



# Ahuriri Hapū Claims Settlement Act 2021

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Commencement      see section 2

## Contents

	Page
1      Title	6
2      Commencement	6
<b>Part 1</b>	
<b>Preliminary matters, historical account, acknowledgements and apology, and settlement of historical claims</b>	
<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	12
10     Apology	19
<i>Interpretation provisions</i>	
11     Interpretation of Act generally	21
12     Interpretation	21
13     Meaning of Ahuriri Hapū	24
14     Meaning of historical claims	25
<i>Historical claims settled and jurisdiction of courts, etc, removed</i>	
15     Settlement of historical claims final	26

<i>Amendment to Treaty of Waitangi Act 1975</i>		
16	Amendment to Treaty of Waitangi Act 1975	27
<i>Resumptive memorials no longer to apply</i>		
17	Certain enactments do not apply	27
18	Resumptive memorials to be cancelled	27
<i>Miscellaneous matters</i>		
19	Limit on duration of trusts does not apply	28
20	Access to deed of settlement	28
<b>Part 2</b>		
<b>Cultural redress</b>		
Subpart 1—Te Kawa o Papa		
21	Interpretation	29
22	Authority to enter into Te Kawa o Papa	29
23	Noting of Te Kawa o Papa on conservation planning documents	29
24	Te Kawa o Papa subject to rights, functions, and duties	29
25	Enforcement of Te Kawa o Papa	30
Subpart 2—Protocols		
26	Interpretation	30
<i>General provisions applying to protocols</i>		
27	Issuing, amending, and cancelling protocols	31
28	Protocols subject to rights, functions, and duties	31
29	Enforcement of protocols	31
<i>Crown minerals</i>		
30	Crown minerals protocol	32
<i>Taonga tūturu</i>		
31	Taonga tūturu protocol	32
Subpart 3—Statutory acknowledgement and deeds of recognition		
32	Interpretation	33
<i>Statutory acknowledgement</i>		
33	Statutory acknowledgement by the Crown	33
34	Purposes of statutory acknowledgement	33
35	Relevant consent authorities to have regard to statutory acknowledgement	34
36	Environment Court to have regard to statutory acknowledgement	34
37	Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement	34
38	Recording statutory acknowledgement on statutory plans	35
39	Provision of summary or notice to trustees	35
40	Use of statutory acknowledgement	36

	<i>Deeds of recognition</i>	
41	Issuing and amending deeds of recognition	36
	<i>General provisions relating to statutory acknowledgement and deeds of recognition</i>	
42	Application of statutory acknowledgement and deed of recognition to river or stream	37
43	Exercise of powers and performance of functions and duties	37
44	Rights not affected	38
	<i>Consequential amendment to Resource Management Act 1991</i>	
45	Amendment to Resource Management Act 1991	38
	Subpart 4—Overlay classification	
46	Interpretation	38
47	Declaration of overlay classification and the Crown’s acknowledgement	39
48	Purposes of overlay classification	39
49	Effect of protection principles	39
50	Obligations on New Zealand Conservation Authority and Conservation Boards	39
51	Noting of overlay classification in strategies and plans	40
52	Notification in <i>Gazette</i>	40
53	Actions by Director-General	40
54	Amendment to strategies or plans	41
55	Regulations	41
56	Bylaws	41
57	Effect of overlay classification on overlay areas	42
58	Termination of overlay classification	42
59	Exercise of powers and performance of functions and duties	43
60	Rights not affected	43
	Subpart 5—Official geographic names	
61	Interpretation	43
62	Official geographic names	44
63	Publication of official geographic names	44
64	Subsequent alteration of official geographic names	44
	Subpart 6—Vesting of cultural redress properties	
65	Interpretation	44
	<i>Properties vested in fee simple</i>	
66	Conservation House property	45
67	Pakake	45
	<i>Property vested in fee simple to be administered as reserve</i>	
68	Heipipi Pa	45

*General provisions applying to vesting of cultural redress properties*

69	Properties vest subject to or together with interests	45
70	Interests that are not interests in land	45
71	Registration of ownership	46
72	Application of Part 4A of Conservation Act 1987	46
73	Matters to be recorded on record of title	47
74	Application of other enactments	47
75	Name of Crown protected area discontinued	48

*Further provisions applying to Heipipi Pa*

76	Application of other enactments to Heipipi Pa	48
77	Subsequent transfer of Heipipi Pa reserve land	48
78	Transfer of Heipipi Pa reserve land to new administering body	48
79	Transfer of Heipipi Pa reserve land to trustees of existing administering body if trustees change	49
80	Heipipi Pa reserve land not to be mortgaged	49
81	Saving of bylaws, etc, in relation to Heipipi Pa	49

**Part 3**

**Te Muriwai o Te Whanga**

82	Interpretation	50
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*Te Komiti Muriwai o Te Whanga*

83	Establishment of Te Komiti Muriwai o Te Whanga	50
84	Purpose of Komiti	50
85	Functions of Komiti	51
86	Capacity	52
87	Members of Komiti	52
88	Allocation of appointments if local authorities reorganised	52
89	Members must act in interests of Te Muriwai o Te Whanga	53
90	Validity of acts	53
91	Resignation or removal of members	54
92	Members not personally liable	54
93	Administration and procedure of Komiti	54

*Te Muriwai o Te Whanga Plan*

94	Purpose and scope of Te Muriwai o Te Whanga Plan	54
95	Effect of Plan on Resource Management Act 1991 planning documents and resource consents	54
96	Effect of Plan on local government matters	55
97	Effect of Plan on conservation matters	55
98	Preparation and approval of first Plan	55
99	Review and amendment of Plan	56

**Part 4**  
**Commercial redress**

100	Interpretation	56
	Subpart 1—Transfer of deferred selection properties	
101	The Crown may transfer properties	57
102	Minister of Conservation may grant easements	57
103	Records of title for deferred selection properties	57
104	Authorised person may grant covenant for later creation of record of title	58
105	Application of other enactments	58
106	Ahuriri Station	59
	Subpart 2—Unlicensed land	
107	Unlicensed land	59
108	Management of marginal strips	59
	Subpart 3—Access to protected sites	
109	Right of access to protected sites	60
110	Right of access over unlicensed land	60
111	Right of access to be recorded on records of title	61
	Subpart 4—Right of first refusal over RFR land	
	<i>Interpretation</i>	
112	Interpretation	61
113	Meaning of RFR land	62
	<i>Restrictions on disposal of RFR land</i>	
114	Restrictions on disposal of RFR land	63
	<i>Trustees' right of first refusal</i>	
115	Requirements for offer	63
116	Expiry date of offer	64
117	Withdrawal of offer	64
118	Acceptance of offer	64
119	Formation of contract	64
	<i>Disposals to others where land remains RFR land</i>	
120	Disposal to the Crown or Crown bodies	65
121	Disposal of existing public works to local authorities	65
122	Disposal of reserves to administering bodies	65
	<i>Disposals to others where land may cease to be RFR land</i>	
123	Disposal in accordance with obligations under enactment or rule of law	66
124	Disposal in accordance with legal or equitable obligations	66
125	Disposal under certain legislation	66

