
CROWN MINERALS PROTOCOL

**PROTOCOL ISSUED BY THE CROWN THROUGH THE MINISTER FOR RESOURCES
REGARDING CONSULTATION WITH TE KOROWAI O WAINUIĀRUA BY THE
MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT ON THE
ADMINISTRATION OF CROWN OWNED MINERALS**

1 INTRODUCTION

- 1.1 Under the Deed of Settlement dated 29 July 2023 between the trustees of the Te Korowai o Wainuiārua Trust (**Governance Entity**) and the Crown (the **Deed of Settlement**), the Crown agreed that the Minister for Resources (**Minister**) would issue a Protocol (the **Protocol**) setting out how the Ministry of Business, Innovation and Employment (the **Ministry**) will consult with the Governance Entity on matters specified in the Protocol.
- 1.2 Both the Ministry and Te Korowai o Wainuiārua are seeking a constructive relationship based on the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.
- 1.3 Section 4 of the Crown Minerals Act 1991 (the **Act**) requires all persons exercising functions and powers under the Act to have regard to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi. The minerals programmes set out how this requirement will be given effect to.
- 1.4 The Minister and the Ministry recognise that Te Korowai o Wainuiārua Trust is the governance entity for Te Korowai o Wainuiārua and represents Te Korowai o Wainuiārua.
- 1.5 Te Korowai o Wainuiārua are tāngata whenua and kaitiaki of the Protocol Area and have significant interests and responsibilities in relation to the preservation, protection and management of natural resources within the Protocol Area.

2 BACKGROUND

Te Korowai o Wainuiārua

- 2.1 Te Korowai o Wainuiārua represents the descendants of three tūpuna – Uenuku, Tamakana, and Tamahaki – whose ancestral lands encompass Ruapehu and the middle and upper reaches of the Whanganui River in the central North Island. The area, in pre-European times, was at the heart of a vital north-south and east-west access route and featured dense populations and complex iwi and hapū connections. This meant that Uenuku, Tamakana, and Tamahaki were of critical importance in the forging of social, political and economic relationships. Te Korowai o Wainuiārua consider that this position was greatly altered by the Crown’s breaches of te Tiriti o Waitangi/the Treaty of Waitangi.
- 2.2 Uenuku, Tamakana, and Tamahaki have found it difficult to maintain a distinct identity and to ensure that their identity and mana is acknowledged by other parties, including the Crown. Te Korowai o Wainuiārua sought re-instatement of recognition from the Crown and other parties of the Uenuku, Tamakana, and Tamahaki rangatiratanga within their rohe.
- 2.3 Three pou form the basis of and represent the vision, principles, and aspirations of the people of Uenuku, Tamakana and Tamahaki for the settlement of Te Korowai o Wainuiārua claims against the Crown for its breaches of te Tiriti o Waitangi/the Treaty of Waitangi:
 - (a) **Pou Tangata**: this aspirational pou reflects the desire to achieve economic and commercial revitalisation in the Te Korowai o Wainuiārua rohe. The broad aspiration is to re-establish the economic viability of land and resources, sustain commercial development of these resources and ensure strong industry relationships for economic growth.
 - (b) **Pou Wairua**: this aspirational pou focuses on the desire to achieve social and cultural development for the people of Te Korowai o Wainuiārua. This

development will be based on reconciliation between the Crown and Te Korowai o Wainuiārua, and the Crown's acknowledgement of its breaches of te Tiriti o Waitangi/the Treaty of Waitangi. Te Korowai o Wainuiārua aspire to secure the social and cultural wellbeing of their people, and the revitalisation of identity, language, culture, tikanga and kōrero.

