

**A PROTOCOL ISSUED BY THE CROWN THROUGH THE MINISTER OF
CONSERVATION REGARDING DEPARTMENT OF CONSERVATION / NGĀTI MANAWA
INTERACTION ON SPECIFIED ISSUES**

1 INTRODUCTION

1.1 Under the Deed of Settlement dated 12 December 2009 between Ngāti Manawa and the Crown (the "Deed of Settlement"), the Crown agreed that the Minister of Conservation (the "Minister") would issue a Protocol ("the Protocol") setting out how the Department of Conservation (the "Department") will interact with the Ngāti Manawa Governance Entity (the "Governance Entity") on matters specified in the Protocol. These matters are:

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1.1 Both the Department and Governance Entity are committed to establishing and maintaining a positive and collaborative relationship that gives effect to the principles of the Treaty of Waitangi as provided for in section 4 of the Conservation Act 1987. Those principles provide the basis for an ongoing relationship between the parties to the Protocol to achieve over time the conservation policies, actions and outcomes sought by both the Governance Entity and the Department, as set out in this Protocol.

1.2 The purpose of the Conservation Act 1987 is to enable the Department "to manage for conservation purposes, all land, and all other natural and historic resources" under that Act and to administer the statutes in the First Schedule to the Act (together, the "Conservation Legislation"). The Minister and Director-General, or



their delegates, are required to exercise particular functions, powers and duties under that legislation.

- 1.3 Ngāti Manawa accept a responsibility as kaitiaki under Ngāti Manawa tikanga to preserve, protect, and manage natural, cultural, and historic resources within their rohe.
- 1.4 Ngāti Manawa appreciate and regard all lands and waters and all natural and historic resources as taonga and consider that there is an inherent responsibility to ensure that these taonga are managed in such a way that Ngāti Manawa kaitiakitanga is exercised, observed, and respected.
- 1.5 Ngāti Manawa values their ability to interact with their taonga and to continue to exercise and practice Ngāti Manawatanga. An essential component is maintaining balance and protecting the heritage of Ngāti Manawa to sustain the identity, traditional knowledge, and practices of Ngāti Manawa for the benefit of current and future generations
- 1.6 Ngāti Manawa consider that their historical, traditional, and cultural access, use, and management of their lands and waters, and natural and historic resources has been substantially affected at local, regional, and national levels due to a number of factors, and in order to mitigate these factors, consider that this protocol will inform and include guiding principles in relation to the sustainable management of all lands and waters, and all natural and historic resources in the Ngāti Manawa Protocol Area.

2 PURPOSE OF THE PROTOCOL

- 2.1 The purpose of this Protocol is to assist the Department and the Governance Entity to exercise their respective responsibilities with the utmost co-operation to achieve over time the conservation policies, actions, and outcomes sought by both.
- 2.2 This Protocol sets out a framework that enables the Department and Ngāti Manawa to establish a constructive working relationship that gives effect to section 4 of the Conservation Act. It provides for Ngāti Manawa to have meaningful input into relevant policy, planning and decision-making processes in the Department's management of conservation lands and fulfilment of statutory responsibilities within the Ngāti Manawa Protocol Area.

3 NGĀTI MANAWA GUIDING PRINCIPLES

Ko Tāwhiuau te maunga

Ko Rangitaiki te awa

Ko Rangipo te wehenga o te tuna

Ko Ngāti Manawa te iwi

Ko Tangiharuru te tangata

Tāwhiuau is the mountain

Rangitaiki is the River

Rangipo is the departure place of the eels

Ngāti Manawa are the people

Tangiharuru is the Chief

Manawa tu, Manawa oho, Manawa Rere, Manawakotokoto

- 3.1 Ngāti Manawa values, aspirations, and associations encapsulate and express the world view of Ngāti Manawa with the essence of acknowledging the spiritual and physical relationships with the past and present for future generations. In doing so the inter-relationships and interconnectedness of these principles will continue to ensure that Ngāti Manawa continues to provide, and act in and for, the best interests of Ngāti Manawa at all times.
- 3.2 The following principles are interlinked and are fluid and extend across Ngāti Manawa rohe; they are formed from reciprocity and cannot be dissected without affecting the other; they are in-separable:

Turangawaewae: Physical and spiritual relationships to the whenua; strong association and connection.

Ahikāroa: The eternal fires of occupation and whakapapa. Kainga, mahinga kai, settlements and camps hold importance as expressions of ahikāroa.

Mana Motuhake: The rights and ability to control, manage, direct and influence Ngāti Manawa's future to its full potential. Prestige and identity linked to all things and associated with obligations and responsibility for the benefit of all Ngāti Manawa.

Kaitiakitanga: The inherent and inherited responsibility for the sustainable use and care of resources where relationships are based on reciprocity between mana tangata, mana whenua, mana atua, mana ora. Welfare of the resource first and foremost; for the benefit of the resource and the people and the respect and commitment each have for one another.

Tino Rangatiratanga: Expressed as an act, relationship, association, thought and authorises and empowers ones rights and responsibilities to act and behave with the utmost respect in a given situation. Ngāti Manawa responsibilities and aspirations extend beyond any individual, organisation and generation.

Whakapapa: The physical and spiritual relationships with mana atua, mana tangata and mana whenua. Values of connectivity through past, present, and future relationships.

Mauri: Life force, ethos imbues in all things animate and inanimate. If the mauri is damaged, so too will be the mauri of the people.

Tikanga: Parameters by which activities are conducted to ensure the safeguarding and health of those values that Ngāti Manawa hold steadfast eg: policies and procedures, terms and conditions. Appropriate behaviour and conduct for the wellbeing and intent of the situation. Ngāti Manawa has its own tikanga in respect of the kaitiakitanga of their waters which dictates the way they manifest their management, interests and rights over and in their taonga.

Wairua: Spirituality imbued in all things requiring acknowledgement and response. Upholding the wairua.

