

Te Atiawa Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

This Bill gives effect to the deed of settlement signed on 9 August 2014 in which the Crown and Te Atiawa agreed to the final settlement of the historical Treaty of Waitangi claims of Te Atiawa. Legislation is necessary to give effect to certain aspects of the settlement. Other aspects of the settlement are provided for only in the deed of settlement.

The Bill defines Te Atiawa as the collective group composed of individuals who—

- descend from 1 or more Te Atiawa tupuna; and
- exercised customary rights in the Te Atiawa area of interest at any time after 6 February 1840.

Part 1—

- sets out the purpose of the Bill and deals with other matters of general application; and
- defines Te Atiawa, historical claims, and other essential elements; and
- records the acknowledgements and apology offered by the Crown to Te Atiawa; and
- gives effect to the agreement between the Crown and Te Atiawa to a final settlement of the raupatu historical Treaty of Waitangi claims of Te Atiawa; and
- removes the jurisdiction of judicial bodies in respect of Te Atiawa historical claims and the redress provided under the deed of settlement or the Bill; and
- deals with related issues, including a consequential amendment to the Treaty of Waitangi Act 1975, and the removal of certain resumptive memorials.

Part 2 sets out the cultural redress provided to Te Atiawa, including—

- provision for conservation, fisheries, and taonga tūturu protocols; and
- provision for statutory acknowledgement and deeds of recognition; and
- an overlay classification; and
- official geographic name changes; and
- cultural redress properties and their vesting and administration provisions including joint vesting with Taranaki Iwi of Ngā Motu / Sugar Loaf Islands, with provision for Te Atiawa to hold Taranaki Iwi's share on trust; and
- provision for Te Atiawa to contribute to the decision making of the Taranaki Regional Council.

Part 3 of the Bill makes provision for certain commercial redress to be provided for the benefit of Te Atiawa in relation to—

- commercial redress and deferred selection properties that are to be transferred to the trustees; and
- a right of first refusal (**RFR**) over RFR land; and
- the transfer of Waitara endowment land to Te Atiawa.

Part 4 of the Bill makes the necessary legislative provision for the reorganisation of Te Atiawa governance arrangements and consequential taxation measures.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after it receives the Royal assent.

Part 1

Preliminary matters, acknowledgements and apology, and settlement of historical claims

Clauses 3, 4, and 5 respectively set out the purpose of this Bill, state that provisions take effect on the settlement date, and provide for the Bill to bind the Crown.

Clause 6 outlines the contents of the Bill.

Summary of historical account, acknowledgements, and apology of the Crown

Clauses 7 to 10 provide for and set out the summary of the historical account given in the deed of settlement, and the Crown's acknowledgements and apology.

Interpretation provisions

Clause 11 states the general interpretation provision and *clause 12* defines key terms used in the Bill.

Clause 13 defines Te Atiawa.

Clause 14 defines the historical claims that are settled by the Bill.

Historical claims settled and jurisdiction of courts, etc, removed

Clause 15 settles the historical claims and removes the jurisdiction of courts, tribunals, and other judicial bodies over the historical claims, the deed of settlement, the Bill, and the settlement redress, other than as to the interpretation or implementation of the deed and Bill.

Amendment to Treaty of Waitangi Act 1975

Clause 16 amends the Treaty of Waitangi Act 1975 to remove the jurisdiction of the Waitangi Tribunal.

Resumptive memorials no longer to apply

Clauses 17 and 18 provide that certain enactments do not apply to land to be vested or transferred under the Bill.

Miscellaneous matters

Clause 19 provides an exception to the rule against perpetuities.

Clause 20 makes provision for the deed of settlement to be made publicly available by the chief executive of the Ministry of Justice.

Clause 21 provides that if a provision in this Bill has the same effect as a provision in another Bill, the provisions are to be given effect to only once, as if they were the same provision. This clause anticipates the requirement for certain redress to be shared in another Taranaki Bill.

Part 2**Cultural redress****Subpart 1—Protocols**

Clauses 22 to 28 make provision for 3 protocols, a conservation protocol, a fisheries protocol, and a taonga tūturu protocol.

Subpart 2—Statutory acknowledgement and deeds of recognition

Clauses 29 to 41 provide for a statutory acknowledgement to apply over the specified statutory areas. *Clause 38* provides for deeds of recognition over specified statutory areas, and *clauses 39 to 41* set out further provisions applying in relation to statutory acknowledgements. *Clause 42* amends Schedule 11 of the Resource Management Act 1991 to include the name of the Bill.

Subpart 3—Overlay classification

Clauses 43 to 57 define the area subject to an overlay classification and set out the Crown's acknowledgement of the statement of values applying to the overlay areas. These provisions also set out the purposes of the overlay classification and the obligation on the Director-General of Conservation and the Minister of Conservation.

Subpart 4—Official geographic names

Clauses 58 to 61 provide for certain place names to be official geographical names within the Te Atiawa area of interest.

Subpart 5—Vesting of cultural redress properties

Clause 62 defines the cultural redress properties.

Property vested in fee simple

Clause 63 provides for the vesting of the property known as Taumata if an unconditional agreement for the sale and purchase of a certain part of the property is entered into by the Crown and the registered proprietor of the property on or before the settlement date. The property to be vested forms part of the larger Taumata Historic Reserve. However, *clause 64* provides that if the condition referred to in *clause 63* is not satisfied, a differently defined area is vested, as described in *Part 2 of Schedule 3*.

Ngā Motu: properties jointly vested in fee simple

Clauses 65 to 67 provide for the vesting of the 3 clusters of islands comprising Ngā Motu, also known as the Sugar Loaf Islands. In each case these clusters of islands are vested as undivided half shares in the trustees of Te Kotahitanga o Te Atiawa Trust and in those trustees to be held in trust for the trustees of Te Kāhui o Taranaki.

General provisions applying to vesting of cultural redress properties

Clauses 68 to 74 set out the technical provisions required to facilitate the vesting of the cultural redress properties.

Subpart 6—Taranaki Regional Council representation

Clauses 75 to 79 provide a mechanism for all of the iwi of Taranaki (as listed in *clause 75*) to participate in the decision-making processes of 2 of the committees of the Taranaki Regional Council. Power is conferred on those iwi to nominate representatives to those committees. Those representatives will have the same status as members of the committees appointed under the Local Government Act 2002.

Part 3

Commercial redress

Subpart 1—Transfer of deferred selection properties

Clause 80 sets out definitions applying in *subparts 1 and 2* of this Part. *Clauses 81 to 85* empower the transfer of deferred selection properties to the trustees, and provide the machinery provisions for registration.

Subpart 2—Right of first refusal over RFR land

Subpart 2 (clauses 86 to 116) sets out the requirements for the right of first refusal (**RFR**) applying for the benefit of the trustees. *Clause 88* makes provision for the trustees of Te Kāhui o Taranaki to participate in the arrangements for land defined as non-exclusive RFR land on and from the settlement date for the Taranaki Iwi.

Subpart 3—Waitara endowment land

Clause 117 applies to land vested in the New Plymouth District Council under the Waitara Harbour Act 1940 or the Waitara Borough Reserves Vesting Act 1909. The provision disapplies a number of statutory provisions that would otherwise exclude the transfer of the relevant land to the trustees, provides for the registration of the land, and enables its transfer under any agreement between the trustees and the Council.

Part 4

Governance reorganisation and taxation provisions

Clause 118 sets out the definitions applying in this Part.

Subpart 1—Governance reorganisation

Te Atiawa (Taranaki) Settlements Trust

Clauses 119 and 120 provide that, on the commencement of the Bill (the **commencement date**), Te Atiawa (Taranaki) Settlements Trust is dissolved and the assets and liabilities of the trustees of that trust vest in the post-settlement governance entity, the trustees of Te Kotahitanga o Te Atiawa Trust, freed of all charitable trusts (but subject to the trusts expressed in Te Kotahitanga o Te Atiawa trust deed and any other trusts affecting an asset or liability).

Te Atiawa (Taranaki) Holdings Limited

Clause 121 provides that if this entity, the mandated iwi organisation of Te Atiawa defined as the relevant subsidiary, is a tax charity for the purposes of the Inland Revenue Acts on the commencement date, that status ceases on that date and its assets and liabilities are freed of all charitable trusts (but remain subject to other trusts, covenants, or conditions). The provision clarifies that this entity retains its identity for the purposes of the Inland Revenue Acts, that it continues to hold its assets and liabilities as of the commencement date, and that its income derived up to the point when it ceases to be a registered charitable entity is exempt income.

General matters relating to reorganisation

Clauses 122 to 133 clarify the transitional arrangements for the trust that is dissolved.

Final report

Clause 134 provides for the final report of Te Atiawa (Taranaki) Settlements Trust to be prepared and presented at the first general meeting of Te Kotahitanga o Te Atiawa Trust.

Subpart 2—Taxation provisions

Clause 135 clarifies that the taxation arrangements in this subpart are contingent on the governance reorganisation provided for in *subpart 1*.

Te Atiawa (Taranaki) Settlements Trust

Clause 136 ensures the taxation neutrality of the transfer of the assets and liabilities of the trustees of Te Atiawa (Taranaki) Settlements Trust to the trustees of Te Kotahitanga o Te Atiawa Trust. *Clause 137* makes provision for the taxation of the entity if the trustees elect to become a Māori authority.

Relevant subsidiary

Clause 138 sets out the taxation implications of the relevant subsidiary no longer being a registered charitable entity. *Clause 139* makes provision for the taxation of the entity if it elects to become a Māori authority.

Schedules

There are 4 schedules, as follows:

- *Schedule 1* sets out the areas subject only to a statutory acknowledgement and the areas subject to both a statutory acknowledgement and a deed of recognition:
- *Schedule 2* defines the overlay areas:
- *Schedule 3* provides the legal descriptions for the cultural redress properties:
- *Schedule 4* sets out the requirements for notices relating to the RFR.

Departmental disclosure statement

The Office of Treaty Settlements is required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2015&no=62>.

Hon Christopher Finlayson

Te Atiawa Claims Settlement Bill

Government Bill

Contents

		Page
1	Title	7
2	Commencement	7
Part 1		
Preliminary matters, acknowledgements and apology, and settlement of historical claims		
<i>Preliminary matters</i>		
3	Purpose	7
4	Provisions to take effect on settlement date	7
5	Act binds the Crown	7
6	Outline	7
<i>Summary of historical account, acknowledgements, and apology of the Crown</i>		
7	Summary of historical account, acknowledgements, and apology	9
8	Summary of historical account	9
9	Acknowledgements	10
10	Apology	13
<i>Interpretation provisions</i>		
11	Interpretation of Act generally	14
12	Interpretation	14
13	Meaning of Te Atiawa	17
14	Meaning of historical claims	18
<i>Historical claims settled and jurisdiction of courts, etc, removed</i>		
15	Settlement of historical claims final	19

Te Atiawa Claims Settlement Bill

	<i>Amendment to Treaty of Waitangi Act 1975</i>	
16	Amendment to Treaty of Waitangi Act 1975	19
	<i>Resumptive memorials no longer to apply</i>	
17	Certain enactments do not apply	20
18	Resumptive memorials to be cancelled	20
	<i>Miscellaneous matters</i>	
19	Rule against perpetuities does not apply	21
20	Access to deed of settlement	21
21	Provisions that have same effect	21
	Part 2	
	Cultural redress	
	Subpart 1—Protocols	
22	Interpretation	21
	<i>General provisions applying to protocols</i>	
23	Issuing, amending, and cancelling protocols	22
24	Protocols subject to rights, functions, and duties	22
25	Enforcement of protocols	23
	<i>Conservation</i>	
26	Conservation protocol	23
	<i>Fisheries</i>	
27	Fisheries protocol	24
	<i>Taonga tūturu</i>	
28	Taonga tūturu protocol	24
	Subpart 2—Statutory acknowledgement and deeds of recognition	
29	Interpretation	24
	<i>Statutory acknowledgement</i>	
30	Statutory acknowledgement by the Crown	25
31	Purposes of statutory acknowledgement	25
32	Relevant consent authorities to have regard to statutory acknowledgement	25
33	Environment Court to have regard to statutory acknowledgement	26
34	Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement	26
35	Recording statutory acknowledgement on statutory plans	26
36	Provision of summary or notice to trustees	27
37	Use of statutory acknowledgement	28
	<i>Deeds of recognition</i>	
38	Issuing and amending deeds of recognition	28