- (c) **Pou Whenua:** this aspirational pou reflects the role of Uenuku, Tamakana, and Tamahaki as kaitiaki and the importance of environmental protection and conservation of their ancestral lands. Te Korowai o Wainuiārua aspire for this settlement to support the exercise of kaitiakitanga and rangatiratanga over wāhi tapu, protection and conservation of taonga species, the natural landscape, biota, flora and fauna and the recognition of Uenuku, Tamakana and Tamahaki as customary guardians of their tribal lands.
- 2.4 These pou represent the aspirations of the people of Uenuku, Tamakana and Tamahaki in relation to their Treaty settlement and are interdependent. The role of Te Korowai o Wainuiārua people as kaitiaki cannot be fulfilled without ensuring that the social and cultural wellbeing of the people is safe and secure. In turn, social and cultural wellbeing is interconnected with the tribes' economic and commercial resources, which provide support and sustenance to Te Korowai o Wainuiārua whānau, hapū and iwi.
- 2.5 Each of the three aspirational pou will be strategically implemented according to the vision, values and principles of Te Korowai o Wainuiārua people, assisted by the redress provided by their Treaty settlement.
- 2.6 This vision and these aspirations will be reviewed and potentially amended by the Governance Entity after settlement and specific aspirations may be adopted which are in accordance with the strategic and business planning adopted by the Governance Entity following settlement.

Te Korowai o Wainuiārua Statement of Values

- 2.7 Every relationship is sourced in the values we have inherited from our tupuna. These will be expressed by the values:
- (a) **Mana Atua:** the highest value because it is the basis of Wairuatanga.
 - (b) **Mana Tīpuna:** denotes the element of respect for the way we carry forward the legacy of our Tīpuna. This interacts with Mana Tāngata as an inherited value.
 - (c) **Mana Whenua:** (including Mana Moana) denotes rangatiratanga, dignity and authority.
 - (d) **Whakapapa:** the overall value that defines who we are and our links back to the Atua.
 - (e) **Taonga:** the value defining what we treasure – what is precious to us.
 - (f) **Rawa:** the value that defines all ranges of resources. They include natural, physical, financial, cultural and human resources.
 - (g) **Tikanga:** depicted here as the element of principles and the ethics that are in accord with the way we apply the legacy of our Tīpuna.
 - (h) **Kaupapa:** seen as the element that drives strategy; it defines intent and purpose; it incites passion and commitment. It is a value-based assertion of what we are and what we seek to achieve.
 - (i) **Rautaki:** is strategy – the element of planning that is the sharp end of the Kōkiri in terms of the forward thrust to the fulfilment of our purpose.
 - (j) **Kaitiakitanga:** Kaitiakitanga requires engagement in governance, management and operations and includes the:

- i right to maintain and control our environment according to our own established practices;
- ii right to interact with our environment in a manner consistent with our tino rangatiratanga;
- iii legitimate opportunity to practise, exercise and extend our environmental traditions, cultural values and beliefs; and
- iv support for the purity, potency and integrity of our natural environment.

- 2.8 A key grievance of Te Korowai o Wainuiārua is the loss and degradation of their taonga: their mountains, lands, pā, wāhi tapu and other places of significance, lakes, wetlands, rivers and coast, through the actions or inaction, of the Crown.
- 2.9 Te Korowai o Wainuiārua initially aspired to the return of all their land that was taken from them. However, the Crown retains little land in their rohe other than land held for conservation purposes, but for the most part this land was not available to them as redress under their Treaty settlement.
- 2.10 Te Korowai o Wainuiārua wish to establish an ongoing and active partnership between Te Korowai o Wainuiārua and the Crown in relation to the whenua, ngahere, awa, ika, wāhi tapu, rongoā, and other taonga (land, forest, waterways, fisheries, cultural sites and resources) in their rohe reflecting not only the significance of those resources and their restoration and protection to Te Korowai o Wainuiārua, but also the wider public interest in the enjoyment and conservation of those resources.
- 2.11 Te Korowai o Wainuiārua wish to enter into a true Treaty based partnership with the Crown in relation to the management of the land, forest, waterways and resources within Te Korowai o Wainuiārua rohe.
- 2.12 This Agreement is intended to assist with the reconnection of Te Korowai o Wainuiārua to the management and care of their traditional lands and resources.
- 2.13 The Partners intend to establish and maintain a positive, collaborative and enduring partnership that gives effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi as recognised by section 4 of the Crown Minerals Act 1991 (“All persons exercising functions and powers under this Act shall have regard to the principles of the Treaty of Waitangi (Te Tiriti of Waitangi)”).

