry out authorised customary activities under this subpart—

(a) does not prevent or constrain members of Whanganui Iwi from continuing to carry out customary activities that they are, immediately before the settlement date, entitled to carry out without a permit or an authorisation under any legislation:

(b) does not affect the carrying out of customary activities by any other iwi with interests in the Whanganui River.

81 Application of other legislation

(1) A customary fishing activity may only be carried out, as the case may require,—

(a) with the relevant authorisation under the Fisheries (Kaimoana Customary Fishing) Regulations 1998:

(b) under any equivalent mechanism under the Fisheries Act 1996 developed under section 67 to provide for customary food gathering:

(c) in accordance with the conservation legislation, in the case of native fish species taken from an area administered under the conservation legislation.

(2) A recognition agreement or a protected customary rights order granted under the Marine and Coastal Area (Takutai Moana) Act 2011 must be in force before any authorised customary activity may be carried out in the common marine and coastal area under section 77.

(3) Nothing in this subpart affects the obligation of any person to comply with the relevant legislation in relation to—

(a) the health and safety of persons; and

(b) the safety of the structures to which this subpart relates.

(4) In this section, **common marine and coastal area** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011.

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Subpart 4—Te Riu Māeneene—Other cultural redress

Ngā Ripo o Te Awa o Whanganui—Significance of rapids

82 Acknowledgement of statement of Whanganui Iwi

The Crown recognises the statement set out in Schedule 8 on the importance of Ngā Ripo o Whanganui (the rapids of the Whanganui River) to Whanganui Iwi.

Official geographic names

83 Interpretation

In sections 84 to 86,—

Act means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

Board has the meaning given in section 4 of the Act

official geographic name has the meaning given in section 4 of the Act.

84 Official geographic names

(1) The names specified in the second column of the table in clause 8.2 of Ruruku Whakatupua—Te Mana o Te Iwi o Whanganui are the official geographic names of the streams formerly known by the names in the first column of that table.

(2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.

85 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under section 84.

(2) The notices must state that each official geographic name became an official geographic name on the settlement date.

86 Subsequent alteration of official geographic names

(1) In making a determination to alter the official geographic name of the streams to which this subpart applies, the Board—

(a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act;

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(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 Act.

Part 4
Te Tatā Whakairoiro—Settlement of historical claims and other matters

Historical claims settled and jurisdiction of courts, etc, removed

87 Settlement of historical claims final

(1) The historical claims are settled.

(2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.

(3) Subsections (1) and (2) do not limit the deed of settlement.

(4) 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—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

(d) the redress provided under the deed of settlement or this Act.

(5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.

Amendment to Treaty of Waitangi Act 1975

88 Amendment to Treaty of Waitangi Act 1975

(1) This section amends the Treaty of Waitangi Act 1975.

(2) In Schedule 3, insert in its appropriate alphabetical order:

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, section 87(4) and (5)

Certain enactments no longer apply

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(a) to the Crown-owned parts of the bed of the Whanganui River vested in Te Awa Tupua by section 41(1); or

(b) to land transferred to or vested in Te Awa Tupua under section 48(2) or 49(1) on and from the date of the transfer or vesting; or

(c) to land vested in Te Awa Tupua by section 53(3) or 55(3)(a) on and from the date of the vesting.

(2) The enactments are—

(a) Part 3 of the Crown Forest Assets Act 1989:

(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.

(3) This section overrides the other sections of this Act.

Section 89(2)(b): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Miscellaneous matters

90 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,—

(a) do not prescribe or restrict the period during which—

(i) Ngā Tāngata Tiaki o Whanganui may exist in law; or

(ii) the trustees may hold or deal with property or income derived from property; and

(b) do not apply to a document entered into to give effect to the deed of settlement 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 Ngā Tāngata Tiaki o Whanganui is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 90 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 90(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 90(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

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(a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between 9 am and 5 pm on any working day; and

(b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

Part 5
Te Hoeroa– –Governance reorganisation and transitional taxation matters

Subpart 1—Governance reorganisation

92 Interpretation

(1) In this Part,—

assets means assets of any kind, whether real or personal property, money, rights, or interests

exempt income has the meaning given in section YA 1 of the Income Tax Act 2007

liabilities includes debts, charges, duties, and other obligations, whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere

Pakaitore Trust means the whenua tōpū trust of that name established by an order of the Maori Land Court dated 28 February 2007, as amended by an order of the Maori Land Court dated 21 July 2009

subsidiary means Whanganui Iwi Fisheries Limited, a subsidiary of Te Whiringa Muka Trust immediately before the commencement of this Act

taxable income has the meaning given in section YA 1 of the Income Tax Act 2007

Te Whiringa Muka Trust means the trust of that name established by a trust deed dated 1 October 2006

transferred employee means a person to whom section 111 applies

Whanganui Iwi trusts means—

(a) Whanganui River Maori Trust Board:

(b) Te Whiringa Muka Trust, including its trustees:

(c) Pakaitore Trust, including its trustees

Whanganui River Maori Trust Board means the Maori Trust Board

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(2) In this subpart, a reference to any trustees is to those trustees acting in their capacity as trustees.

(3) In this subpart and subpart 2, unless the context otherwise requires, terms used and not defined in those subparts, but defined in—

(a) the Maori Fisheries Act 2004, have the meanings given in that Act:

(b) the Inland Revenue Acts, have the meanings given in those Acts.

Dissolution of Maori Trust Board

93 Dissolution of Maori Trust Board

(1) On the commencement of this Act,—

(a) the Whanganui River Maori Trust Board is dissolved; and

(b) the term of office of each member of the Maori Trust Board expires; and

(c) proceedings by or against the Maori Trust Board may be continued, completed, or enforced by or against the trustees of Ngā Tāngata Tiaki o Whanganui as if they were the Maori Trust Board (without amendment to the proceedings).

(2) A person holding office as a member of the Maori Trust Board immediately before the commencement of this Act is not entitled to compensation as a result of the expiry under this section of his or her term of office.

94 Vesting of assets and liabilities of Maori Trust Board

(1) On the commencement of this Act, the assets and liabilities of the Whanganui River Maori Trust Board vest in the trustees of Ngā Tāngata Tiaki o Whanganui and become the assets and liabilities of the trustees.

(2) On vesting, the assets and liabilities become—

(a) freed of any charitable trusts subject to which they were owned or held by the Maori Trust Board; and

(b) subject to the trusts expressed in the deed of trust for Ngā Tāngata Tiaki o Whanganui.

