

## **Ngāti Rangiwewehi Claims Settlement Bill**

(Divided from the Ngā Punawai o Te Tokotoru  
Claims Settlement Bill)

Government Bill

This bill was formerly part of the Ngā Punawai o Te Tokotoru Claims Settlement Bill as reported from the Māori Affairs Committee. The Clerk of the House has divided it into the following bills:

- the Ngāti Rangiteaorere Claims Settlement Bill comprising clauses 1 and 2, Parts 1 to 3, and Schedules 1 to 3
- this bill comprising Parts 4 to 6 and Schedules 4 to 7
- the Tapuika Claims Settlement Bill comprising Parts 7 to 10 and Schedules 8 to 13.



*Hon Christopher Finlayson*

# **Ngāti Rangiwewehi Claims Settlement Bill**

Government Bill

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Ngāti Rangiwewehi Claims Settlement Act **2014**.
- 2 Commencement** 5  
This Act comes into force on the day after the date on which it receives the Royal assent.

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## Part 4

### Preliminary matters, acknowledgements, apology, pardon, settlement of historical claims, and miscellaneous matters

#### *Preliminary matters*

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#### 91 Purpose

The purpose of **Parts 4 to 6** is—

- (a) to record the acknowledgements and apology given by the Crown to Ngāti Rangiwewehi in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Rangiwewehi.

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#### 92 Provisions to take effect on settlement date

(1) The provisions of **Parts 4 to 6** take effect on the settlement date unless stated otherwise.

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(2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—

- (a) the provision to have full effect on that date; or
- (b) a power to be exercised under the provision on that date; or
- (c) a duty to be performed under the provision on that date.

20

#### 93 **Parts 4 to 6 bind the Crown**

**Parts 4 to 6** bind the Crown.

25

#### 94 Outline

(1) This section is a guide to the overall scheme and effect of **Parts 4 to 6**, but does not affect the interpretation or application of the other provisions of **Parts 4 to 6** or of the deed of settlement.

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(2) This Part—

- (a) sets out the purpose of **Parts 4 to 6**; and

- (b) provides that the provisions of **Parts 4 to 6** take effect on the settlement date unless a provision states otherwise; and
- (c) states that **Parts 4 to 6** bind the Crown; and
- (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Rangiwewehi, as recorded in the deed of settlement; and 5
- (e) defines terms used in **Parts 4 to 6**, including key terms such as Ngāti Rangiwewehi and historical claims; and 10
- (f) provides that the settlement of the historical claims is final; and
- (g) provides for—
- (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and 15
- (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
- (iii) the effect of the settlement on certain memorials; and 20
- (iv) the exclusion of the law against perpetuities; and
- (v) access to the deed of settlement.
- (3) **Part 5** provides for cultural redress, namely—
- (a) protocols for conservation, Crown minerals, and taonga tūturu on the terms set out in the documents schedule; and 25
- (b) a fisheries protocol to be issued by the Minister for Primary Industries after the Minister and the trustees have agreed to its terms; and 30
- (c) a statutory acknowledgement by the Crown of the statements made by Ngāti Rangiwewehi of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for certain areas; and 35
- (d) the alteration of a place name; and
- (e) the vesting in the trustees of the fee simple estate in certain cultural redress properties; and

- (f) the vesting of 1 cultural redress property jointly in the trustees of the Te Tāhuhu o Tawakeheimoa Trust and the trustees of the Tapuika Iwi Authority Trust; and
- (g) the delayed and contingent vesting of 2 joint cultural redress properties jointly in the trustees of the Te Tāhuhu o Tawakeheimoa Trust and the trustees or entities representing 5 other iwi. 5
- (4) **Part 6** provides for commercial redress, including—
- (a) the transfer of unlicensed land; and
- (b) provision for the transfer of a deferred selection property; and 10
- (c) access to protected sites; and
- (d) a right of first refusal in relation to RFR land that may be exercised by the trustees.
- (5) There are 4 schedules, as follows: 15
- (a) **Schedule 4** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:
- (b) **Schedule 5** describes the cultural redress properties:
- (c) **Schedule 6** describes the 2 joint cultural redress properties: 20
- (d) **Schedule 7** sets out provisions that apply to notices given in relation to RFR land.
- Summary of historical account,  
acknowledgements and apology given by  
the Crown, and pardon* 25
- 95 Summary of historical account, acknowledgements and apology, and pardon**
- (1) **Section 96** summarises the historical account in the deed of settlement, setting out the background to the deed of settlement, as agreed by the Crown and Ngāti Rangiwewehi. 30
- (2) **Sections 97 and 98** record the text of the acknowledgements and apology given by the Crown to Ngāti Rangiwewehi in the deed of settlement.
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement. 35

- (4) **Section 99** pardons Kereopa Te Rau for his role in the death of Reverend Volkner.

**96 Summary of historical account**

- (1) Ngāti Rangiwewehi did not sign the Treaty of Waitangi, but from the 1840s they embraced new economic opportunities made possible by European settlement and sought to work with the Crown in the administration of their district. In the 1850s, the Ngāti Rangiwewehi leader Wiremu Maihi Te Rangikaheke gave manuscripts he had written to Governor George Grey. These writings made a significant contribution to the influential books Grey later wrote on Māori culture, but Grey’s publications make no acknowledgement of the contribution of Te Rangikaheke. 5 10
- (2) As the Kīngitanga movement developed in the late 1850s, some Ngāti Rangiwewehi chose to align with the Māori King. When the Crown sent troops to Tauranga in 1864, members of Ngāti Rangiwewehi went to Tauranga to assist their traditional allies. In April 1864, they were among the warriors who inflicted a heavy defeat on the British troops at Gate Pā. In June 1864, Crown forces defeated Kīngitanga Māori at Te Ranga, killing 17 Ngāti Rangiwewehi individuals. 15 20
- (3) The Crown regarded Māori who fought at Gate Pā and Te Ranga as rebels. Between 1865 and 1868, the Crown confiscated 290 000 acres of land around Tauranga, including land in which Ngāti Rangiwewehi had interests. The Crown announced it would retain 50 000 acres and the remainder would be returned to Māori. However, all customary interests in the returned lands were compulsorily extinguished. 25
- (4) Kereopa Te Rau was a member of Ngāti Rangiwewehi. In 1864, during the Waikato war, his wife and daughter were killed by Crown forces. In the Eastern Bay of Plenty, in 1865, a group of Māori killed a missionary who had previously sent the Crown a plan of the pā where Kereopa’s whānau were killed. In 1871, Kereopa was convicted of the murder and sentenced to death. Ngāti Rangiwewehi maintains that Kereopa did not receive a fair trial and was wrongfully executed. 30 35
- (5) In the 1860s, the Crown introduced native land laws, which established the Native Land Court and tasked it with convert-

ing customary title into title derived from the Crown. Customary tenure generally accommodated multiple interests, but the new land laws gave rights to individuals. Ngāti Rangiwewehi had no alternative but to use the court if they wished to secure legal title to their lands and participate in the new economy. In the 1870s, Ngāti Rangiwewehi leaders criticised the native land laws and called, without success, for tribal control of land and resources.

- (6) In 1880, Ngāti Rangiwewehi rangatira were among the Māori signatories to an agreement made with the Crown to establish a township at Rotorua. Ngāti Rangiwewehi reasonably expected they would benefit from this agreement after a committee of local chiefs concluded they had interests in the township block. However, these expectations were not met as the Native Land Court did not award Ngāti Rangiwewehi any interests in this block.
- (7) Between 1887 and 1908, the Crown acquired approximately 65% of the land awarded to Ngāti Rangiwewehi by the Native Land Court. This land included some of the most valuable and prized parts of the Ngāti Rangiwewehi rohe. In the 1890s, the Crown purchased individualised shares in the Mangorewa Kaharoa block in the core Ngāti Rangiwewehi rohe before the block had been partitioned and the specific holdings of hapū and whānau had been defined. In 1896, the Crown applied to have its interests in the block defined and was awarded roughly a third of the block, including the most valuable land in the block and freshwater springs near Hamurana, which are taonga for Ngāti Rangiwewehi.
- (8) In 1966, a piece of land at Taniwha Springs was compulsorily acquired from Ngāti Rangiwewehi by a local authority for waterworks purposes. The block contains springs that are central to Ngāti Rangiwewehi traditions and identity as an iwi. A pump station was built over the springs, where it remains today. The local authority had previously sought an alternative source of water from the Crown, but the Crown refused to make it available. Ngāti Rangiwewehi have mourned the loss of their taonga since its taking.

**97 Acknowledgements**

- (1) The Crown acknowledges that it has failed to address until now the long-standing grievances of Ngāti Rangiwewehi. The Crown hereby recognises the legitimacy of the grievances of Ngāti Rangiwewehi, and makes the following acknowledgements. 5

*War*

- (2) The Crown acknowledges that,—
- (a) in the 1860s, Ngāti Rangiwewehi were drawn into wars that were not of their making. These conflicts had a divisive effect as individuals and hapū within Ngāti Rangiwewehi were compelled to align themselves with different sides in the conflict; and 10
- (b) the Crown caused deep suffering to Kereopa Te Rau in February 1864, when members of his whānau were killed during an assault by Crown forces on the Waikato village of Rangiaowhia. 15
- (3) The Crown acknowledges that—
- (a) members of Ngāti Rangiwewehi were attacked by Crown forces at Pukehinahina in April 1864, and at Te Ranga, in June 1864, 17 Ngāti Rangiwewehi warriors were killed, including Kaingarara, one of their leading rangatira; and 20
- (b) the Crown was ultimately responsible for the outbreak of war in Tauranga in 1864 and the resulting loss of life, and thus breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 25

*Tauranga raupatu/confiscation*

- (4) The Crown acknowledges that its 1868 extension of the Tauranga confiscation boundary compulsorily extinguished any customary interests in the enlarged confiscation district, including those of Ngāti Rangiwewehi. This was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown further acknowledges that after the confiscation land was returned to Ngāti Rangiwewehi in the form of individualised title rather than Māori customary title. 30 35