3 PURPOSE OF THIS PROTOCOL

- 3.1 With the intent of creating a constructive relationship between Te Korowai o Wainuiārua and the Ministry in relation to minerals administered in accordance with the Act in the Protocol Area, this Protocol sets out how the Ministry will exercise its functions, powers, and duties in relation to the matters set out in this Protocol.
- 3.2 The Governance Entity will have the opportunity for input into the policy, planning, and decision-making processes relating to the matters set out in this Protocol in accordance with the Act and the relevant minerals programmes issued under the Act.

4 OWNERSHIP OF MINERALS

- 4.1 Te Korowai o Wainuiārua assert that, traditionally and according to customary law, Te Korowai o Wainuiārua owned and used the mineral resources and taonga in their rohe.
- 4.2 Te Korowai o Wainuiārua assert that they maintain in accordance with tikanga, an unbroken, inalienable and enduring relationship with, and mana in relation to, the minerals in their rohe.
- 4.3 Te Korowai o Wainuiārua record that they consider their ownership, management and control of such minerals has been expropriated by the Crown and that this is a serious Treaty breach with implications that are still being felt.

- 4.4 The Crown asserts ownership of minerals under the Act and considers that the nationalisation of minerals is not a breach of the Treaty. Section 10 of the Act provides that all gold, silver, uranium and petroleum existing in its natural condition in land shall be the property of the Crown. Section 11 of the Act reserves all minerals to the Crown in any future alienation of Crown land and upholds all reservations of minerals made in earlier enactments. Decision-making regarding prospecting, exploration and mining of minerals in the Protocol Area is prescribed under the Act.

5 PROTOCOL AREA

- 5.1 This Protocol applies to the area shown on the map in Attachment A and does not go beyond the sovereign territory of New Zealand.

6 TERMS OF ISSUE

- 6.1 This Protocol is issued pursuant to section 24 of the Te Korowai o Wainuiārua Claims Settlement Act 2025 (the "Settlement Legislation") that implements clause 5.9 of the Te Korowai o Wainuiārua Deed of Settlement, and is subject to the Settlement Legislation and the Deed of Settlement.
- 6.2 This Protocol must be read subject to the terms of issue set out in Attachment B.

7 CONSULTATION

- 7.1 The Minister will ensure that the Governance Entity is consulted by the Ministry:

New minerals programmes

- (a) on the preparation of a draft minerals programme, or a proposed change to a minerals programme (unless the change is one to which section 16(3) of the Act applies), which relate, whether wholly or in part, to the Protocol Area;

Petroleum exploration permit block offers

- (b) on 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 Act and the relevant minerals programme), which relates, whether wholly or in part, to the Protocol Area. This will include outlining the proposals for holding the block offer, and consulting with the Governance Entity on these proposals over the consultation period set out in the relevant minerals programme;

Other petroleum permit applications

- (c) when any application for a petroleum permit is received, which relates, whether wholly or in part, to the Protocol Area, except where the application relates to a block offer over which consultation has already taken place under clause 7.1(b);

Amendments to petroleum permits

- (d) when any application to amend a petroleum permit, by extending the land to which the permit relates, is received where the application relates, wholly or in part, to the Protocol Area;

Permit block offers for Crown owned minerals other than petroleum

- (e) on the planning of a competitive tender allocation of a permit block for Crown owned minerals other than petroleum (being a specific area with defined boundaries available for allocation as a permit in accordance with section 24 of the Act and any relevant minerals programme) which relates, whether wholly or in part, to the Protocol Area;