Manaakitanga: To care, nurture and ensure the collective wellbeing and interest of Ngāti Manawa. The collective takes precedence over personal gain and self interest.

Mana Whenua: Ancestral rights that are not only based on lands and resources.

4 RELATIONSHIP PRINCIPLES

4.1 Ngāti Manawa, the Minister and the Director-General agree to abide by the following relationship principles when implementing this Protocol and exercising their various roles and functions under this Protocol:

- a Working in a spirit of co-operation;
- b Ensuring early engagement on issues that affect the interests of Ngāti Manawa;
- c Operating a 'no-surprises' approach;
- d Acknowledging that the relationship is evolving, not prescribed;
- e Respecting the independence of the parties and their individual mandates, roles and responsibilities within the Ngāti Manawa Protocol Area; and
- f Recognising and acknowledging that the parties benefit from working together by sharing their vision, knowledge, and expertise.

4.2 Underpinning the settlement between the Crown and Ngāti Manawa is the principle of honour and integrity. Both parties entered into the Deed of Settlement in good faith, relying on the commitments of each other contained in the deed, with the intention of achieving a full, fair and durable settlement of the claims of Ngāti Manawa. The principle of honour and integrity is to be reflected in the implementation of this protocol.

5 PROTOCOL AREA

5.1 The Protocol applies across the Ngāti Manawa Protocol Area which means the area identified in the map included in Attachment A of this Protocol.

6 TERMS OF ISSUE

6.1 This Protocol is issued pursuant to section 34(1)(a) of the Ngāti Manawa Claims Settlement Act 2012 (The "Settlement Legislation") and clause 5.3 of the Deed of Settlement. The provisions of the Settlement Legislation and the Deed of Settlement specifying the terms on which this Protocol is issued are set out in Attachment B of the Protocol.

7 IMPLEMENTATION AND COMMUNICATION

7.1 The Department and the Governance Entity will meet as soon as practicable after this Protocol is issued to discuss the implementation of the Protocol and the implications for the ongoing relationship between the Department and the Governance Entity. Thereafter, the Department will seek to establish and maintain effective and efficient communication with Ngāti Manawa on a continuing basis by:

7.1.1 Establishing and maintaining information on the Governance Entity's office holders, their addresses, and contact details;

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- 7.1.2 Providing a primary departmental contact (the Programme Manager Community Relations or equivalent) for the Governance Entity who will act as a liaison person with other departmental staff;
 - 7.1.4 Providing reasonable opportunities for the Governance Entity to meet with departmental managers and staff;
 - 7.1.5 Training relevant staff and briefing Conservation Board members on the content of this Protocol; and
 - 7.1.6 Holding alternate meetings at the Area Office and a Ngāti Manawa marae or other venue chosen by the Governance Entity to discuss issues that may have arisen every six months, unless otherwise agreed. The host of the meeting will be responsible for calling the meeting and drafting the agenda.
- 7.2 The Department will inform relevant conservation stakeholders about this Protocol and the Ngāti Manawa settlement and provide on-going information as required.
- 7.3 The Department will advise the Governance Entity of any departmental policy directions and the receipt of any research reports relating to matters of interest to Ngāti Manawa within the Ngāti Manawa Protocol Area, and provide the Governance Entity with copies of those reports where practicable and not publicly available (subject to clause 26.3).

8 BUSINESS PLANNING

- 8.1 The Department's annual business planning process determines the Department's conservation work priorities.
- 8.2 The Area Office Manager will meet with the Governance Entity annually to present a synopsis of the Department's work programmes as they relate to the Ngāti Manawa Protocol Area and will invite the Governance Entity to provide feedback.
- 8.3 The process for the Governance Entity to identify and/or develop specific projects for consideration by the Department is as follows:
- 8.3.1 The Department and the Governance Entity will on an annual basis identify priorities for undertaking specific projects requested by the Governance Entity. The identified priorities for the upcoming business year will be taken forward by the Department into its business planning process, at the area level, and considered along with other priorities;
 - 8.3.2 The decision on whether any specific projects will be funded in any business year will be made by the Conservator and General Manager Operations, after following the co-operative processes set out above;
 - 8.3.3 If the Department decides to proceed with a specific project requested by the Governance Entity, the Governance Entity and the Department will meet again, if agreed, to finalise a work plan and a timetable before implementation of the specific project in that business year, in accordance with the resources which have been allocated in the business plan; and
 - 8.3.4 If the Department decides not to proceed with a specific project it will communicate to the Governance Entity the factors that were taken into account in reaching that decision.



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- 8.4 The Department will invite the Governance Entity to participate in specific projects, including the Department's volunteer and conservation events that may be of interest to Ngāti Manawa.

9 MANAGEMENT PLANNING

- 9.1 The Department will provide opportunities for meaningful input by the Governance Entity into any relevant Conservation Management Strategy reviews or Management Plans, including National Park Management Plans affecting the Ngāti Manawa Protocol Area.

10 CULTURAL MATERIALS

- 10.1 For the purpose of this Protocol, cultural materials are plants, plant materials, and materials derived from animals, marine mammals or birds for which the Department is responsible within the Ngāti Manawa Protocol Area and which are important to Ngāti Manawa in maintaining, restoring and expressing Ngāti Manawa cultural values and practices.

- 10.2 Current legislation means that generally some form of concession or permit is required for any gathering and possession of cultural materials.

