

**NGĀ HAPŪ O NGĀTI POROU**

**and**

**MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT**

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**MINERAL RELATIONSHIP INSTRUMENT**

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## INTRODUCTION

THIS MINERAL RELATIONSHIP INSTRUMENT IS MADE BETWEEN

NGĀ HAPŪ O NGĀTI POROU

AND

THE MINISTER OF ENERGY AND RESOURCES (the Minister)

## BACKGROUND

- A. Ngā hapū o Ngāti Porou and Her Majesty the Queen in right of New Zealand (**the Crown**) are parties to a deed of agreement dated 31 October 2008 (**the deed**) relating to how the Crown will contribute to the legal expression, protection and recognition of the mana of ngā hapū o Ngāti Porou in relation to ngā rohe moana o ngā hapū o Ngāti Porou.
- B. This mineral relationship instrument is entered into by ngā hapū o Ngāti Porou and the Minister to give effect to the obligation under paragraph 18.1 of part E of schedule 2 to the deed and, except to the extent stated otherwise, comes into force on the effective date.
- C. This mineral relationship instrument sets out how ngā hapū o Ngāti Porou, the Minister and Ministry of Business, Innovation and Employment (**the Ministry**) will establish and maintain a positive and collaborative relationship:
  - > in respect of the management and regulation of mineral resources within ngā rohe moana o ngā hapū o Ngāti Porou; and
  - > to contribute to the Crown's recognition of the ongoing and enduring mana of ngā hapū o Ngāti Porou in respect of mineral resources in ngā rohe moana o ngā hapū o Ngāti Porou.

## TERMS OF THIS MINERAL RELATIONSHIP INSTRUMENT

### 1 PRINCIPLES UNDERLYING THIS MINERAL RELATIONSHIP INSTRUMENT

- 1.1 The following principles underlie the legal expression, protection and recognition of the mana of ngā hapū o Ngāti Porou in relation to ngā rohe moana o ngā hapū o Ngāti Porou, as expressed in the deed, and underlie this mineral relationship instrument:

#### Toitū te mana atua (principle 1)

It is acknowledged that ngā hapū o Ngāti Porou have, in accordance with their tikanga, an unbroken, inalienable and enduring relationship with ngā rohe moana o ngā hapū o Ngāti Porou. The deed will contribute to the legal expression, protection and recognition of the ability of ngā hapū o Ngāti Porou to continue to regulate and undertake activities on, over or within ngā rohe moana o ngā hapū o Ngāti Porou in accordance with their tikanga.

#### Toitū te mana whenua me te mana moana (principle 2)

The deed contributes to the legal expression, protection and recognition of the unbroken, inalienable and enduring mana of ngā hapū o Ngāti Porou in relation to ngā rohe moana o ngā hapū o Ngāti Porou.

#### Toitū te mana tangata (principle 3)

The deed contributes to the legal expression, protection and recognition of the right of ngā hapū o Ngāti Porou to exercise influence over persons carrying out activities within, or impacting upon, ngā rohe moana o ngā hapū o Ngāti Porou.

#### Toitū te Tiriti o Waitangi (principle 4)

Consistent with the partnership principle underlying Te Tiriti o Waitangi/the Treaty of Waitangi, ngā hapū o Ngāti Porou and the Crown have entered into the deed in good faith and as equals.

The parties to the deed acknowledge that they are obliged to give effect to the deed and to act in good faith, fairly, reasonably and honourably towards each other.

- 1.2 It is agreed by the Crown and ngā hapū o Ngāti Porou that any issue of interpretation relating to how the deed contributes to the legal expression, protection and recognition of the mana of ngā hapū o Ngāti Porou shall be resolved after taking into account the principles in clause 1.1 of the deed.



## **2 ROLE OF EACH PARTY**

- 2.1 Ngā hapū o Ngāti Porou assert ownership to ngā rohe moana o ngā hapū o Ngāti Porou and the resources within it, and the associated responsibilities including kaitiakitanga, based on, amongst other things, the sacred relationship with ngā rohe moana o ngā hapū o Ngāti Porou, unbroken occupation, the continued exercise of ancestral mana, and the fact that title to ngā rohe moana o ngā hapū o Ngāti Porou has never been ceded to the Crown.
- 2.2 The Minister and the Ministry have certain statutory functions and roles in relation to the management of minerals. These are set out in the Crown Minerals Act 1991 and the Continental Shelf Act 1964. The Minister is responsible, under the Crown Minerals Act 1991, for (amongst other things) attracting permit applications, the granting, changing and revocation of permits, the preparation of minerals programmes, and co-operating with certain regulatory agencies. New Zealand Petroleum and Minerals within the Ministry is responsible for administering the Crown Minerals Act 1991, providing policy advice to the Minister, and promoting investment in exploration and mining. In exercising functions and powers under the Crown Minerals Act 1991, the Minister and the Ministry are required to have regard to the principles of te Tiriti o Waitangi/the Treaty of Waitangi.