*Te Rangikaheke and his writings*

- (5) The Crown acknowledges that,—

- (a) through his writings, Wiremu Maihi Te Rangikaheke contributed significantly to the influential books published by Sir George Grey on Māori culture and tradition; and
- (b) Grey, in his publications, made no reference to the contribution of Te Rangikaheke. 5
- Native land laws*
- (6) The Crown acknowledges that the workings of the native land laws, in particular in the awarding of land to individuals rather than iwi or hapū and the enabling of individuals to deal with that land without reference to iwi or hapū,— 10
- (a) made the lands of Ngāti Rangiwewehi more susceptible to alienation and facilitated the Crown’s acquisition of taonga such as Hamurana Springs against the wishes of Ngāti Rangiwewehi; and 15
- (b) eroded the traditional social structures, mana, and rangatiratanga of Ngāti Rangiwewehi. The Crown acknowledges it failed to take adequate steps to protect these structures, and that this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (7) The Crown acknowledges that—
- (a) Ngāti Rangiwewehi sought, through leaders like Wiremu Hikairo and Wiremu Maihi Te Rangikaheke, to retain tribal authority over their lands, but the Crown failed to provide an effective form of corporate title until 1894; and 25
- (b) by 1894 the great bulk of Ngāti Rangiwewehi lands, including the Mangorewa Kaharoa and Maraeroa Oturoa blocks, had passed through the Native Land Court and were held under individualised title; and 30
- (c) the Crown’s failure to provide an effective means in the native land legislation for the collective administration of Ngāti Rangiwewehi lands before 1894 was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35
- Fenton Agreement*
- (8) The Crown acknowledges Ngāti Rangiwewehi rangatira were among the signatories to the Fenton Agreement in 1880. The Crown also acknowledges that the Komiti Nui o Rotorua



considered Ngāti Rangiwewehi to have interests within the Pukeroa Oruawhata block. However, these interests were not recognised by the Native Land Court when it delivered its judgment in 1881. The Crown acknowledges that a strong grievance arises for Ngāti Rangiwewehi from this decision. 5

*Crown land purchasing*

- (9) The Crown acknowledges the strongly felt grievances of Ngāti Rangiwewehi arising from the following methods by which the Crown purchased land in which they had interests:
- (a) opening negotiations with other iwi for the Paengaroa North block before the Native Land Court had determined that Ngāti Rangiwewehi had interests in the block: 10
  - (b) buying individual interests from non-resident Ngāti Rangiwewehi owners of the Mangorewa Kaharoa block before those interests had been defined, despite protests from those residing on the land: 15
  - (c) seeking an award of the most valuable and culturally significant land in the block in return for the individual interests purchased in Mangorewa Kaharoa, despite claims from the sellers and the non-sellers that they had agreed that the Crown would acquire other land in the block, and despite the fact the Crown had not acquired a majority of shares in the block. 20
- Taniwha Springs* 25
- (10) The Crown acknowledges that Taniwha Springs/Pekehāua Puna Reserve is a sacred taonga to Ngāti Rangiwewehi and is central to Ngāti Rangiwewehi traditions and identity as an iwi. The Crown also acknowledges that,—
- (a) in 1966, land at Taniwha Springs was taken by a local authority for water supply purposes: 30
  - (b) before taking the land at Taniwha Springs, the local authority sought an alternative water supply from the Crown but the Crown refused to make the water available: 35
  - (c) in refusing to make the alternative water supply available to the local authority, the Crown was aware the local authority would in all likelihood have to take water from Taniwha Springs instead.

- (11) The Crown further acknowledges that the taking of the land at Taniwha Springs and the subsequent abstraction of water had a severe impact on Ngāti Rangiwewehi and are strongly felt by Ngāti Rangiwewehi to be the greatest grievances they bear against the Crown. 5

### **98 Apology**

- (1) The Crown hereby makes this apology to Ngāti Rangiwewehi, the people who descend from Tawakeheimoa and his son, Rangiwewehi.
- (2) For too many years, the Crown has failed to respond to your grievances in an appropriate way. The task of pursuing justice for the Crown's wrongs has been the work of generations of Ngāti Rangiwewehi. The Crown now recognises a solemn duty to apologise to you for its failure to honour its obligations to Ngāti Rangiwewehi under Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10 15
- (3) In the 1850s, the bond between the great Ngāti Rangiwewehi leader Wiremu Maihi Te Rangikaheke and Governor George Grey was characterised by goodwill, respect, and co-operation. It was a partnership that should have set a tone for the overall relationship between Ngāti Rangiwewehi and the Crown, but history took a different, unhappy course. 20
- (4) Ngāti Rangiwewehi were drawn into, and divided by, the wars of the 1860s. Ngāti Rangiwewehi warriors died fighting against the Crown at Te Ranga in 1864. Through the Tauranga raupatu, the Crown extinguished customary title in Ngāti Rangiwewehi lands without the consent of Ngāti Rangiwewehi. 25
- (5) Time and again Ngāti Rangiwewehi sought to retain tribal authority over their lands, but the native land laws introduced by the Crown worked directly against their wishes and against their rangatiratanga. These laws, and the actions of Crown purchase agents, facilitated the loss of much of the rohe of Ngāti Rangiwewehi, including Hamurana Springs, one of the great treasures of Ngāti Rangiwewehi. 30 35
- (6) Through all these travails, Ngāti Rangiwewehi kept hold of another cherished taonga, Pekehāua Puna. Yet, in 1966, this too

was taken from them. The Crown regrets deeply the trauma and anguish this loss caused for Ngāti Rangiwewehi.

- (7) Over the generations, the Crown's breaches of the Treaty compromised your social and traditional structures, your autonomy, and your ability to exercise your customary rights and your responsibilities. With great sorrow, the Crown apologises for its actions and for the impact they had on the individuals, whānau, and hapū of Ngāti Rangiwewehi. 5
- (8) A better future beckons. Through this apology, and this settlement, the Crown turns its face towards that future and hopes to establish a new relationship with Ngāti Rangiwewehi based on mutual trust, co-operation, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10

#### **99 Pardon**

- (1) **Sections 96 and 97** and the historical account in the deed of settlement record the circumstances of Kereopa Te Rau's involvement in the murder of Reverend Carl Sylvius Volkner. 15
- (2) Kereopa Te Rau is pardoned for his role in the death of Reverend Volkner. 5

#### *Interpretation provisions* 20

#### **100 Interpretation of Parts 4 to 6 generally**

It is the intention of Parliament that the provisions of **Parts 4 to 6** are interpreted in a manner that best furthers the agreements expressed in the deed of settlement.

#### **101 Interpretation**

In **Parts 4 to 6**, unless the context otherwise requires,—  
**administering body** has the meaning given in section 2(1) of the Reserves Act 1977

**attachments** means the attachments to the deed of settlement

**computer register**—

- (a) has the meaning given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002; and
- (b) includes, where relevant, a certificate of title issued under the Land Transfer Act 1952

- consent authority** has the meaning given in section 2(1) of the Resource Management Act 1991
- conservation area** has the meaning given in section 2(1) of the Conservation Act 1987
- conservation legislation** means— 5
- (a) the Conservation Act 1987; and
  - (b) the enactments listed in Schedule 1 of that Act
- conservation management plan** has the meaning given in section 2(1) of the Conservation Act 1987
- conservation management strategy** has the meaning given 10  
in section 2(1) of the Conservation Act 1987
- Crown** has the meaning given in section 2(1) of the Public Finance Act 1989
- cultural redress property** has the meaning given in **sec-**  
**tion 139** 15
- deed of recognition**—
- (a) means a deed of recognition issued under **sec-**  
**tion 131(1)** by the Minister of Conservation and the  
Director-General; and
  - (b) includes any amendments made under **section 131(3)** 20
- deed of settlement**—
- (a) means the deed of settlement dated 16 December 2012  
and signed by—
    - (i) the Honourable Christopher Finlayson, Minis-  
ter for Treaty of Waitangi Negotiations, and the 25  
Honourable Simon William English, Minister of  
Finance, for and on behalf of the Crown; and
    - (ii) Arthur Warren, Henare Mohi, Pauline Tangohau,  
Marnie Flavell, Vincent Brown, Harata Rangimarie  
Hahunga-Paterson, and Te Rangikaheke 30  
Bidois for and on behalf of Ngāti Rangiwewehi,  
being the trustees of the Te Tāhuhu o Tawake-  
heimoa Trust; and
  - (b) includes—
    - (i) the schedules of, and attachments to, the deed; 35  
and
    - (ii) any amendments to the deed or its schedules and  
attachments

- deferred selection property** has the meaning given in **section 180**
- Director-General** means the Director-General of Conservation
- documents schedule** means the documents schedule of the deed of settlement 5
- effective date** means the date that is 6 months after the settlement date
- freshwater fisheries management plan** has the meaning given in section 2(1) of the Conservation Act 1987 10
- Historic Places Trust** has the meaning given to **Trust** in section 2 of the Historic Places Act 1993
- historical claims** has the meaning given in **section 103**
- interest** means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property 15
- joint cultural redress property** has the meaning given in **section 163**
- LINZ** means Land Information New Zealand
- local authority** has the meaning given in section 5(1) of the Local Government Act 2002 20
- member of Ngāti Rangiwewehi** means an individual referred to in **section 102(1)(a)**
- property redress schedule** means the property redress schedule of the deed of settlement 25
- regional council** has the meaning given in section 2(1) of the Resource Management Act 1991
- Registrar-General** means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952
- related company** has the meaning given in section 2(3) of the Companies Act 1993 30
- representative entity** means—
- (a) the trustees; and
  - (b) any person (including any trustee) acting for or on behalf of— 35
    - (i) the collective group referred to in **section 102(1)(a)**; or

- (ii) 1 or more members of Ngāti Rangiwewehi; or
- (iii) 1 or more of the whānau, hapū, or groups referred to in **section 102(1)(b)**
- reserve** has the meaning given in section 2(1) of the Reserves Act 1977 5
- reserve property** has the meaning given in **section 139**
- resource consent** has the meaning given in section 2(1) of the Resource Management Act 1991
- RFR** means the right of first refusal provided for by **subpart 3 of Part 6** 10
- RFR land** has the meaning given in **section 194**
- settlement date** means the date that is 20 working days after the date on which **Parts 4 to 6** come into force
- statutory acknowledgement** has the meaning given in **section 121** 15
- subsidiary** has the meaning given in section 5 of the Companies Act 1993
- Tapuika Iwi Authority Trust** has the meaning given in **section 231 of Parts 7 to 10**
- Tapuika settlement date** has the meaning given to **settlement date** in **section 231 of Parts 7 to 10** 20
- Te Tāhuhu o Tawakeheimoa Trust** means the trust of that name established by a trust deed dated 14 December 2012
- tikanga** means customary values and practices
- trustees of the Te Tāhuhu o Tawakeheimoa Trust** and **trustees** mean the trustees, acting in their capacity as trustees, of the Te Tāhuhu o Tawakeheimoa Trust 25
- unlicensed land** has the meaning given in **section 180**
- vesting date** has the meaning given in **section 163**
- working day** means a day other than— 30
- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day:
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday: 35

- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:
- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington. 5