- 10.3 In relation to cultural materials, the Minister and/or Director-General will:

10.3.1 work in partnership with the Governance Entity to develop and agree a process to authorise members of Ngāti Manawa to access, and use cultural materials within the Ngāti Manawa Protocol Area when required for cultural purposes, in accordance with the relevant legislation. Where it is consistent with conservation objectives and relevant legislation, multi-site and/or multi-take authorisations may be granted;

10.3.2 consult with the Governance Entity in circumstances where there are competing requests between the Governance Entity and non-Ngāti Manawa persons or entities for the use of cultural materials, for example for scientific research purposes; or requests for access to and use of cultural materials within the Ngāti Manawa Protocol Area from persons and entities other than Ngāti Manawa;

10.3.3 to discuss Governance Entity access to cultural materials, taking into consideration the interest of other representatives of tangata whenua, which become available as a result of departmental operations such as track maintenance or clearance, or species management, or where materials become available as a result of accidental death or otherwise through natural causes;

10.3.4 assist as far as reasonably practicable, the governance entity to obtain plant stock for propagation to reduce the need for plants to be gathered from land administered by the Department and to provide advice to the Governance Entity in the establishment of its own cultivation areas;

10.3.5 provide, as far as reasonably practicable, ongoing advice to the Governance Entity for the management and propagation of the plant stock; and

10.3.6 identify areas administered by the Department which may be suitable as sites where revegetation planting of plants suitable for cultural use and establishment of pa harakeke may be appropriate.

10.4 Where appropriate, the Department and the Governance Entity will discuss the development of procedures for monitoring levels of use of cultural materials in accordance with the relevant legislation and appropriate Ngāti Manawa tikanga.

10.5 The Department will waive or reduce any recovery of authorisation costs for collection by Ngāti Manawa of cultural material.

11 FRESHWATER FISHERIES AND HABITATS

11.1 Freshwater fisheries are managed under two sets of legislation: the Fisheries Act 1983 and 1996 (administered by the Ministry of Fisheries) and the Conservation Act 1987 (administered by the Department of Conservation). The Department's functions include the preservation of indigenous freshwater fisheries and habitats. The whitebait fishery is administered by the Department under the Whitebait Fishing Regulations, made under the Conservation Act.

11.2 The Department and the Governance Entity will work together to ensure that the relevant staff of the Department is aware of relevant tikanga relating to freshwater fisheries and habitats.

11.3 The Department will work at the Area Office level to provide for active participation by the Governance Entity in the conservation, management and research of customary freshwater fisheries and freshwater fish habitats by:

11.3.1 Seeking to identify areas for co-operation focusing on fish passage, minimum flows, protection and enhancement of riparian vegetation and habitats, improvement of water quality and quantity management and in the restoration, rehabilitation or enhancement of customary freshwater fisheries and their freshwater habitats;

11.3.2 Advising, and where reasonably practicable inviting, the Governance Entity to participate where the Department is developing or contributing to research and monitoring programmes that aim to improve the understanding of the biology of customary freshwater fisheries and their environmental and habitat requirements;

11.3.3 Discussing, on an ongoing basis, the potential for the Governance Entity to be appointed to manage marginal strips within the Ngāti Manawa Protocol Area under section 24H of the Conservation Act 1987;

11.3.4 Consulting with the Governance Entity where the Department is entering into formal or informal arrangements with any third party that relate to the management of marginal strips within the Ngāti Manawa Protocol Area;

11.3.5 Considering the Governance Entity as a possible science provider or collaborator for research projects funded or promoted by the Department in the same manner as other potential providers or collaborators;

11.3.6 Led by the Governance Entity, engaging with Ngāti Manawa marae and hapu to foster mutual understanding of the management of freshwater fisheries and habitats, and the cultural, spiritual, historic and traditional relationship between Ngāti Manawa and those fisheries and habitats; and

11.3.7 Discussing with the Governance Entity applications for the transfer and release of aquatic life under section 26ZM of the Conservation Act 1987.

12 RIVER REDRESS

12.1 The Deed of Settlement provides for further discussion on the development of river redress, and therefore this section will be completed to the extent necessary to reflect the outcome of those discussions.

13 HISTORIC RESOURCES - WAHI TAPU

13.1 Ngāti Manawa consider that their wahi tapu and other places of cultural heritage significance are taonga (priceless treasures), and the Department will respect the great significance of these taonga by fulfilling the obligations contained in this clause of the Protocol.

13.2 Places that are sacred or significant to Ngāti Manawa are listed in Attachment C.

13.3 The Department has a statutory role to conserve historic resources in protected areas and will endeavour to do this for sites of significance to Ngāti Manawa in association with the Governance Entity and according to Ngāti Manawa tikanga.

13.4 The Department accepts that non-disclosure of locations of places known to Ngāti Manawa may be an option that the Governance Entity chooses to take to preserve the wahi tapu nature of places. There may be situations where the Governance Entity will ask the Department to treat information it provides on wahi tapu sites in a confidential way.

13.5 The Department and the Governance Entity will work together to establish processes for dealing with information on wahi tapu sites in a way that recognises both the management challenges that confidentiality can present and provides for the requirements of Ngāti Manawa.

13.6 The Department will work with the Governance Entity at the Area Office level to respect Ngāti Manawa values attached to identified wāhi tapu and other places of significance on lands administered by the Department by:

13.6.1 Discussing with the Governance Entity, by the end of the second year of this Protocol being issued and on a continuing basis, practical ways in which Ngāti Manawa can exercise kaitiakitanga over ancestral lands, natural and historic resources and other taonga managed by the Department within the Ngāti Manawa Protocol Area;

13.6.2 Managing sites of historic significance to Ngāti Manawa according to standards of conservation practice which care for places of cultural heritage value, their structures, materials and cultural meaning, as outlined in the International Council on Monuments and Sites (ICOMOS) New Zealand Charter 1993, and in co-operation with Ngāti Manawa;

13.6.3 Informing the Governance Entity if whenua tangata or koiwi are found within the Ngāti Manawa Protocol Area; and

13.6.4 Assisting in recording and protecting wahi tapu and other places of cultural significance to Ngāti Manawa where appropriate, to seek to ensure that they are not desecrated or damaged.