Te Atiawa Claims Settlement Bill

	<i>General provisions relating to statutory acknowledgement and deeds of recognition</i>	
39	Application of statutory acknowledgement and deed of recognition to river or stream	29
40	Exercise of powers and performance of functions and duties	29
41	Rights not affected	30
	<i>Consequential amendment to Resource Management Act 1991</i>	
42	Amendment to Resource Management Act 1991	30
	Subpart 3—Overlay classification	
43	Interpretation	30
44	Declaration of overlay classification and the Crown’s acknowledgement	31
45	Purposes of overlay classification	31
46	Effect of protection principles	31
47	Obligations on New Zealand Conservation Authority and Conservation Boards	31
48	Noting of overlay classification in strategies and plans	32
49	Notification in <i>Gazette</i>	32
50	Actions by Director-General	32
51	Amendment to strategies or plans	32
52	Regulations	33
53	Bylaws	33
54	Effect of overlay classification on overlay areas	33
55	Termination of overlay classification	34
56	Exercise of powers and performance of functions and duties	34
57	Rights not affected	34
	Subpart 4—Official geographic names	
58	Interpretation	35
59	Official geographic names	35
60	Publication of official geographic names	35
61	Subsequent alteration of official geographic names	35
	Subpart 5—Vesting of cultural redress properties	
62	Interpretation	35
	<i>Property vested in fee simple</i>	
63	Taumata	36
64	Vesting and alternative description for Taumata in specified circumstances	37
	<i>Ngā Motu: properties jointly vested in fee simple</i>	
65	Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock)	37

Te Atiawa Claims Settlement Bill

66	Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock)	38
67	Koruanga / Motukuku and Tokatapu	39
	<i>General provisions applying to vesting of cultural redress properties</i>	
68	Properties vest subject to or together with interests	40
69	Registration of ownership	40
70	Application of Part 4A of Conservation Act 1987	41
71	Matters to be recorded on computer freehold register	41
72	Application of other enactments	42
73	Names of Crown protected areas discontinued	42
74	Subsequent transfer of Ngā Motu	43
	Subpart 6—Taranaki Regional Council representation	
75	Interpretation	43
76	Purpose and objectives of subpart	43
77	Iwi representation on committee	44
78	Members to act in interests of committee	44
79	Change in committee structure	44
	Part 3 Commercial redress	
80	Interpretation	45
	Subpart 1—Transfer of deferred selection properties	
81	The Crown may transfer properties	45
82	Minister of Conservation may grant easements	45
83	Computer freehold registers for deferred selection properties	46
84	Authorised person may grant covenant for later creation of computer freehold register	46
85	Application of other enactments	46
	Subpart 2—Right of first refusal over RFR land	
	<i>Interpretation</i>	
86	Interpretation	47
87	Meaning of RFR land	49
88	Taranaki Iwi participation under this subpart	50
	<i>Restrictions on disposal of RFR land</i>	
89	Restrictions on disposal of RFR land	50
	<i>Trustees' right of first refusal</i>	
90	Requirements for offer	51
91	Expiry date of offer	51
92	Withdrawal of offer	52
93	Acceptance of offer	52

Te Atiawa Claims Settlement Bill

94	Formation of contract	52
	<i>Disposals to others but land remains RFR land</i>	
95	Disposal to the Crown or Crown bodies	53
96	Disposal of existing public works to local authorities	53
97	Disposal of reserves to administering bodies	53
	<i>Disposals to others where land may cease to be RFR land</i>	
98	Disposal in accordance with obligations under enactment or rule of law	53
99	Disposal in accordance with legal or equitable obligations	54
100	Disposal under certain legislation	54
101	Disposal of land held for public works	54
102	Disposal for reserve or conservation purposes	55
103	Disposal for charitable purposes	55
104	Disposal to tenants	55
	<i>RFR landowner obligations</i>	
105	RFR landowner's obligations subject to other matters	55
	<i>Notices about RFR land</i>	
106	Notice to LINZ of RFR land with computer register after settlement date	56
107	Notice to trustees of offer trusts of disposal of RFR land to others	56
108	Notice to LINZ of land ceasing to be RFR land	56
109	Notice to be given if disposal of non-exclusive RFR land being considered	57
110	Notice requirements	58
	<i>Right of first refusal recorded on computer registers</i>	
111	Right of first refusal to be recorded on computer registers for RFR land	58
112	Removal of notifications when land to be transferred or vested	59
113	Removal of notifications when RFR period ends	59
	<i>General provisions applying to right of first refusal</i>	
114	Waiver and variation	60
115	Disposal of Crown bodies not affected	60
116	Assignment of rights and obligations under this subpart	60
	Subpart 3—Waitara endowment land	
117	Waitara endowment land	61
	Part 4	
	Governance reorganisation and taxation provisions	
118	Interpretation	61

Te Atiawa Claims Settlement Bill

Subpart 1—Governance reorganisation		
<i>Te Atiawa (Taranaki) Settlements Trust</i>		
119	Dissolution of Te Atiawa (Taranaki) Settlements Trust	62
120	Vesting of assets and liabilities of Te Atiawa (Taranaki) Settlements Trust	63
<i>Te Atiawa (Taranaki) Holdings Limited</i>		
121	Assets and liabilities of relevant subsidiary	63
<i>General matters relating to reorganisation</i>		
122	Matters not affected by transfer	64
123	Status of existing instruments	64
124	Status of existing securities	64
125	Continuation of proceedings	65
126	Books and documents to remain evidence	65
127	Removal from register of charitable entities	65
128	Other registers	65
<i>Employees</i>		
129	Transfer of employees	66
130	Protection of terms and conditions of employment	66
131	Continuity of employment	66
132	No compensation for technical redundancy	66
133	Liability of employees and agents	67
<i>Final report</i>		
134	Final report of Te Atiawa (Taranaki) Settlements Trust	67
Subpart 2—Taxation provisions		
135	Application and interpretation	67
<i>Te Atiawa (Taranaki) Settlements Trust</i>		
136	Taxation in respect of transfer of assets and liabilities of Te Atiawa (Taranaki) Settlements Trust	68
137	Election of trustees of Te Kotahitanga o Te Atiawa Trust to be Māori authority	69
<i>Relevant subsidiary</i>		
138	Taxation in respect of assets and liabilities of relevant subsidiary	69
139	Election by relevant subsidiary to be Māori authority	69
Schedule 1		71
Statutory areas		
Schedule 2		73
Overlay areas		
Schedule 3		74
Cultural redress properties		

Schedule 4
Notices in relation to RFR land

76

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Te Atiawa Claims Settlement Act **2015**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

**Preliminary matters, acknowledgements and apology, and settlement
of historical claims**

Preliminary matters

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3 Purpose

The purpose of this Act is—

- (a) to record the acknowledgements and apology given by the Crown to Te Atiawa in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Te Atiawa. 15

4 Provisions to take effect on settlement date

- (1) The provisions of this Act take effect on the settlement date unless stated otherwise.
- (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— 20
 - (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.

5 Act binds the Crown

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This Act binds the Crown.

6 Outline

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement. 30

- (2) This Part—
- (a) sets out the purpose of this Act; and
 - (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and
 - (c) specifies that the Act binds the Crown; and 5
 - (d) records the text of the acknowledgements and apology given by the Crown to Te Atiawa, as recorded in the deed of settlement; and
 - (e) defines terms used in this Act, including key terms such as Te Atiawa and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and 10
 - (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
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; 15
and
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and
 - (v) access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, including— 20
- (a) cultural redress that does not involve the vesting of land, namely,—
 - (i) protocols for conservation, fisheries, and taonga tūturu on the terms set out in the documents schedule; and
 - (ii) a statutory acknowledgement by the Crown of the statements made by Te Atiawa of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for the specified areas; and 25
 - (iii) an overlay classification applying to specified areas of land; and
 - (iv) the provision of official geographic names; and 30
 - (b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and
 - (c) provision for the iwi of Taranaki to participate in certain processes of the Taranaki Regional Council.
- (4) **Part 3** provides for commercial redress, including— 35
- (a) the transfer of deferred selection properties; and
 - (b) a right of first refusal over exclusive RFR land and non-exclusive RFR land.

- (5) **Part 4** provides for transitional arrangements relating to the reorganisation of the governance structures of Te Atiawa, including taxation matters.
- (6) There are 4 schedules, as follows:
- (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and those for which deeds of recognition are issued: 5
 - (b) **Schedule 2** describes the overlay areas to which the overlay classification applies:
 - (c) **Schedule 3** describes the cultural redress properties:
 - (d) **Schedule 4** sets out provisions that apply to notices given in relation to RFR land. 10

Summary of historical account, acknowledgements, and apology of the Crown

7 Summary of historical account, acknowledgements, and apology

- (1) **Section 8** summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.
- (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Te Atiawa in the deed of settlement. 15
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.

8 Summary of historical account

- (1) From 1840, Te Atiawa came under significant pressure to sell their land. In the 1840s and 1850s, Crown agents sought to purchase Te Atiawa land despite being aware of disagreement among Māori over land sales. By the mid 1850s, Crown purchasing had contributed to enmity and fighting within Te Atiawa, resulting in the loss of life of some Te Atiawa people. In 1860, the Crown deemed resistance to the survey of the Pekapeka block at Waitara, led by the Te Atiawa rangatira Wiremu Kingi Te Rangitake, to be an act of rebellion and commenced hostilities against him and his followers. A peace agreement was negotiated after a year of fighting. 20
- (2) Conflict resumed in 1863, and over the following 2 years a number of engagements were fought in the Te Atiawa rohe, resulting in the destruction of property and the loss of life. In 1865, the Crown proclaimed 1.2 million acres of Taranaki land confiscated, including all of the Te Atiawa rohe. The confiscations were indiscriminate in that they deprived both “loyal” and “rebel” Māori of the ownership and use of their lands. 30
- (3) In 1866, the Compensation Court began the process by which confiscated land would be returned to “loyal” Māori. However, most of the readily usable land in northern Taranaki had already been granted to European settlers. By 1880, most of the Compensation Court’s awards to Te Atiawa individuals had not been implemented. The compensation process created uncertainty and distress 35

among the people of Te Atiawa as to where they were to live and whether they had security of title.

- (4) By the late 1870s, many Te Atiawa people were supporting Te Whiti o Rongomai and Tohu Kakahi and the movement for Māori peace and independence that they had established at Parihaka in central Taranaki. Between 1879 and 1880, many Te Atiawa people participating in campaigns of peaceful resistance initiated at Parihaka were arrested and exiled to South Island prisons, where they were detained in harsh conditions without trial. Some Te Atiawa people who were arrested did receive trials but were then detained beyond the terms of their court-imposed sentences. Some died while in prison. In November 1881, Te Atiawa people were displaced from Parihaka after more than 1 500 Crown troops invaded and dismantled the settlement. 5 10
- (5) In the early 1880s, the West Coast Commissions investigated Māori grievances, including the failure to implement compensation awards, and returned a limited amount of land to Te Atiawa. However, virtually all of the land granted to Te Atiawa was under non-customary individualised title, and much of it was rough or inaccessible. In addition, the reserves were not returned to Te Atiawa outright, but were placed under the control of the Public Trustee, who then sold or leased in perpetuity large areas to European farmers. In 1963, the titles of all remaining Taranaki reserves were amalgamated, leaving owners without specific interests in customary land. Today, less than 5 percent of the area that was reserved for Māori is in Māori freehold ownership. 15 20
- (6) During the twentieth century, Crown efforts to address Taranaki Māori grievances failed to do so. Some were limited in their scope, and others provided for compensation payments that were not discussed with Te Atiawa and other Taranaki Māori. The Taranaki Maori Claims Settlement Act 1944 stated that the sums were a full settlement of claims relating to the confiscations and Parihaka. There is no evidence that Te Atiawa or other iwi agreed to this. 25
- (7) Te Atiawa has also experienced significant distress at the degradation of their environment, including the loss of indigenous plants and animals, and the pollution of waterways and important offshore fishing reefs. 30

9 Acknowledgements

- (1) The Crown acknowledges that despite previous efforts made in the twentieth century, it has failed to deal in an appropriate way with the grievances of Te Atiawa, and that the recognition of these grievances is long overdue. The Crown hereby recognises the legitimacy of the historical grievances of Te Atiawa and makes the following acknowledgements. 35
- (2) The Crown acknowledges that by the early 1850s, Te Atiawa people were participating successfully in the emerging Taranaki trading economy.
- (3) The Crown acknowledges that— 40