## **3 HOW THIS MINERAL RELATIONSHIP INSTRUMENT WILL LEGALLY EXPRESS, PROTECT, AND RECOGNISE THE MANA OF NGĀ HAPŪ O NGĀTI POROU**

### **3.1 Information sharing:**

- a. Information held by the Ministry in respect of all prospecting, exploration, and mining activities conducted by permit holders in ngā rohe moana o ngā hapū o Ngāti Porou is available on the website <http://www.nzpam.govt.nz/cms>.
- b. The Ministry will make available to ngā hapū o Ngāti Porou all existing information held by, and reasonably accessible to, the Ministry where that information is requested by ngā hapū o Ngāti Porou for the purpose of assisting them to fully exercise their rights under this mineral relationship instrument.
- c. In addition to the provision of information described in clause 3.1b, the Ministry will, where requested by ngā hapū o Ngāti Porou:
- i. advise ngā hapū o Ngāti Porou of, and make available to them, research reports that the Ministry has received that relate to mineral allocation in ngā rohe moana o ngā hapū o Ngāti Porou; and
  - ii. provide ngā hapū o Ngāti Porou with access to data held by the Ministry relating to mineral allocation in ngā rohe moana o ngā hapū o Ngāti Porou.
- d. The obligations in clauses 3.1b and 3.1c of this mineral relationship instrument do not apply to information that the Ministry 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 Ministry may withhold under the grounds set out in the Official Information Act 1982, provided that when making decisions under section 9 of that Act, officials must consider the public interest associated with providing information to assist in the exercise of the enduring and ongoing mana of ngā hapū o Ngāti Porou where that information is relevant to ngā rohe moana o ngā hapū o Ngāti Porou.

**3.2 Policy:** The Ministry will consult with ngā hapū o Ngāti Porou when it develops or reviews any policy that may impact directly on mineral allocation in ngā rohe moana o ngā hapū o Ngāti Porou.

**3.3 Minerals Programmes:**

- a. Part 1A of the Crown Minerals Act 1991 provides for matters relating to minerals programmes, including the content and application of minerals programmes.
- b. The Ministry will consult ngā hapū o Ngāti Porou in accordance with any relevant minerals programme on the following matters where those matters relate to all or any part of ngā rohe moana o ngā hapū o Ngāti Porou:
  - i. in respect of the petroleum minerals programme (the current version of which came into force on 24 May 2013 and will remain in force until the effective date of any replacement programme that is issued):
    - A. the preparation of a new minerals programme (or a change to an existing minerals programme) in respect of petroleum; and
    - B. the planning of a competitive tender allocation of a permit block for petroleum exploration (being a specific area with defined boundaries available for allocation as a permit in accordance with section 24 of the Crown Minerals Act 1991 and the relevant minerals programme); and
    - C. the consideration of any application for a petroleum exploration permit, except where the application relates to a block offer for which consultation has already taken place under clause 3.3b.i.B above; and
    - D. the consideration of any application to amend a petroleum exploration permit, by extending the land to which the permit relates; and
  - ii. in respect of the minerals programme for minerals (excluding petroleum) (the current version of which came into force on 24 May 2013 and will remain in force until the effective date of any replacement programme that is issued):
    - A. the preparation of a new minerals programme (or a change to an existing minerals programme) in respect of minerals other than petroleum; and



- B. the planning of a competitive tender allocation of a permit block for minerals other than petroleum (being a specific area with defined boundaries available for allocation as a permit in accordance with section 24 of the Crown Minerals Act 1991 and any relevant minerals programme); and
- C. the consideration of any application for a permit in respect of minerals other than petroleum where the Chief Executive proposes to recommend the Minister grant that application, except where the application relates to:
  - > a competitive tender allocation of a permit block offer for which consultation has already taken place under clause 3.3b.ii.B above; or
  - > newly available acreage; and
- iii. the consideration of an application for a permit in respect of newly available acreage that the Minister is considering allocating; and
- iv. the consideration of any application to amend a permit in respect of minerals other than petroleum, by extending the land or minerals covered by it.

#### **4 IMPLEMENTATION OF THIS MINERAL RELATIONSHIP INSTRUMENT**

- 4.1 The Ministry will establish processes, in consultation with ngā hapū o Ngāti Porou, to ensure that this mineral relationship instrument works effectively and efficiently.