(3) In this section, **assets** and **liabilities** means the assets and liabilities owned, controlled, or held, wholly or in part, by the Maori Trust Board immediately before the commencement of this Act.

95 Final report of Maori Trust Board

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as if it were an annual report required by section 31 of the Maori Trust Boards Act 1955 for the Whanganui River Maori Trust Board.

(2) The final report must show the financial results of the Maori 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 of this Act.

(3) As soon as practicable after the final report is completed, the trustees of Ngā Tāngata Tiaki o Whanganui 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.

Dissolution of Te Whiringa Muka Trust

96 Dissolution of Te Whiringa Muka Trust

On the commencement of this Act, Te Whiringa Muka Trust is dissolved.

97 Vesting of assets and liabilities of Te Whiringa Muka Trust

(1) On the commencement of this Act, the assets and liabilities of the trustees of Te Whiringa Muka Trust vest in the trustees of Ngā Tāngata Tiaki o Whanganui and become the assets and liabilities of the trustees.

(2) On vesting, the assets and liabilities become—

(a) freed of any charitable trusts subject to which they were owned or held by Te Whiringa Muka Trust; and

(b) subject to the trusts expressed in the deed of trust for Ngā Tāngata Tiaki o Whanganui.

(3) In this section, **assets** and **liabilities** means the assets and liabilities owned, controlled, or held, wholly or in part, by the trustees of Te Whiringa Muka Trust immediately before the commencement of this Act.

(4) To avoid doubt, the assets and liabilities of the subsidiary continue to be the assets and liabilities of the subsidiary.

98 Assets and liabilities of subsidiary freed of charitable purposes

(1) Subsection (2) applies to any asset or liability of the subsidiary that, immediately before the commencement of this Act, is held subject to any charitable purposes.

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(b) the constitution of the subsidiary is deemed to have been amended as necessary to give effect to paragraph (a).

(3) If, on the commencement of this Act, the subsidiary is a tax charity for the purposes of the Inland Revenue Acts, the subsidiary ceases to be a tax charity at that time.

(4) To avoid doubt, nothing in this section has the effect, of itself, of causing the subsidiary to be a different person for the purposes of the Inland Revenue Acts.

Dissolution of Pakaitore Trust

99 Dissolution of Pakaitore Trust

On the commencement of this Act, the Pakaitore Trust is dissolved as if it were terminated under section 241 of Te Ture Whenua Maori Act 1993.

100 Vesting of assets and liabilities of Pakaitore Trust

(1) On the commencement of this Act, the assets and liabilities of the trustees of the Pakaitore Trust vest in the trustees of Ngā Tāngata Tiaki o Whanganui and become the assets and liabilities of the trustees.

(2) On vesting, the assets and liabilities become—

(a) freed of any charitable trusts subject to which they were owned or held by the Pakaitore Trust; and

(b) subject to the trusts expressed in the deed of trust for Ngā Tāngata Tiaki o Whanganui.

(3) In this section, **assets** and **liabilities** means the assets and liabilities owned, controlled, or held, wholly or in part, by the trustees of the Pakaitore Trust immediately before the commencement of this Act.

Ngā Tāngata Tiaki o Whanganui becomes mandated iwi organisation

101 Recognition of new mandated iwi organisation

(1) On and from the commencement of this Act,—

(a) Ngā Tāngata Tiaki o Whanganui is the mandated iwi organisation for Whanganui Iwi (listed as Te Atihaunui a Paparangi in Schedule 3 of the Maori Fisheries Act 2004), in place of Te Whiringa Muka Trust, as if Ngā Tāngata Tiaki o Whanganui were recognised as the mandated iwi organisation under section 13(1) of that Act; and

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However, any reference in the Maori Fisheries Act 2004 to the date on which the mandated iwi organisation is recognised must be treated as a reference to the date on which the iwi's first mandated iwi organisation was recognised.

(3) To avoid doubt, on and from the commencement of this Act, Ngā Tāngata Tiaki o Whanganui must—

(a) meet the criteria in section 14 of the Maori Fisheries Act 2004 for continuing recognition as a mandated iwi organisation; and

(b) satisfy section 12(1)(d) of the Maori Fisheries Act 2004.

102 Temporary treatment of constitutional documents

(1) This section applies only if the constitutional documents of Ngā Tāngata Tiaki o Whanganui or the subsidiary did not comply with the Maori Fisheries Act 2004 immediately before the commencement of this Act, and applies only to whichever documents did not comply.

(2) Subsection (3) applies to the constitutional documents during the period (**transition period**) that—

(a) starts on the commencement of this Act; and

(b) ends 2 years later, or when the constitutional documents have been amended to comply with the Maori Fisheries Act 2004 (if earlier than 2 years later).

(3) The constitutional documents must be treated as if they comply with the Maori Fisheries Act 2004.

(4) Subsection (5) applies to any approval or ratification of the constitutional documents under section 17(2) of the Maori Fisheries Act 2004 given before the commencement of this Act or during the transition period.

(5) The approval or ratification must be treated as if, when given, the constitutional documents complied with the Maori Fisheries Act 2004.

103 Certain effects of recognition of new mandated iwi organisation

On and from the commencement of this Act,—

(a) any registered coastline entitlement held by Te Whiringa Muka Trust immediately before the commencement of this Act is to be treated as a registered coastline entitlement held by Ngā Tāngata Tiaki o Whanganui; and

(b) any coastline claim, agreement, or written statement of Te Whiringa Muka Trust made under Part 1 of Schedule 6 of the Maori Fisheries Act 2004 before the commencement of this Act

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104 Functions of Te Ohu Kai Moana Trustee Limited

Te Ohu Kai Moana Trustee Limited must, in accordance with the Maori Fisheries Act 2004 (with any necessary modifications), take all actions required to provide administratively for the matters set out in sections 101(1) and 103, including making the appropriate changes to the iwi register.

General matters relating to dissolution of Whanganui Iwi trusts

105 Matters not affected by transfer

Nothing given effect to or authorised by this subpart—

(a) places any person in breach of a contract or confidence, or makes any person guilty of a civil wrong; or

(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

(d) releases a trustee of a Whanganui Iwi trust from any personal liability for which the trustee would not be entitled to be indemnified from the assets of the trust or of Ngā Tāngata Tiaki o Whanganui; or

(e) releases a surety, wholly or in part, from an obligation; or

(f) invalidates or discharges a contract.