## 102 Meaning of Ngāti Rangiwewehi

- (1) In **Parts 4 to 6, Ngāti Rangiwewehi**—
  - (a) means the collective group composed of individuals who are descended from a tupuna of Ngāti Rangiwewehi; and 10
  - (b) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including—
    - (i) Ngāti Kereru:
    - (ii) Ngāti Ngata:
    - (iii) Ngāti Te Purei: 15
    - (iv) Ngāti Rehu:
    - (v) Ngāti Tawakepotiki:
    - (vi) Ngāti Whakakeu:
    - (vii) Ngāti Whakaokorau.
- (2) In this section and **section 103**,— 20
  - area of interest** means the area shown as the Ngāti Rangiwewehi area of interest in part 1 of the attachments
  - customary rights** means rights exercised according to tikanga Māori, including—
    - (a) rights to occupy land; and 25
    - (b) rights in relation to the use of land or other natural or physical resources
  - descended** means that a person is descended from another person by—
    - (a) birth; or 30
    - (b) legal adoption; or
    - (c) Māori customary adoption in accordance with Ngāti Rangiwewehi tikanga
  - tupuna of Ngāti Rangiwewehi** means an individual who—
    - (a) exercised customary rights by virtue of being descended from— 35
      - (i) Rangiwewehi through Tawakeheimoa; or

- (ii) another recognised tupuna of a group referred to in part 8 of the deed of settlement; and
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840. 5

### 103 Meaning of historical claims

- (1) In **Parts 4 to 6** (other than in **section 164**), **historical claims**—
  - (a) means the claims described in **subsection (2)**; and
  - (b) includes the claims described in **subsection (3)**; but 10
  - (c) does not include the claims described in **subsection (4)**.
- (2) The historical claims are every claim that Ngāti Rangiwewehi or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 15
  - (a) is founded on a right arising—
    - (i) from the Treaty of Waitangi or its principles; or
    - (ii) under legislation; or
    - (iii) at common law (including aboriginal title or customary law); or 20
    - (iv) from a fiduciary duty; or
    - (v) otherwise; and
  - (b) arises from, or relates to, acts or omissions before 21 September 1992—
    - (i) by or on behalf of the Crown; or 25
    - (ii) by or under legislation.
- (3) The historical claims include—
  - (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Rangiwewehi or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim: 30
    - (i) Wai 218:
    - (ii) Wai 219:
    - (iii) Wai 1141:
    - (iv) Wai 1873; and 35
  - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **sub-**



- section (2)** applies to the claim and the claim relates to Ngāti Rangiwewehi or a representative entity:
- (i) Wai 1452:
  - (ii) Wai 1200:
  - (iii) Wai 1904. 5
- (4) However, the historical claims do not include—
- (a) a claim that a member of Ngāti Rangiwewehi, or a whānau, hapū, or group referred to in **section 102(1)(b)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāti Rangiwewehi; or 10
  - (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**.
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date. 15

*Historical claims settled and jurisdiction of courts, etc, removed*

- 104 Settlement of historical claims final**
- (1) The historical claims are settled. 20
  - (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
  - (3) **Subsections (1) and (2)** do not limit the deed of settlement.
  - (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of— 25
    - (a) the historical claims; or
    - (b) the deed of settlement; or 30
    - (c) **Parts 4 to 6**; or
    - (d) the redress provided under the deed of settlement or **Parts 4 to 6**.
  - (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or **Parts 4 to 6**. 35

*Amendment to Treaty of Waitangi Act 1975***105 Amendment to Treaty of Waitangi Act 1975**

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order “Ngāti Rangiwewehi Claims Settlement Act **2013**, **section 104(4) and (5)**”. 5

*Resumptive memorials no longer to apply***106 Certain enactments do not apply**

- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to a cultural redress property, other than Te Taita; or 10
  - (b) to Mamaku North Forest; or
  - (c) to the RFR land; or
  - (d) to the deferred selection property on and from the date of its transfer to the trustees; or
  - (e) to a joint cultural redress property on and from the vesting date; or 15
  - (f) to Te Taita on and from the date of its vesting under **section 146**; or
  - (g) to the Te Matai Forest (South) on and from the date of its transfer as provided for in **section 182**; or 20
  - (h) for the benefit of Ngāti Rangiwewehi or a representative entity.
- (2) The enactments are—
- (a) Part 3 of the Crown Forest Assets Act 1989:
  - (b) sections 211 to 213 of the Education Act 1989: 25
  - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:
  - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986:
  - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975. 30

**107 Resumptive memorials to be cancelled**

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the certificate of title or computer register for, each allotment that— 35

- (a) is all or part of a property described in **section 106(1)**; and
  - (b) is subject to a resumptive memorial recorded under any enactment listed in **section 106(2)**.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after,—
- (a) for property described in **section 106(1)(a) to (c)**, the settlement date; or
  - (b) for the deferred selection property, the date of its transfer to the trustees; or
  - (c) for the Te Matai Forest (South), the date of its transfer to the trustees and the trustees of the Tapuika Iwi Authority Trust; or
  - (d) for a joint cultural redress property, the vesting date; or
  - (e) for Te Taita, the date of its vesting.
- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
- (a) register the certificate against each certificate of title or computer register identified in the certificate; and
  - (b) cancel each memorial recorded under an enactment listed in **section 106(2)** on a certificate of title or computer register identified in the certificate, but only in respect of each allotment described in the certificate.

*Miscellaneous matters*

- 108 Rule against perpetuities does not apply**
- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—
- (a) do not prescribe or restrict the period during which—
    - (i) the Te Tāhuhu o Tawakeheimoa Trust may exist in law; or
    - (ii) the trustees may hold or deal with property or income derived from property; and
  - (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the

document, or a right conferred by the document, invalid or ineffective.

- (2) However, if the Te Tāhuhu o Tawakeheimoa Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law. 5

#### 109 Access to deed of settlement

The chief executive of the Ministry of Justice must make copies of the deed of settlement available—

- (a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between 9 am and 5 pm on any working day; and 10
- (b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice. 15

#### *Joint redress*

#### 110 Provisions of other Acts that have same effect for certain properties

- (1) This section applies if a provision in **Parts 4 to 6** has the same effect for one of the following properties as does a provision in another Act: 20
- (a) Ōtānewainuku:
- (b) Pūwhenua:
- (c) Te Matai Forest (South):
- (d) Te Taita. 25
- (2) The provisions must be given effect to only once as if they were 1 provision.

## Part 5 Cultural redress

*The Crown not prevented from providing redress  
to other persons*

- 111 The Crown may provide redress to other persons** 5
- (1) The provision of the specified cultural redress does not prevent the Crown from doing anything that is not inconsistent with that cultural redress, including—
- (a) providing the same or similar redress to a person other than the trustees; or 10
- (b) disposing of land.
- (2) However, **subsection (1)** is not an acknowledgement by the Crown or the trustees that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates. 15
- (3) In this section, **specified cultural redress** means each of the following, as provided for in this Part:
- (a) the protocols:
- (b) the statutory acknowledgement:
- (c) the deed of recognition. 20

### Subpart 1—Protocols

- 112 Interpretation**
- In this subpart,—
- protocol**—
- (a) means each of the following protocols issued under **section 113(1)(a)**: 25
- (i) the conservation protocol:
- (ii) the Crown minerals protocol:
- (iii) the taonga tūturu protocol; and
- (b) includes any amendments made under **section 113(1)(b)** 30
- responsible Minister** means,—
- (a) for the conservation protocol, the Minister of Conservation:
- (b) for the Crown minerals protocol, the Minister of Energy and Resources: 35

- (c) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage:
- (d) for any protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol. 5

*General provisions applying to protocols*

**113 Issuing, amending, and cancelling protocols**

- (1) Each responsible Minister must issue a protocol to the trustees on the terms set out in part 4 of the documents schedule.
- (2) The responsible Minister may amend or cancel a protocol at the initiative of— 10
  - (a) the trustees; or
  - (b) the responsible Minister.
- (3) However, the responsible Minister may amend or cancel— 15
  - (a) a protocol (other than the conservation protocol) only after consulting, and having particular regard to the views of, the trustees: 15
  - (b) the conservation protocol only with the agreement in writing of the Director-General and the trustees.

**114 Protocols subject to rights, functions, and duties** 20

- 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, including the ability— 25
    - (i) to introduce legislation and change Government policy; and 25
    - (ii) to interact with or consult a person the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or 30
  - (b) the responsibilities of a responsible Minister or a department of State; or
  - (c) the legal rights of Ngāti Rangiwewehi or a representative entity.

**115 Enforcement of protocols**

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails to comply with a protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950. 5
- (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a 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 10
- (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under **subsection (2)**.

*Conservation*

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**116 Conservation protocol**

- (1) The Director-General must note a summary of the terms of the conservation protocol in any conservation management strategy, conservation management plan, freshwater fisheries management plan, or national park management plan that affects the conservation protocol area. 20
- (2) The noting of the summary is—
- (a) for the purpose of public notice only; and
- (b) not an amendment to a strategy or plan for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 25
- (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—
- (a) rights relating to the common marine and coastal area, as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011; or 30
- (b) an estate or interest in land held, managed, or administered under the conservation legislation; or
- (c) an interest in, or rights relating to, flora or fauna managed or administered under the conservation legislation. 35
- (4) In this section, **conservation protocol area** means the area shown on the map attached to the conservation protocol.

*Crown minerals***117 Crown minerals protocol**

- (1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in— 5
- (a) a register of protocols maintained by the chief executive; and
  - (b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed. 10
- (2) The noting of the summary is—
- (a) for the purpose of public notice only; and
  - (b) not a change to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals. 15
- (4) In this section,—
- Crown mineral** means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991,— 20
- (a) that is the property of the Crown under section 10 or 11 of that Act; or
  - (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964
- Crown minerals protocol area** means the area shown on the map attached to the Crown minerals protocol, together with the adjacent waters 25
- minerals programme** has the meaning given in section 2(1) of the Crown Minerals Act 1991.