14 NATURAL HERITAGE / SPECIES MANAGEMENT

14.1 The Department aims at conserving the full range of New Zealand's ecosystems, maintaining or restoring the ecological integrity of managed sites, and ensuring the survival of threatened species, in particular those most at risk of extinction. An important part of this work is to prioritise recovery actions in relation to the degree of threat to a species. The Department prioritises recovery actions at both a national and local level.

14.2 In recognition of the cultural, spiritual, historic and/or traditional association of Ngāti Manawa with indigenous flora and fauna found within the Ngāti Manawa Protocol Area for which the Department has responsibility, the Department will, in relation to any species that the Governance Entity may identify as important to them:

14.2.1 inform the Governance Entity of the national sites and species programmes on which the Department will be actively working, and where reasonably practicable provide opportunities for the Governance Entity to participate in these programmes;

14.2.2 advise the Governance Entity in advance of any Conservation Management Strategy amendments or reviews, or the preparation of any statutory or non-statutory plans, policies or documents, including National Park Management Plan reviews, that relate to the management of those species within the Ngāti Manawa Protocol Area;

14.2.3 where research and monitoring projects are being carried out by the Department within the Ngāti Manawa Protocol Area, where reasonably practicable provide the Governance Entity with opportunities to participate in those projects;

14.2.4 advise the Governance Entity of the receipt of any completed research reports relating to any species within the Ngāti Manawa Protocol Area and provide the Governance Entity with copies of those reports (where practicable and not publicly available subject to clause 25.3); and

14.2.5 encourage and provide advice to the Governance Entity concerning the protection or management of those species on land owned by Ngāti Manawa.

15 PEST CONTROL

15.1 A key objective and function of the Department is to prevent, manage and control threats to natural, historic and cultural heritage values from animal and weed pests over the largest area of public conservation land as possible. This is to be done in a way that is sustainable and that maximises the value from limited resources available to do this work.



- 15.2 Within the Ngāti Manawa Protocol area, pest control is undertaken to protect a wide range of ecosystems, including flora quality in headwaters of the Rangitaiki River.
- 15.3 The Department will:
- 15.3.1 Seek and facilitate early consultation with the Governance Entity on pest control activities within the Ngāti Manawa Protocol Area, particularly in relation to the use of poisons;
 - 15.3.2 Provide the Governance Entity with opportunities to review and assess programmes and outcomes; and
 - 15.3.3 Where appropriate, consider co-ordinating its pest control programmes with those of the Governance Entity when the Governance Entity is an adjoining landowner.

16 RESOURCE MANAGEMENT ACT 1991

- 16.1 Ngāti Manawa and the Department both have concerns with the effects of activities controlled and managed under the Resource Management Act 1991. Areas of common interest include:
- 16.1.1 Riparian management;
 - 16.1.2 Freshwater fish habitats;
 - 16.1.3 Water quantity management;
 - 16.1.4 Water quality management;
 - 16.1.5 Protection of indigenous vegetation and habitats;
 - 16.1.6 Extraction of Crown minerals;
 - 16.1.7 Management of wetlands; and
 - 16.1.8 Heritage protection.
- 16.2 From time to time, the Governance Entity and the Department will seek to identify further issues of likely mutual interest for discussion. It is recognised that their concerns in any resource management issue may diverge and also that the Department and the Governance Entity will continue to make separate submissions in any Resource Management Act processes.
- 16.3 In carrying out advocacy under the Resource Management Act 1991, the Department will:
- 16.3.1 Discuss with the Governance Entity the general approach that may be taken by Ngāti Manawa and the Department in respect of advocacy under the Resource Management Act, including any proposed measures to mitigate real or potential environmental or cultural adverse affects, and seek to identify their respective priorities and issues of mutual concern;
 - 16.3.2 Have regard to the priorities and issues of mutual concern identified when the Department makes decisions in respect of advocacy under the Resource Management Act; and
 - 16.3.3 Make non-confidential resource information available to the Governance Entity to assist in improving their effectiveness in resource management advocacy work.



17 VISITOR AND PUBLIC INFORMATION

- 17.1 The Department has a role to share knowledge about natural and historic heritage with visitors and the general public, to satisfy their requirements for information, increase their enjoyment and understanding of this heritage, and develop an awareness of the need for its conservation.
- 17.2 In providing public information, interpretation services and facilities for visitors on the land it manages, the Department acknowledges the importance to Ngāti Manawa of their cultural, spiritual, traditional and historic values, and the association of Ngāti Manawa with the land the Department administers within the Ngāti Manawa Protocol Area.
- 17.3 The Department will work with the Governance Entity at the Area Office level to encourage respect for Ngāti Manawa cultural heritage values as indicated by the Governance Entity by:
- 17.3.1 Seeking to raise public awareness of any positive conservation partnerships between the Governance Entity, the Department and other stakeholders, for example, by way of publications, presentations, and seminars;
- 17.3.2 Ensuring that information contained in the Department's publications is accurate and appropriate by:
- (a) Obtaining the consent of the Governance Entity for disclosure of information obtained from the Governance Entity;
 - (b) Consulting with the Governance Entity prior to the use of any information about Ngāti Manawa values for new interpretation panels, signs and visitor publications;
 - (c) Inviting the participation of Ngāti Manawa in the Department's volunteer and conservation events and programmes by keeping the Governance Entity informed of those programmes and events; and
 - (d) Working with the Governance Entity to raise public awareness of positive conservation partnerships jointly between the Governance Entity and the Department and other groups, for example Kohanga Reo and Kura Kaupapa Maori.