Other permit applications for Crown owned minerals other than petroleum

- (f) when any application for a permit in respect of Crown owned minerals other than petroleum is received, which relates, whether wholly or in part, to the Protocol Area, except where the application relates to a block offer over which consultation has already taken place under clause 7.1(e) or where the application relates to newly available acreage;

Newly available acreage

- (g) when the Secretary proposes to recommend that the Minister grant an application for a permit for newly available acreage in respect of minerals other than petroleum, which relates, whether wholly or in part, to the Protocol Area;

Amendments to permits for Crown owned minerals other than petroleum

- (h) when any application to amend a permit in respect of Crown owned minerals other than petroleum, by extending the land or minerals covered by an existing permit is received, where the application relates, wholly or in part, to the Protocol Area; and

Gold fossicking areas

- (i) when any request is received or proposal is made to designate lands as a gold fossicking area, which relates, whether wholly or in part, to the Protocol Area.

7.2 Each decision on a proposal referred to in clause 7.1 will be made having regard to any matters raised as a result of consultation with the Governance Entity and having regard to the principles of Te Tiriti o Waitangi/ the Treaty of Waitangi.

8 IMPLEMENTATION AND COMMUNICATION

8.1 The Crown has an obligation under the Act to consult with parties whose interests may be affected by matters described in clause 7.1. The Ministry will consult with the Governance Entity in accordance with this Protocol if matters described in clause 7.1 of this Protocol may affect the interests of Te Korowai o Wainuiārua.

8.2 For the purposes of clause 7.1, the basic principles that will be followed by the Ministry in consulting with Te Korowai o Wainuiārua in each case are:

- (a) ensuring that the Governance Entity is consulted as soon as reasonably practicable following the identification and determination by the Ministry of the proposal or issues;
- (b) providing the Governance Entity with sufficient information to make informed decisions and submissions;
- (c) ensuring that sufficient time is given for the participation of the Governance Entity in the decision-making process and to enable it to prepare its submissions; and
- (d) ensuring that the Ministry will approach the consultation with the Governance Entity with an open mind and will genuinely consider the submissions of Te Korowai o Wainuiārua.

8.3 Where the Governance Entity has requested that land be excluded from a permit, or that activities within certain areas be subject to additional requirements, the Minister will consider and make a decision on the request. The Governance Entity must be informed in writing of the Minister's decision.

8.4 Face to face meetings will be held if mutually agreed by the parties, such agreement not to be unreasonably withheld. The parties will jointly confirm the meetings and their agenda and location.

8.5 The Ministry will seek to fulfil its obligations under this Protocol by:

- (a) maintaining information on the Governance Entity's address and contact details as provided from time to time by the Governance Entity;
- (b) as far as reasonably practicable, ensuring relevant employees within the Ministry are aware of the purpose, content and implications of this Protocol;
- (c) nominating relevant employees to act as contacts with the Governance Entity in relation to issues concerning this Protocol;
- (d) providing the Governance Entity with the names of the relevant employees who will act as contacts with the Governance Entity in relation to issues concerning this Protocol;
- (e) discussing with the Governance Entity concerns and issues notified by the Governance Entity about this Protocol;
- (f) as far as reasonably practicable, providing opportunities for the Governance Entity to meet with relevant Ministry managers and staff;
- (g) where relevant and reasonably practicable, providing opportunities for the Governance Entity to meet with the Minister and Chief Executive;
- (h) where relevant and reasonably practicable, informing other organisations with whom it works, central government agencies and stakeholders about this Protocol and provide ongoing information; and
- (i) including the summary of the terms of issue relating to this Protocol in the relevant minerals programmes when these are issued.