-
- (a) it carried out purchases in the Te Atiawa rohe despite being aware of significant disagreement among Māori over those sales; and
- (b) its purchasing contributed to discord, enmity, and fighting within hapū of Te Atiawa, resulting in the loss of life; and
- (c) the cumulative effect of the Crown’s actions in continuing to purchase land in Taranaki created tensions that eventually led to the outbreak of war between the Crown and Māori in Taranaki; and 5
- (d) Te Atiawa suffered loss of life and the destruction of homes, property, and cultivations during the Taranaki wars; and
- (e) the Taranaki wars constituted an injustice and were in breach of the Treaty of Waitangi and its principles. 10
- (4) The Crown acknowledges that—
- (a) it unfairly treated Te Atiawa as being in rebellion; and
- (b) the confiscations of 1865 were indiscriminate in extent and application and had a devastating effect on the welfare, economy, culture, and social development of Te Atiawa; and 15
- (c) as a result of the confiscations, Te Atiawa were deprived of access to their wāhi tapu and sites of ancestral significance, traditional sources of food, and other resources on that land; and
- (d) the confiscations were wrongful and unjust, and were in breach of the Treaty of Waitangi and its principles. 20
- (5) The Crown acknowledges that the prejudicial effects of the confiscations were compounded by the inadequacies in the Compensation Court process, including long delays in the promised return of land to Te Atiawa individuals. These delays left many Māori, including Te Atiawa, uncertain about the status of their lands and without security about where they were to live. 25
- (6) The Crown acknowledges that—
- (a) it imprisoned members of Te Atiawa and other Māori of Taranaki for their participation in the peaceful resistance campaign initiated at Parihaka in 1879 and 1880; and 30
- (b) it promoted legislation that “suspended the ordinary course of law” and, as a result,—
- (i) most prisoners, including many Te Atiawa people, were detained without trial; and
- (ii) some of those Te Atiawa prisoners who did receive trials were detained beyond the expiration of their court-imposed sentences; and 35
- (c) the ongoing detention of these Te Atiawa prisoners assumed the character of an indefinite detention; and

-
- (d) the imprisonment of Taranaki Māori in South Island gaols for political reasons inflicted unwarranted hardships on them and their whānau and hapū; and
- (e) the treatment of these political prisoners—
- (i) was wrongful, a breach of natural justice, and deprived them of basic human rights; and 5
- (ii) was a breach of the Treaty of Waitangi and its principles.
- (7) The Crown acknowledges that—
- (a) large numbers of Te Atiawa people were residing at Parihaka when it invaded the settlement in 1881; and 10
- (b) it inflicted serious damage on the prosperous Māori village of Parihaka and the people residing there, forcibly dispersed many of the inhabitants, and assaulted the human rights of the people; and
- (c) these actions caused great distress and were a complete denial of the Māori right to develop and sustain autonomous communities in a peaceful manner; and 15
- (d) its treatment of Te Atiawa people at Parihaka was unconscionable and unjust and that these actions constituted a breach of the Treaty of Waitangi and its principles.
- (8) The Crown acknowledges that— 20
- (a) the West Coast Commissions were inadequate in their scope and therefore did not fully address the injustices perpetrated by the confiscations; and
- (b) the reserves created for Te Atiawa by the second West Coast Commission in the 1880s were— 25
- (i) virtually all returned under uncustomary individualised title; and
- (ii) mainly situated in rough inaccessible bush; and
- (iii) insufficient for the present and future needs of Te Atiawa.
- (9) The Crown acknowledges that its actions with respect to the West Coast Settlement Reserves, considered cumulatively, including the imposition of a regime of perpetually renewable leases and the sale of large quantities of land by the Public Trustee and Māori Trustee,— 30
- (a) ultimately deprived Te Atiawa of the control and ownership of the lands reserved for them in Taranaki; and
- (b) were in breach of the Treaty of Waitangi and its principles. 35
- (10) The Crown acknowledges that the lands and other resources confiscated from Te Atiawa have made a significant contribution to the wealth and development of New Zealand.

- (11) The Crown acknowledges that its nationalisation of petroleum resources in New Zealand in 1937 caused a great sense of grievance within Te Atiawa that is still held today.
- (12) The Crown acknowledges that the people of Te Atiawa have experienced significant distress at the degradation of their environment, including the loss or displacement of indigenous plants and animals, and the pollution of waterways and important offshore fishing reefs. 5
- (13) The Crown recognises the efforts and struggles of Te Atiawa in pursuit of their claims for redress and compensation against the Crown for 140 years.
- (14) The Crown acknowledges that its breaches of the Treaty of Waitangi and its principles during the nineteenth and twentieth centuries have together significantly undermined the traditional systems of authority and economic capacity of Te Atiawa, and the physical, cultural, and spiritual well-being of its people. The Crown acknowledges that it has failed to protect the rangatiratanga of Te Atiawa, in breach of its obligations under Article Two of the Treaty of Waitangi. 10 15

10 Apology

The text of the apology offered by the Crown to Te Atiawa, as set out in the deed of settlement, is as follows:

- “(a) The Crown offers the following apology to the tupuna, the descendants, the hapu, and the whanau of Te Atiawa. 20
- (b) The Crown regrets its actions which caused enmity and fighting among Te Atiawa, and which ultimately led to war between Taranaki Maori and the Crown. The Crown unreservedly apologises for its actions during the Taranaki Wars which resulted in the destruction of Te Atiawa property, hardship, and the loss of life of your people. 25
- (c) The Crown is sorry for the immense prejudice it caused by confiscating the lands of Te Atiawa. The raupatu was indiscriminate, unjust, and unconscionable. The Crown deeply regrets the damage this caused to the economy and society of Te Atiawa. 30
- (d) The Crown profoundly regrets its unjust treatment of those Te Atiawa people it imprisoned for taking part in campaigns of peaceful resistance. The Crown sincerely apologises to those tupuna it exiled hundreds of kilometres from their homes, to the whanau who grieved in their absence, to their descendants, and to Te Atiawa. 35
- (e) The Crown deeply regrets and unreservedly apologises for its unconscionable actions at Parihaka, and for the damage those actions caused to the community and to those Te Atiawa people who resided there.
- (f) The Crown is remorseful that its failure to uphold the Treaty of Waitangi has undermined the social structures, autonomy, culture, and well-being 40

of Te Atiawa. The Crown solemnly apologises to Te Atiawa for all its breaches of the Treaty of Waitangi and its principles.

- (g) Through this settlement and this apology, the Crown hopes to relieve the burden of grievance that Te Atiawa has carried for so many years, and to assist the process of healing. The Crown looks forward to building a relationship of mutual trust and co-operation with Te Atiawa based on respect for the Treaty of Waitangi and its principles.” 5

Interpretation provisions

11 Interpretation of Act generally

It is the intention of Parliament that the provisions of this Act are interpreted in a manner that best furthers the agreements expressed in the deed of settlement. 10

12 Interpretation

In this Act, unless the context otherwise requires,—

administering body has the meaning given in section 2(1) of the Reserves Act 1977 15

aquatic life has the meaning given in section 2(1) of the Conservation Act 1987

attachments means the attachments to the deed of settlement

Commissioner of Crown Lands means the Commissioner of Crown Lands appointed in accordance with section 24AA of the Land Act 1948 20

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 25

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— 30

(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 in section 2(1) of the Conservation Act 1987 35

Crown has the meaning given in section 2(1) of the Public Finance Act 1989

cultural redress property has the meaning given in **section 62**

deed of recognition—

- (a) means a deed of recognition issued under **section 38** by—
 - (i) the Minister of Conservation and the Director-General; or
 - (ii) the Commissioner of Crown Lands; and
- (b) includes any amendments made under **section 38(4)**

deed of settlement—

- (a) means the deed of settlement dated 9 August 2014 and signed by—
 - (i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and
 - (ii) Wikitoria Keenan, Maria Maraea Kingi, Keith Raymond Holswich, and Peter Moeahu, for and on behalf of Te Atiawa; and
 - (iii) Kura Ann Denness, Liana Huia Poutu, Tanya Kim Skelton, and Andrea Moana Williams, being the trustees of Te Kotahitanga o Te Atiawa; and
- (b) includes—
 - (i) the schedules of, and attachments to, the deed; and
 - (ii) any amendments to the deed or its schedules and attachments

deferred selection property has the meaning given in **section 80** 20

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

effective date means the date that is 6 months after the settlement date

exclusive RFR land has the meaning given in **section 86**

freshwater fisheries management plan has the meaning given in section 2(1) of the Conservation Act 1987 25

historical claims has the meaning given in **section 14**

interest means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property

LINZ means Land Information New Zealand 30

local authority has the meaning given in section 5(1) of the Local Government Act 2002

member of Te Atiawa means an individual referred to in **section 13(1)(a)**

Ngā Motu means the properties described as Ngā Motu in the definition of cultural redress property in **section 62** 35

national park management plan has the meaning given to **management plan** in section 2 of the National Parks Act 1980

- non-exclusive RFR land** has the meaning given in **section 86**
- overlay classification** has the meaning given in **section 43**
- property redress schedule** means the property redress schedule of the deed of settlement
- regional council** has the meaning given in section 2(1) of the Resource Management Act 1991 5
- Registrar-General** means the Registrar-General of Land appointed in accordance with section 4 of the Land Transfer Act 1952
- representative entity** means—
- (a) the trustees; and 10
 - (b) any person, including any trustee, acting for or on behalf of—
 - (i) the collective group referred to in **section 13(1)(a)**; or
 - (ii) 1 or more members of Te Atiawa; or
 - (iii) 1 or more of the whānau, hapū, or groups referred to in **section 13(1)(c)** 15
- reserve** has the meaning given in section 2(1) of the Reserves Act 1977
- 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 2 of Part 3**
- RFR land** has the meaning given in **section 87** 20
- settlement date** means the date that is 40 working days after the date on which this Act comes into force
- statutory acknowledgement** has the meaning given in **section 29**
- Te Kāhui o Taranaki** means the trust of that name established by trust deed dated 24 June 2013 25
- Te Kotahitanga o Te Atiawa Trust** means the trust of that name established by Te Atiawa by trust deed dated 31 March 2014
- tikanga** means customary values and practices
- trustees of Te Kāhui o Taranaki** means the trustees, acting in their capacity as trustees, of Te Kahui o Taranaki 30
- trustees of Te Kotahitanga o Te Atiawa Trust** and **trustees** mean the trustees, acting in their capacity as trustees, of Te Kotahitanga o Te Atiawa Trust
- working day** means a day other than—
- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day: 35
 - (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:

- (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 Taranaki and Wellington.
- 13 Meaning of Te Atiawa** 5
- (1) In this Act, **Te Atiawa**—
- (a) means the collective group composed of individuals who are descended from 1 or more Te Atiawa tupuna; and
- (b) includes those individuals; and
- (c) includes every whānau, hapū, or group to the extent that it is composed of those individuals, including the following groups: 10
- (i) Manukorihi:
- (ii) Ngati Rahiri:
- (iii) Ngati Tawhirikura:
- (iv) Ngati Tuparikino: 15
- (v) Ngati te Whiti:
- (vi) Otaraua:
- (vii) Pukerangiora:
- (viii) Puketapu.
- (2) In this section and **section 14**,— 20
- area of interest** means the area shown as the Te Atiawa 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
- (b) legal adoption; or
- (c) Māori customary adoption in accordance with Te Atiawa tikanga 30
- Te Atiawa tupuna** means an individual who—
- (a) exercised customary rights by virtue of being descended from—
- (i) Te Awanui-a-Rangi; or
- (ii) a recognised tupuna of a group listed in **subsection (1)(c)(i) to (viii)**; and 35

- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840.

14 Meaning of historical claims

- (1) In this Act, **historical claims**—
- (a) means the claims described in **subsection (2)**; and 5
- (b) includes the claims described in **subsection (3)**; but
- (c) does not include the claims described in **subsection (4)**.
- (2) The historical claims are every claim that Te Atiawa or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 10
- (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
- (iv) from a fiduciary duty; or 15
- (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
- (ii) by or under legislation.
- (3) The historical claims include— 20
- (a) a claim to the Waitangi Tribunal that relates exclusively to Te Atiawa or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
- (i) Wai 133 (Kaipakopako Lands claim):
- (ii) Wai 141 (Te Atiawa claim): 25
- (iii) Wai 576 (Rawiri Te Ngaere Descendants and Jesse Kingi whānau Trust claim):
- (iv) Wai 771 (Nga Motu Lands, Fisheries, Foreshore and Seabed claim):
- (v) Wai 871 (Ngati Rahiri Petroleum claim); and 30
- (b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Te Atiawa or a representative entity:
- (i) Wai 54 (Nga Iwi o Taranaki claim):
- (ii) Wai 126 (Motunui Plant and Petrocorp claim): 35
- (iii) Wai 131 (Taranaki Maori Trust Board claim) (Hamiora Raumati and others):

- (iv) Wai 143 (Taranaki claims) (Taranaki Consolidated Claims):
 - (v) Wai 667 (Manutahi Block claim):
 - (vi) Wai 796 (Petroleum claim).
- (4) However, the historical claims do not include—
- (a) a claim that a member of Te Atiawa, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not a Te Atiawa tupuna; or 5
 - (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**. 10
- (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.