18 CONCESSION APPLICATIONS

- 18.1 By the end of the second year of this Protocol being issued and on a continuing basis, the Department will work with the Governance Entity to identify categories of concessions that may impact on the cultural, traditional, spiritual, or historical values of Ngāti Manawa.
- 18.2 In relation to the concession applications within the categories identified by the Department and Governance Entity under clause 18.1 and any concession applications relating to any site subject to a Deed of Recognition, the Minister will:



- 18.2.1 Encourage applicants to consult with the Governance Entity in the first instance;
- 18.2.2 Consult with the Governance Entity with regard to any applications or renewals of applications within the Ngāti Manawa Protocol Area, and seek the input of the Governance Entity by:
- (a) Providing for the Governance Entity to indicate within five working days whether applications have any impacts on Ngāti Manawa's cultural, spiritual and historic values; and
 - (b) If the Governance Entity indicates that an application has any such impacts, allowing a reasonable specified timeframe (of at least a further ten working days) for comment;
- 18.2.3 When a concession is publicly notified, the Department will at the same time provide separate written notification to the Governance Entity;
- 18.2.4 Prior to issuing concessions to carry out activities on land managed by the Department within the Ngāti Manawa Protocol Area, the Minister will encourage communication between the concessionaire and the Governance Entity in respect of Ngāti Manawa tikanga and values; and
- 18.2.5 Ensure when issuing and renewing concessions that give authority for other parties to manage land administered by the Department, that those parties:
- (a) Be required to manage the land according to the standards of conservation practice mentioned in clause 13.6.2; and
 - (b) Be encouraged to consult with the Governance Entity before using any information of, or regarding, Ngāti Manawa.

19 PLACE NAMES

- 19.1 When public conservation lands in the Ngāti Manawa Protocol Area are to be named, or renamed, the Department will seek a recommendation or comment from the Governance Entity on an appropriate name.

20 TE ANA A MARU

- 20.1 The settlement legislation will provide for the fee simple title to Te Ana a Maru Historic Reserve to vest in the governance entity.
- 20.2 In recognition of the historical, traditional, cultural and spiritual association of Ngāti Manawa with Te Ana a Maru, the Department will provide advice, to the Governance Entity, as required and as far as practicable, in connection with managing people impacts and providing visitor services on Te Ana a Maru Historic Reserve. This advice may include participation in the development of a reserve management plan for Te Ana a Maru Historic Reserve.
- 20.3 The Department will provide the Governance Entity with all relevant information relating to Te Ana a Maru.



21 POU RAHUI

- 21.1 The Deed of Settlement and Settlement legislation provide that the governance entity may erect and maintain pou rahui in the Ngāti Manawa Protocol Area. These pou rahui are listed in Attachment D.
- 21.2 By the end of the second year of this Protocol being issued, the Department and the Governance Entity will discuss and agree the appropriate terms and conditions: relating to the erection of the pou rahui on public conservation land; for the protection of the conservation values of the areas where the pou rahui are located; and to avoid, remedy, or mitigate any adverse effects arising from erecting and maintaining the pou rahui.

22 STATUTORY LAND MANAGEMENT

- 22.1 From time to time, the Minister may consider vesting a reserve in an appropriate entity; or appoint an appropriate entity to control and manage a reserve. Such vestings or appointments are subject to the test under the Reserves Act 1977 which is 'for the better carrying out of the purposes of the reserve'. When such an appointment or vesting is contemplated for sites in the Ngāti Manawa Protocol Area, the Department will consult with the Governance Entity at an early stage on the following issues:

22.1.1 the Governance Entity's views on the proposed vesting or appointment; and

22.1.2 whether the Governance Entity wishes to be given such a vesting or appointment subject to agreed conditions;

- 22.2 The Department will consult, at an early stage, with the Governance Entity when considering the classification, or reclassification of a reserve within the Ngāti Manawa Protocol Area.
- 22.3 If the Department is considering entering into a management agreement, other than a vesting or control and management appointment, with any entity in respect of any land within the Ngāti Manawa Protocol Area, it will consult at an early stage with the Governance Entity about the proposed management arrangement and whether the arrangement should be subject to any conditions.

23 CONTRACTING FOR SERVICES

- 23.1 Where appropriate, the Department will consider using Ngāti Manawa individuals or entities as a provider of professional services, including cultural advice and pest management where those services are necessary to successfully manage conservation resources affecting the Ngāti Manawa Protocol Area.
- 23.2 Where contracts are to be tendered for conservation management within the Ngāti Manawa Protocol Area the Department will inform the Governance Entity..

24 DISPUTE RESOLUTION

- 24.1 In good faith, every effort will be made to resolve matters at a local level. However, if a dispute arises in connection with this Protocol, the party invoking the dispute

resolution procedure shall be entitled to call a meeting within five working days of notice being given.

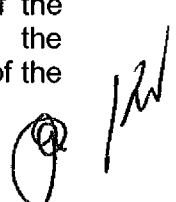
- 24.2 The Department's Area Manager whose area of responsibility includes the Ngāti Manawa Protocol Area will meet with a nominated representative(s) of the Governance Entity to attempt to negotiate a resolution.
- 24.3 If the matter has not been resolved within 20 working days, the East Coast Bay of Plenty Conservator will meet with a nominated representative(s) of the Governance Entity to endeavour to negotiate a resolution. Failing resolution, the East Coast Bay of Plenty Conservator will write to the Governance Entity setting out the reasons for any decision being made.
- 24.4 The Governance Entity retains the right at all times to enforce this Protocol, as provided for in clause 5 of Attachment B and clause 5.11.6 of the Deed of Settlement.

25 INFORMATION SHARING

- 25.1 Ngāti Manawa and the Department recognise the benefit of mutual information exchange. To this end, the Department and Ngāti Manawa will as far as possible exchange any information that is relevant to the management of the Ngāti Manawa Protocol Area.
- 25.2 At the meetings between the Governance Entity and the Department, the Department will make available to Ngāti Manawa all existing information that is not publicly available held by the Department where that information is requested by Ngāti Manawa for the purposes of assisting them to exercise their rights under this Protocol.
- 25.3 The obligations to provide information under this protocol in clause 26.1 and 26.2 do not apply to information that the Minister is legally prevented from providing (for example, information that is the subject of an obligation of confidentiality or non-disclosure) or to information that the Department may withhold under the grounds set out under the Official Information Act 1982 or Privacy Act 1993.