126	Disposal of land held for public works	66
127	Disposal for reserve or conservation purposes	67
128	Disposal for charitable purposes	67
129	Disposal to tenants	67
	<i>RFR landowner obligations</i>	
130	RFR landowner's obligations subject to other matters	67
	<i>Notices about RFR land</i>	
131	Notice to LINZ of RFR land with record of title after settlement date	68
132	Notice to trustees of disposal of RFR land to others	68
133	Notice to LINZ of land ceasing to be RFR land	68
134	Notice requirements	69
	<i>Right of first refusal recorded on records of title</i>	
135	Right of first refusal to be recorded on records of title for RFR land	69
136	Removal of notations when land to be transferred or vested	70
137	Removal of notations when RFR period ends	70
	<i>General provisions applying to right of first refusal</i>	
138	Waiver and variation	71
139	Disposal of Crown bodies not affected	71
140	Assignment of rights and obligations under this subpart	71
	<b>Schedule 1</b>	72
	<b>Statutory areas</b>	
	<b>Schedule 2</b>	73
	<b>Overlay areas</b>	
	<b>Schedule 3</b>	74
	<b>Cultural redress properties</b>	
	<b>Schedule 4</b>	76
	<b>Administration and procedure of Te Komiti Muriwai o Te Whanga</b>	
	<b>Schedule 5</b>	79
	<b>Notices in relation to RFR land</b>	

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

**1 Title**

This Act is the Ahuriri Hapū Claims Settlement Act 2021.

**2 Commencement**

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

## Part 1

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

#### *Preliminary matters*

#### **3 Purpose**

The purpose of this Act is—

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

#### **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—
  - (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**

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.
- (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
  - (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ahuriri Hapū, as recorded in the deed of settlement; and
  - (e) defines terms used in this Act, including key terms such as Ahuriri Hapū and historical claims; and
  - (f) provides that the settlement of the historical claims is final; and

- (g) provides for—
  - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
  - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
  - (iii) the effect of the settlement on certain memorials; and
  - (iv) the exclusion of the limit on the duration of a trust; and
  - (v) access to the deed of settlement.
- (3) Part 2 provides for cultural redress, including—
  - (a) cultural redress that does not involve the vesting of land, namely,—
    - (i) a requirement that the Minister of Conservation, the Director-General, and the trustees enter into Te Kawa o Papa; and
    - (ii) protocols for Crown minerals and taonga tūturu on the terms set out in the documents schedule; and
    - (iii) a statutory acknowledgement by the Crown of the statements made by Ahuriri Hapū 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
    - (iv) an overlay classification applying to certain areas of land; and
    - (v) the provision of official geographic names; and
  - (b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties.
- (4) Part 3 provides for the establishment of Te Komiti Muriwai o Te Whanga and its role in relation to Te Muriwai o Te Whanga, which includes the preparation and approval of the Te Muriwai o Te Whanga Plan.
- (5) Part 4 provides for commercial redress, including,—
  - (a) in subpart 1, the transfer of deferred selection properties; and
  - (b) in subpart 2, the unlicensed land redress; and
  - (c) in subpart 3, the provision of access to protected sites; and
  - (d) in subpart 4, the right of first refusal over RFR land.
- (6) There are 5 schedules, as follows:
  - (a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:
  - (b) Schedule 2 describes the overlay areas to which the overlay classification applies:



- (c) Schedule 3 describes the cultural redress properties:
- (d) Schedule 4 contains administrative and procedural provisions that apply to Te Komiti Muriwai o Te Whanga:
- (e) Schedule 5 sets out provisions that apply to notices given in relation to RFR land.

*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 Ahuriri Hapū in the deed of settlement.

**8 Summary of historical account**

- (1) By the late 1840s, Ahuriri Hapū lived at settlements around Te Whanganui-ā-Orotu and the surrounding area, including Te Poraiti, Wharerangi, Awatoto, Waitanoa, Kapemaihi, and Pētane. About this time, Ahuriri rangatira began to consider the advantages that might arise from the promotion of Pākehā settlement in the Ahuriri district and offered land to the Crown for Pākehā settlement.
- (2) In 1850, the Crown opened negotiations with Ahuriri Māori to purchase a large block of land in their rohe. In order to persuade Ahuriri Māori to accept low prices, the Crown led them to believe that they would derive considerable benefits from selling their land to the Crown. In November 1851, the Crown purchased the Ahuriri block for £1,500. Ahuriri Hapū have long protested that Te Whanganui-ā-Orotu, a place of high spiritual and cultural significance and an important mahinga kai, was not included in the Ahuriri purchase. Although some land was reserved from within the boundaries of the Ahuriri block, the Crown did not ensure that the reserves would be preserved in Ahuriri Hapū ownership.
- (3) By 1855, the Crown's approach to land purchasing south of the Ahuriri block was contributing to tensions among Hawke's Bay Māori. The Crown was aware of these tensions but continued negotiations to purchase land in Hawke's Bay. In August 1857, armed conflict broke out among Hawke's Bay Māori. Fourteen Māori were killed and 39 were wounded in 3 engagements. In 1861, growing Māori opposition to land sales led the Crown to suspend land purchasing operations in Hawke's Bay and other districts.
- (4) In October 1866, Crown military forces attacked 2 parties of armed Māori at Ōmarunui and Herepoho after the expiry of an ultimatum demanding the surrender of Ōmarunui pā. The Crown captured 86 prisoners after these attacks, including individuals from Ngāti Matepū and Ngāti Māhu, and sent most of the

prisoners to the Chatham Islands, where they were detained without trial in harsh conditions for nearly 2 years.