*Taonga tūturū*

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**118 Taonga tūturū protocol**

- (1) The taonga tūturū protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturū.
- (2) In this section, **taonga tūturū**— 35



- (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
- (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

### *Fisheries*

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#### **119 Fisheries protocol**

- (1) This section and **section 120** apply on and from the date on which the Te Tāhuhu o Tawakeheimoa Trust is recognised as a mandated iwi organisation by Te Ohu Kai Moana Trustee Limited under section 13 of the Maori Fisheries Act 2004. 10
- (2) After the Minister for Primary Industries and the trustees have agreed the terms of a fisheries protocol, the Minister—
  - (a) must issue a fisheries protocol to the trustees; and
  - (b) may amend or cancel the protocol.
- (3) The Minister may amend or cancel the protocol at the initiative of— 15
  - (a) the trustees; or
  - (b) the Minister.
- (4) The Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees. 20
- (5) **Sections 114 and 115** apply to the fisheries protocol as if—
  - (a) the fisheries protocol were a protocol defined in **section 112**; and
  - (b) the Minister for Primary Industries were the responsible Minister. 25

#### **120 Noting of fisheries protocol**

- (1) The chief executive of the department of State responsible for the administration of the Fisheries Act 1996 must note a summary of the terms of the fisheries protocol in any fisheries plan that affects the fisheries protocol area. 30
- (2) The noting of the summary is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996. 35

- (3) The fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, or seaweed) that are held, managed, or administered under any of the following enactments: 5
- (a) the Fisheries Act 1996:
  - (b) the Maori Commercial Aquaculture Claims Settlement Act 2004:
  - (c) the Maori Fisheries Act 2004:
  - (d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. 10
- (4) In this section,—
- fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996
- fisheries protocol area** means the area shown on the map attached to the fisheries protocol, together with the adjacent waters. 15
- Subpart 2—Statutory acknowledgement and deed of recognition
- 121 Interpretation** 20
- In this subpart,—
- affected person** has the meaning given in section 2AA(2) of the Resource Management Act 1991
- relevant consent authority**, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area 25
- statement of association**, for a statutory area, means the statement—
- (a) made by Ngāti Rangiwewehi of their particular cultural, historical, spiritual, and traditional association with the statutory area; and 30
  - (b) set out in part 2 of the documents schedule
- statutory acknowledgement** means the acknowledgement made by the Crown in **section 122** in respect of the statutory areas, on the terms set out in this subpart 35

**statutory area** means an area described in **Schedule 4**, the general location of which is indicated on the deed plan for that area

**statutory plan**—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and 5
- (b) includes a proposed plan, as defined in section 43AAC of that Act. 10

*Statutory acknowledgement*

**122 Statutory acknowledgement by the Crown**

The Crown acknowledges the statements of association for the statutory areas.

**123 Purposes of statutory acknowledgement**

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, in accordance with **sections 124 to 126**; and 20
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with **sections 127 and 128**; and 25
- (c) to enable the trustees and any member of Ngāti Rangiwewehi to cite the statutory acknowledgement as evidence of the association of Ngāti Rangiwewehi with a statutory area, in accordance with **section 129**. 30

**124 Relevant consent authorities to have regard to statutory acknowledgement**

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 35

- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity. 5
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

**125 Environment Court to have regard to statutory acknowledgement**

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 10
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public. 15
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991. 20

**126 Historic Places Trust and Environment Court to have regard to statutory acknowledgement**

- (1) This section applies to an application made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area. 25
- (2) On and from the effective date, the Historic Places Trust must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application. 30
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
- (a) in determining whether the trustees are persons directly affected by the decision; and 35

- (b) in determining, under section 20 of the Historic Places Act 1993, an appeal against a decision of the Historic Places Trust in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 2 of the Historic Places Act 1993. 5
- 127 Recording statutory acknowledgement on statutory plans**
- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. 10
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 122 to 126, 128, and 129**; and
- (b) descriptions of the statutory areas wholly or partly covered by the plan; and
- (c) the statement of association for each statutory area. 15
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
- (a) part of the statutory plan; or 20
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
- 128 Provision of summary or notice to trustees**
- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
- (a) a summary of the application, if the application is received by the consent authority; or
- (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice. 30
- (2) A summary provided under **subsection (1)(a)** must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 35

- 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but 5
  - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice. 10
- (5) The trustees may, by written notice to a relevant consent authority,—
- (a) waive the right to be provided with a summary or copy of a notice under this section; and 15
  - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application: 20
  - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.
- 129 Use of statutory acknowledgement**
- (1) The trustees and any member of Ngāti Rangiwewehi may, as evidence of the association of Ngāti Rangiwewehi with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before— 25 30
- (a) the relevant consent authorities; or
  - (b) the Environment Court; or
  - (c) the Historic Places Trust; or
  - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991. 35

- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) the bodies referred to in **subsection (1)**; or
  - (b) parties to proceedings before those bodies; or
  - (c) any other person who is entitled to participate in those proceedings. 5
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
- (a) neither the trustees nor members of Ngāti Rangiwewehi are precluded from stating that Ngāti Rangiwewehi has an association with a statutory area that is not described in the statutory acknowledgement; and 10
  - (b) the content and existence of the statutory acknowledgement do not limit any statement made. 15

### 130 Application of statutory acknowledgement to river or stream

If any part of the statutory acknowledgement applies to a river or stream, that part of the acknowledgement—

- (a) applies only to— 20
  - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
  - (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but 25
- (b) does not apply to—
  - (i) a part of the bed of the river or stream that is not owned by the Crown; or 30
  - (ii) an artificial watercourse.

#### *Deed of recognition*

### 131 Issuing and amending deed of recognition

- (1) A deed of recognition must be issued to the trustees for each of the statutory areas listed in **Part 2 of Schedule 4 (relevant** 35

**statutory areas)** in the form set out in part 3 of the documents schedule.

- (2) The Minister of Conservation and the Director-General must issue a deed of recognition for the relevant statutory areas administered by the Department of Conservation. 5
- (3) The Minister and the Director-General may amend the deed, but only with the written consent of the trustees.

*General provisions relating to statutory  
acknowledgement and deed of recognition*

**132 Exercise of powers and performance of functions and duties** 10

- (1) The statutory acknowledgement and a deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw. 15
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Rangiwewehi with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 20
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to—
- (a) the other provisions of this subpart; and
  - (b) any obligation imposed on the Minister of Conservation or the Director-General by a deed of recognition. 25

**133 Rights not affected**

- (1) The statutory acknowledgement and a deed of recognition do not—
- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or 30
  - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart. 35



*Consequential amendment to Resource  
Management Act 1991*

**134 Amendment to Resource Management Act 1991**

- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order 5  
“Ngāti Rangiwewehi Claims Settlement Act **2013**”.

Subpart 3—Geographic name

**135 Interpretation**

In this subpart,—

**Act** means the New Zealand Geographic Board (Ngā Pou Tau- 10  
naha o Aotearoa) Act 2008

**Board** has the meaning given in section 4 of the Act

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

**136 Alteration of official geographic name** 15

- (1) The name specified in the first column of the table in clause 5.17 of the deed of settlement for the feature described in the third and fourth columns is altered to the name specified in the second column of that table.
- (2) The alteration is to be treated as if it were an alteration of 20  
the official geographic name by a determination of the Board under section 19 of the Act that takes effect on the settlement date.

**137 Publication of official geographic name**

- (1) The Board must, as soon as practicable after the settlement 25  
date, give public notice of the alteration of the official geographic name under **section 136** in accordance with section 21(2) and (3) of the Act.
- (2) However, the notice must state that the alteration took effect 30  
on the settlement date.

**138 Subsequent alteration of official geographic name**

- (1) In making a determination to alter the official geographic name  
of the feature named by this subpart, the Board—

- (a) need not comply with sections 16, 17, 18, 19(1), and 20 of the Act; but
  - (b) must have the written consent of the trustees.
- (2) To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the Act. 5

#### Subpart 4—Vesting of cultural redress properties

#### 139 Interpretation

In this subpart,—

**cultural redress property** means each of the following properties, and each property means the land of that name described in **Schedule 5**:

*Property vested in fee simple*

- (a) Te Riu o Kereru A:

*Properties vested in fee simple to be administered as reserves* 15

- (b) Hamurana Springs A:
- (c) Hamurana Springs B:
- (d) Ngā Tini Roimata a Rangiwewehi:
- (e) Te Riu o Kereru B: 20

*Property vested in fee simple subject to conservation covenant*

- (f) Te Riu o Ngata:

*Property jointly vested in fee simple to be administered as reserve* 25

- (g) Te Taita

**reserve property** means each of the properties named in **paragraphs (b) to (e) and (g)** of the definition of cultural redress property.

*Property vested in fee simple* 30

#### 140 Te Riu o Kereru A

- (1) The reservation of Te Riu o Kereru A (being part of the Taumata Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

- (2) The fee simple estate in Te Riu o Kereru A vests in the trustees.

*Properties vested in fee simple to be  
administered as reserves*

**141 Hamurana Springs A**

- (1) The reservation of Hamurana Springs A (being part of the Hamurana Springs Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in Hamurana Springs A vests in the trustees.
- (3) Hamurana Springs A is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 10
- (4) The reserve is named Hamurana Springs Recreation Reserve.

**142 Hamurana Springs B**

- (1) The reservation of Hamurana Springs B (being part of the Hamurana Springs Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in Hamurana Springs B vests in the trustees.
- (3) Hamurana Springs B is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. 20
- (4) The reserve is named Hamurana Springs Historic Reserve.

**143 Ngā Tini Roimata a Rangiwewehi**

- (1) The reservation of Ngā Tini Roimata a Rangiwewehi (being part of the Mangapouri Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Ngā Tini Roimata a Rangiwewehi vests in the trustees.
- (3) Ngā Tini Roimata a Rangiwewehi is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 30
- (4) The reserve is named the Ngā Tini Roimata a Rangiwewehi Scenic Reserve.

**144 Te Riu o Kereru B**

- (1) The reservation of Te Riu o Kereru B (being part of the Taumata Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Riu o Kereru B vests in the trustees. 5
- (3) Te Riu o Kereru B is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named the Te Riu o Kereru Scenic Reserve.

*Property vested in fee simple subject to  
conservation covenant* 10

**145 Te Riu o Ngata**

- (1) The reservation of Te Riu o Ngata (being the Penny Road Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in Te Riu o Ngata vests in the trustees.
- (3) **Subsections (1) and (2)** do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Te Riu o Ngata on the terms and conditions set out in part 6.1 of the documents schedule. 20
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
  - (a) section 77 of the Reserves Act 1977; and
  - (b) section 27 of the Conservation Act 1987.

*Te Taita: property jointly vested in fee simple to  
be administered as reserve* 25

**146 Te Taita**

- (1) This section and **section 147** take effect on the later of—
  - (a) the settlement date; and
  - (b) the Tapuika settlement date. 30
- (2) Te Taita ceases to be a conservation area under the Conservation Act 1987.
- (3) The fee simple estate in Te Taita vests as undivided half-shares in the following, as tenants in common:

- (a) the trustees of the Te Tāhuhu o Tawakeheimoa Trust;  
and
- (b) the trustees of the Tapuika Iwi Authority Trust.
- (4) Te Taita is declared a reserve and classified as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. 5
- (5) The reserve is named the Te Taita Scenic Reserve.
- (6) The joint management body established by **section 147** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the joint management body (as if the body were trustees) under section 26 of that Act. 10
- (7) **Subsection (6)** continues to apply despite any subsequent transfer under **section 157**.