9 EXCLUSION OF AREAS OF PARTICULAR IMPORTANCE TO TE KOROWAI O WAINUIĀRUA

- 9.1 The Crown has responsibilities in relation to active protection. As a result of the consultation specified in clause 7, the Governance Entity may request that defined areas of land of particular importance to Te Korowai o Wainuiārua are excluded from the operation of a minerals programme or shall not be included in any block offer or permit.

10 EFFECTS ON THE TE KOROWAI O WAINUIĀRUA INTERESTS IN RELATION TO CROWN OWNED MINERALS

- 10.1 The Minister and Secretary will consult with the Governance Entity on any policy or legislative development or review in relation to the administration of minerals which may affect the Te Korowai o Wainuiārua interests in relation to Crown owned minerals in the Protocol Area or this Protocol.
- 10.2 The Minister and Secretary will consult with the Governance Entity on any of the Ministry's Crown owned minerals operational activities which may affect policy or legislative development or review in relation to the administration of minerals which may affect Te Korowai o Wainuiārua interests in relation to Crown owned minerals in the Protocol Area or this Protocol.
- 10.3 Notwithstanding clauses 10.1 and 10.2 above, the Minister and the Chief Executive and the Governance Entity may meet to discuss the Te Korowai o Wainuiārua interests in relation to Crown owned minerals in the Protocol Area as part of the meetings specified in clause 8.4.

11 INFORMATION SHARING

- 11.1 The Ministry will make available to the Governance Entity all existing information held by the Ministry where that information is requested by the Governance Entity for the purposes of assisting them to exercise their rights under this Protocol.

- 11.2 The obligation in clause 11.1 does 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 under the Official Information Act 1982 or Privacy Act 1993.
- 11.3 The Minister and Secretary will make available to the Governance Entity the names and contact details of all relevant permit holders.

12 REVIEW AND AMENDMENT

- 12.1 The Minister, Secretary and the Governance Entity agree that this Protocol is a living document which should be updated and adapted to take account of future developments.
- 12.2 A review of this Protocol may take place at the request of either party.
- 12.3 See the Terms of Issue in Attachment B for the provisions related to cancellation and amendment.

13 DISPUTE RESOLUTION

- 13.1 If one party considers that there has been a breach of this Protocol, then that party may give written notice to the other party that they are in dispute. The following process shall be undertaken once notice is received by the other party to this Protocol:
- (a) within 15 working days of being given written notice, the relevant contact person from the Ministry and the Governance Entity will meet to work in good faith to resolve the issue;
 - (b) if the dispute has not been resolved within 20 working days of receipt of the notice referred to in clause 13.1(a), the Chief Executive and the nominated representative of the Governance Entity will meet to work in good faith to resolve the issue; and
 - (c) if the dispute has not been resolved within 30 working days of receipt of the notice referred to in clause 13.1(a) and where the matter is of such significance and the dispute remains outstanding despite the above process having been followed, provided it is not inconsistent with statutory obligations and the parties agree, the Minister and the Governance Entity will meet to work in good faith to resolve this issue. The parties recognise that this clause is subject to this Protocol's Terms of Issue.

14 DEFINITIONS

- 14.1 In this Protocol:

Act means the Crown Minerals Act 1991 as amended, consolidated or substituted;

Chief Executive means the Chief Executive of the Ministry of Business, Innovation and Employment;

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;

Crown owned minerals means any mineral that is the property of the Crown;

Deed of Settlement means the Deed of Settlement dated 29 July 2023 between the Crown and Te Korowai o Wainuiārua;

Mineral means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic

minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945;

Minister means the Minister for Resources;

Ministry means the Ministry of Business, Innovation and Employment;

Newly available acreage is a method for allocating permits for minerals (excluding petroleum) as set out in the Minerals Programme for Minerals (Excluding Petroleum) 2013;

Petroleum has the meaning given to that term in section 2 of the Crown Minerals Act 1991;