- (5) In 1865, the Crown promoted native land laws that provided for title to Māori land to be awarded to no more than 10 individual grantees as absolute owners (the **10-owner rule**). Ahuriri Hapū understood the individual grantees to be trustees for their hapū communities. The Native Lands Act 1865 enabled the shares of individual grantees to be alienated without the consent of the other grantees for that block or other customary right-holders whose names were not included on the title. The 1865 Act did not prevent some settlers using practices such as extending credit to grantees and subsequently acquiring Māori land after securing debt against land titles with mortgages. These practices caused considerable public controversy in Hawke's Bay. There was some doubt that grantees fully understood the legal implications of the mortgages, leases, and sales they agreed to.
- (6) By 1870, the Crown and private parties had acquired about 51,000 acres of approximately 54,000 acres awarded to Ahuriri Hapū individuals under the 10-owner rule.
- (7) In 1867, 1870, and 1873, the Crown introduced legislation that attempted to provide for Māori land titles that better reflected the interests of wider communities of right-holders and to remedy problems that had arisen as a result of the 10-owner rule. These remedial measures did not apply to Ahuriri Hapū lands that had already passed through the Native Land Court by 1867 and that had been alienated by 1870. Over the next 30 years, Ahuriri Hapū protested about land issues through participation in the Repudiation and Kotahitanga movements. These movements sought the review of previous land transactions, the restriction of further land sales, and the reform of the native land laws.
- (8) In 1874, Parliament set aside all of Te Whanganui-ā-Orotu as an endowment for the Napier Harbour Board. Parliament did not establish a role for Ahuriri Hapū on the Board. After the 1931 Hawke's Bay earthquake raised parts of the bed of Te Whanganui-ā-Orotu above the water level, the Napier Harbour Board leased most of Te Whanganui-ā-Orotu to the Crown, and the Crown commenced drainage and reclamation work in Te Whanganui-ā-Orotu. The processes of drainage and reclamation, combined with the diversion of the Tūtaekurī River outlet to the sea, reduced Te Whanganui-ā-Orotu (originally approximately 9,500 acres in area) to a narrow tidal channel. Today, the remaining water-covered estuary area amounts to approximately 680 acres at high tide.
- (9) Between about 1900 and 1930, the Crown and private parties acquired most of the remaining lands of Ahuriri Hapū. Ahuriri Hapū state that money raised from these land sales was often required to meet living costs. By the post-Second World War period, most Ahuriri Māori had turned to waged employment to provide the necessities of life. The search for work led many whānau to

leave rural pā and kāinga and settle in urban areas such as Napier and Hastings. This undermined traditional kāinga and pā communities.

*Te whakarāpopototanga o ngā kōrero o mua*

- (1) Tae mai ki ngā tau tōmuri o te tekau tau 1840 e noho ana ngā Hapū o Ahuriri i ngā kāinga huri noa i Te Whanganui-ā-Orotu me ōna takiwā, tae atu ki Te Poraiti, Wharerangi, Awatoto, Waitanoa, Kapemaihi me Pētane. I taua wā ka tīmata ngā rangatira o Ahuriri ki te whai whakaaro ki ngā painga ka pupū ake pea i te whakatairanga i tā te Pākehā whakanoho whenua i te takiwā o Ahuriri, ā, ka tukuna he whenua ki te Karauna mō te whakanoho whenua e te Pākehā.
- (2) I te tau 1850, ka tīmata te Karauna ki te whakariterite me ngā Māori o Ahuriri ki te hoko i tētahi poraka whenua rahi i tō rātou rohe. Kia whakawhere ai i ngā Māori o Ahuriri ki te whakaae ki ngā utu iti, i kī te Karauna ka whiwhi rātou i ngā painga nunui i te hokonga o tō rātou whenua ki te Karauna. I te marama o Nōema 1851, i hoko te Karauna i te poraka Ahuriri mō te £1,500. Kua roa rawa ngā Hapū o Ahuriri e tautohetohe ana kīhai Te Whanganui-ā-Orotu, he wāhi hira ā-wairua, ā-ahurea hoki, he mahinga kai nunui anō hoki, i whai wāhi ki te hokonga o Ahuriri. Ahakoa i rāhuitia ētahi whenua mai i roto i ngā paenga o te poraka Ahuriri, kīhai te Karauna i whakarite ka noho tonu te rangatiratanga o aua rāhuitanga ki ngā Hapū o Ahuriri.
- (3) Tae mai ki te tau 1855, ko te āhua i hoko whenua ai te Karauna ki te taha tonga o te poraka Ahuriri tētahi pūtaka o ngā mānukanuka i waenga i ngā Māori o Te Matau-a-Māui. I te aweko te Karauna ki aua mānukanuka engari ka haere tonu ana whakariterite ki te hoko whenua i Te Matau-a-Māui. I Akuhata 1857, i pupū ake te kawae a riri i waenga i ngā Māori o Te Matau-a-Māui. Tekau mā whā ngā Māori i whakamatea, e 39 i taotū i roto i ētahi whakaanga e toru. I te tau 1861, nā te whakahētanga tipu haere a te Māori ki te hoko whenua i hīkina e te Karauna āna mahi hoko whenua i Te Matau-a-Māui me ētahi atu takiwā.
- (4) I te marama o Oketopa 1866, i huakina ētahi rōpū Māori mau rākau e rua i Ōmarunui me Herepoho e ngā ope taua o te Karauna i muri i te mōnehutanga o tētahi tauākī whakamutunga i whakahau kia whakahauraro te katoa i roto i te pā o Ōmarunui. Whai mai ana i aua āpiti ka mau hereheretia e 86 e te Karauna, kei roto ko ētahi nō Ngāti Matepū rāua ko Ngāti Māhu, ā, i tukuna te nuinga o aua mauhere ki Wharekauri i puritia ai rātou me te kore whakawā i ngā āhuatanga whakawiri mō tata ki te rua tau.
- (5) I te tau 1865, i whakatairanga te Karauna i ngā ture whenua Māori tērā i whakarite kia tukuna te kokoraho o ia whenua Māori ki ētahi kaiwhiwhi tekau iti iho rānei hei kaupupuri mārīka (te **ture kaupupuri tekau**). I whakaaro ngā Hapū o Ahuriri he kaitiaki aua kaiwhiwhi takitahi mō ō rātou hapori hapū. Nā te Ture mō ngā Whenua Māori 1865 i whakaahei te whakawāteatanga o ngā hea o tēnā me tēnā kaiwhiwhi me te kore whiwhi whakaaetanga o ērā atu kaiwhiwhi mō taua poraka, o ērā atu kaupupuri motika tuku iho rānei kāore ō rātou ingoa i whakaurua ki te kokoraho. Kīhai te Ture 1865 i aukati i ngā ritenga a ētahi kaiwhakanoho whenua pēnei i te hoatu moni taurewa ki ngā

kaiwhiwhi me te tango i ngā whenua Māori i muri i te whakaū nama ki ngā kokoraho whenua mā ngā mōkete. Ko aua ritenga he pūtaka o te wenerau nui i waenga i ngā iwi whānui i Te Matau-a-Māui. E ai ki te whakaaro o te wā, kāore pea ētahi kaiwhiwhi i mātau katoa ki ngā rara ā-ture o ngā mōkete, rīhi me ngā hokonga i whakaaetia e rātou.