#### **5 COMMUNICATION BETWEEN THE PARTIES**

- 5.1 The Ministry and ngā hapū o Ngāti Porou will establish and maintain effective and efficient communication with each other on a continuing basis, by:
- a. ngā hapū o Ngāti Porou providing, and the Ministry maintaining, information on the management arrangements office holders, and their addresses and contact details; and
  - b. the Ministry providing, and ngā hapū o Ngāti Porou maintaining, information on a primary Ministry contact; and
  - c. both parties providing reasonable opportunities for ngā hapū o Ngāti Porou and Ministry staff to meet with each other, including arranging annual meetings to discuss and (if possible) resolve any issue that has arisen in the past 12 months; and
  - d. the Ministry identifying to ngā hapū o Ngāti Porou those of its staff that will be working closely with ngā hapū o Ngāti Porou and informing those staff of the

contents of this mineral relationship instrument and their responsibilities and roles under it.

## **6 DISPUTE RESOLUTION**

- 6.1 The dispute resolution process set out in paragraph 3 of schedule 9 to the deed applies to this mineral relationship instrument.

## **7 AMENDMENT AND CANCELLATION**

- 7.1 The Minister and ngā hapū o Ngāti Porou may amend or cancel this mineral relationship instrument by agreement in writing, such agreement not to be unreasonably withheld.

## **8 GENERAL**

- 8.1 To avoid doubt, this mineral relationship instrument does not limit those matters set out in paragraphs 18.4 and 18.5 of schedule 2 to the deed and paragraphs 2.1d and 2.1e of schedule 5 to the deed.

## **9 DEFINITIONS AND INTERPRETATION**

- 9.1 Clause 1.2 of this mineral relationship instrument states that any issue of interpretation in relation to how the deed contributes to the legal expression, protection and recognition of the mana of ngā hapū o Ngāti Porou shall be resolved after taking into account the principles in clause 1.1. This principle of interpretation also applies to this mineral relationship instrument.
- 9.2 In this mineral relationship instrument, unless the context requires otherwise:
- a. terms defined in the deed have the same meaning; and
  - b. each term listed below has the meaning given to it:

Term	Meaning
<b>Chief Executive</b>	has the meaning given in section 2(1) of the Crown Minerals Act 1991.
<b>mineral</b>	any mineral (as that term is defined in section 2(1) the Crown Minerals Act 1991) that is the property of the Crown in accordance with sections 10 and 11 of the Crown Minerals Act 1991 or over which the Crown has jurisdiction in accordance with the Continental Shelf Act 1964.
<b>Minister</b>	has the meaning given in section 2(1) of the Crown Minerals Act 1991.
<b>Ministry</b>	means the Ministry of Business, Innovation and Employment



Term	Meaning
<b>newly available acreage</b>	the methodology for allocating minerals in land that becomes available for permit applications within the meaning of section 6.7 of the Minerals Programme for Minerals (Excluding Petroleum) 2013, or any minerals programme made in substitution for that programme.
<b>ngā rohe moana o ngā hapū o Ngāti Porou</b>	the common marine and coastal area within the rohe of Ngāti Porou, as further identified on the attached map, which extends from Pōtikirua in the north to Te Toka a Taiau in the south, and: <ul style="list-style-type: none"> <li>a. includes the customary marine title areas; but</li> <li>b. excludes for the purposes of the deed, the rohe of the hapū described in paragraph b of the definition of “ngā hapū o Ngāti Porou”.</li> </ul>
<b>permit holder</b>	has the meaning given in section 2(1) of the Crown Minerals Act 1991.
<b>petroleum</b>	has the meaning given in section 2(1) of the Crown Minerals Act 1991.
<b>relevant minerals programme</b>	has the meaning given in section 2(1) of the Crown Minerals Act 1991.

9.3 In this mineral relationship instrument, where the Minister or Ministry is required to consult with ngā hapū o Ngāti Porou, it will ensure that:

- a. ngā hapū o Ngāti Porou are notified as soon as reasonably practicable following the identification and determination by the Minister or Ministry of any proposal or issue; and
- b. ngā hapū o Ngāti Porou are provided with sufficient information to make an informed decision and provide a meaningful submission in relation to any proposal or issue; and
- c. ngā hapū o Ngāti Porou are given a reasonable period of time to allow them to participate in the decision making process and to consider the Minister's or Ministry's submissions in relation to any proposal or issue; and
- d. the Minister or Ministry approaches the consultation with ngā hapū o Ngāti Porou with an open mind and will genuinely consider the submissions of ngā hapū o Ngāti Porou in relation to any proposal or issue; and
- e. the Minister or Ministry provides a written report to ngā hapū o Ngāti Porou setting out the final decisions made in relation to the proposal or issue.