Historical claims settled and jurisdiction of courts, etc, removed

- 15 Settlement of historical claims final** 15
- (1) The historical claims are settled.
 - (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. 20
 - (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—
 - (a) the historical claims; or 25
 - (b) the deed of settlement; or
 - (c) this Act; or
 - (d) the redress provided under the deed of settlement or this Act.
 - (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 this Act. 30

Amendment to Treaty of Waitangi Act 1975

- 16 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 “**Te Atiawa Claims Settlement Act 2015, section 15(4) and (5)**”. 35

*Resumptive memorials no longer to apply***17 Certain enactments do not apply**

- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to a cultural redress property; or
 - (b) to a deferred selection property on and from the date of its transfer to the trustees; or 5
 - (c) to the exclusive RFR land; or
 - (d) to land in the non-exclusive RFR area; or
 - (e) for the benefit of Te Atiawa or a representative entity.
- (2) The enactments are— 10
- (a) Part 3 of the Crown Forest Assets Act 1989:
 - (b) sections 211 to 213 of the Education Act 1989:
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986: 15
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

18 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 computer register for, each allotment that is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)** and— 20
- (a) is all or part of—
 - (i) a cultural redress property:
 - (ii) a deferred selection property:
 - (iii) the exclusive RFR land; or 25
 - (b) is solely within the non-exclusive RFR area.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—
- (a) the settlement date, for a cultural redress property, the exclusive RFR land, or the land within the non-exclusive RFR area; or 30
 - (b) the date of transfer of the property to the trustees, for a deferred selection property.
- (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— 35

- (a) register the certificate against each computer register identified in the certificate; and
- (b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a computer register identified in the certificate, but only in respect of each allotment described in the certificate. 5

Miscellaneous matters

19 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) Te Kotahitanga o Te Atiawa may exist in law; or 10
 - (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. 15
- (2) However, if Te Kotahitanga o Te Atiawa 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.

20 Access to deed of settlement 20

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 25
- (b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

21 Provisions that have same effect

If a provision in this Act has the same effect as a provision in another Act, the provisions must be given effect to only once, as if they were 1 provision. 30

Part 2

Cultural redress

Subpart 1—Protocols

22 Interpretation

In this subpart,— 35

protocol—

- (a) means each of the following protocols issued under **section 23(1)(a)**:
 - (i) the conservation protocol:
 - (ii) the fisheries protocol:
 - (iii) the taonga tūturu protocol; and 5
- (b) includes any amendments made under **section 23(1)(b)**

responsible Minister means,—

- (a) for the conservation protocol, the Minister of Conservation:
- (b) for the fisheries protocol, the Minister for Primary Industries:
- (c) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage: 10
- (d) for any protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions in relation to the protocol.

General provisions applying to protocols 15**23 Issuing, amending, and cancelling protocols**

- (1) Each responsible Minister—
 - (a) must issue a protocol to the trustees on the terms set out in part 4 of the documents schedule; and
 - (b) may amend or cancel that protocol. 20
- (2) The responsible Minister may amend or cancel a protocol at the initiative of—
 - (a) the trustees; or
 - (b) the responsible Minister.
- (3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees. 25

24 Protocols subject to rights, functions, and duties

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, for example, the ability— 30
 - (i) to introduce legislation and change Government policy; and
 - (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
- (b) the responsibilities of a responsible Minister or a department of State; or 35
- (c) the legal rights of Te Atiawa or a representative entity.

25 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.
- (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. 5
- (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***26 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. 15
- (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and 20
 - (b) not an amendment to a strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (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; or 25
 - (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.
- (4) In this section,— 30

common marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

conservation protocol area means the area shown on the map attached to the conservation protocol.

*Fisheries***27 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. 5
- (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.
- (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: 10
- (a) the Fisheries Act 1996;
 - (b) the Maori Commercial Aquaculture Claims Settlement Act 2004: 15
 - (c) the Maori Fisheries Act 2004;
 - (d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- (4) In this section,—
- fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996 20
- fisheries protocol area** means the area shown on the map attached to the fisheries protocol, together with the adjacent waters.

*Taonga tūturu***28 Taonga tūturu protocol**

- (1) The taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu. 25
- (2) In this section, **taonga tūturu**—
- (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and 30
 - (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 2—Statutory acknowledgement and deeds of recognition

29 Interpretation

In this subpart,—

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

statement of association, for a statutory area, means the statement—

(a) made by Te Atiawa of their particular cultural, historical, spiritual, and traditional association with the statutory area; and 5

(b) set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in **section 30** in respect of the statutory areas, on the terms set out in this sub-part

statutory area means an area described in **Schedule 1**, the general location of which is indicated on the deed plan for that area 10

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 15

(b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

30 Statutory acknowledgement by the Crown

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

31 Purposes of statutory acknowledgement

20

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with **sections 32 to 34**; and

(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 35 and 36**; and 25

(c) to enable the trustees and any member of Te Atiawa to cite the statutory acknowledgement as evidence of the association of Te Atiawa with a statutory area, in accordance with **section 37**. 30

32 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.

- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

33 Environment Court to have regard to statutory acknowledgement 5

- (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.
- (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. 10
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.

34 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement 15

- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area. 20
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area— 25
- (a) in determining whether the trustees are persons directly affected by the decision; and
- (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application. 30
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

35 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. 35
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 30 to 34, 36, and 37**; and

- (b) descriptions of the statutory areas wholly or partly covered by the plan; and
- (c) the statement of association for each statutory area.
- (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— 5
- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
- 36 Provision of summary or notice to trustees** 10
- (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) if the application is received by the consent authority, a summary of the application; or 15
- (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.
- (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 1991 or as may be agreed between the trustees and the relevant consent authority. 20
- (3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but 25
- (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. 30
- (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
- (b) state the scope of that waiver and the period it applies for. 35
- (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:

- (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

37 Use of statutory acknowledgement

- (1) The trustees and any member of Te Atiawa may, as evidence of the association of Te Atiawa 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— 5
- (a) the relevant consent authorities; or
- (b) the Environment Court; or
- (c) Heritage New Zealand Pouhere Taonga; or 10
- (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (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 15
- (b) parties to proceedings before those bodies; or
- (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.
- (4) To avoid doubt,— 20
- (a) neither the trustees nor members of Te Atiawa are precluded from stating that Te Atiawa has an association with a statutory area that is not described in the statutory acknowledgement; and
- (b) the content and existence of the statutory acknowledgement do not limit any statement made. 25

Deeds of recognition

38 Issuing and amending deeds of recognition

- (1) This section applies in respect of the statutory areas listed in **Part 2 of Schedule 1**.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory areas administered by the Department of Conservation. 30
- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory areas administered by the Commissioner. 35
- (4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deeds of recognition

- 39 Application of statutory acknowledgement and deed of recognition to river or stream**
- (1) If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement— 5
- (a) applies only to—
- (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and 10
- (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
- (b) does not apply to—
- (i) a part of the bed of the river or stream that is not owned by the Crown; or 15
- (ii) an artificial watercourse.
- (2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—
- (a) applies only to 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; and 20
- (b) does not apply to—
- (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or 25
- (ii) the bed of an artificial watercourse.
- 40 Exercise of powers and performance of functions and duties**
- (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. 30
- (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 Te Atiawa with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 35
- (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, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

41 Rights not affected

- (1) The statutory acknowledgement and a deed of recognition—
- (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and 5
- (b) do not 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.

Consequential amendment to Resource Management Act 1991 10

42 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 “Te Atiawa Claims Settlement Act **2015**”.

Subpart 3—Overlay classification 15

43 Interpretation

In this subpart,—

Conservation Board means a board established under section 6L of the Conservation Act 1987

New Zealand Conservation Authority means the Authority established by section 6A of the Conservation Act 1987 20

overlay area—

- (a) means an area that is declared under **section 44(1)** to be subject to the overlay classification; but
- (b) does not include an area that is declared under **section 55(1)** to be no longer subject to the overlay classification 25

overlay classification means the application of this subpart to each overlay area

protection principles, for an overlay area,—

- (a) means the principles agreed by the trustees and the Minister of Conservation, as set out for the area in part 1 of the documents schedule; and 30
- (b) includes any principles as they are amended by the written agreement of the trustees and the Minister of Conservation

specified actions, for an overlay area, means the actions set out for the area in part 1 of the documents schedule 35

- statement of values**, for an overlay area, means the statement—
- (a) made by Te Atiawa of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and
 - (b) set out in part 1 of the documents schedule.
- 44 Declaration of overlay classification and the Crown’s acknowledgement** 5
- (1) Each area described in **Schedule 2** is declared to be subject to the overlay classification.
 - (2) The Crown acknowledges the statements of values for the overlay areas.
- 45 Purposes of overlay classification**
- The only purposes of the overlay classification are— 10
- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in **section 47**; and
 - (b) to enable the taking of action under **sections 48 to 53**.
- 46 Effect of protection principles**
- The protection principles are intended to prevent the values stated in the statement of values for an overlay area from being harmed or diminished. 15
- 47 Obligations on New Zealand Conservation Authority and Conservation Boards**
- (1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to an overlay area, the Authority or Board must have particular regard to— 20
 - (a) the statement of values for the area; and
 - (b) the protection principles for the area.
 - (2) Before approving a strategy or plan that relates to an overlay area, the New Zealand Conservation Authority or a Conservation Board must— 25
 - (a) consult the trustees; and
 - (b) have particular regard to the views of the trustees as to the effect of the strategy or plan on—
 - (i) any matters in the implementation of the statement of values for the area; and 30
 - (ii) any matters in the implementation of the protection principles for the area.
 - (3) If the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay area, the Authority must, before approving the strat- 35

egy, give the trustees an opportunity to make submissions in relation to those concerns.

48 Noting of overlay classification in strategies and plans

- (1) The application of the overlay classification to an overlay area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area. 5
- (2) The noting of the overlay classification is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 10

49 Notification in *Gazette*

- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—
 - (a) the declaration made by **section 44** that the overlay classification applies to the overlay areas; and 15
 - (b) the protection principles for each overlay area.
- (2) An amendment to the protection principles, as agreed by the trustees and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing. 20
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 50 or 51**. 10

50 Actions by Director-General

- (1) The Director-General must take action in relation to the protection principles that relate to an overlay area, including the specified actions. 25
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.
- (3) The Director-General must notify the trustees in writing of any action intended to be taken.

51 Amendment to strategies or plans 30

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to an overlay area.
- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment. 35

- (3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

52 Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes: 5

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 51(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area: 10
- (c) to create offences for breaches of regulations made under **paragraph (b)**:
- (d) to prescribe the following fines:
 - (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$5,000; and 15
 - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day on which the offence continues.

53 Bylaws

The Minister of Conservation may make bylaws for 1 or more of the following purposes: 20

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 51(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area: 25
- (c) to create offences for breaches of bylaws made under **paragraph (b)**:
- (d) to prescribe the following fines:
 - (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$1,000; and
 - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day on which the offence continues. 30

54 Effect of overlay classification on overlay areas

- (1) This section applies if, at any time, the overlay classification applies to any land in—
- (a) a national park under the National Parks Act 1980; or 35
 - (b) a conservation area under the Conservation Act 1987; or
 - (c) a reserve under the Reserves Act 1977.

- (2) The overlay classification does not affect—
- (a) the status of the land as a national park, conservation area, or reserve; or
 - (b) the classification or purpose of the land as a reserve.

55 Termination of overlay classification

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of an overlay area is no longer subject to the overlay classification. 5
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless—
- (a) the trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or 10
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands. 15
- (3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—
- (a) **subsection (2)(c)** applies; or
 - (b) there is a change in the statutory management regime that applies to all or part of the overlay area. 20

56 Exercise of powers and performance of functions and duties

- (1) The overlay classification does not affect, and must not be taken into account by, any person exercising a power or performing a function or duty under an enactment or a bylaw. 25
- (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 values stated in the statement of values for an overlay area than that person would give if the area were not subject to the overlay classification.
- (3) **Subsection (2)** does not limit **subsection (1)**. 30
- (4) This section is subject to the other provisions of this subpart.

57 Rights not affected

- (1) The overlay classification does not—
- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or 35
 - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay area.

- (2) This section is subject to the other provisions of this subpart.

Subpart 4—Official geographic names

58 Interpretation

In this subpart,—

Act means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 5

Board has the meaning given in section 4 of the Act

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

59 Official geographic names

- (1) A name specified in the second column of the table in clause 5.22 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table. 10
- (2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act. 15

60 Publication of official geographic names

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 59**.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date. 20

61 Subsequent alteration of official geographic names

- (1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—
- (a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but 25
- (b) must have the written consent of the trustees.
- (2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the Act.