- (6) Tae mai ki te tau 1870 kua riro i te Karauna me ētahi atu hunga kē tata ki te 51,000 eka o te 54,000 eka i whakawhiwhi ki ngā tāngata takitahi nō ngā Hapū o Ahuriri i raro i te ture kaupupuri tekau.
- (7) I whakaurua e te Karauna i ngā tau 1867, 1870 me te 1873 he ture i whakamātau ki te whakarato kokoraho whenua Māori i pai ake ai te whakaatu i ngā pānga o te haporī whānui atu o ngā kaupupuri motika, me te whakatika i ngā raruraru kua pupū ake hei mutunga iho o te ture kaupupuri tekau. Kīhai aua ritenga whakatikatika i hāngai ki ngā whenua o ngā Hapū o Ahuriri kua whakatau kētia i te Kōti Whakawā Whenua Māori tae mai ki te tau 1867, ā, kua whakawāteatia tae mai ki te tau 1870. Puta noa i ngā tau toru tekau i whai atu e tautohetohe ana ngā Hapū o Ahuriri mō ngā take whenua mā te whai wāhi ki ngā kaupapa Kōpaetanga me te Kotahitanga. Ko te whai a ēnei rōpū he arotake i ngā whakawhitinga whenua i mua, te aukati i ētahi anō hokonga whenua, me te whakatikatika i ngā ture whenua Māori.
- (8) I te tau 1874 i wehea e te Pāremata te katoa o Te Whanganui-ā-Orotu hei mea tuku iho mā te Poari Whanga o Ahuriri. Kīhai te Pāremata i whakarite tūnga mō ngā Hapū o Ahuriri i roto i te Poari. I muri i tā te rū whenua o Te Matau-a-Māui hāpainga i ētahi wāhi o te takere o Te Whanganui-ā-Orotu ki runga ake i te pae moana i te tau 1931, i rīhitia te nuinga o Te Whanganui-ā-Orotu e te Poari Whanga o Ahuriri ki te Karauna, ka tīmata te Karauna i ngā mahi whakaawa me ngā mahi whakawhenua anō i Te Whanganui-ā-Orotu. Nā aua mahi whakaawa me te whakawhenua anō, me te papare i te wahapū o Awa o Tūtaekurī, i whakaitia ai Te Whanganui-ā-Orotu (i tata ki te 9,500 eka te horahanga i mua) ki tētahi hawai whāiti e ngau ai te tai. I ēnei rā ko tōna 680 eka te horahanga o te wahapū i te paringa o te tai.
- (9) I waenga i te tau 1900 me te tau 1930 i riro i te Karauna me ngā hunga kē te nuinga o ngā whenua o ngā Hapū o Ahuriri. Ko te kī a ngā Hapū o Ahuriri whakapau ai te moni i whiwhi i aua hokonga whenua hei utu i te oranga tangata. Tae mai ki te wā o te pakanga tuarua o te ao kua tahuri kē te nuinga o ngā Māori o Ahuriri ki te whiwhi mahi e utua ana kia āhei ai te utu i ngā mea hiahia noa o te oranga. Nā taua rapunga mahi i wehe ai te maha o ngā whānau i ngā pā me ngā kāinga o te tuawhenua ki te noho i ngā tāone o Ahuriri me Heretaunga. Nā tēnei i whakaruhi ngā haporī o ngā pā me ngā kāinga taketake.

## 9 Acknowledgements

- (1) The Crown acknowledges that Ahuriri Hapū sought to establish ongoing and mutually beneficial relationships with the Crown after 1840, and that, as Treaty partners, Ahuriri Hapū have fulfilled their obligations under the Treaty of Wai-

tangi. The Crown further acknowledges that it has failed to deal with the long-standing and legitimately held grievances of Ahuriri Hapū in an appropriate way and that recognition of these grievances is long overdue. Accordingly, the Crown now makes the following acknowledgements.

- (2) The Crown acknowledges that—
  - (a) it sought to purchase the Ahuriri block, which encompassed a significant portion of the rohe of Ahuriri Hapū and included important resource-gathering and wāhi tapu sites, for the lowest price Māori would accept; and
  - (b) Ahuriri Hapū did not receive the full, ongoing benefits from European settlement that the Crown led them to expect if they agreed to sell the Ahuriri block for the price the Crown offered; and
  - (c) the Crown failed to ensure that adequate reserves from the Ahuriri purchase were protected in Ahuriri Hapū ownership, and this was a breach of the Treaty of Waitangi and its principles.
- (3) The Crown further acknowledges that—
  - (a) Ahuriri Hapū, including individuals involved in the Ahuriri transaction, have long protested that Te Whanganui-ā-Orotu was not included in the Ahuriri purchase and that Ahuriri Hapū never willingly relinquished their rangatiratanga over Te Whanganui-ā-Orotu; and
  - (b) Ahuriri Hapū retained rights and interests in Te Whanganui-ā-Orotu after 1851, but the Crown did not ensure that Ahuriri Hapū were given a role in the administration of Te Whanganui-ā-Orotu for many decades; and
  - (c) in 1932, Parliament recognised 6 islands in Te Whanganui-ā-Orotu as Māori customary land, as if they had not been included in the Ahuriri purchase; and
  - (d) the 6 islands in Te Whanganui-ā-Orotu were subsequently vested in Ahuriri Hapū ownership and then compulsorily acquired without any consultation or payment of compensation to Ahuriri Hapū; and
  - (e) the authorities in which the Crown vested Te Whanganui-ā-Orotu after 1851 have derived significant benefits from the endowment lands reclaimed from Te Whanganui-ā-Orotu after the Hawke's Bay earthquake; and
  - (f) for Ahuriri Hapū, the Crown's exercise of ownership and control over Te Whanganui-ā-Orotu from 1851 has been the source of deeply felt and longstanding grievances.
- (4) The Crown acknowledges that—
  - (a) it negotiated to purchase contested lands in Hawke's Bay, including the Aorangi, Ōtaranga, and Maraekākaho blocks, despite being aware that its approach to land purchase negotiations was provoking tensions that

- might lead to conflict among Māori who asserted interests in the blocks; and
- (b) these tensions led to armed conflict among Hawke’s Bay Māori, including some of the Ahuriri Hapū, in 1857; and
  - (c) the Crown’s failure to adequately investigate customary ownership when it purchased these lands was a breach of the Treaty of Waitangi and its principles.
- (5) The Crown acknowledges that—
- (a) in 1866 it issued an unreasonable ultimatum demanding the surrender of all those inside Ōmarunui, including individuals from Ngāti Matepū and Ngāti Māhu, rather than continue negotiations to preserve the peace; and
  - (b) Crown forces endangered the lives of all men, women, and children inside the pā by attacking Ōmarunui when the ultimatum expired; and
  - (c) Crown forces killed more than 30 people who were defending themselves at Ōmarunui and during another Crown attack at Herepoho; and
  - (d) the attacks at Ōmarunui and Herepoho were an injustice and breached the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that the detention of individuals from Ngāti Matepū and Ngāti Māhu on the Chatham Islands without trial in harsh conditions for nearly 2 years was an injustice and a breach of the Treaty of Waitangi and its principles.
- (7) The Crown acknowledges that—
- (a) it did not consult Ahuriri Hapū before introducing native land laws that provided for the individualisation of Ahuriri Hapū land previously held collectively in hapū tenure; and
  - (b) between 1866 and 1869, the Native Land Court awarded ownership of a number of land blocks in the Ahuriri Hapū rohe, totalling more than 50,000 acres, to 10 or fewer individuals in each case; and
  - (c) Ahuriri Hapū understood these individuals to be trustees for their hapū communities, but the native land laws did not prevent nearly all of this land from being alienated without the consent of the wider community of right-holders who were thereby dispossessed of their interests in these lands; and
  - (d) it did not take effective steps to prevent this dispossession before most of these lands had been alienated; and
  - (e) this meant the operation of the native land laws in these blocks did not reflect the Crown’s obligation to actively protect the interests of Ahuriri Hapū in land they may otherwise have wished to retain, and this was a breach of the Treaty of Waitangi and its principles.