#### **147 Joint management body for Te Taita Scenic Reserve**

- (1) A joint management body is established for the Te Taita Scenic Reserve. 15
- (2) The following are appointers for the purposes of this section:
  - (a) the trustees of the Te Tāhuhu o Tawakeheimoa Trust;  
and
  - (b) the trustees of the Tapuika Iwi Authority Trust. 20
- (3) Each appointer may appoint 2 members to the joint management body.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
  - (a) the full name, address, and other contact details of the member; and 25
  - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment. 30
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (8) However, the first meeting of the body must be held no later than 2 months after the settlement date. 35

**148 Interests in land for Te Taita**

- (1) This section applies to Te Taita while—
- (a) Te Taita has an administering body that is treated as if the property were vested in it; and
  - (b) all or part of Te Taita remains a reserve under the Reserves Act 1977 (the **reserve land**). 5
- (2) If the property is affected by an interest in land listed for the property in **Schedule 5**, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land. 10
- (3) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered proprietor of the reserve land.
- (4) **Subsections (2) and (3)** continue to apply despite any subsequent transfer of the reserve land under **section 158**. 15

*General provisions applying to vesting of  
cultural redress properties*

**149 Properties vest subject to or together with interests**

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in **Schedule 5**. 20

**150 Interests that are not interests in land**

- (1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) listed for the property in **Schedule 5**, for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 25
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies. 30
- (3) If all or part of the cultural redress property is reserve land to which **section 148** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.
- (4) The interest applies— 35

- (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and
- (b) with any other necessary modifications; and 5
- (c) despite any change in status of the land in the property.

### 151 Vesting of share of fee simple estate in property

In **sections 152 to 161**, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property. 10

### 152 Registration of ownership

- (1) This section applies to a cultural redress property vested in the trustees under this subpart and Te Taita.
- (2) **Subsection (3)** applies to a cultural redress property (other than Te Taita), but only to the extent that the property is all of the land contained in a computer freehold register. 15
- (3) The Registrar-General must, on written application by an authorised person,—
  - (a) register the trustees as the proprietors of the fee simple estate in the property; and 20
  - (b) record any entry on the computer freehold register and do anything else that is necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) **Subsection (5)** applies to a cultural redress property (other than Te Taita), but only to the extent that **subsection (2)** does not apply to the property. 25
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
  - (a) create a computer freehold register for the fee simple estate in the property in the name of the trustees; and 30
  - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (6) For Te Taita, the Registrar-General must, in accordance with a written application by an authorised person,— 35

- (a) create a computer freehold register for an undivided half-share of the fee simple estate in the property—
  - (i) in the name of the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
  - (ii) in the name of the trustees of the Tapuika Iwi Authority Trust; and
- (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (7) **Subsections (5) and (6)** are subject to the completion of any survey necessary to create a computer freehold register. 10
- (8) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—
  - (a) 24 months after the settlement date; or 15
  - (b) in the case of Te Taita,—
    - (i) 24 months after the date of the vesting of Te Taita; or
    - (ii) any later date that may be agreed in writing by the Crown and the trustees of the Te Tāhuhu o Tawakeheimoa Trust and the Tapuika Iwi Authority Trust; or 20
  - (c) in any other case, any later date that may be agreed in writing by the Crown and the trustees.
- (9) In this section, **authorised person** means a person authorised by the Director-General, for all properties. 25

### 153 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property in the trustees (or, in the case of Te Taita, in the trustees of the Te Tāhuhu o Tawakeheimoa Trust and the Tapuika Iwi Authority Trust) under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 30
- (2) However, **subsection (1)** is subject to **subsections (3) and (4)**. 35



- (3) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.
- (4) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property. 5

**154 Matters to be recorded on computer freehold register**

- (1) The Registrar-General must record on the computer freehold register,— 10
- (a) for a reserve property (other than Te Taita),—
- (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (ii) that the land is subject to **sections 153(4) and 157**; and 15
- (b) for Te Taita,—
- (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 20
- (ii) that the land is subject to **sections 148(3), 153(4), and 157**; and
- (c) for any other cultural redress property, that the land is subject to Part 4A of the Conservation Act 1987.
- (2) A notification made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act. 25
- (3) If the reservation of a reserve property (other than Te Taita) under this subpart is revoked for— 30
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notifications that—
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and 35
- (ii) the property is subject to **sections 153(4) and 157**; or

- (b) part of the property, the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain on the computer freehold register for only the part of the property that remains a reserve.
- (4) For Te Taita, if the reservation of the property under this subpart is revoked for— 5
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register created under **section 152** for the property the notifications that— 10
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to **sections 148(3), 153(4), and 157**; or
- (b) part of the property, the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain on any computer freehold register created under **section 152**, or derived from a computer freehold register created under **section 152**, for only the part of the property that remains a reserve. 15 20
- (5) The Registrar-General must comply with an application received in accordance with **subsection (3)(a) or (4)(a)**. 20

### **155 Application of other enactments**

- (1) The vesting of the fee simple estate in a cultural redress property under this subpart does not— 25
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, 30 granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a 35 cultural redress property.

- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
  - (b) any matter incidental to, or required for the purpose of, the vesting. 5

*Further provisions applying to reserve properties*

**156 Application of other enactments to reserve properties**

- (1) The trustees are the administering body of a reserve property, except as provided for in **section 146(6)**. 10
- (2) Despite sections 48A(6), 114(5), and 115(6) of the Reserves Act 1977, sections 48A, 114, and 115 of that Act apply to a reserve property.
- (3) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property. 15
- (4) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2), but not the rest of section 25 of that Act, applies to the revocation. 20
- (5) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.
- (6) The name of a reserve property must not be changed under section 16(10) of the Reserves Act 1977 without the written consent of the registered proprietor of the property, and section 16(10A) of that Act does not apply to the proposed change. 25

**157 Subsequent transfer of reserve land**

- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart. 30
- (2) The fee simple estate in the reserve land in Te Taita may be transferred only in accordance with **section 159**.
- (3) The fee simple estate in the reserve land in any other property may be transferred only in accordance with **section 158 or 159**. 35

- (4) In this section and **sections 158 and 159**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

**158 Transfer of reserve land to new administering body**

- (1) The registered proprietors of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**). 5
- (2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able— 10
- (a) to comply with the requirements of the Reserves Act 1977; and
- (b) to perform the duties of an administering body under that Act. 15
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the proprietors of the fee simple estate in the reserve land.
- (4) The required documents are—
- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and 20 25
- (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
- (c) any other document required for the registration of the transfer instrument.
- (5) The new owners, from the time of their registration under this section,— 30
- (a) are the administering body of the reserve land; and
- (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer. 35
- (6) A transfer that complies with this section need not comply with any other requirements.

**159 Transfer of reserve land to trustees of existing administering body if trustees change**

The registered proprietors of the reserve land may transfer the fee simple estate in the reserve land if—

- (a) the transferors of the reserve land are or were the trustees of a trust; and 5
- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply. 10

**160 Reserve land not to be mortgaged**

The registered proprietors of a reserve property must not mortgage, or give a security interest in, any part of the property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart. 15

**161 Saving of bylaws, etc, in relation to reserve properties**

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a reserve property before the property was vested in the trustees under this subpart. 20 25
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

**162 Names of Crown protected areas discontinued**

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area. 30
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly. 35

- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Subpart 5—Ngā pae maunga: cultural  
property jointly vested in fee simple to be  
administered as reserve 5

### 163 Interpretation

In this subpart, unless the context otherwise requires,—

**joint cultural redress property** means each of the following properties, and each property means the land described by that name in **Schedule 6**: 10

- (a) Ōtanewainuku:
- (b) Pūwhenua

**Ngā Hapū o Ngāti Ranginui Settlement Trust** means the trust of that name established by a trust deed dated 21 June 2012 15

**Te Kapu o Waitaha** has the meaning given in section 9 of the Waitaha Claims Settlement Act 2013

**Te Tāwharau o Ngāti Pūkenga Trust** means the trust of that name established by a trust deed dated 24 March 2013 20

**vesting date** means the date specified under **section 164(1)**.

### 164 Application of this subpart

- (1) This subpart takes effect on and from a date specified by Order in Council made on the recommendation of the Minister of Conservation. 25
- (2) The Minister must not make a recommendation unless and until—
- (a) legislation is enacted to settle the historical claims of all the iwi described in **subsection (3)**; and 30
  - (b) that legislation, in each case, provides for the vesting, on a date specified by Order in Council, of the fee simple estate in Ōtanewainuku and Pūwhenua as undivided equal shares in the persons described in **sections 165(2) and 166(2)** as tenants in common. 35

- (3) The iwi are:
- (a) Ngāi Te Rangi:
  - (b) Ngāti Ranginui:
  - (c) Ngāti Pūkenga:
  - (d) Tapuika. 5
- 165 Ōtanewainuku**
- (1) Ōtanewainuku ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Ōtanewainuku vests as undivided equal shares in the following as tenants in common: 10
- (a) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
  - (b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
  - (c) the entity to be established to represent the members of Ngāi Te Rangi for the purpose of this vesting; and 15
  - (d) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and
  - (e) the trustees of the Tapuika Iwi Authority Trust; and
  - (f) the trustees of Te Kapu o Waitaha. 20
- (3) Ōtanewainuku is declared a reserve and classified as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Ōtanewainuku Scenic Reserve.
- (5) The joint management body established by **section 167** is the administering body of the reserve, and the Reserves Act 1977 25 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.
- (6) **Subsections (1) to (5)** do not take effect until the persons described in **subsection (2)** have provided the Crown with a registrable easement in gross for a right of way over 30 Ōtanewainuku on the terms and conditions set out in part 6 of the documents schedule.
- (7) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and 35
  - (b) is to be treated as having been granted in accordance with that Act.

**166 Pūwhenua**

- (1) Pūwhenua ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Pūwhenua vests as undivided equal shares in the following as tenants in common: 5
- (a) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
  - (b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
  - (c) the entity to be established to represent the members of Ngāi Te Rangi for the purpose of this vesting; and 10
  - (d) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and
  - (e) the trustees of the Tapuika Iwi Authority Trust; and
  - (f) the trustees of Te Kapu o Waitaha. 15
- (3) Pūwhenua is declared a reserve and classified as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Pūwhenua Scenic Reserve.
- (5) The joint management body established by **section 167** is the administering body of the reserve, and the Reserves Act 1977 20 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

**167 Joint management body for Ōtanewainuku Scenic Reserve and Pūwhenua Scenic Reserve**

- (1) A joint management body is established for Ōtanewainuku Scenic Reserve and Pūwhenua Scenic Reserve. 25
- (2) The following are appointers for the purposes of this section:
- (a) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
  - (b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and 30
  - (c) the entity to be established to represent the members of Ngāi Te Rangi for the purpose of the vesting of Ōtanewainuku and Pūwhenua; and
  - (d) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and 35
  - (e) the trustees of the Tapuika Iwi Authority Trust; and



- (f) the trustees of Te Kapu o Waitaha.
- (3) Each appointer may appoint 1 member to the joint management body.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointers: 5
- (a) the full name, address, and other contact details of the member; and
- (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment. 10
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board. 15
- (8) However, the first meeting of the body must be held no later than 2 months after the vesting date.