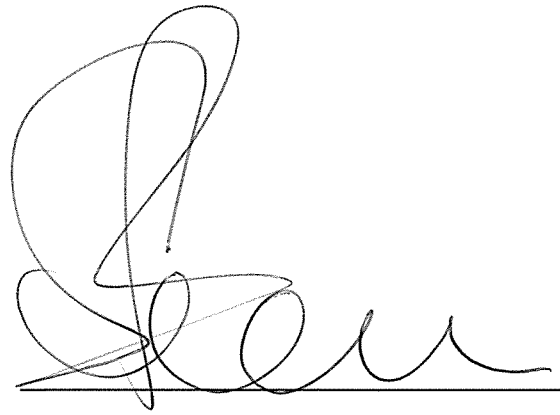
Protocol means a statement in writing, issued by the Crown through the Minister to Te Korowai o Wainuiārua under the Settlement Legislation and the Deed of Settlement and includes this Protocol; and

Te Korowai o Wainuiārua means the meaning set out in clause 10.7 of the Deed of Settlement;

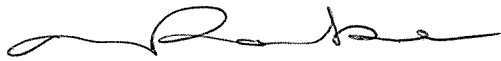
Settlement Legislation means the Te Korowai o Wainuiārua Claims Settlement Act 2025.

ISSUED ON 12, 5, 25

SIGNED for and on behalf of)
THE SOVEREIGN)
in right of New Zealand by the)
Minister for Resources)