- (8) The Crown acknowledges that the operation and impact of the native land laws, in particular the awarding of land to individuals rather than iwi or hapū, made Ahuriri Hapū lands more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of the tribal structures of Ahuriri Hapū, which were based on collective tribal custodianship of land. The Crown's failure to protect the tribal structures of Ahuriri Hapū was a breach of the Treaty of Waitangi and its principles.
- (9) The Crown acknowledges the significant efforts of Ahuriri Hapū to resist land sales and reform the native land laws through their involvement in inter-tribal political movements from the 1870s through to the 1890s. The Crown further acknowledges that it did not always recognise or respond to the issues raised by these movements, and this has been a source of lasting grievance for Ahuriri Hapū.
- (10) The Crown acknowledges that the compulsory taking of ancestral riparian land at Waiōhiki has had a detrimental effect on Ahuriri Hapū access to and relationship with the Tūtaekurī River.
- (11) The Crown acknowledges the importance of Te Whanganui-ā-Orotu as a source of physical and spiritual sustenance for Ahuriri Hapū, and that for Ahuriri Hapū Te Whanganui-ā-Orotu is a taonga of great significance. The Crown further acknowledges that dredging, reclamation, and pollution have had a damaging impact on the fish, shellfish, and other kai moana resources in Te Whanganui-ā-Orotu, and generations of Ahuriri Hapū have endured pain and hardship as a result of the loss of this formerly abundant resource.
- (12) The Crown acknowledges that—
  - (a) environmental modification and urban development in the Ahuriri Hapū rohe, including Te Whanganui-ā-Orotu, has damaged and destroyed wāhi tapu; and
  - (b) Ahuriri Hapū have lost access to many sites of cultural and spiritual significance; and
  - (c) the loss of wāhi tapu and erosion of the ability to exercise kaitiakitanga and other rights and responsibilities over these taonga has been a source of distress for Ahuriri Hapū.
- (13) The Crown acknowledges that the cumulative effect of Crown purchasing and the operation of the native land laws, particularly the operation of the 10-owner rule, contributed to Ahuriri Hapū being left virtually landless by about 1930. The Crown's failure to ensure that Ahuriri Hapū retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. This had a devastating impact on the economic, social, and cultural well-being and development of Ahuriri Hapū, and undermined their ability to protect and manage their natural resources and other taonga, including te reo Māori, and to maintain spiritual connections to their lands.

- (14) The Crown acknowledges that for too long Ahuriri Hapū have lived with poorer housing, lower rates of educational achievement, and worse health than many other New Zealanders. The Crown further acknowledges the longstanding dissatisfaction Ahuriri Hapū have felt about the provision of hospital and health services for Māori in Napier.
- (15) The Crown acknowledges the contribution of Ahuriri Hapū, over many years, to New Zealand. In particular, the Crown pays tribute to—
  - (a) the service of Ahuriri Hapū in the relief effort that followed the Hawke’s Bay earthquake; and
  - (b) the sacrifices Ahuriri Hapū made for New Zealand’s overseas wars in the twentieth century.

*Ngā Whakaaetanga*

- (1) Kei te whakaae te Karauna i ngana ngā Hapū o Ahuriri ki te whakapūmau i te whanaungatanga haere tonu i matarua ai ngā painga, ki te Karauna i muri i te tau 1840, ā, kua tutuki ngā Hapū o Ahuriri, hei hoa Tiriti, ō rātou here i raro i te Tiriti o Waitangi. Kei te whakaae anō te Karauna i rahua tāna whakatutuki i ngā whakamau mauroa, tōtika hoki o ngā Hapū o Ahuriri i runga i te tika, ā, he tino tōmuri rawa tāna whakaae ki aua whakamau. Nā reira, e pēnei ana ngā whakaaetanga a te Karauna.
- (2) Kei te whakaae te Karauna—
  - (a) i aru ki te hoko mai i te poraka Ahuriri, i roto ko te wāhanga nui o te rohe o ngā Hapū o Ahuriri me te maha o ngā pae hira mō te kohikohi rawa me ngā wāhi tapu, mō te utu iti rawa ka whakaaetia e te Māori;
  - (b) kīhai ngā Hapū o Ahuriri i whiwhi i ngā painga haere tonu katoa mai i tā te Pākehā whakanoho whenua tērā i kī te Karauna ka tūmanakohia e rātou mēnā ka whakaae ki te hoko atu i te poraka Ahuriri mō te utu i tukuna e te Karauna; ā,
  - (c) i rahua e te Karauna te whakarite kia mau tonu i ngā Hapū o Ahuriri te rangatiranga o ngā rāhuitanga rawaka i te hokonga o Ahuriri, ā, he takahitanga tēnei o te Tiriti o Waitangi me ōna mātāpono.
- (3) Kei te whakaae anō hoki te Karauna—
  - (a) Kua roa rawa ngā Hapū o Ahuriri, tae atu ki ngā tāngata i whai wāhi ai ki te hokonga atu o Ahuriri, e tautohetohe ana kīhai i whakaurua Te Whanganui-ā-Orotu ki roto i te hokonga atu i Ahuriri, ā, kīhai rawa ngā Hapū o Ahuriri i hiahia ki te tuku i tō rātou rangatiranga ki runga i Te Whanganui-ā-Orotu;
  - (b) i pupuri ngā Hapū o Ahuriri i ngā motika me ngā pānga ki Te Whanganui-ā-Orotu i muri i te tau 1851, engari kīhai te Karauna i whakarite kia whai tūnga ngā Hapū o Ahuriri ki te whakahaerenga o Te Whanganui-ā-Orotu mō te hia tekau tau;