**168 Restriction on transfer of joint cultural redress property**

- (1) The registered proprietors of an undivided share in the fee simple estate in a joint cultural redress property must not transfer the undivided share. 20
- (2) However, the registered proprietors may transfer the undivided share if—
- (a) the transferors of the share are or were the trustees of a trust; and 25
- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
- (c) the instrument to transfer the share is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply. 30

*General provisions applying to vesting of joint  
cultural redress properties*

**169 Joint cultural redress properties vest subject to or together with interests**

Each joint cultural redress property vests under this subpart 5  
subject to or together with any interests listed for the property  
in the third column of the table in **Schedule 6** or granted in  
relation to the property before the vesting date.

**170 Interests in land for joint cultural redress properties**

- (1) This section applies to a joint cultural redress property while 10  
all or part of the property remains a reserve under the Reserves  
Act 1977 (the **reserve land**).
- (2) If the property is affected by an interest that is an interest in 15  
land listed for the property in **Schedule 6** or that is granted  
in relation to the property before the vesting date, the interest  
applies as if the administering body were the grantor, or the  
grantee, as the case may be, of the interest in respect of the  
reserve land.
- (3) Any interest that is an interest in land that affects the reserve 20  
land must be dealt with for the purposes of registration as if the  
administering body were the registered proprietor of the land.
- (4) However, **subsections (2) and (3)** do not affect the registra-  
tion of the easement referred to in **section 165(6)**.

**171 Interests that are not interests in land**

- (1) This section applies if a joint cultural redress property is sub- 25  
ject to an interest (other than an interest in land) that is listed  
for the property in **Schedule 6**, or that is granted in relation  
to the property before the vesting date, for which there is a  
grantor, whether or not the interest also applies to land outside  
the joint cultural redress property. 30
- (2) The interest applies as if the owners of the joint cultural re-  
dress property were the grantor of the interest in respect of the  
property, except to the extent that **subsection (3)** applies.
- (3) If all or part of the joint cultural redress property is reserve 35  
land to which **section 170** applies, the interest applies as if

the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

- (4) The interest applies—
- (a) until the interest expires or is terminated; and
  - (b) with any other necessary modifications; and 5
  - (c) despite any change in status of the land in the property.

### 172 Registration of ownership

- (1) This section applies in relation to the fee simple estate in a joint cultural redress property vested under this subpart.
- (2) The Registrar-General must, in accordance with an application 10 received from an authorised person,—
- (a) create a computer freehold register for each undivided one-sixth share of the fee simple estate in the property in the name of each of—
    - (i) the trustees of the Te Tāhuhu o Tawakeheimoa 15 Trust; and
    - (ii) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
    - (iii) the entity established to represent the members of Ngāi Te Rangi for the purpose of the vesting of 20 Ōtanewainuku and Pūwhenua; and
    - (iv) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and
    - (v) the trustees of the Tapuika Iwi Authority Trust; 25 and
    - (vi) the trustees of Te Kapu o Waitaha; and
  - (b) record on each computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (3) **Subsection (2)** is subject to the completion of any survey 30 necessary to create a computer freehold register.
- (4) A computer freehold register must be created under this section as soon as is reasonably practicable after the vesting date, but not later than—
- (a) 24 months after the vesting date; or 35
  - (b) any later date that may be agreed in writing by the Crown and the persons in whose names the register is to be created.

- (5) In this section, **authorised person** means a person authorised by the Director-General.

**173 Application of Part 4A of Conservation Act 1987**

- (1) The vesting of the fee simple estate in a joint cultural redress property under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition. 5
- (2) If the reservation of a joint cultural redress property under **section 165(3) or 166(3)** is revoked in relation to all or part of the property, then the vesting is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property. 10

**174 Recording application of Part 4A of Conservation Act 1987 and sections of this subpart**

- (1) The Registrar-General must record on a computer freehold register for a joint cultural redress property that— 15
- (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (b) the land is subject to **sections 168, 170(3), and 173(2)**. 20
- (2) A notification made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.
- (3) If the reservation under **section 165(3) or 166(3)** is revoked for— 25
- (a) all of the property, then the Director-General must apply in writing to the Registrar-General to remove from the computer freehold registers for the property the notifications that— 30
- (i) section 24 of the Conservation Act 1987 does not apply; and
- (ii) the property is subject to **sections 168, 170(3), and 173(2)**; or
- (b) part of the property, then the Registrar-General must ensure that the notifications referred to in **paragraph** 35

- (a) remain on the computer freehold registers for only the part of the property that remains a reserve.
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)(a)**.
- 175 Application of other enactments to joint cultural redress properties** 5
- (1) The vesting of the fee simple estate in a joint cultural redress property under this subpart does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; 10  
or
- (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a joint cultural redress property. 15
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting of the fee simple estate in a joint cultural redress property under this subpart; or 20
- (b) any matter incidental to, or required for the purpose of, the vesting.
- 176 Application of Reserves Act 1977 to joint cultural redress properties**
- (1) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a joint cultural redress property, despite sections 48A(6), 114(5), and 115(6) of that Act. 25
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a joint cultural redress property.
- (3) If the reservation under **section 165(3) or 166(3)** of a joint cultural redress property as a reserve is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25. 30

**177 Joint cultural redress property that is reserve must not be mortgaged**

The registered proprietors of a joint cultural redress property must not mortgage, or give a security interest in, any part of the property that remains a reserve under the Reserves Act 1977 5 after the property has vested under **section 165 or 166**.

**178 Saving of bylaws, etc, in relation to joint cultural redress property**

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a joint cultural redress property before the property vested under **section 165 or 166**. 10
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977. 15

**179 Scenic reserve not to become Crown protected area**

- (1) A joint cultural redress property is not a Crown protected area.
- (2) The Minister of Conservation must not change the name of a joint cultural redress property under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the property, and section 16(10A) of that Act does not apply to the proposed change. 20
- (3) In this section, **Crown protected area** has the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 25

## Part 6 Commercial redress

**180 Interpretation** 30

In this Part,—

**Crown forest land** has the meaning given in section 2(1) of the Crown Forest Assets Act 1989

**Crown forestry assets** has the meaning given in section 2(1) of the Crown Forest Assets Act 1989

**deferred selection property** means the property described in part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied 5

**land holding agency** means the land holding agency specified,—

- (a) for the unlicensed land, in part 3 of the property redress schedule; or 10
- (b) for the deferred selection property, in part 4 of the property redress schedule

**Mamaku North Forest** means the unlicensed land described by that name in part 3 of the property redress schedule

**protected site** means any area of land situated in the unlicensed land that— 15

- (a) is wāhi tapu or a wāhi tapu area within the meaning of section 2 of the Historic Places Act 1993; and
- (b) is a registered place within the meaning of section 2 of that Act 20

**right of access** means the right conferred by **section 190**

**Te Matai Forest (South)** means the unlicensed land described by that name in part 3 of the property redress schedule

**unlicensed land** means the land described as unlicensed land in part 3 of the property redress schedule. 25

### Subpart 1—Transfer of unlicensed land and deferred selection property

#### 181 The Crown may transfer properties

- (1) To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised— 30
  - (a) to transfer the fee simple estate in Mamaku North Forest or the deferred selection property to the trustees; and
  - (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer. 35

- (2) As soon as is reasonably practicable after the date on which the deferred selection property is transferred to the trustees, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 107** (which relates to the cancellation of resumptive memorials). 5

### **182 The Crown may transfer Te Matai Forest (South)**

- (1) This section takes effect on the later of—  
 (a) the settlement date; and  
 (b) the Tapuika settlement date. 10
- (2) To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—  
 (a) to transfer the fee simple estate in the Te Matai Forest (South) as undivided half-shares to the following as tenants in common: 15  
 (i) the trustees; and  
 (ii) the trustees of the Tapuika Iwi Authority Trust; and  
 (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer. 20
- (3) As soon as is reasonably practicable after the date on which the Te Matai Forest (South) is transferred as provided for in **subsection (2)**, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 107** (which relates to the cancellation of resumptive memorials). 25

### **183 Transfer of share of fee simple estate in unlicensed land**

In this Part, a reference to the transfer of unlicensed land, or the transfer of the fee simple estate in such land, includes the transfer of an undivided share of the fee simple estate in the land. 30

### **184 Minister of Conservation may grant easements**

- (1) The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms 35



of the deed of settlement in relation to unlicensed land or the deferred selection property.

- (2) Any such easement is—
- (a) enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and 5
  - (b) to be treated as having been granted in accordance with Part 3B of that Act; and
  - (c) registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.
- 185 Computer freehold registers for properties that are not shared redress** 10
- (1) This section applies to each of the following properties that are to be transferred to the trustees under **section 181**:
- (a) Mamaku North Forest;
  - (b) the deferred selection property. 15
- (2) However, this section applies only to the extent that—
- (a) the property is not all of the land contained in a computer freehold register; or
  - (b) there is no computer freehold register for all or part of the property. 20
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and
  - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; but 25
  - (c) omit any statement of purpose from the computer freehold register.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register. 30
- (5) In this section and **section 186**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

**186 Authorised person may grant covenant for later creation of computer freehold register**

- (1) For the purposes of **section 185**, the authorised person may grant a covenant for the later creation of a computer freehold register for Mamaku North Forest or the deferred selection property. 5
- (2) Despite the Land Transfer Act 1952,—
- (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a computer interest register; and 10
- (b) the Registrar-General must comply with the request.

**187 Application of other enactments**

- (1) This section applies to the transfer of the fee simple estate in the unlicensed land or the deferred selection property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 15
- (3) The transfer does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or 20
- (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer. 25
- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.
- (6) In exercising the powers conferred by **section 181 or 182**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 30
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.

**188 Unlicensed land ceases to be Crown forest land**

The unlicensed land ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be 35

Crown forestry assets on the date on which the Crown transfers the land.

### **189 Management of marginal strips**

- (1) After the transfer of any unlicensed land, any lessee of that land under a lease specified in relation to that land in part 3 of the property redress schedule is to be treated as if the lessee had been appointed under section 24H(1) of the Conservation Act 1987 to be the manager of any marginal strip within the unlicensed land. 5
- (2) The lessee may do 1 or more of the following things in relation to the marginal strip: 10
- (a) exercise the powers of a manager under section 24H of the Conservation Act 1987:
  - (b) establish, develop, grow, manage, replant, and maintain a forest on the marginal strip as if the marginal strip were subject to the lease of the unlicensed land: 15
  - (c) exercise the lessee's rights under the lease of the unlicensed land as if the marginal strip were subject to the lease. 20

### Subpart 2—Access to protected sites 20

#### **190 Right of access to protected sites**

- (1) The owner of the land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site. 25
- (2) **Subsection (1)** takes effect on and from the date of the transfer of the land under **section 181 or 182**.
- (3) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner. 30
- (4) The right of access is subject to the following conditions:
- (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and
  - (b) the right of access may be exercised only at reasonable times and during daylight hours; and 35

- (c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—
  - (i) for the safety of people; or 5
  - (ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
  - (iii) for operational reasons.