106 Status of existing instruments

(1) The trustees of Ngā Tāngata Tiaki o Whanganui are to be treated as if they were the Whanganui Iwi trust under any existing instrument—

(a) to which a Whanganui Iwi trust was a party; or

(b) that a Whanganui Iwi trust gave, received, or was to give or receive.

(2) An express or implied reference to a Whanganui Iwi trust in an existing instrument or in a register must be read as a reference to the trustees of Ngā Tāngata Tiaki o Whanganui unless the context otherwise requires.

(3) In this section, **existing instrument** means any agreement, deed, undertaking, application, notice, instrument recording an interest in land, or other document in effect immediately before the

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(1) A security held by a Whanganui Iwi trust as security for a debt or other liability to the Whanganui Iwi trust incurred before the commencement of this Act—

(a) is available to the trustees of Ngā Tāngata Tiaki o Whanganui as security for the discharge of that debt or liability; and

(b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to the trustees of Ngā Tāngata Tiaki o Whanganui incurred on or after the commencement of this Act.

(2) The trustees of Ngā Tāngata Tiaki o Whanganui are entitled to the same rights and priorities, and subject to the same liabilities, in relation to the security as the relevant Whanganui Iwi trust would be if this Act had not been passed.

108 Books and documents to remain evidence

(1) A document, matter, or thing that would have been admissible in evidence for or against a Whanganui Iwi trust is, on and after the commencement of this Act, admissible in evidence for or against the trustees of Ngā Tāngata Tiaki o Whanganui.

(2) In this section, **document** has the meaning given in section 4(1) of the Evidence Act 2006.

109 Removal of Whanganui Iwi trusts and subsidiary from register of charitable entities

(1) The Whanganui Iwi trusts and the subsidiary must be removed, under section 31 of the Charities Act 2005, from the register of charitable entities with effect on and from the commencement of this Act.

(2) This section applies despite anything else in the Charities Act 2005.

110 Other registers

(1) The Registrar-General or any other person charged with keeping books or registers is not required to change the name of a Whanganui Iwi trust to the names of the trustees of Ngā Tāngata Tiaki o Whanganui in the books or registers or in a document solely because of the other provisions of this subpart.

(2) If the trustees of Ngā Tāngata Tiaki o Whanganui present an instrument to a registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in the trustees, as specified in the instrument.

(3) For the purposes of subsection (2), the instrument need not be an

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be executed or purport to be executed by the trustees of Ngā Tāngata Tiaki o Whanganui; and

(b) relate to assets or liabilities owned, controlled, or held, wholly or in part, by a Whanganui Iwi trust immediately before the commencement of this Act; and

(c) be accompanied by a certificate given by the trustees of Ngā Tāngata Tiaki o Whanganui or their solicitor stating that the property was vested in the trustees by or under this Act.

Employees of Whanganui Iwi trusts

111 Transfer of employees

On the commencement of this Act, each employee of a Whanganui Iwi trust ceases to be an employee of that trust and becomes an employee of the trustees of Ngā Tāngata Tiaki o Whanganui.

112 Protection of terms and conditions of employment

(1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to him or her immediately before the commencement of this Act.

(2) Subsection (1)—

(a) continues to apply to the terms and conditions of employment of a transferred employee until the terms and conditions are varied by agreement between the transferred employee and the trustees of Ngā Tāngata Tiaki o Whanganui; and

(b) does not apply to a transferred employee who accepts any subsequent appointment with the trustees of Ngā Tāngata Tiaki o Whanganui.

113 Continuity of employment

For the purposes of any enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee, the transfer of the person’s employment from a Whanganui Iwi trust to the trustees of Ngā Tāngata Tiaki o Whanganui does not, of itself, break the employment of that person, and the period of his or her employment by the Whanganui Iwi trust is to be regarded as having been a period of service with the trustees of Ngā Tāngata Tiaki o Whanganui.

114 No compensation for technical redundancy

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the position held by the employee with a Whanganui Iwi trust has ceased to exist; or

(b) the employee has ceased, as a result of his or her transfer to the trustees of Ngā Tāngata Tiaki o Whanganui, to be an employee of a Whanganui Iwi trust.

Subpart 2—Transitional taxation provisions for governance reorganisation

115 Application of this subpart

This subpart applies, by virtue of the reorganisation of the governance of Whanganui Iwi under subpart 1, for the purposes of the Inland Revenue Acts.

116 Taxation in respect of transfer of assets and liabilities of Whanganui Iwi trusts

(1) On and from the date on which the assets and liabilities of the Whanganui Iwi trusts vest in the trustees of Ngā Tāngata Tiaki o Whanganui under subpart 1,—

(a) the trustees of Ngā Tāngata Tiaki o Whanganui are deemed to be the same person as each of the Whanganui Iwi trusts; and

(b) everything done by a Whanganui Iwi trust before that date is deemed to have been done by the trustees of Ngā Tāngata Tiaki o Whanganui on the date that it was done by the Whanganui Iwi trust.

(2) Income derived or expenditure incurred by a Whanganui Iwi trust before the assets and liabilities vest in the trustees of Ngā Tāngata Tiaki o Whanganui does not become income derived or expenditure incurred by the trustees just because the assets and liabilities vest in the trustees under subpart 1.

(3) If income of a Whanganui Iwi trust is derived from a financial arrangement, trading stock, revenue account property, or depreciable property and is exempt income of the Whanganui Iwi trust, but is not exempt income of the trustees of Ngā Tāngata Tiaki o Whanganui, the trustees are to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property—

(a) on the day that it becomes the trustees' property; and

(b) for a consideration that is its market value on that day.

(4) The trustees of Ngā Tāngata Tiaki o Whanganui must identify the undistributed charitable amount, meaning the sum of the 3 amounts

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a – b

where—

a is the total of the amounts derived by a Whanganui Iwi trust that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by the Whanganui Iwi trust before the commencement of this Act

b is the total of the amounts described in item a that have been distributed before the commencement of this Act.

(5) The undistributed charitable amount described in subsection (4) is excluded from the corpus of Ngā Tāngata Tiaki o Whanganui for the purposes of the Income Tax Act 2007, to the extent to which it would be included but for this subsection.

(6) If the trustees of Ngā Tāngata Tiaki o Whanganui distribute any of the undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless subsection (7) applies.