Subpart 5—Vesting of cultural redress properties

62 Interpretation 30

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 3**:

Property vested in fee simple

- (a) Taumata:

Properties jointly vested in fee simple

- (b) Ngā Motu, which comprise—
- (i) as 1 property, Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock): 5
 - (ii) as 1 property, Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock):
 - (iii) as 1 property, Koruanga / Motukuku and Tokatapu.

Property vested in fee simple 10**63 Taumata**

- (1) This section takes effect only if an unconditional agreement for sale and purchase between the Crown and the registered proprietor of computer freehold register TNG2/1258 that relates to Sections 1 and 2 SO 483482 exists on settlement date. 15
- (2) The reservation of Sections 1 and 3 SO 483482 as a historic reserve subject to the Reserves Act 1977 is revoked.
- (3) The road shown as Section 4 SO 483482 is stopped and vests in the Crown as Crown land subject to the Land Act 1948.
- (4) Section 2 SO 483482 vests in the Crown as Crown land subject to the Land Act 1948. 20
- (5) The fee simple estate in Section 1 SO 483482 vests in the registered proprietors of computer freehold register TNG2/1258.
- (6) As soon as practicable after an order is produced for a computer freehold register, the Registrar-General must create, in the name of the registered proprietors of computer freehold register TNG2/1258, 1 computer freehold register for— 25
- (a) the fee simple estate in Section 1 SO 483482; and
 - (b) the balance of the land in computer freehold register TNG2/1258 (after the vesting by **subsection (4)**).
- (7) The fee simple estate in Taumata (which includes an area that forms part of Taumata Historic Reserve) vests in the trustees. 30
- (8) **Subsections (1) to (7)** do not take effect until the trustees have provided the Crown with a registrable easement in gross for a right to locate, access, and maintain monuments on the terms and conditions set out in part 7 of the documents schedule. 35
- (9) For the purposes of **subsection (7)**, the legal description for Taumata is set out in **Part 1 of Schedule 3**.

- (10) **Sections 70(1) and 71(1)** apply to the vesting in the registered proprietors of computer freehold register TNG2/1258 by **subsection (5)**.

64 Vesting and alternative description for Taumata in specified circumstances

- (1) This section takes effect only if the unconditional agreement for sale and purchase referred to in **section 63(1)** does not exist on settlement date. 5
- (2) The reservation of Section 3 SO 483482 as a historic reserve subject to the Reserves Act 1977 is revoked.
- (3) The road shown as Section 4 SO 483482 is stopped and vests in the Crown as Crown land subject to the Land Act 1948.
- (4) The fee simple estate in Taumata (which includes an area that forms part of Taumata Historic Reserve) vests in the trustees. 10
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Crown with a registrable easement in gross for a right to locate, access, and maintain monuments on the terms and conditions set out in part 7 of the documents schedule. 15
- (6) For the purposes of **subsection (4)**, the legal description for Taumata is set out in **Part 2 of Schedule 3**.

Ngā Motu: properties jointly vested in fee simple

65 Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock) 20

- (1) The Paritutu Centennial Park Act 1968 ceases to apply to Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock).
- (2) The declaration of Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock) as wildlife refuges under section 14 of the Wildlife Act 1953 is revoked. 25
- (3) Section 7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991 ceases to apply to Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock).
- (4) Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock) vest in the Crown as Crown land subject to the Land Act 1948. 30
- (5) The fee simple estate in Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock) vests as undivided half shares in the following as tenants in common:
- (a) a share vests in the trustees; and
- (b) a share vests in the trustees to be held in trust for the trustees of Te Kahui o Taranaki. 35
- (6) Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock)—

- (a) are wildlife refuges subject to section 14 of the Wildlife Act 1953; and
- (b) are subject to section 7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991.
- (7) Despite the vesting of Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock) by **subsection (5)** or any subsequent transfer of them,— 5
- (a) Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock) continue to be managed by the Department of Conservation—
- (i) as if they were held by the Crown as a conservation area under the Conservation Act 1987; and 10
- (ii) in accordance with the Sugar Loaf Islands Marine Protected Area Act 1991; and
- (b) any interests in land that affect Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock) must be dealt with for the purposes of registration as if the Crown were the registered proprietor of Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock). 15
- 66 Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock)** 20
- (1) The Harbour Boards Dry Land Endowment Revesting Act 1991 and section 7(1) and (2) of the Sugar Loaf Islands Marine Protected Area Act 1991 cease to apply to Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock).
- (2) Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock) vest in the Crown as Crown land under the Land Act 1948. 25
- (3) The fee simple estate in Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock) vests as undivided half shares in the following as tenants in common:
- (a) a share vests in the trustees; and 30
- (b) a share vests in the trustees to be held in trust for the trustees of Te Kahui o Taranaki.
- (4) Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock) are subject to section 7(1) and (2) of the Sugar Loaf Islands Marine Protected Area Act 1991. 35
- (5) Despite the vesting of Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock) by **subsection (3)** or any subsequent transfer of them,—

-
- (a) Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock) continue to be managed by the Department of Conservation—
- (i) as if they were held by the Crown as a conservation area under the Conservation Act 1987; and 5
- (ii) in accordance with the Sugar Loaf Islands Marine Protected Area Act 1991; and
- (b) any interests in land that affect Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock) must be dealt with for the purposes of registration as if the Crown were the registered proprietor of Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock). 10
- 67 Koruanga / Motukuku and Tokatapu**
- (1) The Harbour Boards Dry Land Endowment Revesting Act 1991 and section 7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991 cease to apply to Koruanga / Motukuku and Tokatapu. 15
- (2) Koruanga / Motukuku and Tokatapu vest in the Crown as Crown land subject to the Land Act 1948.
- (3) The fee simple estate in Koruanga / Motukuku and Tokatapu vests as undivided half shares in the following as tenants in common: 20
- (a) a share vests in the trustees; and
- (b) a share vests in the trustees to be held in trust for the trustees of Te Kahui o Taranaki.
- (4) Koruanga / Motukuku and Tokatapu are subject to section 7(1) and (3) of the Sugar Loaf Islands Marine Protected Area Act 1991. 25
- (5) Despite the vesting of Koruanga / Motukuku and Tokatapu by **subsection (3)** or any subsequent transfer of them,—
- (a) Koruanga / Motukuku and Tokatapu continue to be managed by the Department of Conservation—
- (i) as if they were held by the Crown as a conservation area under the Conservation Act 1987; and 30
- (ii) in accordance with the Sugar Loaf Islands Marine Protected Area Act 1991; and
- (b) any interests in land that affect Koruanga / Motukuku and Tokatapu must be dealt with for the purposes of registration as if the Crown were the registered proprietor of Koruanga / Motukuku and Tokatapu. 35

*General provisions applying to vesting of cultural redress properties***68 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 3**.

5

69 Registration of ownership

- (1) This section applies to the cultural redress properties vested in the trustees under this subpart.

Taumata

- (2) 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 Taumata in the name of the trustees; and
- (b) record on the computer freehold register any interests that are registered, notified, or registrable and that are described in the application.

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15

Ngā Motu

- (3) For each Ngā Motu property, the Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a computer freehold register for an undivided half share of the fee simple estate in each Ngā Motu property in the names of the trustees; and
- (b) create a computer freehold register for an undivided half share of the fee simple estate in each Ngā Motu property in the names of the trustees, to be held in trust for the trustees of Te Kahui o Taranaki; and
- (c) record on each computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (4) **Subsections (2) and (3)** are subject to the completion of any survey necessary to create a computer freehold register.

20

25

General requirements

- (5) 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
- (b) any later date that may be agreed in writing by the Crown and the trustees (and the trustees of Te Kahui o Taranaki, in the case of a Ngā Motu property).
- (6) In this section, **authorised person** means a person authorised by the chief executive of the Ministry of Justice.

30

35

70 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property in the trustees 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. 5
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a Ngā Motu property.
- (3) If a Ngā Motu property ceases to be a conservation area under this subpart, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or part of that property. 10
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.

71 Matters to be recorded on computer freehold register*Taumata*

- (1) For Taumata, the Registrar-General must record on the computer freehold register that the land is subject to Part 4A of the Conservation Act 1987. 15

Ngā Motu

- (2) For the Ngā Motu properties, the Registrar-General must record on each computer freehold register created under **section 69(3)(a) and (b)**—
- (a) 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
- (b) that the land is subject to **sections 70(3) and 74**.
- (3) In addition to the notifications required by **subsection (2)**, the Registrar-General must make further notifications as follows:
- (a) for Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock), that the land is subject to **section 65(7)(b)**: 25
- (b) for Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock), that the land is subject to **section 66(5)(b)**:
- (c) for Koruanga / Motukuku and Tokatapu, that the land is subject to **section 67(5)(b)**:
- (d) on each computer freehold register created under **section 69(3)(b)**, that the property is vested in the trustees to be held in trust for the trustees of Te Kahui o Taranaki. 30
- (4) If, in relation to a Ngā Motu property, the conservation status of the property ceases—
- (a) for all of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register created for that property under **section 69(3)(a) and (b)** the notifications that— 35

- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to the sections of this Act included in the notifications made under **subsection (2)**; or
- (b) for part of the property, the Registrar-General must ensure that, on any computer freehold register created under **section 69(3)(a) and (b)** or derived from a computer freehold register created under that section, the notifications referred to in **paragraph (a)** remain only for the part of the property that remains a conservation area. 5
- (5) The Registrar-General must comply with an application received in accordance with **subsection (4)(a)**. 10
- (6) The notifications required by **subsections (1) and (2)**, that land is subject to Part 4A of the Conservation Act 1987, are to be treated as having been made in compliance with section 24D(1) of that Act.
- 72 Application of other enactments** 15
- (1) The vesting of the fee simple estate in a cultural redress property under this subpart does not—
- (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, 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. 20
- (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 cultural redress property. 25
- (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. 30
- 73 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.
- (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.

74 Subsequent transfer of Ngā Motu

The registered proprietors of a Ngā Motu property may transfer the fee simple estate in the property only if— 5

- (a) the transferors of the property are or were the trustees of a trust; and
- (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 10
- (c) the instrument to transfer the property is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply.

Subpart 6—Taranaki Regional Council representation

75 Interpretation 15

In this subpart,—

arrangements means the framework set out in this subpart, and as developed by Ngāruahine, Te Atiawa, Taranaki Iwi, and the Crown to provide for the iwi of Taranaki to participate in the decision-making processes of the Taranaki Regional Council 20

committee means either or both of the following committees of the Council:

- (a) the committee responsible for policy and planning functions:
- (b) the committee responsible for regulatory functions

Council means the Taranaki Regional Council

iwi of Taranaki means— 25

- (a) Ngāti Tama; and
- (b) Ngāti Mutunga; and
- (c) Ngāti Ruanui; and
- (d) Ngā Rauru Kītahi; and
- (e) Taranaki Iwi; and 30
- (f) Ngāti Maru; and
- (g) Ngāruahine; and
- (h) Te Atiawa.

76 Purpose and objectives of subpart

- (1) The purpose of this subpart is to provide an effective mechanism for the iwi of Taranaki to contribute to the decision-making process of the Council. 35

- (2) The objectives of this subpart are to encourage and enable the iwi of Taranaki—
- (a) to participate directly in the decision-making processes of the Council; and
 - (b) to contribute directly to a wide range of the Council’s policy, regulatory, and advocacy functions; and 5
 - (c) to have an effective and workable representation that is cost-effective for the Council and of benefit to both the Council and the iwi of Taranaki.
- 77 Iwi representation on committee**
- (1) The iwi of Taranaki may nominate— 10
- (a) 3 iwi members for appointment to the committee of the Council that is responsible for policy and planning functions; and
 - (b) 3 iwi members for appointment to the committee of the Council that is responsible for regulatory functions.
- (2) The Council must appoint the members nominated under **subsection (1)** to the appropriate committee. 15
- (3) The members appointed under **subsection (2)**—
- (a) have the same status as members appointed by the Council under clause 31 of Schedule 7 of the Local Government Act 2002; and
 - (b) are entitled to the same remuneration and expenses as are payable to the other members of the committee to which they are appointed. 20
- 78 Members to act in interests of committee**
- Committee members who are appointed under **section 77(2)** must act in the interests of the committee to which they are appointed while also presenting the perspectives of the iwi of Taranaki to the committee. 25
- 79 Change in committee structure**
- (1) This subpart does not prevent the Council from adopting a different structure for a committee, including a structure that may result in a committee being discontinued, or some or all of the functions of a committee being removed, modified, or carried out by a new or an existing committee. 30
- (2) However,—
- (a) before making any change to the structure of a committee, the Council must consult the iwi of Taranaki; and
 - (b) the Council must ensure that any changes to the structure of a committee do not diminish the nature of the representation of the iwi of Taranaki that is set out in the deed of settlement. 35
- (3) Any dispute about the effect of a change to the structure of a committee on the representation of the iwi of Taranaki must be referred to—

- (a) the chief executive of Te Kotahitanga o Te Atiawa Trust; and
 - (b) the chief executive of the governance entity for any of the other iwi of Taranaki that are participating in the arrangements; and
 - (c) the chief executive of the Council.
- (4) The chief executives must work towards the resolution of the dispute in a manner that reflects the purpose and objectives set out in **section 76**. 5

Part 3 Commercial redress

80 Interpretation

In **subparts 1 and 2**,— 10

deferred selection property means a property described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

land holding agency means the land holding agency specified for a deferred selection property in part 3 of the property redress schedule. 15

Subpart 1—Transfer of deferred selection properties

81 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—
- (a) to transfer the fee simple estate in a deferred selection property to the trustees; and 20
 - (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (2) **Subsection (3)** applies to a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**. 25
- (3) As soon as is reasonably practicable after the date on which a 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 18** (which relates to the cancellation of resumptive memorials). 30

82 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 of the deed of settlement in relation to a deferred selection property.
- (2) Any such easement is— 35

- (a) enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
- (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. 5

83 Computer freehold registers for deferred selection properties

- (1) This section applies to a deferred selection property that is to be transferred to the trustees under **section 81**.
- (2) However, this section applies only to the extent that— 10
 - (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.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,— 15
 - (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
 - (c) omit any statement of purpose from the computer freehold register. 20
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register.
- (5) In this section and **section 84**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

84 Authorised person may grant covenant for later creation of computer freehold register 25

- (1) For the purposes of **section 83**, the authorised person may grant a covenant for the later creation of a computer freehold register for any deferred selection property.
- (2) Despite the Land Transfer Act 1952,— 30
 - (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a computer interest register; and
 - (b) the Registrar-General must comply with the request.