26 CONSULTATION

- 26.1 Where the Department is required to consult under this Protocol, the basic principles that will be followed by the Department in consulting with the Governance Entity in each case are:
- 26.1.1 Ensuring that the Governance Entity is consulted as soon as reasonably practicable following the identification and determination by the Department of the proposal or issues to be the subject of the consultation;
- 26.1.2 Providing the Governance Entity with sufficient information to undertake informed discussions and make submissions in relation to any of the matters that are the subject of the consultation;
- 26.1.3 Ensuring that sufficient time is given for the effective participation of the Governance Entity, including the preparation of submissions by the Governance Entity, in relation to any of the matters that are the subject of the consultation;



26.1.4 Ensuring that the Department is guided by the Ngāti Manawa Guiding Principles as specified in clause 3 of this Protocol; and

26.1.5 Ensuring that the Department will approach the consultation with an open mind and genuinely consider any views and/or concerns that the Governance Entity may have in relation to any potential impacts to their spiritual connections, cultural values or traditional use as a result of the matters that are subject to the consultation.

26.2 Where the Department has consulted with the Governance Entity as specified in clause 26.1, the Department will report back to the Governance Entity on the decision made as a result of any such consultation.

27 PROTOCOL REVIEW AND AMENDMENT

27.1 This Protocol is a living document which should be updated and adapted to take account of future developments.

28 DEFINITIONS

28.1 In this Protocol:

Conservation Management Strategy has the same meaning as in the Conservation Act 1987;

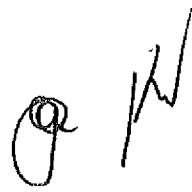
Conservation Legislation means the Conservation Act 1987 and the statutes in the First Schedule of the Act;

Crown means The Sovereign in right of New Zealand and includes, where appropriate, the Ministers and Departments of the Crown that are involved in, or bound by the terms of the Deed of Settlement to participate in, any aspect of the redress under the Deed of Settlement;

Department means the Minister of Conservation, the Director-General and the Departmental managers to whom the Minister of Conservation's and the Director-General's decision-making powers can be delegated.

Governance Entity has the meaning set out in clause 13.6 of the Deed of Settlement;

Ngāti Manawa has the meaning set out in clause 13.1 of the Deed of Settlement;



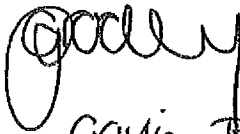
Kaitiaki means environmental guardians;

Protocol means a statement in writing, issued by the Crown through the Minister of Conservation to the Ngāti Manawa Governance Entity under the Settlement Legislation and the Deed of Settlement and includes this Protocol.

ISSUED on 22 May 2012

SIGNED for and on behalf of **THE SOVEREIGN**
in right of New Zealand by the Minister of
Conservation:

WITNESS:



Name:

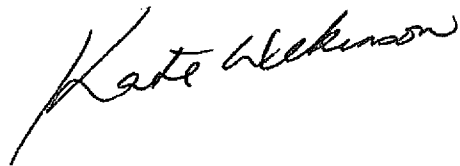
Gavin Rodley

Occupation:

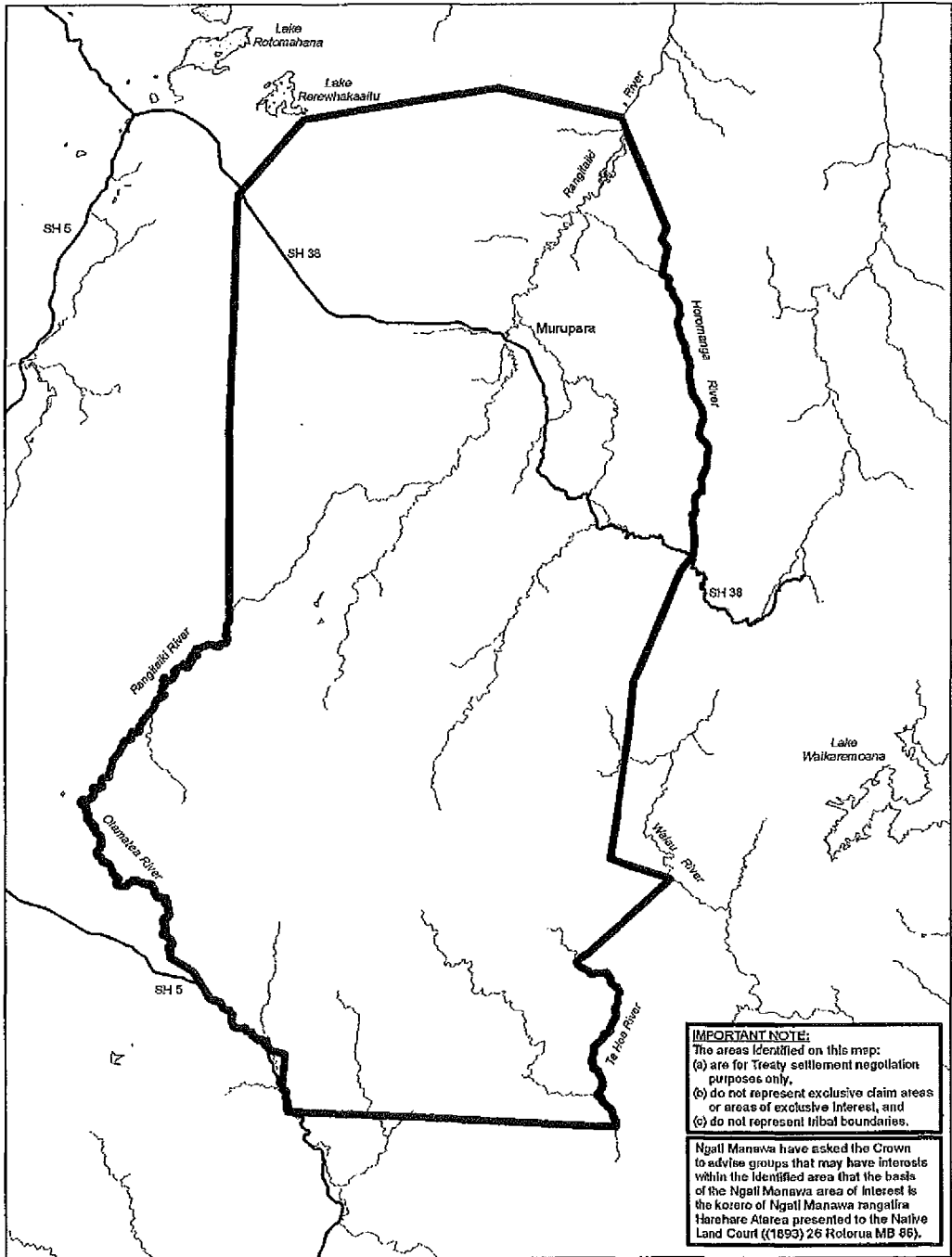
Private Secretary

Address:

Wellington



**ATTACHMENT A
NGĀTI MANAWA PROTOCOL AREA**



[Handwritten initials/signature]

**ATTACHMENT B
TERMS OF ISSUE**

This Protocol is issued subject to the provisions of the deed of settlement and the settlement legislation. These provisions are set out below.

1 Provisions of the deed of settlement relating to this Protocol

1.1 The deed of settlement will provide that:

1.1.1 a failure by the Crown to comply with a Protocol is not a breach of the Deed of Settlement (clause 5.12); and

1.1.2 this Protocol does not restrict the ability of the Crown to interact or consult with any person including any iwi, hapū, marae, whānau, or representative of tangata whenua (clause 5.11.4(a)(ii));

1.1.3 this Protocol:

(a) is consistent with section 4 of the Conservation Act 1987;

(b) does not override or diminish:

(i) the requirements of the Conservation Legislation;

(ii) the functions and powers of the Minister of Conservation, or the Department of Conservation, under that legislation; or

(iii) the rights of Ngāti Manawa, or a Representative Entity, under that legislation (clause 5.11.4(c)).

1.2 Representative Entity has the same meaning in clause 1.1.3(iii) of these terms of issue as the term "representative entity for Ngāti Manawa" has in clause 13.6 of the Deed of Settlement.

2 Authority to issue, amend or cancel protocols

2.1 Section 34 of the settlement legislation provides that:

(1) Each responsible Minister –

(a) must issue a protocol to the trustees of Te Rūnanga o Ngāti Manawa in the form set out in Part 2 of the Schedule of the deed of settlement; and

(b) may amend or cancel that protocol.

(2) A protocol may be amended or cancelled under subsection (1) at the initiative of either –

(a) the trustees of Te Rūnanga o Ngāti Manawa; or

(b) the responsible Minister.

- (3) The responsible Minister may amend or cancel a protocol only after consulting with, and having particular regard to the views of, the trustees of Te Rūnanga o Ngāti Manawa.

3 Protocols subject to rights, functions, and obligations

3.1 Section 35 of the settlement legislation provides that:

Protocols do not restrict -

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and government policy, which includes (without limitation) the ability to -
- (i) introduce legislation and change government policy; and
 - (ii) interact or consult with a person the Crown considers appropriate, including (without limitation) any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of the responsible Minister or a responsible department; or
- (c) the legal rights of the trustees of Te Rūnanga o Ngāti Manawa or a representative entity.

4 Noting of this Protocol

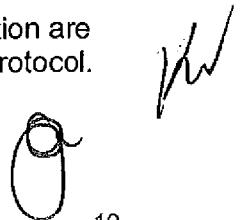
4.1 Section 37(1) and (2) of the settlement legislation provides that:

- (1) A summary of the terms of the DOC protocol must be noted in the conservation documents affecting the DOC protocol area.
- (2) The noting of the DOC protocol is—
- (a) for the purpose of public notice only; and
 - (b) not an amendment to a conservation document for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

5 Enforcement of a protocol

5.1 Section 36 of the settlement legislation provides that:

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails, without good cause, to comply with a protocol, the trustees of Te Rūnanga o Ngāti Manawa may, subject to the Crown Proceedings Act 1950, enforce the protocol.
- (3) Despite subsection (2) damages or any form of monetary compensation are not available as a remedy for failure by the Crown to comply with a protocol.
- (4) To avoid doubt -

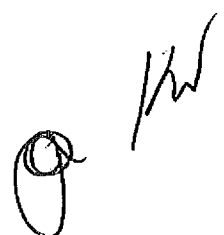


- (a) subsections (1) and (2) do not apply to guidelines developed for the implementation of a protocol; and
- (b) subsection (3) does not affect the ability of a court to award costs incurred by the trustees of Te Rūnanga o Ngāti Manawa in enforcing the protocol under subsection (2).

