

**THE TRUSTEES OF THE NGĀTI KAHUNGUNU KI WAIRARAPA
TĀMAKI NUI-A-RUA SETTLEMENT TRUST**

and

THE CROWN

**DEED TO AMEND
NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA
DEED OF SETTLEMENT**

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DEED TO AMEND NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA DEED OF SETTLEMENT

THIS DEED is made on the 24 day of February 2023

BETWEEN

THE TRUSTEES OF THE NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA SETTLEMENT TRUST

AND

THE CROWN

R CT 

BACKGROUND

- A. Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust and the Crown are parties to a Deed of Settlement dated 29 October 2021 (the "**Deed of Settlement**").
- B. The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust and the Crown wish to enter this deed to formally record certain amendments to the Deed of Settlement, in accordance with paragraph 5.1 of the General Matters Schedule to the Deed of Settlement.

IT IS AGREED as follows:

1. EFFECTIVE DATE OF THIS DEED

- 1.1 This deed takes effect when it is properly executed by the parties.

2. AMENDMENTS TO THE DEED OF SETTLEMENT

- 2.1 The Deed of Settlement:

2.1.1 is amended by making the amendments set out in Schedule 1 to this deed; but

2.1.2 remains unchanged except to the extent provided by this deed.

3. DEFINITIONS AND INTERPRETATION

- 3.1 Unless the context otherwise requires:

3.1.1 terms or expressions defined in the Deed of Settlement have the same meanings in this deed; and

3.1.2 the rules of interpretation in the Deed of Settlement apply (with all appropriate changes) to this deed.

4. COUNTERPARTS

- 4.1 This deed may be signed in counterparts which together shall constitute one agreement binding on the parties, notwithstanding that both parties are not signatories to the original or same counterpart.

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SIGNED as a Deed to Amend on the 24 day of February 2023

SIGNED for and on behalf of
THE CROWN by the Minister for Treaty of
Waitangi Negotiations in the presence of:

Honourable Andrew James Little

Signature of Witness

Lisa Petraschuk

Witness Name

Senior Ministerial Advisor

Occupation

Lower Hutt

Address

SIGNED by the trustees of the
NGĀTI KAHUNGUNU KI WAIRARAPA
TĀMAKI NUI-A-RUA SETTLEMENT
TRUST

in the presence of:

Haami Te Whaiti

Signature of Witness

Lee Taharangi Gray

Witness Name

General Manager

Occupation

23 Grand Vue Rd

Address

Rotorua

SCHEDULE 1

AMENDMENTS TO THE DEED OF SETTLEMENT

Current part and reference	Amendment
Part 5, clause 5.76	Replace "\$376,000" with "\$2,876,000"
Part 5, clause 5.77	Delete clause 5.77 Renumber the following clauses in part 5 and any consequential cross references to those clauses accordingly
Part 5, clause 5.78	Delete clause 5.78 Renumber the following clauses in part 5 and any consequential cross references to those clauses accordingly
Part 7, clause 7.28	Replace the reference to "clause 7.59" to "clauses 7.59, 7.59A and 7.59B"
Part 7, clause 7.59	Delete subclauses 7.59.5 and 7.59.6
Part 7, new clause 7.59A and clause 7.59B	<p>Insert the following new clauses 7.59A and 7.59B immediately after clause 7.59:</p> <p>7.59A On the settlement date, as a one-off contribution to the costs of establishing and implementing natural resources redress in the Wairarapa, the Crown will pay the amounts of:</p> <p style="margin-left: 40px;">7.59A.1 \$1,333,600 to the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust;</p> <p style="margin-left: 40px;">7.59A.2 \$993,150 to the trustees of Rangitāne Tū Mai Rā Trust;</p> <p style="margin-left: 40px;">7.59A.3 \$632,000 to the Wellington Regional Council;</p> <p style="margin-left: 40px;">7.59A.4 \$136,850 to the South Wairarapa District Council;</p> <p style="margin-left: 40px;">7.59A.5 \$122,360 to the Carterton District Council; and</p> <p style="margin-left: 40px;">7.59A.6 \$179,350 to the Masterton District Council.</p> <p>7.59B On the settlement date, the Crown will pay an amount of \$5,000,000 (Amount) to an escrow account established in the joint names of the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust and the trustees of Rangitāne Tū Mai Rā Trust (the joint trustees) as stakeholder, on the following terms and conditions:</p> <p style="margin-left: 40px;">7.59B.1 the escrow account is clearly distinguished from any other funds held by the joint trustees and is held with a bank on the terms the joint trustees may determine but in any event with a bank registered under the Reserve Bank of New Zealand Act 2021;</p>

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Current part and reference	Amendment
	<p>7.59B.2 the Amount is held by the joint trustees as stakeholder until such time as the Wairarapa Moana Statutory Board is established pursuant to the terms provided by the draft Te Rohe o Rongokako Joint Redress Bill; and</p> <p>7.59B.3 the Amount will be released to the Wairarapa Moana Statutory Board for the purposes of promoting the restoration, protection and enhancement of the social, cultural, environmental and spiritual health and well-being of Wairarapa Moana and the Ruamahanga River catchment by no later than 1 December 2023 or earlier in accordance with the terms of an escrow agreement entered into by the Crown and the joint trustees.</p>