- (c) i te tau 1932 ka āhukahukatia e te Pāremata e 6 ngā motu i Te Whanganui-ā-Orotu hei whenua Māori tuku iho, me te mea nei kāore i te whai wāhi ki te hokonga o Ahuriri;
  - (d) i muri iho ka tauria aua motu e 6 i Te Whanganui-ā-Orotu ki raro i te rangatiratanga o ngā Hapū o Ahuriri, kātahi ka tango whakaturetia kāore he whakawhitiwhi kōrero, kāore rānei he utu ki ngā Hapū o Ahuriri;
  - (e) he nui ngā painga ōhanga mai i ngā whenua tuku iho i tāmatatia i Te Whanganui-ā-Orotu i muri i te rū whenua i Te Matau-a-Māui, i riro i muri 1851 i ngā mana i tauria ai Te Whanganui-ā-Orotu e te Karauna; ā,
  - (f) mō ngā Hapū o Ahuriri, ko te ekengia o tōna mana e te Karauna me nga whakahaerenga a te Karauna e pā ana ki Te Whanganui-ā-Orotu mai i te tau 1851 te pūtake o ngā mamae ngau kino, mauroa anō hoki.
- (4) Kei te whakaae te Karauna—
- (a) i whakarite ki te hoko i ētahi whenua e tautohea ana i Te Matau-a-Māui, tae atu ki ngā poraka o Aorangi, Ōtaranga me Maraekākaho, ahakoa i te mōhio e pātaritari ana tōna huarahi mō te whakarite hokonga whenua i ngā mānukanuka ko te mutunga iho pea ka pupū te papā i waenga i ngā Māori e tāpae kōrero ana mō ō rātou pānga ki aua poraka;
  - (b) nā aua mānukanuka i pupū ake te kawae a riri i waenga i ngā Māori o Te Matau-a-Māui, tae atu ki ētahi o ngā Hapū o Ahuriri, i te tau 1857; ā,
  - (c) i takahia te Tiriti o Waitangi me ōna mātāpono e te kore tika o tā te Karauna rangahau i te rangatiratanga tuku iho i tāna hokonga mai o aua whenua.
- (5) Kei te whakaae te Karauna—
- (a) i tuku i te tau 1866 i tētahi tauākī whakamutunga kutikuti i whakahau kia whakahauraro te katoa i roto i Ōmarunui, tae atu ki ngā tāngata nō Ngāti Matepū rāua ko Ngāti Māhu, mahue atu te whakariterite haere tonu i te hohou rongō; ā,
  - (b) he mea whakamōrea ngā oranga o ngā tāne, wāhine, tamariki katoa i roto i te pā e te whakaekenga o Ōmarunui i te mōnehutanga o te tauākī whakamutunga; ā,
  - (c) i whakamatea e te Karauna neke atu i te 30 tāngata e wawao ana i a rātou anō i Ōmarunui, i tētahi atu whakaekenga o te Karauna i Herepoho; ā,
  - (d) he mahi tūkinō ngā whakaekenga o Ōmarunui me Herepoho me te takahi i te Tiriti o Waitangi me ōna mātāpono.
- (6) Kei te whakaae te Karauna he mahi tūkinō me te takahitanga o te Tiriti o Waitangi me ōna mātāpono te whakarau tāngata nō Ngāti Matepū rāua ko Ngāti Māhu i ngā āhuetanga whakawiri ki Te Wharekauri me te kore whakawā mō tata ki te 2 tau.
- (7) Kei te whakaae te Karauna—

- (a) kīhai i whakawhitiwhiti kōrero ki ngā Kōti Whakawā Whenua Māori i mua i te whakauru i ngā ture whenua Māori tērā i tuku i te whakatakitahitanga o ngā whenua o ngā Hapū o Ahuriri i puritia tōpūtia e ngā hapū i mua; ā,
  - (b) i waenga i te tau 1866 me te tau 1869 i tukuna e te Kōti Whakawā Whenua Māori te rangatiranga o ētahi poraka whenua i te rohe o ngā Hapū o Ahuriri, hui katoa neke atu i te 50,000 eka, ki te 10 iti iho rānei ngā tāngata takitahi mō ia poraka; ā,
  - (c) i whakaaro ngā Hapū o Ahuriri he kaitiaki aua tāngata takitahi mō ō rātou hapori hapū engari kīhai ngā ture whenua Māori i ārai i te whakawāteatanga o tata ki te katoa o ēnei whenua me te kore whakaaetanga o te hapori whānui ake o ngā kaipupuri motika, ā, ko te mutunga iho he mea raupatu ō rātou pānga ki aua whenua; ā,
  - (d) kīhai i whaitake āna mahi ki te ārai i tēnei raupatutanga i mua i te whakawāteanga o te nuinga o aua whenua; ā,
  - (e) ko te tikanga o tēnei kīhai i tutuki i te whakahaerenga o ngā ture whenua Māori i aua poraka te here a te Karauna ki te āta tiaki i ngā pānga o ngā Hapū o Ahuriri ki ngā whenua tērā kē i hiahia pea ki te pupuri, ā, he takahitanga tēnei o te Tiriti o Waitangi me ōna mātāpono.
- (8) Kei te whakaae te Karauna he mea whakarite e te mahinga me te pānga o ngā ture whenua Māori, ina koa te tuku i ngā poraka ki ngā tāngata takitahi, kua ki te iwi, ngā hapū rānei, kia kaha ake te pā o te roherohe, te whakawehewehe me te whakawāteatanga ki ngā whenua o ngā Hapū o Ahuriri. I whai wāhi tēnei ki te memeha haere o ngā hanganga ā-iwi o ngā Hapū o Ahuriri, tērā e ahu mai ana i tō te iwi kaitiakitanga tōpū o te whenua. Ko tā te Karauna rahunga ki te tiaki i ngā hanganga ā-iwi o ngā Hapū o Ahuriri he takahitanga o te Tiriti o Waitangi me ōna mātāpono.
- (9) Kei te āhukahuka te Karauna i ngā mahi nunui a ngā Hapū o Ahuriri ki te ātete i te hoko whenua me te whakahou i ngā ture whenua Māori mā ā rātou whai wāhi ki ngā kaupapa tōrangapū whakawhiti iwi mai i ngā tau o 1870 ki ngā tau o 1890. Kei te whakaae anō hoki te Karauna kīhai i tautohu, i urupare rānei i ngā wā katoa ki ngā take i kōkiritia e aua kuhunga tōrangapū, ā, he pūtake tērā o te whakamau mauroa ki ngā Hapū o Ahuriri.
- (10) Kei te whakaae te Karauna he kino te pānga o te tango whakature i ngā whenua pārengarenga tuku iho i Waiōhiki ki te āhei me te hononga o ngā Hapū o Ahuriri ki te Awa o Tūtaekurī.
- (11) Kei te āhukahuka te Karauna i te hiranga o Te Whanganui-ā-Orotu hei puna ora, puna wairua hoki ki ngā Hapū o Ahuriri, ā, ki ngā Hapū o Ahuriri anō hoki he tino taonga Te Whanganui-ā-Orotu. Kei te whakaae anō hoki te Karauna he kino te pānga o te rou takere, te whakawhenua anō, me te parakino ki ngā ika, mātaitai, me ērā atu rawa kai moana i Te Whanganui-ā-Orotu, ā, e pāngia ana

ngā whakatipuranga maha o ngā Hapū o Ahuriri e te mamae me te whakawiringa nā te ngaromanga o tēnei rawa pūkahu o mua.