(7) If the trustees of Ngā Tāngata Tiaki o Whanganui distribute any of the undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient.

Election by trustees to be Maori authority

117 Election by trustees to be Maori authority

(1) If the trustees of Ngā Tāngata Tiaki o Whanganui are a Maori authority (having made an election under section HF 11 of the Income Tax Act 2007), to the extent that the undistributed charitable amount referred to in section 116(4) is distributed in an income year, that distribution will be—

(a) exempt income if the distribution is applied for a charitable purpose; or

(b) a taxable Maori authority distribution.

(2) If this section applies, the distribution must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Subsidiary

118 Taxation in respect of assets and liabilities of subsidiary

(1) This section applies if income of the subsidiary is derived from a financial arrangement, trading stock, revenue account property, or depreciable property and is exempt income of the subsidiary before

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The subsidiary is to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property for a consideration that is its market value on the commencement of this Act.

119 Election by subsidiary to be Maori authority

(1) This section applies if the subsidiary—

(a) is a Maori authority (having made an election under section HF 11 of the Income Tax Act 2007); and

(b) when the election was made, had an undistributed charitable amount arising from income that was exempt income under sections CW 41 and CW 42 of that Act when the income was derived.

(2) The undistributed charitable amount must be calculated on the date when the subsidiary ceases to be a tax charity under section 98(3).

(3) A distribution of the undistributed charitable amount by the subsidiary after its election to be a Maori authority is—

(a) a distribution from exempt income of the subsidiary if the distribution is for a charitable purpose; or

(b) if paragraph (a) does not apply, a taxable Maori authority distribution.

(4) A distribution that is a taxable Maori authority distribution under subsection (3)(b) must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Subpart 3—Consequential repeal, revocations, and amendments

120 Repeal of Whanganui River Trust Board Act 1988

The Whanganui River Trust Board Act 1988 (1988 No 230) is repealed.

121 Revocation of orders

The following orders are revoked:

(a) Whanganui River Māori Trust Board Order 2009 (SR 2009/13):

(b) Whanganui River Māori Trust Board Order 2012 (SR 2012/169).

122 Amendment to Conservation Act 1987

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In section 6P(7)(b), replace "Whanganui River Maori Trust Board" with "trustees of Ngā Tāngata Tiaki o Whanganui (as defined by section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017)".

123 Amendment to National Parks Act 1980

(1) This section consequentially amends the National Parks Act 1980.

(2) In section 30(2)(b), replace "Whanganui River Maori Trust Board" with "trustees of Ngā Tāngata Tiaki o Whanganui (as defined by section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017)".

124 Amendment to Public Audit Act 2001

(1) This section consequentially amends the Public Audit Act 2001.

(2) In Schedule 2, insert in its appropriate alphabetical order:

Te Pou Tupua, as defined in section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

125 Amendment to Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2012

(1) This section consequentially amends the Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2012.

(2) In the Schedule, revoke the items relating to—

(a) Te Whiringa Muka Trust:

(b) Whanganui River Māori Trust Board.

(3) In the Schedule, insert in its appropriate alphabetical order:

Ngā Tāngata Tiaki o Whanganui

126 Amendment to Maori Trust Boards Regulations 1985

(1) This section consequentially amends the Maori Trust Boards Regulations 1985.

(2) In Schedule 2, revoke the item relating to the Whanganui River Maori Trust Board.

Schedule 1
Whanganui Iwi

ss 7, 8

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(a) Ngā Paerangi:

(b) Ngā Poutama:

(c) Ngāti Hau:

(d) Ngāti Hāua:

(e) Ngāti Kura:

(f) Ngāti Pāmoana:

(g) Ngāti Patutokotoko/Ngāti Peketuroa:

(h) Ngāti Rangi:

(i) Ngāti Ruakā:

(j) Ngāti Tuera:

(k) Ngāti Tupoho:

(l) Ngāti Uenuku.

2 Tūpuna rohe groups of Whanganui Iwi

The tūpuna rohe groups of Whanganui Iwi include—

(a) Hinengakau:

(b) Tamaupoko:

(c) Tupoho:

(d) Tamahaki:

(e) Uenuku.

3 Iwi that are not Whanganui Iwi

Whanganui Iwi do not include—

(a) Ngā Rauru Kītahi:

(b) Ngāti Apa (North Island):

(c) Ngāti Tuwharetoa (including Ngāti Hikairo, Ngāti Manunui, and Ngāti Hinemihi):

(d) Ngāti Maniapoto:

(e) Ngāti Maru (Taranaki):

(f) Ngāti Rereahu:

(g) Ngāti Ruanui.

4 Explanatory note

(1) This schedule identifies the groups that fall within the meaning of the term Whanganui Iwi for the purposes of this Act.

(2) The hapū listed in clause 1 are those that were included on the list that

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hapū was used by Hekenui Whakarake, the listed groups may also each consider themselves as iwi.

(3) The list is not exhaustive; it reflects only the hapū that were active in those proceedings and highlights the connections among the hapū that are affiliated to Whanganui Iwi. Other groups not expressly identified in the proceedings, such as Ngāti Tamahaki, also fall within the meaning of Whanganui Iwi for the purposes of this Act.

Schedule 2
Acts referred to in sections 15 and 37

ss 15, 37

1 Acts to which section 15(2) refers

Section 15(2) applies to the following Acts:

(a) Biosecurity Act 1993:

(b) Conservation Act 1987:

(ba) Fast-track Approvals Act 2024:

(c) Fisheries Act 1996:

(d) Forests Act 1949:

(e) Freedom Camping Act 2011:

(f) Harbour Boards Dry Land Endowment Revesting Act 1991:

(g) Land Drainage Act 1908:

(h) Local Government Act 1974:

(i) Local Government Act 2002:

(j) Marine and Coastal Area (Takutai Moana) Act 2011:

(k) Marine Mammals Protection Act 1978:

(l) Marine Reserves Act 1971:

(m) Maritime Transport Act 1994:

(n) National Parks Act 1980:

(o) Native Plants Protection Act 1934:

(oa) Natural Environment Act 2026 (in relation to preparing or changing a natural environment plan):

(p) New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:

(pa) Planning Act 2026 (in relation to preparing or changing a regional spatial plan or land use plan):

(s) Resource Management Act 1991 (in relation to preparing or changing a regional policy statement, regional plan, or district plan):

(t) River Boards Act 1908:

(u) Soil Conservation and Rivers Control Act 1941:

(ua) *[Repealed]*

(v) Trade in Endangered Species Act 1989:

(w) Outdoor Access Act 2008:

(wa) Water Services Act 2021:

(wb) Water Services Authority—Taumata Arowai Act 2020:

(x) Wild Animal Control Act 1977:

(y) Wildlife Act 1953.