85 Application of other enactments

- (1) This section applies to the transfer to the trustees of the fee simple estate in a deferred selection property. 35

- (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.
- (3) The transfer does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or 5
 - (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. 10
- (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 81**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 15
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.

Subpart 2—Right of first refusal over RFR land

Interpretation

- 86 Interpretation** 20
- In this subpart and **Schedule 4**,—
- control**, for the purposes of **paragraph (d)** of the definition of Crown body, means,—
- (a) for a company, control of the composition of its board of directors; and
 - (b) for any other body, control of the composition of the group that would be its board of directors if the body were a company 25
- 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 30
 - (c) the New Zealand Railways Corporation; and
 - (d) a company or body that is wholly owned or controlled by 1 or more of the following:
 - (i) the Crown: 35
 - (ii) a Crown entity:
 - (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 (other than in **section 109**),—
- (a) means— 5
- (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
- (b) to avoid doubt, does not include— 10
- (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
- (iv) to remove an improvement, a fixture, or a fitting from the land 15
- exclusive RFR land** means land that is described in part 3 of the attachments and that is, on the settlement date,—
- (a) vested in the Crown; or
- (b) held in fee simple by the Crown
- expiry date**, in relation to an offer, means its expiry date under **sections 90(2)(a) and 91** 20
- non-exclusive RFR area** means the area shown on SO 477762
- non-exclusive RFR land** means the land that is within the non-exclusive RFR area and that is, on the settlement date,—
- (a) vested in the Crown; or 25
- (b) held in fee simple by the Crown; or
- (c) a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown
- notice** means a notice given under this subpart 30
- offer** means an offer by an RFR landowner, made in accordance with **section 90**, to dispose of RFR land to the trustees of any offer trust
- offer trust** means the trust specified for each of the following types of RFR land (or land obtained in exchange for the disposal of that land):
- (a) for exclusive RFR land, the trustees of Te Kotahitanga o Te Atiawa Trust: 35
- (b) for non-exclusive RFR land,—

- (i) the trustees of Te Kotahitanga o Te Atiawa Trust; and
- (ii) the trustees of Te Kāhui o Taranaki, if they are eligible to participate (*see* **section 88**)

public work has the meaning given in section 2 of the Public Works Act 1981

recipient trust means the trust specified for each of the following types of RFR land (or land obtained in exchange for the disposal of that land): 5

- (a) for exclusive RFR land, the trustees of Te Kotahitanga o Te Atiawa Trust:
- (b) for non-exclusive RFR land, the offer trust whose trustees accept an offer to dispose of the land under **section 93** 10

related company has the meaning given in section 2(3) of the Companies Act 1993

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 15
- (b) means a Crown body, if the body holds the fee simple estate in the land; and
- (c) includes a local authority to which RFR land has been disposed of under **section 96(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested— 20
 - (i) on the settlement date; or
 - (ii) after the settlement date, under **section 97(1)**

RFR period means,—

- (a) for exclusive RFR land, the period of 172 years on and from the settlement date: 25
- (b) for non-exclusive RFR land, the period of 172 years on and from the settlement date

subsidiary has the meaning given in section 5 of the Companies Act 1993

Taranaki Iwi— 30

- (a) means the collective group composed of individuals who are descended from an ancestor of Taranaki Iwi; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals. 35

87 Meaning of RFR land

- (1) In this subpart, **RFR land** means—

- (a) exclusive RFR land; and
 - (b) non-exclusive RFR land; and
 - (c) any land obtained in exchange for a disposal of RFR land under **section 101(1)(c) or 102**.
- (2) Land ceases to be RFR land if— 5
- (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees of a recipient trust or their nominee (for example, under **section 81** in the case of a deferred selection property or under a contract formed under **section 94**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 89(d)**; or 10
 - (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 98 to 104** (which relate to permitted disposals of RFR land); or 15
 - (ii) under any matter referred to in **section 105(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or
 - (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 114**; or 20
 - (d) the RFR period for the land ends.

88 Taranaki Iwi participation under this subpart

The trustees of Te Kāhui o Taranaki are eligible to participate as an offer trust in relation to non-exclusive land, but only on and from the settlement date defined in the legislation that settles the historical claims of Taranaki Iwi. 25

Restrictions on disposal of RFR land

89 Restrictions on disposal of RFR land

An RFR landowner must not dispose of RFR land to a person other than the trustees of a recipient trust or their nominee unless the land is disposed of— 30

- (a) under any of **sections 95 to 104**; or
- (b) under any matter referred to in **section 105(1)**; or
- (c) in accordance with a waiver or variation given under **section 114**; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust if the offer to the trustees of the offer trust was— 35
 - (i) made in accordance with **section 90**; and

- (ii) made on terms that were the same as, or more favourable to the trustees of the offer trust than, the terms of the disposal to the person; and
- (iii) not withdrawn under **section 92**; and
- (iv) not accepted under **section 93**. 5

Trustees' right of first refusal

90 Requirements for offer

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of 1 or both offer trusts, as the case requires. 10
- (2) The notice must include—
 - (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 statement that identifies the RFR land as exclusive RFR land or non-exclusive RFR land; and 15
 - (d) a street address for the land (if applicable); and
 - (e) a street address, postal address, and fax number or electronic address for the trustees of an offer trust to give notices to the RFR landowner in relation to the offer. 20

91 Expiry date of offer

- (1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the trustees of 1 or both offer trusts receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which the trustees of 1 or both offer trusts receive notice of the offer if— 25
 - (a) the trustees of the offer trust 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 30
 - (c) the earlier offer was not withdrawn.
- (3) For an offer of non-exclusive RFR land, if the RFR landowner has received notices of acceptance from the trustees of both offer trusts at the expiry date specified in the notice given under **section 90(1)**, the expiry date is extended for the trustees of both offer trusts to the date that is the 20th working day after the date on which the trustees receive the RFR landowner's notice given under **section 93(4)**. 35

92 Withdrawal of offer

The RFR landowner may, by notice to the trustees of 1 or both offer trusts, withdraw an offer at any time before it is accepted.

93 Acceptance of offer

- (1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if— 5
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) The trustees of an offer trust must accept all the RFR land offered, unless the offer permits them to accept less. 10
- (3) In the case of an offer of non-exclusive RFR land, the offer is accepted if, at the end of the expiry date, the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust.
- (4) In the case of an offer of non-exclusive RFR land, if the RFR landowner has received, at the expiry date specified in the notice of offer given under **section 90**, notices of acceptance from the trustees of both offer trusts, the RFR landowner has 10 working days in which to give notice to the trustees of those 2 offer trusts— 15
 - (a) specifying the offer trusts from whose trustees acceptance notices have been received; and 20
 - (b) stating that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th working day after the day on which the RFR landowner's notice is received under this subsection.

94 Formation of contract

- (1) If the trustees of an offer trust 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 those trustees on the terms in the offer. 25
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees of the recipient trust.
- (3) Under the contract, the trustees of the recipient trust may nominate any person other than those trustees (the **nominee**) to receive the transfer of the RFR land. 30
- (4) The trustees of the recipient trust 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. 35
- (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.
- (6) If the trustees of the recipient trust nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

Disposals to others but land remains RFR land 5

95 Disposal to the Crown or Crown bodies

- (1) An RFR landowner may dispose of RFR land to—
 - (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. 10

96 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. 15
- (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.

97 Disposal of reserves to administering bodies 20

- (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 25
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (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. 30

Disposals to others where land may cease to be RFR land

98 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.

99 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
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or 5
 - (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. 10

100 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 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or 15
- (c) section 355(3) of the Resource Management Act 1991; or
- (d) an Act that—
 - (i) excludes the land from a national park within the meaning of the National Parks Act 1980; and
 - (ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977. 20

101 Disposal of land held for public works

- (1) An RFR landowner may dispose of RFR land in accordance with— 25
 - (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (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 30
 - (d) section 117(3)(b) of the Public Works Act 1981 if the 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 Māori Land Court under section 134 of Te Ture Whenua Māori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981. 35

- 102 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.
- 103 Disposal for charitable purposes** 5
- An RFR landowner may dispose of RFR land as a gift for charitable purposes.
- 104 Disposal to tenants**
- The Crown may dispose of RFR land—
- (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 10
 - (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—
 - (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 15
 - (c) under section 93(4) of the Land Act 1948.
- RFR landowner obligations*
- 105 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— 20
 - (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— 25
 - (i) that prevents or limits an RFR landowner’s disposal of RFR land to the trustees of an offer trust; and
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land. 30
 - (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***106 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. 5
- (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. 10
- (4) The notice must include the legal description of the land and the reference for the computer register.

107 Notice to trustees of offer trusts of disposal of RFR land to others

- (1) An RFR landowner must give the trustees of 1 or both offer trusts notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee. 15
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal.
- (3) The notice must include—
- (a) the legal description of the land, including any interests affecting it; and 20
 - (b) the reference for any computer register for the land; and
 - (c) the street address for the land (if applicable); and
 - (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 89**; and
 - (f) if the disposal is to be made under **section 89(d)**, a copy of any written contract for the disposal. 25

108 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— 30
 - (i) the trustees of a recipient trust or their nominee (for example, under **section 81** in the case of a deferred selection property or under a contract formed under **section 94**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 89(d)**; or 35

- (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 98 to 104**; or
 - (ii) under any matter referred to in **section 105(1)**; 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 114**. 5
- (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. 10
- (3) The notice must include—
- (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.
- 109 Notice to be given if disposal of non-exclusive RFR land being considered** 15
- (1) This section applies if an RFR landowner is considering whether to dispose of non-exclusive RFR land in a way that may require an offer under this subpart.
- (2) The notice must—
- (a) be given to the trustees of Te Kotahitanga o Te Atiawa Trust and to the trustees of Te Kāhui o Taranaki; and 20
 - (b) state that, if the landowner decides to dispose of the land, the landowner may be required to offer the land to the trustees of both offer trusts under this subpart.
- (3) The notice must be given immediately before the RFR landowner commences the processes under 1 of the following, as relevant: 25
- (a) section 52 of the Land Act 1948; or
 - (b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990; or
 - (c) section 40 of the Public Works Act 1981 (providing the tests in section 40(1) of that Act are met); or 30
 - (d) any other enactment that regulates or applies to the disposal of the land.
- (4) The notice must—
- (a) specify the legal description of the relevant land; and
 - (b) identify any computer register that contains that land; and
 - (c) specify the street address for that land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate it. 35

- (5) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—
- (a) section 207(4) of the Education Act 1989 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education Act 1989); or 5
 - (b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or
 - (c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment. 10
- (6) In this section, **dispose of** means to transfer the fee simple estate in the land.

110 Notice requirements

Schedule 4 applies to notices given under this subpart by or to—

- (a) an RFR landowner; or 15
- (b) the trustees of an offer trust or trustees of a recipient trust.