WITNESS



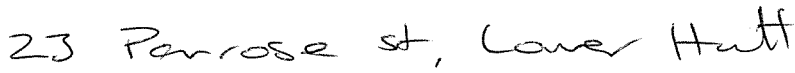
Signature of Witness



Witness Name

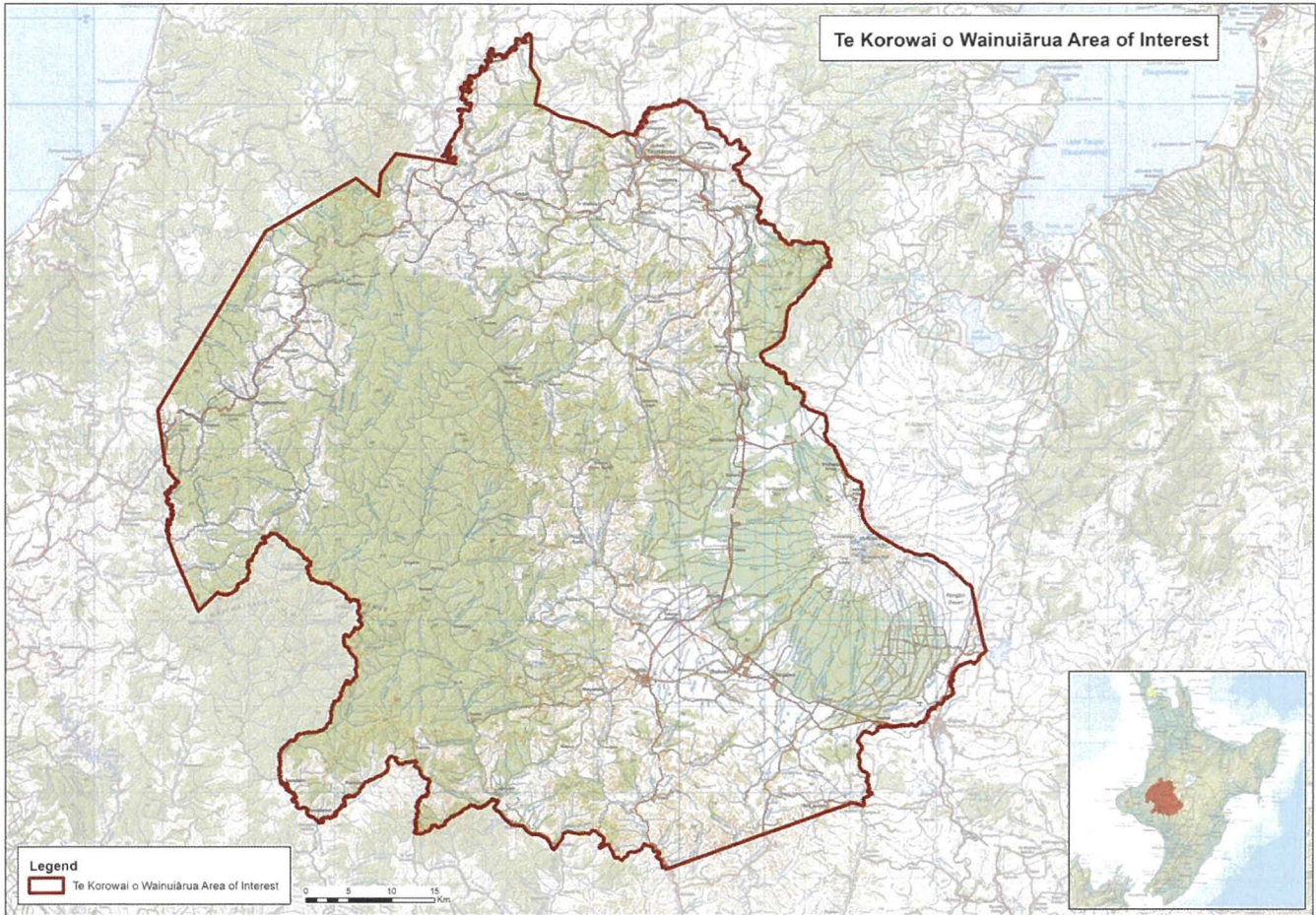


Occupation



Address

ATTACHMENT A PROTOCOL AREA MAP



ATTACHMENT B: SUMMARY OF THE TERMS OF ISSUE

This Protocol is subject to the Deed of Settlement and the Settlement Legislation. A summary of the relevant provisions is set out below.

1. AMENDMENT AND CANCELLATION

- 1.1 The Minister or the Governance Entity may cancel this Protocol.
- 1.2 The Protocol can only be amended by agreement in writing between the Minister and the Governance Entity.

2. NOTING

- 2.1 A summary of the terms of this Protocol must be added:
 - 2.1.1 in a register of protocols maintained by the chief executive; and
 - 2.1.2 in the minerals programme affecting the Protocol Area when those programmes are changed;but the addition:
 - 2.1.3 is for the purpose of public notice only; and
 - 2.1.4 does not change the minerals programmes for the purposes of the Crown Minerals Act 1991 (section 14).

3. LIMITS

- 3.1 This Protocol does not -
 - 3.1.1 restrict the Crown from exercising its powers, and performing its functions and duties, in accordance with the law (including the Crown Minerals Act 1991) and government policy, including:
 - (a) introducing legislation; or
 - (b) changing government policy; or
 - (c) issuing a Protocol to, or interacting or consulting with anyone the Crown considers appropriate, including any iwi, hapū, marae, whānau, or representative of tāngata whenua (section 23); or
 - 3.1.2 restrict the responsibilities of the Minister or the Ministry under the Crown Minerals Act 1991 or the legal rights of Te Korowai o Wainuiārua or a representative entity; or
 - 3.1.3 grant, create, or provide evidence of an estate or interest in, or rights relating to Crown minerals (section 25); or
 - 3.1.4 affect any interests under the Marine and Coastal Area (Takutai Moana) Act 2011.
- 3.2 In this summary of the Terms of Issue, "Governance Entity" has the same meaning as it has in the Deed of Settlement.

4. BREACH

- 4.1 Subject to the Crown Proceedings Act 1950, the Governance Entity may enforce this Protocol if the Crown breaches it without good cause, but damages or monetary compensation will not be awarded (section 24).
- 4.2 A breach of this Protocol is not a breach of the Deed of Settlement (clause 5.13).