6 Limitation of rights

6.1 Section 37(3) of the settlement legislation provides that:

- (3) The DOC Protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, land held, managed, or administered, or flora or fauna managed or administered, under—
 - (a) the Conservation Act 1987; or
 - (b) the statutes listed in Schedule 1 of that Act



**ATTACHMENT C
NGĀTI MANAWA SIGNIFICANT SITES**

Site	Significance to Ngāti Manawa
Pekepeke	<p>Pekepeke is a permanent pa and pou rāhui of Ngāti Manawa near Wairapukau and was occupied by them until the 1840s. Pekepeke takes its name from a taniwha which lived in a lagoon below Pekepeke pa. The taniwha was killed by Ngāti Manawa and because the taniwha leapt about in its death throes the name, 'pekepeke' arose. There is also a mahinga tuna at Pekepeke where Peraniko Te Hura caught eels. Pekepeke is associated with the ancestor, Matarae, a descendant of Tangiharuru.</p> <p>A battle took place at Pekepeke where the ancestor Wairua of Ngāti Apa was killed for stealing aruhe. Pekepeke is also of particular significance to Ngāti Manawa because Peraniko's father was buried in a cave at Pekepeke.</p> <p>Gravel has been extracted from this site for industrial use which has been of considerable concern to Ngāti Manawa.</p>
Puketapu	<p>Puketapu is a pa of Ngāti Manawa in the northern part of Kaingaroa. A battle took place at Puketapu between the ancestors, Tangiharuru, Wharepakau and Murakareke, and the children of Rangitihi, where the former were defeated. After their defeat, Wharepakau, Murakareke and the descendants of Apa lived at Puketapu with Tangiharuru.</p>
Pukemoremore	<p>Pukemoremore is a pa site of Ngāti Manawa where Peraniko Te Hura resided during the early 1880s. It was vigorously defended by Ngāti Manawa as a site of abundant resources.</p>
Motuparapara	<p>Motuparapara is a kainga of Ngāti Manawa.</p>
Kaiwhatiwhati	<p>Kaiwhatiwhati is a pa of Ngāti Manawa. A battle took place at Kaiwhatiwhati where Tangiharuru, Wharepakau and Murakareke defeated Te Marangaranga. During this battle, Kahukura of Te Marangaranga was killed by Tangiharuru. It is commemorated in Ngāti Manawa waiata.</p>
Ahiweka	<p>Ahiweka is a pa of Ngāti Manawa. Ahiweka is also a waahi tapu as a battle occurred here between Tangiharuru, Wharepakau, Murakareke, and the children of Rangitihi.</p>

Te Anaruru	Te Anaruru is a kainga of Ngāti Manawa where travellers would rest on long journeys. The descendants of Tangiharuru first stayed at Anaruru after the battle of Ahiweka. After some time, they began to quarrel among themselves causing some of Ngāti Manawa to move to Tarawera, Whanganui and Taupo. The kainga was occupied by Ngāti Manawa until the time of Peraniko's grandfather. There is a cave at Anaruru which provided a temporary shelter for travellers who dug fern root and caught eels.
Ahiwhakamura	Ahiwhakamura is a kainga and pou rāhui of Ngāti Manawa. It is also the central boundary of the Kaingaroa forest.
Te Aruhetawiri	Te Aruhetawiri was a kainga associated with the Ngāti Manawa ancestor, Tahawai. It is also described as a mahinga kai. Aruhetawiri belonged to Koro and Hape, the north-east to Koro and the south-west to Hape. Harehare Atarea and Peraniko Te Hura are associated with this place through the ancestor, Koro of Ngāti Manawa.
Te Korokoro o Te Huatahi	Te Korokoro o Te Huatahi is a pou rāhui of Ngāti Manawa.
Te Rere	Te Rere is a kainga and pou rāhui of Ngāti Manawa.
Wairapukao	Wairapukao is a permanent kainga of Ngāti Manawa, near Pekepeke, where travellers would stop on journeys. There is a spring or puna at this site that was used for horses. A boundary was established by Ngāti Manawa from Wairapukao to Puna Takahi in 1866. Wairapukao received its name when a woman from Ngāti Manawa lost her 'kao' (kumara bulb) and began searching for it. Wairapukao is associated with the ancestor, Ngatoroirangi and his sisters, Kūwai and Haungaroa.
Waitehouhi	Waitehouhi was a mahinga tuna of Ngāti Manawa. The descendants of Tangiharuru caught eels at Waitehouhi. A rahui was placed over the Waitehouhi stream and the rahui posts were still evident in 1880. The aruhe or fern root was also obtained at Waitehouhi. Tangiharuru had mana over this small stream and he was often visited by Hataraka, and other ancestors, who exchanged food for eels.

**ATTACHMENT D
POU RAHUI**

Recognition of Relationship, Pou Rāhui Sites

Pōu Rahui Site	Location
Mangakahika/Mangahika	Shown as 1 on OTS - 076 - 024 (map overleaf)
Maungataniwha	Shown as 2 on OTS - 076 - 024
Ngapuketurua	Shown as 3 on OTS - 076 - 024
Okooromatakitoi	Shown as 4 on OTS - 076 - 024
Puharaunui	Shown as 5 on OTS - 076 - 024
Raepohatu	Shown as 6 on OTS - 076 - 024
Tarapounamu	Shown as 7 on OTS - 076 - 024
Te Arawhata o te Paringa	Shown as 8 on OTS - 076 - 024
Te Arawhataotenoohoomoke	Shown as 9 on OTS - 076 - 024
Te Maire	Shown as 10 on OTS - 076 - 024
Te Peaupeau	Shown as 11 on OTS - 076 - 024
Te Upoko o Po	Shown as 12 on OTS - 076 - 024
Waione	Shown as 13 on OTS - 076 - 024
Waipunga	Shown as 14 on OTS - 076 - 024
Wairapukao	Shown as 15 on OTS - 076 - 024
Waitehouhi	Shown as 16 on OTS - 076 - 024
Whangonui	Shown as 17 on OTS - 076 - 024
Te Huruuru	Shown as 18 on OTS - 076 - 024
Tieke	Shown as 19 on OTS - 076 - 024
Matatu	Shown as 20 on OTS - 076 - 024
Motuparapa	Shown as 21 on OTS - 076 - 024
Te Anaruru	Shown as 22 on OTS - 076 - 024

Te Taru a Tu	Shown as 23 on OTS - 076 - 024
Kakanui	Shown as 24 on OTS - 076 - 024
Pukerimu	Shown as 25 on OTS - 076 - 024
Te Taua a Rae	Shown as 26 on OTS - 076 - 024
Otamatea	Shown as 27 on OTS - 076 - 024