Right of first refusal recorded on computer registers

111 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,— 20
- (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 25
 - (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 30
 - (b) after receiving a notice under **section 106** 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. 35
- (4) The chief executive must provide a copy of each certificate to the trustees of 1 or both offer trusts 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 87**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land). 5

112 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 108**, issue to the Registrar-General a certificate that includes— 10
- (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.
- (2) The chief executive must provide a copy of each certificate to the trustees of 1 or both offer trusts as soon as is reasonably practicable after issuing the certificate. 15
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under **section 111** for the land described in the certificate. 20

113 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— 25
- (a) the reference for each computer register for that RFR land that still has a notification recorded under **section 111**; and
 - (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 of 1 or both offer trusts as soon as is reasonably practicable after issuing the certificate. 30
- (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 111** from any computer register identified in the certificate. 35

*General provisions applying to right of first refusal***114 Waiver and variation**

- (1) The trustees of 1 or both offer trusts 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. 5
- (2) The trustees of 1 or both offer trusts 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. 10

115 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.

116 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if the RFR holder— 15
- (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 that— 20
- (a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and
- (b) specify the date of the assignment; and
- (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and 25
- (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and **Schedule 4** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with any necessary modifications. 30
- (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 and obligations of the trustees of an offer trust under this subpart, because— 35
- (a) they are the trustees of 1 or more offer trusts; or

- (b) they have previously been assigned those rights and obligations under this section.

Subpart 3—Waitara endowment land

117 Waitara endowment land

- (1) This section applies to any Waitara endowment land transferred under any agreement that— 5
- (a) is entered into by the trustees and the Council; and
- (b) includes a statement to the effect that this section applies to the transfer of Waitara endowment land under the agreement.
- (2) Sections 140 and 141 of the Local Government Act 2002 (which relate to the disposal of endowment land) do not apply. 10
- (3) The reservation of any land as a reserve subject to the Reserves Act 1977 is revoked and sections 24 and 25 of that Act (which relate to the revocation of reserves) do not apply to the revocation.
- (4) Immediately before registration of the transfer of the land from the Council to the trustees,— 15
- (a) the Waitara Borough Reserves Vesting Act 1909 ceases to apply to the land; and
- (b) the Waitara Harbour Act 1940 ceases to apply to the land and to any proceeds from the sale of the land. 20
- (5) The transfer instrument must include a statement that the land is no longer subject to the Acts referred to in **subsection (4)**.
- (6) The Registrar-General must, upon registration of the transfer, remove from the computer freehold register for the land any memorial stating that the land is subject to an Act referred to in **subsection (4)**. 25
- (7) In this section,—
- Council** means the New Plymouth District Council
- Waitara endowment land** means the fee simple estate in any land that is vested in the Council by—
- (a) the Waitara Harbour Act 1940: 30
- (b) the Waitara Borough Reserves Vesting Act 1909.

Part 4

Governance reorganisation and taxation provisions

118 Interpretation

- In this Part, unless the context otherwise requires,— 35
- assets and liabilities**—

- (a) means the assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement of this Act, by the trustees of Te Atiawa (Taranaki) Settlements Trust or by the relevant subsidiary, as the case requires; and
- (b) includes— 5
- (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and
- (ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere) 10
- exempt income** has the meaning given in section YA 1 of the Income Tax Act 2007
- Inland Revenue Acts** has the meaning given in section 3(1) of the Tax Administration Act 1994
- relevant subsidiary** means Te Atiawa (Taranaki) Holdings Limited 15
- reorganisation** means the changes provided for the governance arrangements of Te Atiawa in **subpart 1**
- taxable income** has the meaning given in section YA 1 of the Income Tax Act 2007
- tax charity** has the meaning given in section YA 1 of the Income Tax Act 2007 20
- Te Atiawa (Taranaki) Holdings Limited** means the registered charity of that name with registration number CC22620
- Te Atiawa (Taranaki) Settlements Trust** means the charitable trust of that name established by a trust deed dated 4 September 2006 with registration number CC10584 25
- transferred employee** means an employee to whom **section 129** applies.

Subpart 1—Governance reorganisation

Te Atiawa (Taranaki) Settlements Trust

- 119 Dissolution of Te Atiawa (Taranaki) Settlements Trust**
- (1) On the commencement of this Act,— 30
- (a) Te Atiawa (Taranaki) Settlements Trust is dissolved; and
- (b) the term of office of the trustees of that trust expires; and
- (c) proceedings by or against that trust may be continued, completed, and enforced by or against the trustees of the Te Kotahitanga o Te Atiawa Trust; and 35
- (d) a reference to Te Atiawa (Taranaki) Settlements Trust (express or implied) in any enactment (other than this Act), or in any instrument, regis-

ter, agreement, deed (other than the deed of settlement), lease, application, notice, or other document in force immediately before the commencement of this Act must, unless the context otherwise requires, be read as a reference to the trustees of Te Kotahitanga o Te Atiawa Trust.

- (2) A person holding office as a trustee of Te Atiawa (Taranaki) Settlements Trust immediately before the commencement of this Act is not entitled to compensation as a result of the expiry under this section of his or her term of office. 5

120 Vesting of assets and liabilities of Te Atiawa (Taranaki) Settlements Trust

- (1) On the commencement of this Act, the assets and liabilities of the trustees of the Te Atiawa (Taranaki) Settlements Trust— 10
- (a) vest in the trustees of Te Kotahitanga o Te Atiawa Trust and become the assets and liabilities of the trustees of Te Kotahitanga o Te Atiawa Trust; and
- (b) to the extent that those assets and liabilities are owned or held subject to any charitable trusts, are freed of all charitable trusts. 15
- (2) However, those assets and liabilities—
- (a) remain subject to any other trusts, covenants, or conditions affecting them; and
- (b) are subject to any trusts expressed in the deed of trust of Te Kotahitanga o Te Atiawa Trust. 20

Te Atiawa (Taranaki) Holdings Limited

121 Assets and liabilities of relevant subsidiary

- (1) If, on the commencement of this Act, the relevant subsidiary is a tax charity for the purposes of the Inland Revenue Acts, that subsidiary ceases to be a tax charity on that date. 25
- (2) To the extent that the assets and liabilities of the relevant subsidiary are held subject to any charitable trusts, on and from the commencement of this Act,—
- (a) those assets and liabilities are freed of all charitable trusts but subject to any other trusts, covenants, or conditions affecting those assets and liabilities; and 30
- (b) the constitution of the relevant subsidiary is deemed to have been amended to the extent necessary to give effect to **paragraph (a)**.
- (3) To avoid doubt,—
- (a) nothing in this subpart has the effect, of itself, of causing the relevant subsidiary to be a different person for the purposes of the Inland Revenue Acts; and 35
- (b) the assets and liabilities of the relevant subsidiary continue to be the assets and liabilities of that subsidiary; and

- (c) the income of the relevant subsidiary derived from revenue account property is exempt income until immediately before that company ceases to be a registered charitable entity.
- (4) In this section, **revenue account property** includes financial arrangements, trading stock, and depreciable property. 5

General matters relating to reorganisation

122 Matters not affected by transfer

Nothing given effect to or authorised by this subpart—

- (a) places any person in breach of a contract or confidence, or involves the person in the commission of a civil wrong; or 10
- (b) creates a right for any person to terminate or cancel any contract or arrangement, to accelerate the performance of an obligation, to impose a penalty, or to increase a charge; or
- (c) places any person in breach of an enactment, rule of law, or contract that prohibits, restricts, or regulates the assignment or transfer of an asset or a liability or the disclosure of information; or 15
- (d) releases a surety, wholly or in part, from an obligation; or
- (e) invalidates or discharges a contract.

123 Status of existing instruments

- (1) The trustees of Te Kotahitanga o Te Atiawa Trust are to be treated as if they are the trustees of Te Atiawa (Taranaki) Settlements Trust under any existing instrument— 20
- (a) to which the trustees of Te Atiawa (Taranaki) Settlements Trust were a party; or
- (b) that the trustees of Te Atiawa (Taranaki) Settlements Trust gave, received, or were to give or receive. 25
- (2) An express or implied reference to the trustees of Te Atiawa (Taranaki) Settlements Trust in an existing instrument or in a register must be read as a reference to the trustees of Te Kotahitanga o Te Atiawa Trust, unless the context otherwise requires. 30
- (3) In this section, **existing instrument** means any agreement, deed, undertaking, application, notice, instrument recording an interest in land, or other document in effect immediately before the commencement of this Act.

124 Status of existing securities

- (1) A security held by the trustees of Te Atiawa (Taranaki) Settlements Trust as security for a debt or other liability to that trust incurred before the commencement of this Act— 35

- (a) is available to the trustees of Te Kotahitanga o Te Atiawa Trust as security for the discharge of that debt or liability; and
- (b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to those trustees incurred on or after the commencement of this Act. 5
- (2) The trustees of Te Kotahitanga o Te Atiawa Trust are entitled to the same rights and priorities, and subject to the same liabilities, in relation to the security as the trustees of Te Atiawa (Taranaki) Settlements Trust would be if this Act had not been passed.
- 125 Continuation of proceedings** 10
- (1) An action, arbitration, proceeding, or cause of action that was pending or existing by, against, or in favour of the trustees of Te Atiawa (Taranaki) Settlements Trust before the commencement of this Act may be continued and enforced by, against, or in favour of the trustees of Te Kotahitanga o Te Atiawa Trust.
- (2) It is not necessary to amend a pleading, writ, or other document to continue the action, arbitration, proceeding, or cause of action. 15
- 126 Books and documents to remain evidence**
- (1) A document, matter, or thing that would have been admissible in evidence for or against the trustees of Te Atiawa (Taranaki) Settlements Trust is, on and after the commencement of this Act, admissible in evidence for or against the trustees of Te Kotahitanga o Te Atiawa Trust. 20
- (2) In this section, **document** has the meaning given in section 4(1) of the Evidence Act 2006.
- 127 Removal from register of charitable entities**
- (1) The Te Atiawa (Taranaki) Settlements Trust and Te Atiawa (Taranaki) Holdings Limited must be removed, under section 31 of the Charities Act 2005, from the register of charitable entities with effect on and from the commencement of this Act. 25
- (2) This section applies despite anything else in the Charities Act 2005.
- 128 Other registers** 30
- (1) The Registrar-General or any other person charged with keeping documents or registers is not required, solely because of the other provisions of this subpart, to change, in the documents or registers, the names of the trustees of Te Atiawa (Taranaki) Settlements Trust to the names of the trustees of Te Kotahitanga o Te Atiawa Trust. 35
- (2) If the trustees of Te Kotahitanga o Te Atiawa Trust present an instrument to a registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in those trustees, as specified in the instrument.

- (3) For the purposes of **subsection (2)**, the instrument need not be an instrument of transfer, but must—
- (a) be executed or purport to be executed by the trustees of Te Kotahitanga o Te Atiawa Trust; and
 - (b) relate to assets or liabilities owned, controlled, or held, wholly or in part, by the trustees of Te Atiawa (Taranaki) Settlements Trust immediately before the commencement of this Act; and
 - (c) be accompanied by a certificate given by the trustees of Te Kotahitanga o Te Atiawa Trust or their solicitor stating that the property was vested in those trustees by or under this Act.

Employees

129 Transfer of employees

On the commencement of this Act, each employee of the trustees of the Te Atiawa (Taranaki) Settlements Trust ceases to be an employee of that trust and becomes an employee of the trustees of Te Kotahitanga o Te Atiawa Trust.

130 Protection of terms and conditions of employment

- (1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to him or her immediately before the commencement of this Act.
- (2) **Subsection (1)**—
- (a) continues to apply to the terms and conditions of employment of a transferred employee until the terms and conditions are varied by agreement between the transferred employee and the trustees of Te Kotahitanga o Te Atiawa Trust; and
 - (b) does not apply to a transferred employee who accepts any subsequent appointment with those trustees.

131 Continuity of employment

For the purposes of any enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee, the transfer of the person's employment from the trustees of Te Atiawa (Taranaki) Settlements Trust to the trustees of Te Kotahitanga o Te Atiawa Trust does not, of itself, break the employment of that person, and the period of his or her employment by the trustees of Te Atiawa (Taranaki) Settlements Trust is to be regarded as having been a period of service with the trustees of Te Kotahitanga o Te Atiawa Trust.

132 No compensation for technical redundancy

A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that—

- (a) the position held by the employee with the trustees of Te Atiawa (Taranaki) Settlements Trust has ceased to exist; or
- (b) the employee has ceased, as a result of his or her transfer to the trustees of Te Kotahitanga o Te Atiawa Trust, to be an employee of the trustees of Te Atiawa (Taranaki) Settlements Trust.