- (12) Kei te whakaae te Karauna—
- (a) kua tūkinotia, kua hoepapatia ētahi wāhi tapu i te rohe o ngā Hapū o Ahuriri, tae atu ki Te Whanganui-ā-Orotu, e te hurihanga o te taiao me te whakawhanaketanga ā-tāone;
  - (b) kua ngaro i ngā Hapū o Ahuriri tō rātou āhei ki ngā pae hira ā-ahurea, ā-wairua hoki; ā,
  - (c) he mātāpuna kohuki tonu ki ngā Hapū o Ahuriri te ngaromanga o ngā wāhi tapu me te memeha haere o te kaha whakatutuki i te kaitiakitanga me ētahi atu motika, kawenga anō hoki e pā ana ki aua taonga.
- (13) Kei te whakaae te Karauna i whai wāhi te pānga tāpiripiri o ngā mahi hoko whenua a te Karauna me te whakahaere i ngā ture whakawā whenua Māori, ina koa te whakahaerenga o te ture kaupupuri whenua 10, ki te korenga o tata ki te katoa o ngā whenua o ngā Hapū o Ahuriri tae mai ki te tau 1930. Ko tā te Karauna rahunga ki te whakarite kia mau tonu i ngā Hapū o Ahuriri ngā whenua rawaka mō ō ratou hiahia o nāianei, mō āpōpō hoki, he takahitanga o te Tiriti o Waitangi me ōna mātāpono. He pānga whakaiki tō tēnei ki te oranga me te whanaketanga ā-ōhanga, ā-pāpori, ā-ahurea hoki o ngā Hapū o Ahuriri, me te whakarui i tō rātou kaha ki te tiaki me te whakahaere i ō rātou rawa o te taiao me ētahi atu taonga, tae atu ki te reo Māori, me te mau tonu ki ō rātou hononga ā-wairua ki ō rātou whenua.
- (14) Kei te whakaae te Karauna kua roa rawa ngā Hapū o Ahuriri e noho ana i ngā whare kino ake, kua whiwhi i ngā paetae mātauranga iti iho, kua kino ake tō rātou hauora, i te nuinga o ērā atu tāngata o Aotearoa. I tua atu kei te whakaae te Karauna ki te whakaahu mauroa o ngā Hapū o Ahuriri mō te whakaratonga o ngā ratonga hōhipera, hauora anō hoki ki ngā Māori i Ahuriri.
- (15) Kei te āhukahuka te Karauna i ngā takoha nā ngā Hapū o Ahuriri mō te hia tau ki a Aotearoa. Ina koa, kei te whakamihī te Karauna—
- (a) i ngā mahi whakamāmā nā ngā Hapū o Ahuriri i muri tonu iho i te rū whenua i Te Matau-a-Māui; ā,
  - (b) i ērā o ngā Hapū o Ahuriri i hinga i te pae o te riri i ngā pakanga i tāwāhi i te rautau rua tekau.

## 10 Apology

The Crown makes this apology to Ahuriri Hapū, to their tipuna, and to their mokopuna.

- “(a) For generations, the relationship between the Crown and Ahuriri Hapū has not fulfilled Ahuriri Hapū expectations of a mutually beneficial partnership. Crown acts and omissions have hurt Ahuriri Hapū and caused long-held and deeply felt grievances. Ahuriri Hapū have pursued their claims for justice and redress from the Crown over many decades, but

the Crown has failed, until now, to find an appropriate way to respond to them.

- (b) The Crown profoundly regrets its many failures to live up to its obligations under the Treaty of Waitangi in its dealings with Ahuriri Hapū, and unreservedly apologises for the immense damage caused by its breaches of the Treaty of Waitangi and its principles.
- (c) The Crown is deeply remorseful for the prejudice it created by purchasing so much Ahuriri Hapū land in the 1850s, and for using divisive purchasing methods that involved Ahuriri Hapū in conflict. The Crown deeply regrets that many Ahuriri Hapū were dispossessed by the operation of the 10-owner rule. The Crown solemnly apologises for its policies, acts, and omissions that have left Ahuriri Hapū virtually landless, and for the severe impacts the loss of ancestral lands and resources has had on the capacity of Ahuriri Hapū for economic and social development, and physical, cultural, and spiritual well-being.
- (d) For too long, the Crown has failed to recognise the special relationship between Ahuriri Hapū and their taonga, Te Whanganui-ā-Orotu. The Crown profoundly regrets the distress and anguish generations of Ahuriri Hapū have endured due to the Crown's acts and omissions in relation to Te Whanganui-ā-Orotu.
- (e) Through this settlement and this apology the Crown seeks to atone for its past wrongs and begin the process of healing. The Crown looks forward to building a new, positive, and enduring relationship with Ahuriri Hapū that fulfils the expectations of their tipuna and mokopuna, a relationship based on mutual trust, partnership, and respect for the Treaty of Waitangi and its principles."

#### *Te Whakapāha*

Ko tēnei te whakapāha a te Karauna ki ngā Hapū o Ahuriri, ki ō rātou tipuna, ki ā rātou mokopuna.

- “(a) Puta noa i ngā whakatipuranga maha kāore i tutuki i te whanaungatanga i waenga i te Karauna me ngā Hapū o Ahuriri ngā tūmanakohanga o te kōtuitanga e matarua ai ngā painga. Nā ngā mahi me ngā hapa a te Karauna i pupū ake te mamae ki ngā Hapū o Ahuriri me ngā whakamau mauroa, tino ngau kino nei hoki. Kua pau i ngā Hapū o Ahuriri ngā tekau taha maha ā rātou kerēme mō te tika me te whakatika hapa te whai, engari i rahua tonutia e te Karauna, tae noa mai ki nāianei, te kite i te huarahi tōtika ki te urupare ki aua mahi me aua hapa.
- (b) E kaha pōuri ana te Karauna mō ōna rahunga maha ki te whakatutuki i ōna here i raro i te Tiriti o Waitangi mā āna mahi me ngā Hapū o Ahuriri, ā, e whakapāha ana me te kore here mō ngā tūkinu nunui rawa i puta mai i ōna takahitanga i Te Tiriti o Waitangi me ōna mātāpono.

- (c) E kaha hinapōuri ana te Karauna mō te whakatoihara i ahu mai i āna hokonga i te nunui rawa o ngā whenua o ngā Hapū o Ahuriri i te tekau tau o 1850, mō te whakamahi anō hoki i ngā tikanga hokohoko whakawehewehe ko te mutunga iho i whai wāhi ai ngā Hapū o Ahuriri ki te kawē a riri. E kaha pōuri ana te Karauna mō ngā mahi o te ture rangatira tekau i raupatutia ai ngā whenua o te maha o ngā Hapū o Ahuriri. E āta whakapāha ana te Karauna mō āna kaupapahere, mahi, hapa hoki ko te mutunga iho kua tata kore nei ngā whenua o ngā Hapū o Ahuriri. E āta whakapāha ana hoki mō ngā papānga taumaha o te ngaromanga o ngā whenua me ngā rawa tuku iho ki te kaha o ngā Hapū o Ahuriri ki te whakawhanake ā-ōhanga, ā-pāpori, ki tō rātou oranga ā-tinana, ā-ahurea, ā-wairua anō hoki.
- (d) Kua roa rawa te Karauna e kōroiroi ana me te kore āhukahuka i te hononga motuhake i waenga i ngā Hapū o Ahuriri me tō rātou taonga, Te Whanganui-ā-Orotu. E kaha pōuri ana te Karauna mō te mamae me te kohuki i pā ki ngā whakatipuranga o ngā Hapū o Ahuriri nā ngā mahi me ngā hapa a te Karauna e pā ana ki Te Whanganui-ā-Orotu.
- (e) Mā tēnei whakataunga me tēnei whakapāhatanga e rīpenetā ana te Karauna mō ōna mahi hē i mua, me te whai kia tīmataria te wā hei whakaoratanga anō. E tāria ana e te Karauna te hanga i tētahi whanaungatanga hou, takatika, pūmau hoki ki ngā Hapū o Ahuriri tērā e ea ai ngā tūmanakohanga o tō rātou tīpuna me ā rātou mokopuna, he whanauangatanga e ahu mai ana i te whakawhirinaki matarua, te kōtui haere, me te whakaute i te Tiriti o Waitangi me ōna mātāpono.”