Mineral Relationship Instrument

NGĀ HAPŪ O NGĀTI POROU

- 9.4 Where the Minister or Ministry is required, under this mineral relationship instrument, to engage, or otherwise interact, with ngā hapū o Ngāti Porou (including making available information, consulting, informing the hapū of certain matters, seeking advice, providing notice or assistance, or meeting with the hapū), the Minister or Ministry will satisfy that obligation by engaging, or otherwise interacting, with the management arrangements (as those arrangements are described in schedule 7 to the deed).
- 9.5 The rules of interpretation in paragraph 4 of schedule 10 to the deed apply to the interpretation of this mineral relationship instrument.

SIGNED on the 20 day of May 2019

SIGNED by the Honorable Dr Megan Woods,  
the Minister for Resources and Energy



Honorable Dr Megan Woods,  
in the presence of:



Signature of Witness

Name: DAVID OARBY

Occupation: PRIVATE SECRETARY

Address: 15 WATTLE CR, L. HUTT

SIGNED on behalf of NGĀ HAPŪ O NGĀTI POROU

SIGNED by Rei Mokena Kohere and Pierre Renaud Henare as duly authorised  
representatives from Potikirua ki Whangaokena Takutai Kaitiaki Trust



Pierre Renaud Henare  
in the presence of:



Rei Mokena Kohere  
in the presence of:

Signature of Witness

Name: MATAMAKI KIHIRI, MATAMAKI

Occupation: SOLICITOR

Address: GILBOURN

Mineral Relationship Instrument

NGĀ HAPŪ O NGĀTI POROU

**SIGNED by Nehe Mau Teki Turei and Dean Ngaiwi Moana**  
as duly authorised representatives from **Whangaokena ki Onepoto Takutai Kaitiaki Trust**

*Nehe Mau Teki Turei*

**Nehe Mau Teki Turei**  
in the presence of:

*Dean Ngaiwi Moana*

**Dean Ngaiwi Moana**  
in the presence of:

Signature of Witness

Name: *MATANUKU KIHIRINI MATHIKA*

Occupation: *SOLICITOR*

Address: *GISBORNE*

**SIGNED by Marijke Adriana Warmenhoven**  
as duly authorised representative from **Te Papatipu O Uepohatu me te Papatipu o te Ngaere Takutai Kaitiaki Trust**

*Marijke Adriana Warmenhoven*

**Marijke Adriana Warmenhoven**  
in the presence of:

Signature of Witness

Name: *MATANUKU KIHIRINI MATHIKA*

Occupation: *SOLICITOR*

Address: *GISBORNE*

**SIGNED by Agnes Lyn Walker and Selwyn Tanetoea Parata**  
as duly authorised representatives from **Whanau Hapu of Te Aitanga a Mate Te Aowera and Te Whanau a Hinekehu Takutai Kaitiaki Trust**

*Agnes Lyn Walker*

**Agnes Lyn Walker**  
in the presence of:

*Selwyn Tanetoea Parata*

**Selwyn Tanetoea Parata**  
in the presence of:

Signature of Witness

Name: *MATANUKU KIHIRINI MATHIKA*

Occupation: *SOLICITOR*

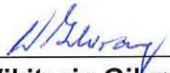
Address: *GISBORNE*




Mineral Relationship Instrument

NGĀ HAPŪ O NGĀTI POROU

**SIGNED** by Wikitoria Gilvray and Sharon Mary Harrison as duly authorised representatives from Nga Hapu o Waipiro Takutai Kaitiaki Trust

  
Wikitoria Gilvray  
in the presence of:

  
Sharon Mary Harrison  
in the presence of:

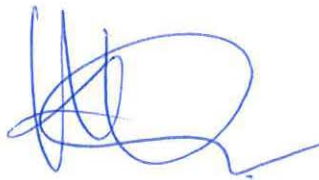
Signature of Witness  
Name: MATANUKU KHIRINI MAHIKA  
Occupation: SOLICITOR  
Address: GISBORNE

**SIGNED** by Nicola Searancke and Tiaki Matenga Rangi Papuni as duly authorised representatives from Ngati Wakarara - Ngati Hau Takutai Kaitiaki Trust

Nicola Searancke  
in the presence of:

  
Tiaki Matenga Rangi Papuni  
in the presence of:

Signature of Witness  
Name:  
Occupation:  
Address:

  
MATANUKU KHIRINI MAHIKA  
SOLICITOR  
GISBORNE

Attachment

Ngā Rohe Moana o Ngā Hapū o Ngāti Porou