Schedule 2 clause 1(ba): inserted, on 24 December 2024, by section 121 of the Fast-track Approvals Act 2024 (2024 No 56).

Schedule 2 clause 1(oa): inserted, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

Schedule 2 clause 1(pa): inserted, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

Schedule 2 clause 1(ua): repealed, on 27 August 2025, by section 111(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Schedule 2 clause 1(w): amended, on 10 July 2026, by section 366 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 2 clause 1(wa): inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Schedule 2 clause 1(wb): inserted, on 27 August 2025, by section 111(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

2 Acts to which section 15(3) refers

Section 15(3) applies to the following Acts:

(a) Heritage New Zealand Pouhere Taonga Act 2014:

(aa) Natural Environment Act 2026, to the extent that it is not within clause 1(oa):

(ab) Planning Act 2026, to the extent that it is not within clause 1(pa):

(b) Public Works Act 1981:

(c) Resource Management Act 1991, to the extent that it is not within clause 1(s).

Schedule 2 clause 2(aa): inserted, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

Schedule 2 clause 2(ab): inserted, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

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Administrative matters relating to Te Pou Tupua and Te Karewao

ss 20, 27

Part 1
Te Pou Tupua

Appointments

1 Term of appointment and termination

(1) The persons appointed to Te Pou Tupua are appointed for a term of 3 years.

(2) A person appointed to Te Pou Tupua—

(a) may be removed with the agreement of the nominators and by written notice to the person:

(b) may resign by giving written notice to the nominators:

(c) may be reappointed.

(3) If the term of appointment of a person appointed to Te Pou Tupua expires, unless the person resigns or is removed from office, that person continues to hold office by virtue of the appointment for the term that has expired, until—

(a) that person is reappointed; or

(b) a successor to that person is appointed.

Schedule 3 clause 1(3): inserted, on 30 November 2022, by section 125 of the Statutes Amendment Act 2022 (2022 No 75).

2 Vacancies

(1) If a member of Te Pou Tupua resigns or is removed, or a vacancy arises for any other reason, the nominators must, as soon as is reasonably practicable, appoint a person to replace that member for the remainder of the term of the member being replaced in accordance with the requirements of section 20.

(2) If a vacancy occurs, leaving only 1 person as a member of Te Pou Tupua, that member may, in exceptional circumstances, act as Te Pou Tupua until the vacancy is filled.

(3) If subclause (2) applies, the remaining member must,—

(a) if it is reasonably practicable to do so, inform the nominators that the person intends to act as Te Pou Tupua; and

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taken.

(4) If 1 member is unable to act in relation to a particular matter or for a limited time, the other member—

(a) may act as Te Pou Tupua; and

(b) must, if it is reasonably practicable to do so, inform the nominators of the intention to act; and

(c) must, as soon as is reasonably practicable after acting, inform the nominators of the circumstances and the nature of the action taken under this subclause.

3 Fees

The nominators must agree and set the fees (if any) to be paid to each member of Te Pou Tupua.

Reporting and accountability requirements

4 Annual report

(1) Each year Te Pou Tupua must adopt and publish an annual report.

(2) The annual report must contain the following information for the financial year to which it relates:

(a) a report on the exercise by Te Pou Tupua of its functions and powers and its progress in achieving its purposes; and

(b) financial statements in respect of Te Pou Tupua and Te Awa Tupua (including Te Korotete) prepared in accordance with generally accepted accounting practice; and

(c) a statement of responsibility for the financial statements; and

(d) an audit report—

(i) by the Auditor-General in respect of Te Pou Tupua; and

(ii) by an auditor appointed by Te Pou Tupua in respect of Te Awa Tupua (including Te Korotete).

(3) Te Pou Tupua, the Minister for Treaty of Waitangi Negotiations, and the Minister of Finance may agree to any further reporting requirements necessary to reflect any change to the financial relationship between the Crown and Te Pou Tupua.

(4) In this clause,—

financial statements has the meaning given in section 6 of the Financial Reporting Act 2013

generally accepted accounting practice has the meaning given in section 8 of the Financial Reporting Act 2013.

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(1) Te Pou Tupua must provide the annual report to—

(a) the chairperson of the trustees; and

(b) the Minister for Treaty of Waitangi Negotiations.

(2) The Minister for Treaty of Waitangi Negotiations must present the annual report to the House of Representatives as soon as practicable after it has been received by the Minister.

(3) After the report has been provided under subclause (1), a nominator may seek further information from Te Pou Tupua, and make comments to Te Pou Tupua, on any relevant matter arising out of the report.

Part 2
Te Karewao

6 Meetings of Te Karewao

Te Karewao must meet as it considers necessary to carry out its purpose under section 27 and when requested to provide advice and support for Te Pou Tupua in the performance of its functions.

7 Power to request information or advice

(1) Te Pou Tupua or Te Karewao may request information or technical advice from any department of State if the information or advice requested relates to that department's functions.

(2) A department of State that receives a request under subclause (1) must provide the information or advice to Te Pou Tupua or Te Karewao where it is reasonably practicable and appropriate to do so, having regard (among other relevant matters) to the ability of the department to make its resources available for that purpose in light of the other priorities of the department.

(3) In this clause, **department of State** has the meaning given to **department** in section 5 of the Public Service Act 2020.

Schedule 3 clause 7(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

8 Delegation

(1) Te Pou Tupua may—

(a) delegate functions to Te Karewao; and

(b) refer matters to Te Karewao for its consideration and advice to Te Pou Tupua.

(2) Te Pou Tupua must not delegate any decision-making function to Te

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9 Liability

The persons appointed to Te Karewao are not personally liable for any action taken or omission made in their capacity as members of Te Karewao, but only if the action or omission relates to their functions and powers under this Act and they have acted in good faith.

Schedule 4
Te Kōpuka nā Te Awa Tupua and Te Heke Ngahuru ki Te Awa Tupua

ss 29, 36

Part 1
Te Kōpuka

Administrative matters

1 Terms and conditions of appointment of members of Te Kōpuka

(1) Members of Te Kōpuka are appointed for a term of 3 years, unless a member resigns or is removed by an appointer during that term.