5

133 Liability of employees and agents

- (1) A trustee, an officer, or a representative of Te Atiawa (Taranaki) Settlements Trust who held office at any time before the commencement of this Act is not personally liable for any act or thing done or omitted to be done by that person before the commencement of this Act in the exercise or bona fide exercise of a duty under any enactment or the relevant deed of trust. 10
- (2) This section applies only—
 - (a) in the absence of actual fraud; and
 - (b) if the act or omission does not amount to an offence under any enactment or rule of law. 15

Final report

134 Final report of Te Atiawa (Taranaki) Settlements Trust

- (1) As soon as practicable after the commencement of this Act, the trustees of Te Kotahitanga o Te Atiawa Trust must prepare the final report of Te Atiawa (Taranaki) Settlements Trust. 20
- (2) The report must show the financial results of the operation for the period—
 - (a) starting on the day after the last day covered by the previous annual report; and
 - (b) ending on the day before the commencement of this Act.
- (3) At the first general meeting of the trustees of Te Kotahitanga o Te Atiawa Trust after the final report has been completed, the trustees of Te Kotahitanga o Te Atiawa Trust must present the final report of Te Atiawa (Taranaki) Settlements Trust. 25

Subpart 2—Taxation provisions

135 Application and interpretation 30

- (1) This subpart applies, by virtue of the reorganisation of the governance of Te Atiawa under **subpart 1**, for the purposes of the Inland Revenue Acts.
- (2) In this subpart,—
 - taxable Maori authority distribution** has the meaning given in section HF 7 of the Income Tax Act 2007 35
 - undistributed charitable amount** has the meaning given in **section 136(5)**, applied as the context may require.

*Te Atiawa (Taranaki) Settlements Trust***136 Taxation in respect of transfer of assets and liabilities of Te Atiawa (Taranaki) Settlements Trust**

- (1) On and from the date on which the assets and liabilities of the trustees of Te Atiawa (Taranaki) Settlements Trust vest in the trustees of Te Kotahitanga o Te Atiawa Trust by **section 120(1)**,— 5
- (a) those trustees are deemed to be the same person as the trustees of Te Atiawa (Taranaki) Settlements Trust; and
- (b) everything done by the trustees of Te Atiawa (Taranaki) Settlements Trust before that date is deemed to have been done by the trustees of Kotahitanga o Te Atiawa Trust on the date that it was done by the trustees of Te Atiawa (Taranaki) Settlements Trust. 10
- (2) Income derived or expenditure incurred by the trustees of Te Atiawa (Taranaki) Settlements Trust before the assets and liabilities vest in the trustees of Te Kotahitanga o Te Atiawa Trust does not become income derived or expenditure incurred by the trustees of Te Kotahitanga o Te Atiawa Trust just because the assets and liabilities vest in those trustees by **section 120(1)**. 15
- (3) **Subsection (4)** applies if income of the trustees of Te Atiawa (Taranaki) Settlements Trust—
- (a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and 20
- (b) is exempt income of the trustees of Te Atiawa (Taranaki) Settlements Trust but is not exempt income of the trustees of Te Kotahitanga o Te Atiawa Trust.
- (4) The trustees of Te Kotahitanga o Te Atiawa Trust must be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property— 25
- (a) on the day that it becomes the property of those trustees; and
- (b) for a consideration that is its market value.
- (5) The trustees of Te Kotahitanga o Te Atiawa trust must identify the undistributed charitable amounts, using the following formula: 30

$$x - y$$

where—

- x is the total amounts derived by the trustees of Te Atiawa (Taranaki) Settlements Trust that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by those trustees before the commencement of this Act 35
- y is the total of the amounts described in variable x that have been distributed before the commencement of this Act.

- (6) The undistributed charitable amounts described in **subsection (5)** are excluded from the corpus of the trustees of Te Kotahitanga o Te Atiawa Trust for the purposes of the Income Tax Act 2007, to the extent to which they are otherwise included but for this subsection.
- (7) If the trustees of Te Kotahitanga o Te Atiawa Trust distribute an undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless **subsection (8)** applies. 5
- (8) If the trustees of Te Kotahitanga o Te Atiawa Trust distribute an undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient. 10

137 Election of trustees of Te Kotahitanga o Te Atiawa Trust to be Māori authority

- (1) If the trustees of Te Kotahitanga o Te Atiawa Trust make an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, to the extent that the amount referred to in **section 136(5)** is distributed in an income year, that distribution will be— 15
- (a) exempt income if the distribution is applied for a charitable purpose; or
- (b) a taxable Māori authority distribution.
- (2) If this section applies, the amount must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007. 20

Relevant subsidiary

138 Taxation in respect of assets and liabilities of relevant subsidiary

- (1) This section applies, but only if—
- (a) the assets and liabilities of the relevant subsidiary remain the assets and liabilities of that subsidiary; and 25
- (b) income of the relevant subsidiary derived from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of that subsidiary before the commencement of this Act, and ceases to be exempt income as a result of the application of **section 121(1)**. 30
- (2) The relevant subsidiary is to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property for a consideration that is its market value on the date of the commencement of this Act.

139 Election by relevant subsidiary to be Māori authority 35

- (1) This section applies if the relevant subsidiary—
- (a) makes an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority; and

-
- (b) at the time when the election is made has an undistributed charitable amount arising from income that was exempt income under sections CW 41 and CW 42 of the Income Tax Act 2007 at the time when the income was derived.
- (2) The undistributed charitable amount must be calculated on the date on which the relevant subsidiary ceases to be a tax charity under **section 121(1)**. 5
- (3) A distribution of the undistributed charitable amount by the relevant subsidiary after its election to be a Māori authority is—
- (a) a distribution from exempt income of the subsidiary if the distribution is for a charitable purpose; or 10
- (b) if **paragraph (a)** does not apply, a taxable Māori authority distribution.
- (4) A distribution that is a taxable Māori authority distribution under **subsection (3)(b)** must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Schedule 1 Statutory areas

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Part 1

Areas subject to statutory acknowledgement

5

Statutory area	Location
Bayly Road Conservation Area	As shown on OTS-043-23
Herekawe Stream and its tributaries	As shown on OTS-043-32
Huatoki Stream and its tributaries	As shown on OTS-043-33
Huatoki Stream Marginal Strip	As shown on OTS-043-24
Huirangi Recreation Reserve	As shown on OTS-043-25
Kowhangamoku Stream and its tributaries	As shown on OTS-043-34
Mangahinau Esplanade Reserve	As shown on OTS-043-26
Manganui River and its tributaries	As shown on OTS-043-35
Mangati Stream and its tributaries	As shown on OTS-043-36
Manu Stream and its tributaries	As shown on OTS-043-37
Motukari Stream and its tributaries	As shown on OTS-043-38
Ngahere Scenic Reserve	As shown on OTS-043-27
Parahaki Stream and its tributaries	As shown on OTS-043-39
Tapuae Stream and its tributaries	As shown on OTS-043-40
Te Atiawa Coastal Marine Area	As shown on OTS-043-51
Te Henui Stream and its tributaries	As shown on OTS-043-41
Te Henui Stream Conservation Area	As shown on OTS-043-28
Waiau Stream and its tributaries	As shown on OTS-043-42
Waihi Stream and its tributaries	As shown on OTS-043-43
Waihowaka Stream and its tributaries	As shown on OTS-043-44
Waiongana Stream and its tributaries	As shown on OTS-043-45
Waiongana Stream Conservation Area	As shown on OTS-043-29
Waipapa Road Conservation Area	As shown on OTS-043-30
Waipapa Stream and its tributaries	As shown on OTS-043-46
Waipu Stream and its tributaries	As shown on OTS-043-47
Waitaha Stream and its tributaries	As shown on OTS-043-48
Waitara River and its tributaries	As shown on OTS-043-49
Waitara West Marginal Strip	As shown on OTS-043-31
Waiwhakaiho River and its tributaries	As shown on OTS-043-50

Part 2

Areas also subject to deed of recognition

Statutory area	Location
Awa te Take Pa Historic Reserve	As shown on OTS-043-08
Awa te Take Scenic Reserve	As shown on OTS-043-09
Everett Park Scenic Reserve	As shown on OTS-043-10

Statutory area	Location
Katere Scenic Reserve	As shown on OTS-043-11
Mahoetahi Historic Reserve	As shown on OTS-043-12
Makara Scenic Reserve	As shown on OTS-043-13
Ngangana Pa (being Manukorihi Recreation Reserve)	As shown on OTS-043-14
Onaero River and its tributaries	As shown on OTS-043-22
Papamoā (being Meeting of the Waters Scenic Reserve)	As shown on OTS-043-15
Puketakauere Pa Historic Reserve	As shown on OTS-043-16
Robe Street Conservation Area	As shown on OTS-043-17
Sentry Hill Conservation Area	As shown on OTS-043-18
Sentry Hill Redoubt Historic Reserve	As shown on OTS-043-19
Waitara River No 1 Marginal Strip	As shown on OTS-043-20
Waiwhakaiho River mouth (Crown Land Conservation Area)	As shown on OTS-043-21

Schedule 2 Overlay areas

s 44

Overlay area	Location	Description
Pukerangiora Pa Historic Reserve	As shown on OTS-043-04	<i>Taranaki Land District—New Plymouth District</i> 14.5687 hectares, more or less, being Section 267 Huirangi District. Part Proclamation 313.
Puketarata-Parihamore Historic Reserve	As shown on OTS-043-05	<i>Taranaki Land District—New Plymouth District</i> 3.9963 hectares, more or less, being Section Y New Plymouth Town Belt. All computer freehold register TN59/80. 0.8987 hectares, more or less, being Section 1 New Plymouth Town Belt. All <i>Gazette</i> notice 231601.1.
Rimutauteka Scenic Reserve	As shown on OTS-043-06	<i>Taranaki Land District—New Plymouth District</i> 2.9729 hectares, more or less, being Lot 1 DP 12873. All computer freehold register TNE4/951.
Waitara Scenic Reserve	As shown on OTS-043-07	<i>Taranaki Land District—New Plymouth District</i> 2.3070 hectares, more or less, being Section 1 SO 13429. All <i>Gazette</i> notice 411501.2.

Schedule 3

Cultural redress properties

ss 62, 63, 64, 68

Part 1

Property vested in fee simple

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Name of property	Description	Interests
Taumata	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>0.0620 hectares, more or less, being Section 3 SO 483482. Part computer freehold register TN62/173.</p> <p>0.0027 hectares, more or less, being Section 2 SO 483482. Part computer freehold register TNG2/1258.</p> <p>0.0037 hectares, more or less, being Section 4 SO 483482.</p>	<p>Subject to a right to locate, access, and maintain monuments as referred to in section 63(8).</p>

Ngā Motu: properties jointly vested in fee simple

Name of property	Description	Interests
Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock)	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>2.8150 hectares, approximately, being parts Section 181 Omata District Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock). Part computer freehold register TNB3/32. Subject to survey.</p> <p>As shown on OTS-043-03.</p>	<p>Subject to being a wildlife refuge under section 14 of the Wildlife Act 1953, as referred to in section 65(6)(a).</p>

Name of property	Description	Interests
Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock)	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>0.3550 hectares, approximately, being Part Moturoa. Subject to survey.</p> <p>1.8150 hectares, approximately, being Part New Plymouth Roadstead (Whareumu (Lion Rock) and Part Moturoa). Part computer freehold register TN102/148. Subject to survey.</p> <p>2.6300 hectares, approximately, being Motumahanga (Saddleback) and Waikaranga (Seal Rocks). Part computer freehold register TN144/101. Subject to survey.</p> <p>As shown on OTS-043-03.</p>	
Koruanga / Motukuku and Tokatapu	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>0.2230 hectares, approximately, being Tokatapu and Koruanga / Motukuku. Part computer freehold register TN144/101. Subject to survey.</p> <p>As shown on OTS-043-03.</p>	

Part 2

Alternative description of Taumata if section 64 applies

Name of property	Description	Interests
Taumata	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>0.0620 hectares, more or less, being Section 3 SO 483482. Part computer freehold register TN62/173.</p> <p>0.0037 hectares, more or less, being Section 4 SO 483482.</p>	Subject to a right to locate, access, and maintain monuments as referred to in section 64(5) .

Schedule 4

Notices in relation to RFR land

ss 86, 110, 116

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under **subpart 2 of Part 3** must be— 5

- (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
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,— 10
 - (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or 15
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 90**, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and 20
- (c) for a notice given under **section 106 or 108**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and
- (d) given by—
 - (i) delivering it by hand to the recipient's street address; or
 - (ii) posting it to the recipient's postal address; or 25
 - (iii) faxing it to the recipient's fax number; or
 - (iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite **clause 1**, a notice given in accordance with **clause 1(a)** may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 22(1)(a) and (b) of the Electronic Transactions Act 2002. 30

3 Time when notice received

- (1) A notice is to be treated as having been received—
 - (a) at the time of delivery, if delivered by hand; or 35
 - (b) on the fourth day after posting, if posted; or

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- (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 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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