### 191 Right of access over unlicensed land

- (1) A right of access over unlicensed land is subject to the terms of any lease,— 10
  - (a) in relation to Mamaku North Forest,—
    - (i) granted before the settlement date; or
    - (ii) granted on or after the settlement date under a right of renewal in a lease granted before the settlement date; and 15
  - (b) in relation to the Te Matai Forest (South),—
    - (i) granted before the date on which the land is transferred; or
    - (ii) granted on or after that date under a right of renewal in a lease granted before that date. 20
- (2) However, **subsection (1)** does not apply if the lessee has agreed to the right of access being exercised.
- (3) An amendment to a lease is of no effect to the extent that it would— 25
  - (a) delay the date from which a person may exercise a right of access; or
  - (b) adversely affect a right of access in any other way.

### 192 Right of access to be recorded on computer freehold registers

- (1) This section applies to the transfer of any unlicensed land under **section 181 or 182**. 30
- (2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land. 35

- (3) The Registrar-General must, upon the registration of the transfer of the land, record on any computer freehold register for the land that the land is subject to a right of access to protected sites on the land.

Subpart 3—Right of first refusal over RFR  
land 5

**193 Interpretation**

In this subpart and **Schedule 7**,—

**control**, for the purposes of **paragraph (d)** of the definition of Crown body, means,— 10

- (a) for a company, control of the composition of its board of directors; and
- (b) for another body, control of the composition of the group that would be its board of directors if the body were a company 15

**Crown body** means—

- (a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and
- (b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and 20
- (c) the New Zealand Railways Corporation; and
- (d) a company or body that is wholly owned or wholly controlled by 1 or more of the following:
  - (i) the Crown;
  - (ii) a Crown entity: 25
  - (iii) a State enterprise;
  - (iv) the New Zealand Railways Corporation; and
- (e) a subsidiary or related company of a company or body referred to in **paragraph (d)**

**dispose of**, in relation to RFR land,— 30

- (a) means—
  - (i) to transfer or vest the fee simple estate in the land; or
  - (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but 35
- (b) to avoid doubt, does not include—

- (i) to mortgage, or give a security interest in, the land; or
  - (ii) to grant an easement over the land; or
  - (iii) to consent to an assignment of a lease, or to a sublease, of the land; or 5
  - (iv) to remove an improvement, a fixture, or a fitting from the land
- expiry date**, in relation to an offer, means its expiry date under **sections 196(2)(a) and 197**
- notice** means a notice given under this subpart 10
- offer** means an offer by an RFR landowner, made in accordance with **section 196**, to dispose of RFR land to the trustees
- public work** has the meaning given in section 2 of the Public Works Act 1981
- RFR land** has the meaning given in **section 194** 15
- RFR landowner**, in relation to RFR land,—
- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
  - (b) includes a local authority to which RFR land has been disposed of under **section 202(1)**; but 20
  - (c) to avoid doubt, does not include an administering body in which RFR land is vested—
    - (i) on the settlement date; or
    - (ii) after the settlement date under **section 203(1)**
- RFR period** means the period of 171 years on and from the settlement date. 25
- 194 Meaning of RFR land**
- (1) In this subpart, **RFR land** means—
    - (a) the Kaharoa School site, Kaharoa Road, described in part 3 of the attachments that, on the settlement date, is— 30
      - (i) vested in the Crown; or
      - (ii) held in fee simple by the Crown; or
    - (b) land obtained in exchange for a disposal of RFR land under **section 207(1)(c) or 208**. 35
  - (2) However, land ceases to be RFR land if—

- (a) the fee simple estate in the land transfers from the RFR landowner to—
  - (i) the trustees or their nominee (for example, under a contract formed under **section 200**); or
  - (ii) any other person (including the Crown or a Crown body) under **section 195(c)**; or
- (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
  - (i) under any of **sections 204 to 210** (which relate to permitted disposals of RFR land); or
  - (ii) under any matter referred to in **section 211(1)** (which specifies matters that may override the obligations of an RFR landowner under this sub-part); or
- (c) the RFR period for the land ends; or
- (d) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 219**.

*Restrictions on disposal of RFR land*

**195 Restrictions on disposal of RFR land**

An RFR landowner must not dispose of RFR land to a person other than the trustees or their nominee unless the land is disposed of—

- (a) under any of **sections 201 to 210**; or
- (b) under any matter referred to in **section 211(1)**; or
- (c) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees if the offer to the trustees was—
  - (i) made in accordance with **section 196**; and
  - (ii) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
  - (iii) not withdrawn under **section 198**; and
  - (iv) not accepted under **section 199**; or
- (d) in accordance with a waiver or variation given under **section 219**.

*Trustees' right of first refusal***196 Requirements for offer**

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees.
- (2) The notice must include— 5
- (a) the terms of the offer, including its expiry date; and
  - (b) the legal description of the land, including any interests affecting it, and the reference for any computer register for the land; and
  - (c) a street address for the land (if applicable); and 10
  - (d) a street address, postal address, and fax number for the trustees to give notices to the RFR landowner in relation to the offer.

**197 Expiry date of offer**

- (1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the trustees receive notice of the offer. 15
- (2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the trustees receive notice of the offer if— 20
- (a) the trustees received an earlier offer to dispose of the land; and
  - (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and
  - (c) the earlier offer was not withdrawn. 25

**198 Withdrawal of offer**

The RFR landowner may, by notice to the trustees, withdraw an offer at any time before it is accepted.

**199 Acceptance of offer**

- (1) The trustees may, by notice to the RFR landowner who made an offer, accept the offer if— 30
- (a) it has not been withdrawn; and
  - (b) its expiry date has not passed.
- (2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less. 35



**200 Formation of contract**

- (1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer. 5
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person other than the trustees (the **nominee**) to receive the transfer of the RFR land. 10
- (4) The trustees may nominate a nominee only if—
- (a) the nominee is lawfully able to hold the RFR land; and
  - (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle. 15
- (5) The notice must specify—
- (a) the full name of the nominee; and
  - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee. 20
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

*Disposals to others but land remains RFR land***201 Disposal to the Crown or Crown bodies**

- (1) An RFR landowner may dispose of RFR land to— 25
- (a) the Crown; or
  - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989. 30

**202 Disposal of existing public works to local authorities**

- (1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981 to a local authority (as defined in section 2 of that Act). 35

- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes—
- (a) the RFR landowner of the land; and
  - (b) subject to the obligations of an RFR landowner under this subpart. 5

**203 Disposal of reserves to administering bodies**

- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become—
- (a) the RFR landowner of the land; or
  - (b) subject to the obligations of an RFR landowner under this subpart. 10
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
- (a) the RFR landowner of the land; and
  - (b) subject to the obligations of an RFR landowner under this subpart. 15

*Disposals to others where land may cease to be RFR land* 20

**204 Disposal in accordance with obligations under enactment or rule of law**

An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law. 25

**205 Disposal in accordance with legal or equitable obligations**

An RFR landowner may dispose of RFR land in accordance with—

- (a) a legal or an equitable obligation that—
  - (i) was unconditional before the settlement date; or 30
  - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or

- (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
- (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land. 5

#### **206 Disposal under certain legislation**

An RFR landowner may dispose of RFR land in accordance with—

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 355(3) of the Resource Management Act 1991; 10  
or
- (c) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or
- (d) an Act that—
  - (i) excludes the land from a national park within the 15  
meaning of the National Parks Act 1980; and
  - (ii) authorises the land to be disposed of in consid-  
eration or part consideration for other land to be  
held or administered under the Conservation Act  
1987, the National Parks Act 1980, or the Re- 20  
serves Act 1977.

#### **207 Disposal of land held for public works**

(1) An RFR landowner may dispose of RFR land in accordance with—

- (a) section 40(2) or (4) or 41 of the Public Works Act 1981 25  
(including as applied by another enactment); or
- (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the  
Public Works Act 1981; or
- (c) section 117(3)(a) of the Public Works Act 1981; or
- (d) section 117(3)(b) of the Public Works Act 1981, if the 30  
land is disposed of to the owner of adjoining land; or
- (e) section 23(1) or (4), 24(4), or 26 of the New Zealand  
Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981. 35

**208 Disposal for reserve or conservation purposes**

An RFR landowner may dispose of RFR land in accordance with—

- (a) section 15 of the Reserves Act 1977; or
- (b) section 16A or 24E of the Conservation Act 1987. 5

**209 Disposal for charitable purposes**

An RFR landowner may dispose of RFR land as a gift for charitable purposes.

**210 Disposal to tenants**

The Crown may dispose of RFR land— 10

- (a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted— 15
  - (i) before the settlement date; or
  - (ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or 20
- (c) under section 93(4) of the Land Act 1948.

*RFR landowner obligations***211 RFR landowner's obligations subject to other matters**

- (1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to— 25
  - (a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
  - (b) any interest, or legal or equitable obligation, that— 30
    - (i) prevents or limits an RFR landowner's disposal of RFR land to the trustees; and
    - (ii) the RFR landowner cannot satisfy by taking reasonable steps; and

- (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment.

*Notices about RFR land*

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**212 Notice to LINZ of RFR land with computer register after settlement date**

- (1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created. 10
- (2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land. 15
- (4) The notice must include the legal description of the land and the reference for the computer register.

**213 Notice to trustees of disposal of RFR land to others** 20

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal. 25
- (3) The notice must include—
- (a) the legal description of the land, including any interests affecting it; and
  - (b) the reference for any computer register for the land; and
  - (c) the street address for the land (if applicable); and 30
  - (d) the name of the person to whom the land is being disposed of; and
  - (e) an explanation of how the disposal complies with **section 195**; and
  - (f) if the disposal is to be made under **section 195(c)**, a copy of any written contract for the disposal. 35

**214 Notice to LINZ of land ceasing to be RFR land**

- (1) This section applies if land contained in a computer register is to cease being RFR land because—
- (a) the fee simple estate in the land is to transfer from the RFR landowner to— 5
    - (i) the trustees or their nominee (for example, under **section 181** or under a contract formed under **section 200**); or
    - (ii) any other person (including the Crown or a Crown body) under **section 195(c)**; or 10
  - (b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—
    - (i) under any of **sections 204 to 210**; or
    - (ii) under any matter referred to in **section 211(1)**; 15
      - or
  - (c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 219**.
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land. 20
- (3) The notice must include—
- (a) the legal description of the land; and
  - (b) the reference for the computer register for the land; and 25
  - (c) the details of the transfer or vesting of the land.