(2) Members may be reappointed or removed by, and at the sole discretion of, the relevant appointer.

(3) If a vacancy arises in the membership of Te Kōpuka, the relevant appointer must, as soon as is reasonably practicable, fill the vacancy for the remainder of the term of office of the relevant member.

(4) A vacancy does not prevent Te Kōpuka from continuing to perform its functions.

(5) To avoid doubt, the members of Te Kōpuka are not members of a local authority by virtue of their appointment as members of Te Kōpuka.

2 Participation in Te Kōpuka

(1) The members of Te Kōpuka must act in a manner that promotes the effective performance of the functions of Te Kōpuka (*see* section 30).

(2) Te Kōpuka must convene plenary sessions on a regular basis for the purpose of—

(a) reporting to—

(i) groups and organisations (including iwi and hapū with

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(ii) relevant departments of State; and

(iii) any other relevant agencies; and

(b) offering an opportunity for the groups and organisations referred to in paragraph (a) to provide information to Te Kōpuka.

(3) Te Kōpuka may invite other persons and organisations (including departments of State and other agencies) to participate in meetings and contribute to the work of Te Kōpuka.

(4) Unless otherwise agreed, members of Te Kōpuka are not paid or reimbursed for their participation in Te Kōpuka from the fund referred to in clause 9(4).

3 Appointment of chairperson and deputy chairperson

(1) At the first meeting of each term of Te Kōpuka, Te Kōpuka must appoint—

(a) 1 of its members to be the chairperson; and

(b) 1 of its members to be the deputy chairperson.

(2) The chairperson and deputy chairperson are appointed for the same 3-year term as the members of Te Kōpuka, unless the chairperson or deputy chairperson resigns or is removed.

(3) The chairperson and deputy chairperson may be reappointed.

(4) The deputy chairperson must act on behalf of the chairperson at any meeting of Te Kōpuka in the absence of the chairperson.

(5) If the chairperson or deputy chairperson is absent from 3 consecutive meetings of Te Kōpuka, the chairperson or deputy chairperson, as the case may be, must be removed from the relevant office, unless Te Kōpuka decides otherwise.

4 Annual schedule of meetings

At its first meeting in each year of its term, Te Kōpuka must—

(a) agree a schedule of meetings for the year that will allow Te Kōpuka to achieve its purpose and perform its functions; and

(b) regularly review that schedule of meetings to ensure that it is adequate to allow Te Kōpuka to achieve its purpose and perform its functions.

5 Quorum

The quorum for a meeting of Te Kōpuka is not fewer than 50% of the members, including the chairperson or deputy chairperson.

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(2) In making decisions, the members of Te Kōpuka must—

(a) strive to achieve consensus; and

(b) approach decision making in a manner that—

(i) is consistent with the collaborative nature and purpose of Te Kōpuka (but for no other purpose); and

(ii) promotes consensus decision making.

(3) However, if, in the opinion of the chairperson, consensus is not practicable after reasonable discussion, a decision of Te Kōpuka may be made by a majority of at least 75% of the members entitled to vote and voting at a meeting.

(4) The chairperson may vote on any matter but does not have a casting vote.

7 Members of both Te Kōpuka and local authority

Members of Te Kōpuka who are also members of a local authority are not,—

(a) by virtue of being a member of Te Kōpuka, disqualified from participating in decision making by the local authority; or

(b) by virtue of being a member of the local authority, disqualified from participating in the decision-making of Te Kōpuka; or

(c) bound by the relevant local government legislation when acting as a member of Te Kōpuka; or

(d) required to consult with, or seek direction from, the local authority in relation to their participation in Te Kōpuka.

8 Liability of members of Te Kōpuka

The members of Te Kōpuka are not personally liable for any action taken or omission made in their capacity as members of Te Kōpuka, but only if the action or omission relates to their functions and powers under this Act and they have acted in good faith.

9 Administrative and technical support

(1) The Manawatu–Wanganui Regional Council must provide administrative support for Te Kōpuka.

(2) At any meeting, the members of Te Kōpuka may be supported by technical advisers.

(3) Te Kōpuka may determine whether additional technical support is required and the nature, extent, and source of that support.

(4) The fund required under paragraph 5.45 of Ruruku Whakatupua—Te

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other funds that may be provided to Te Kōpuka from time to time, to be expended by the Council—

(a) for the purpose of meeting the costs of establishing Te Kōpuka and developing Te Heke Ngahuru; and

(b) after the Council and Te Kōpuka have together considered how the fund is to be expended.

Procedures for operation of Te Kōpuka

10 Procedures

(1) Te Kōpuka must, at its first meeting, adopt procedures for its operations that reflect—

(a) the purpose and functions of Te Kōpuka; and

(b) the principle of consensus decision making; and

(c) the range of interests represented by the membership of Te Kōpuka; and

(d) tikanga Māori.

(2) The procedures for Te Kōpuka—

(a) must provide for the requirements of the relevant local government legislation to the extent that those requirements are considered relevant to Te Kōpuka by Whanganui Iwi, the Crown, and the relevant local authorities; and

(b) apply at and from the first meeting of Te Kōpuka; and

(c) may be amended from time to time by Te Kōpuka.

Steering group and committees

11 Other appointments

(1) Te Kōpuka may appoint a steering group to ensure that, in achieving its purpose, Te Kōpuka operates in an effective, efficient, and collaborative way.

(2) Te Kōpuka may also appoint committees to consider particular issues in relation to the performance of the functions of Te Kōpuka.

Part 2
Te Heke Ngahuru

Development and approval of Te Heke Ngahuru

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Not later than 6 months after the settlement date, Te Kōpuka must begin to prepare a draft of Te Heke Ngahuru.

(2) As soon as the draft of Te Heke Ngahuru is prepared, but not later than 18 months after the settlement date, Te Kōpuka must—

(a) give public notice of the draft of Te Heke Ngahuru; and

(b) ensure that the draft of Te Heke Ngahuru and other documents that Te Kōpuka considers relevant are available for public inspection.

(3) Te Kōpuka may do anything else it considers appropriate to promote awareness of the draft Te Heke Ngahuru to interested persons and obtain their views on it.

(4) The public notice must—

(a) identify where the draft of Te Heke Ngahuru may be obtained or inspected; and

(b) state that persons or organisations may make a submission or give their views on the draft of Te Heke Ngahuru in the manner specified in the notice; and

(c) state the date by which the submissions or views on the draft of Te Heke Ngahuru must be provided to Te Kōpuka, which must not be earlier than 20 working days after the date on which the notice is published.

13 Submissions and views on Te Heke Ngahuru

(1) Te Kōpuka—

(a) must consider all relevant submissions or views that it receives on the draft of Te Heke Ngahuru; and

(b) may, in its discretion, meet with or hear submissions from, or hear the views of,—

(i) any person or organisation that provides a submission or views on the draft of Te Heke Ngahuru; or

(ii) any other person or organisation that Te Kōpuka considers appropriate.

(2) Te Kōpuka must—

(a) keep a record of all submissions and views received, and of all meetings or discussions, on the draft of Te Heke Ngahuru; and

(b) make the record available to any person on request.

14 Amendment and approval of Te Heke Ngahuru

(1) Te Kōpuka may amend the draft of Te Heke Ngahuru to reflect—

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any other matters that arise after public notice of the draft of Te Heke Ngahuru is given under clause 12.

(2) Te Kōpuka must then approve Te Heke Ngahuru.

15 Notification of approved Te Heke Ngahuru

(1) Te Kōpuka must give public notice of the approved Te Heke Ngahuru, with details of where Te Heke Ngahuru may be obtained or inspected.

(2) Te Kōpuka may notify the approved Te Heke Ngahuru by any other means it considers appropriate.

16 Review and amendment of Te Heke Ngahuru

(1) Te Kōpuka must begin to review Te Heke Ngahuru—

(a) not later than 10 years after its notification under clause 15; and

(b) not later than 10 years after the completion of any previous review.

(2) If Te Kōpuka considers, as a result of a review, that Te Heke Ngahuru should be amended—

(a) in a material way, it must prepare, approve, and notify an amendment in accordance with clauses 12 to 15; or

(b) in a way that is of minor effect, it may approve the amendment under clause 14 but must give public notice in accordance with clause 15.

(3) In applying clauses 12 to 15 to a review under this clause, all references in those sections to a draft of Te Heke Ngahuru are to be read as references to an amendment to Te Heke Ngahuru.

Schedule 5
Further provisions relating to vesting of Crown-owned parts of bed of Whanganui River

ss 7, 39, 56

Liabilities and responsibilities

1 Liabilities of Te Awa Tupua excluded

The liabilities excluded by section 56 are liabilities for—

(a) remediation of any historical contaminated site on the relevant land if the contamination was caused at any period when the land was held by the Crown:

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(c) an existing activity (whether authorised under a consent or designation, as a permitted activity, or by or under any legislation) if the activity was authorised before the date on which the relevant land vested:

(d) public access to, and use of, the Whanganui River, including for navigation.

2 Certain existing liabilities retained by the Crown

On and from the date on which land vests in Te Awa Tupua by section 41(1) or under section 53(3) or 55(3)(a), the Crown retains—

(a) any existing liabilities it may have in relation to the land arising from—

(i) a historical contaminated site if the contamination was caused while the Crown held the relevant land:

(ii) an existing structure on the bed of the Whanganui River if the structure was established before the date on which the relevant land vested:

(iii) an existing activity, whether authorised under a consent, under a designation, as a permitted activity, or by or under legislation, if the activity was authorised before the date on which the relevant land vested:

(iv) plants that are attached to the bed of the Whanganui River, together with the biosecurity risks associated with those plants; and

(b) any other liability arising from landowner functions performed or decisions made by the Crown before the date on which the relevant land vests.

3 Costs of meeting any liability

(1) This clause applies if Te Pou Tupua—

(a) has a liability arising from acting on behalf of Te Awa Tupua in relation to any land vested in Te Awa Tupua by section 41(1) or under section 53(3) or 55(3)(a); and

(b) is not able to meet the costs or obligations imposed by the liability.

(2) Te Pou Tupua must, at the earliest practicable opportunity, give written notice of the matter to—

(a) the trustees; and

(b) the Minister of Finance and the Minister for Land Information (the **Ministers**).

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(4) Te Pou Tupua, the trustees, and the Ministers must consider any proposals made by the trustees or the Ministers.

(5) The trustees and the Ministers may—

(a) propose options, or seek proposals from Te Pou Tupua, for meeting the liability; and

(b) agree to provide assistance to Te Pou Tupua, specifying any condition of that assistance that they consider appropriate.

4 Rating responsibility

(1) Land that is part of the bed of the Whanganui River and vested in or acquired by Te Awa Tupua is fully non-rateable land for the purposes of the Local Government (Rating) Act 2002.

(2) In this clause, **non-rateable land** has the meaning given in section 8 of the Local Government (Rating) Act 2002.

Schedule 6
Te Awa Tupua register of hearing commissioners

ss 61, 62

1 Interpretation

In this schedule,—

relevant application means an application for a resource consent for an activity listed in clause 3

relevant authority means—

(a) the Minister responsible for appointing a board of inquiry under the Resource Management Act 1991; or

(b) a local authority that appoints a hearing panel for the purposes of Part 6 of the Resource Management Act 1991.

2 Maintenance of Te Awa Tupua register

(1) Te Pou Tupua must keep the Te Awa Tupua register under review to ensure that it remains consistent with the requirements of section 62(2).

(2) The register may be amended in the manner required for its development under section 61.

3 Application of provisions relating to hearing

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The relevant applications for resource consents to which clauses 4 to 6 apply are applications that—

(a) are, or are likely to be, notified; and

(b) relate to any of the following:

(i) taking, using, damming, or diverting water from or in the Whanganui River:

(ii) making a point source discharge into the Whanganui River:

(iii) undertaking an activity listed in section 13 of the Resource Management Act 1991 in relation to the Whanganui River:

(iv) undertaking any other activity to which the relevant authority considers it is appropriate to apply those clauses.

4 Te Pou Tupua to be notified of certain applications

When a relevant authority receives a relevant application, the authority must inform Te Pou Tupua.

5 Relevant considerations when appointing hearing commissioners

(1) When a relevant authority is appointing hearing commissioners to a hearing panel for a relevant application, the relevant authority—

(a) must have particular regard to—

(i) the Te Awa Tupua register; and

(ii) Te Pā Auroa nā Te Awa Tupua:

(b) may make appointments from the Te Awa Tupua register.