**215 Notice requirements**

**Schedule 7** applies to notices given under this subpart by or to—

- (a) an RFR landowner; or 30
- (b) the trustees.

*Right of first refusal recorded on computer registers*

**216 Right of first refusal to be recorded on computer registers for RFR land**

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers for,—
- (a) the RFR land for which there is a computer register on the settlement date; and
  - (b) the RFR land for which a computer register is first created after the settlement date; and
  - (c) land for which there is a computer register that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable—
- (a) after the settlement date, for RFR land for which there is a computer register on the settlement date; or
  - (b) after receiving notice under **section 212** that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register for the RFR land identified in the certificate that the land is—
- (a) RFR land, as defined in **section 194**; and
  - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

**217 Removal of notifications when land to be transferred or vested**

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 214**, issue to the Registrar-General a certificate that includes—

- (a) the legal description of the land; and
  - (b) the reference for the computer register for the land; and
  - (c) the details of the transfer or vesting of the land; and
  - (d) a statement that the certificate is issued under this section. 5
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, he or she must remove any notification recorded under **section 216** from the computer register identified in the certificate immediately before registering the transfer or vesting described in the certificate. 10

#### **218 Removal of notifications when RFR period ends**

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes— 15
- (a) the reference for each computer register for that RFR land that still has a notification recorded under **section 216**; and 20
  - (b) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate. 25
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under **section 216** from any computer register identified in the certificate. 30

#### *General provisions applying to right of first refusal*

#### **219 Waiver and variation**

- (1) The trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this subpart. 35



- (2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it. 5
- 220 Disposal of Crown bodies not affected**  
This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.
- 221 Assignment of rights and obligations under this subpart**
- (1) **Subsection (3)** applies if the RFR holder— 10
- (a) assigns the RFR holder’s rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder’s constitutional document; and
- (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give notices to each RFR landowner— 15
- (a) stating that the RFR holder’s rights and obligations under this subpart are being assigned under this section; and
- (b) specifying the date of the assignment; and
- (c) specifying the names of the assignees and, if they are 20 the trustees of a trust, the name of the trust; and
- (d) specifying the street address, postal address, or fax number for notices to the assignees.
- (3) This subpart and **Schedule 7** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications. 25
- (4) In this section,—
- constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder
- RFR holder** means the 1 or more persons who have the rights 30 and obligations of the trustees under this subpart because—
- (a) they are the trustees; or
- (b) they have previously been assigned those rights and obligations under this section.

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**Schedule 4** **ss 121, 131**  
**Statutory areas of Ngāti Rangiwewehi**

**Part 1**

Areas subject to statutory acknowledgement

<b>Statutory area</b>	<b>Location</b>
Maketu Wildlife Management Reserve	As shown on OTS-209-38
Mangapouri Stream marginal strip	As shown on OTS-209-81
Mangorewa Scenic Reserve	As shown on OTS-209-41
Ōtanewainuku Conservation Forest	As shown on OTS-209-48
Part Kaharoa Conservation Forest	As shown on OTS-209-43
Part Mangapapa Ecological Area	As shown on OTS-209-45
Part Mangorewa Conservation and Ecological Areas	As shown on OTS-209-42
Part Ruato Stream Conservation Area	As shown on OTS-209-40
Part Taumata Scenic Reserve	As shown on OTS-209-39
Part Te Matai Conservation Forest	As shown on OTS-209-44
Te Waerenga Scenic Reserve	As shown on OTS-209-46
<b>Statutory areas that are watercourses</b>	<b>Location</b>
Kaituna River	As shown on OTS-209-32
Mangapouri Stream	As shown on OTS-209-34
Mangorewa River	As shown on OTS-209-47
Ohaupara Stream	As shown on OTS-209-33
Onaia Stream	As shown on OTS-209-58
Te Rerenga Stream	As shown on OTS-209-59

**Part 2**

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Areas subject to deed of recognition

<b>Statutory area</b>	<b>Location</b>
Mangapouri Stream marginal strip	As shown on OTS-209-81
Mangorewa Scenic Reserve	As shown on OTS-209-41
Part Kaharoa Conservation Forest	As shown on OTS-209-43
Part Mangapapa Ecological Area	As shown on OTS-209-45
Part Mangorewa Conservation and Ecological Areas	As shown on OTS-209-42

*Part 2—continued*

Part Ruato Stream Conservation Area	As shown on OTS-209-40
Part Taumata Scenic Reserve	As shown on OTS-209-39
Part Te Matai Conservation Forest	As shown on OTS-209-44
Te Waerenga Scenic Reserve	As shown on OTS-209-46

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**Schedule 5****s 139****Cultural redress properties of Ngāti Rangiwewehi**

## Property vested in fee simple

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Te Riu o Kereru A	0.5 hectares approximately, being Part Section 32 Block XV Otanewainuku Survey District. Part computer interest register 298730. Subject to survey. As shown on OTS-209-49.	Nil.

## Properties vested in fee simple to be administered as reserves

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<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Hamurana Springs A	35.9 hectares, approximately, being Part Mangorewa Kaharoa 7A2B and Section 42 and Parts Section 12 and 41, and Part Section 47 Block V Rotoiti Survey District. Part computer freehold register SA21A/8. Subject to survey. As shown on OTS-209-31.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to a lease to the Rangiwewehi Charitable Trust (on behalf of Te Maru o Ngāti Rangiwewehi) with concession number BP-17887-SSE, dated 18/6/07. Subject to a memorandum of understanding between the Department of Conservation and Hamurana Springs Incorporated Society (dated 24/11/2010). Subject to a variation of lease with concession number BP-12113-GRA to H H Merewether as trustee (dated 31/7/1990). Hamurana Stream (as identified on OTS-209-31) subject to the Wildlife Act 1953 ( <i>Gazette</i> 1958 page 465).

Name of property	Description	Interests
Hamurana Springs B	1.32 hectares, approximately, being Part Section 41 and Parts Section 12 Block V Rotoiti Survey District. Part computer freehold register SA21A/8. Subject to survey. As shown on OTS-209-31.	Historic reserve subject to section 18 of the Reserves Act 1977.
Ngā Tini Roimata a Rangiwewehi	2.5118 hectares, approximately, being Part Section 53 Block IV Rotorua Survey District. Part <i>Gazette</i> 1959, p 565. Subject to survey. As shown on OTS-209-36.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Te Riu o Kereru B	5.5185 hectares, approximately, being Part Section 32 Block XV Otanewainuku Survey District. Part computer interest register 298730. Subject to survey. As shown on OTS-209-49.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Property vested in fee simple subject to  
conservation covenant

Name of property	Description	Interests
Te Riu o Ngata	18.4132 hectares, more or less, being Sections 8 and 9 Block V Rotoiti Survey District. All <i>Gazette</i> notice S498947. As shown on OTS-209-35.	Subject to the conservation covenant referred to in <b>section 145</b> .

## Property jointly vested in fee simple

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<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Te Taita	6 hectares, approximately, being Part Section 21 Block IV Rotorua Survey District. Part <i>Gazette</i> 1920, p 2116 amended by <i>Gazette</i> 1967, p 1064. Subject to survey. As shown on OTS-209-37.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an afforestation lease to OTPP New Zealand Forest Investments Limited (dated 19/9/1978).

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**Schedule 6****ss 163, 169, 170, 171****Ngā pae maunga: jointly vested properties**

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Ōtanewainuku	35.5 hectares, approximately, being Part Section 3 Block XVI Otanewainuku Survey District. Part <i>Gazette</i> 1947, p 481. Subject to survey. 52.5 hectares, approximately, being Part Section 4 Block XVI Otanewainuku Survey District. Part <i>Gazette</i> 1920, p 2119. Subject to survey. 27.0 hectares, approximately, being Part Te Puke Block. Part <i>Gazette</i> 1879, p 781. Subject to survey. 5.0 hectares, approximately, being Part Waitaha 1. Part <i>Gazette</i> 1884, p 238. Subject to survey. As shown on deed plan OTS-209-84.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered guiding permit with concession number PAC 04-06-40 to Golden Fern Trust (dated 22/9/10). Subject to an unregistered guiding permit with concession number PAC 10-06-229 to Black Sheep Touring Company Limited (dated 1/10/12). Subject to the right of way easement in gross referred to in <b>section 165</b> . Subject to a memorandum of understanding with the Ōtanewainuku Kiwi Trust (dated 21/5/2009).
Pūwhenua	52.0 hectares, approximately, being Part Lot 4 DPS 85782. Part computer freehold register SA68A/371. Subject to survey. 15.5 hectares, approximately, being Part Section 5 Block XIV Otanewainuku Survey District. Part <i>Gazette</i> 1940, p 1059. Subject to survey. As shown on deed plan OTS-209-85.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.



**Schedule 7****ss 193, 215, 221****Notices in relation to RFR land of Ngāti Rangiwewehi**

- 1 Requirements for giving notice** 5
- A notice by or to an RFR landowner or the trustees under **sub-part 3 of Part 6** must be—
- (a) in writing and signed by—
    - (i) the person giving it; or
    - (ii) at least 2 of the trustees, for a notice given by the trustees; and 10
  - (b) addressed to the recipient at the street address, postal address, fax number, or email address,—
    - (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement; or 15
    - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 196**, specified in a later notice given to the trustees, or identified by the trustees as the current address or fax number of the RFR landowner; or 20
    - (iii) for a notice given under **section 212 or 214** to the chief executive of LINZ, in the Wellington office of LINZ; and
  - (c) given by— 25
    - (i) delivering it by hand to the recipient's street address; or
    - (ii) posting it to the recipient's postal address; or
    - (iii) faxing it to the recipient's fax number; or
    - (iv) sending it by electronic means such as email. 30
- 2 Limitation on use of electronic transmission**
- Despite **clause 1**, notices given under **sections 196, 199, 200, and 219** must not be given by electronic means other than by fax.
- 3 Time when notice received** 35
- (1) A notice is to be treated as having been received—

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**Ngāti Rangiwewehi Claims Settlement Bill**

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- (a) at the time of delivery, if delivered by hand; or
  - (b) on the second day after posting, if posted; or
  - (c) at the time of transmission, if faxed or sent by other electronic means.
- (2) However, a notice is to be treated as having been received on 5 the next working day if, under **subclause (1)**, it would be treated as having been received—
- (a) after 5 pm on a working day; or
  - (b) on a day that is not a working day.

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**Legislative history**

12 March 2014

Divided from Ngā Punawai o Te Tokotoru Claims Settlement Bill (Bill 136–2) by Clerk of the House as Bill 136–3B

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