(2) In making appointments from the Te Awa Tupua register, the relevant authority must be guided by the need for the hearing panel to reflect an appropriate range of skills, knowledge, and experience, including—

(a) knowledge of the Whanganui River; and

(b) an understanding of Te Awa Tupua; and

(c) an understanding of Te Pā Auroa nā Te Awa Tupua.

(3) The relevant authority must make its final decision on the appointment of hearing commissioners—

(a) in accordance with the relevant appointment process set out in the Resource Management Act 1991; and

(b) in consultation with Te Pou Tupua.

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Persons on the Te Awa Tupua register who are members of an iwi with interests in the Whanganui River are not, by virtue only of that fact, disqualified from appointment as hearing commissioners.

Schedule 7
Further provisions relating to authorised customary activities

ss 75, 77

Notification requirements

1 Requirement for annual notice

(1) Not later than 30 November each year, the trustees must give written notice (**annual notice**) to any relevant authority of—

(a) the authorised customary activities that will be carried out in the 12-month period beginning on 1 January of the following year; and

(b) the likely dates and locations of those activities.

(2) When a relevant authority receives an annual notice, it must not grant a resource consent, permit, or authorisation for an activity at the locations and for the dates specified in the annual notice.

(3) Subclause (2) applies—

(a) if the activity for which a resource consent, permit, or authorisation is granted would have the effect of preventing, or would have a significant adverse effect on, the carrying out of the authorised customary activity specified in the annual notice; or

(b) unless the trustees have given their consent to granting a resource consent, permit, or authorisation.

2 Requirement for confirmation notice

(1) Not less than 20 working days before an authorised customary activity is to be carried out, the trustees must give written notice to the relevant authority of the exact date on which, and location at which, the authorised customary activity is to be carried out (a **confirmation notice**).

(2) If a relevant authority receives a confirmation notice, it must give public notice of the date on which, and location at which, the proposed activity is to be carried out.

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customary activity is to be carried out.

3 Significant adverse effects on the environment

(1) This clause applies if the trustees or the relevant Minister consider that there is, or is likely to be, a significant adverse effect on the environment—

(a) from the carrying out of an authorised customary activity; or

(b) that affects the ability of members of Whanganui Iwi to carry out an authorised customary activity.

(2) The trustees or the relevant Minister may give written notice to the other of the significant adverse effect.

(3) If written notice is given under subclause (2), the trustees and the relevant Minister—

(a) must agree a process for investigating and, if necessary, dealing with the significant adverse effect; and

(b) must work together in a timely and constructive manner to deal with any significant adverse effect or likely significant adverse effect.

(4) The trustees and the relevant Minister may seek and obtain any information they consider relevant for assessing the nature and extent of the significant adverse effect, including by commissioning any reports.

(5) In this clause, **Minister** means—

(a) the Minister of Conservation in the case of a potential effect on public conservation lands or resources managed under—

(i) the Conservation Act 1987:

(ii) the National Parks Act 1980:

(iii) the Reserves Act 1977; or

(b) in all other cases, the Minister for the Environment.

4 Arrangements with relevant local authorities

The trustees and relevant local authorities must consider—

(a) whether customary activities other than the authorised customary activities may, or at any time could,—

(i) be carried out by members of Whanganui Iwi on the Whanganui River without the need for a statutory authorisation from a local authority:

(ii) be provided for as permitted activities in relevant regional plans or district plans; and

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River.

5 Exemptions to certain requirements

(1) In relation to carrying out a tangihanga activity,—

(a) clauses 1 and 2 do not apply; but

(b) as soon as is reasonably practicable, the trustees must give written notice to any relevant authority of the time at which, and location at which, that activity will be carried out.

(2) Coastal occupation or other charges provided for in a regional coastal plan do not apply to members of Whanganui Iwi carrying out an authorised customary activity specified in a confirmation notice given under clause 2.

Schedule 8
Ngā Ripo o Te Awa o Whanganui

s 82

Statement of significance

"(1) Ko ngā ripo, he pou whakamārama ki rō wai nō ia hapū. He matapihi hoki ki te ao wairua, ma te tangata hei whakatika ngā ahuatanga tangata ki runga wai, ki roto wai, ki ngā tahataha, ngā ahuatanga katoa o te Awa, ngā ahuatanga katoa o te tangata, e rite ana rāua.

(2) There are more than 240 identified ripo (rapids) on the Whanganui River between Taumarunui and the mouth of the River. These ripo have distinctive ancient names, which are protected and maintained by the hapū associated with each of those ripo. These names, and their associated korero, remain central to both the relationship between each hapū of Whanganui Iwi and the Whanganui River and to the relationship of Whanganui Iwi collectively with the River.

(3) Whanganui hapū hold that each ripo of the Whanganui River is inhabited by a kaitiaki (spiritual guardian), which is particular to each hapū. Each of these kaitiaki is a mouri and is responsible for maintaining the lifeforce and therefore the health and well-being of the Whanganui River and its people. Each hapū and the whānau within that hapū are responsible collectively for maintaining the mouri of the ripo and, in so doing, the collective mouri of Te Awa Tupua. These kaitiaki of the ripo provide insight, guidance, and premonition in relation to matters affecting the Whanganui River, its resources and life in general. Whanganui Iwi and the hapū and whānau of Whanganui look to these kaitiaki for guidance in times of joy, despair,

valued accordingly. Most were valuable fishing locations, where pā tuna were constructed in the fastest-flowing current to catch tuna migrating downstream and utu piharau were constructed in the slower-flowing water to catch piharau migrating upstream. The appropriate location, construction, and maintenance of these pā requires specialised knowledge and is imbued with kawa and tikanga. The exercise of rights and responsibilities by hapū and whānau in respect of these pā is an expression of mana and an acknowledgment of the rights and responsibilities of those hapū and whānau to both the ripo and the Whanganui River as a whole."

Notes

1 General

This is a consolidation of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations .

4 Amendments incorporated in this consolidation

Planning Act 2026 (2026 No 70): section 343(1), (5)

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): section 366

Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43): section 111(2)

Fast-track Approvals Act 2024 (2024 No 56): section 121

Water Services Acts Repeal Act 2024 (2024 No 2): section 12(1)

Statutes Amendment Act 2022 (2022 No 75): Part 40

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

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Trusts Act 2019 (2019 No 38): section 161

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