### *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.

#### **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

**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

**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—

- (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

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

**cultural redress property** has the meaning given in section 65

**deed of recognition**—

- (a) means a deed of recognition issued under section 41 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 41(4)

**deed of settlement**—

- (a) means the deed of settlement dated 2 November 2016 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) Rururarau Heitia Hiha, Beverley Jane Horiana Kemp-Harmer, Tania Harriet Huata-Kupa, Joinella Mouru Patricia Maihi-Carroll, Piriniha Tuturu Prentice, Evelyn Nukumai Te Mangai Ratima, Rangi Spooner, Barry Allan Wilson, and Terry Owen Wilson, for and on behalf of Ahuriri Hapū; and
  - (iii) Rururarau Heitia Hiha, Beverley Jane Horiana Kemp-Harmer, Tania Harriet Huata-Kupa, Joinella Mouru Patricia Maihi-Carroll, Piriniha Tuturu Prentice, Evelyn Nukumai Te Mangai Ratima, Rangi Spooner, Barry Allan Wilson, and Terry Owen Wilson, being the trustees of the Mana Ahuriri Trust; 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 100

**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

**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

**Mana Ahuriri Trust** means the trust of that name established by a trust deed dated 24 September 2016

**member of Ahuriri Hapū** means an individual referred to in section 13(1)(a)

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

**overlay classification** has the meaning given in section 46

**property redress schedule** means the property redress schedule of the deed of settlement

**record of title** has the meaning given in section 5(1) of the Land Transfer Act 2017

**Registrar-General** has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017

**representative entity** means—

- (a) the trustees; and
- (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 Ahuriri Hapū; or
  - (iii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(c)

**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 4 of Part 4

**RFR land** has the meaning given in section 113

**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 32

**tikanga** means customary values and practices

**trustees of the Mana Ahuriri Trust** and **trustees** mean the trustees, acting in their capacity as trustees, of the Mana Ahuriri 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:

- (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 Hawke's Bay and Wellington.

### 13 Meaning of Ahuriri Hapū

(1) In this Act, **Ahuriri Hapū**—

- (a) means the collective group composed of individuals who are descended from an ancestor of Ahuriri Hapū; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including the following groups:
  - (i) Ngāti Hinepare;
  - (ii) Ngāti Māhu;
  - (iii) Ngāti Matepū;
  - (iv) Ngāti Paarau (which includes Ngāi Tahu Ahi);
  - (v) Ngāi Tāwhao;
  - (vi) Ngāti Tū;
  - (vii) Ngāi Te Ruruku.

(2) In this section and section 14,—

**ancestor of Ahuriri Hapū** means an individual who—

- (a) exercised customary rights by virtue of being descended from—
  - (i) Hikateko (for Ngāti Hinepare); or
  - (ii) Tumahuki (for Ngāti Māhu); or
  - (iii) Te Atawhaki or Te Putanga-Ō-Te Rangi (for Ngāti Matepū); or
  - (iv) Hikawera II (for Ngāti Paarau (which includes Ngāi Tahu Ahi)); or
  - or
  - (v) Tāwhao (for Ngāi Tāwhao); or
  - (vi) Tūkapua I (for Ngāti Tū); or
  - (vii) Wharerakau or Te Hiku (for Ngāi Te Ruruku); or
  - (viii) any other recognised ancestor of a group referred to in part 9 of the deed of settlement; and
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840



**area of interest** means the area shown as the Ahuriri Hapū 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
- (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 Ahuriri Hapū tikanga.

#### 14 Meaning of historical claims

(1) In this Act, **historical claims**—

- (a) means the claims described in subsection (2); and
- (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 Ahuriri Hapū or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

- (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
  - (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—

- (a) a claim to the Waitangi Tribunal that relates exclusively to Ahuriri Hapū or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:
  - (i) Wai 55 (Te Whanganui-ā-Orotu/Napier Inner Harbour claim);
  - (ii) Wai 168 (Tūtaekurī River/Waiōhiki lands claim);
  - (iii) Wai 732 (Pētane block claim); and

- (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 Ahuriri Hapū or a representative entity:
- (i) Wai 191 (Tarawera confiscation claim):
  - (ii) Wai 201 (Wairoa ki Wairarapa claims):
  - (iii) Wai 216 (Te Matai and Pakaututu blocks claim):
  - (iv) Wai 299 (Mōhaka–Waikare raupatu/confiscation claim):
  - (v) Wai 382 (Kāweka Forest Park claim):
  - (vi) Wai 400 (Ahuriri block claim):
  - (vii) Wai 595 (Heretaunga aquifer claim):
  - (viii) Wai 610 (Ōmarunui lands claim):
  - (ix) Wai 692 (Napier Hospital and health services claim):
  - (x) Wai 852 (Ngāti Kahungunu petroleum claim):
  - (xi) Wai 1232 (Ngāti Kere Heretaunga and Tamatea lands and resources claim).
- (4) However, the historical claims do not include—
- (a) a claim that a member of Ahuriri Hapū, 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 an ancestor of Ahuriri Hapū; or
  - (b) a claim that a representative entity had or may have that is based on a claim referred to in paragraph (a).
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

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

**15 Settlement of historical claims final**

- (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.
- (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

- (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.

*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:  
Ahuriri Hapū Claims Settlement Act 2021, section 15(4) and (5)

*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 (other than a property that is also RFR land) on and from the date of its transfer to the trustees; or
  - (c) to the RFR land; or
  - (d) for the benefit of Ahuriri Hapū or a representative entity.
- (2) The enactments are—
  - (a) Part 3 of the Crown Forest Assets Act 1989;
  - (b) sections 568 to 570 of the Education and Training Act 2020;
  - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;
  - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986;
  - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

**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 record of title for, each allotment that—
  - (a) is all or part of—
    - (i) a cultural redress property;
    - (ii) a deferred selection property (other than a property that is also RFR land);
    - (iii) the RFR land; and

- (b) is subject to a resumptive memorial recorded under an enactment listed in section 17(2).
- (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 or the RFR land; or
  - (b) the date of transfer of the property to the trustees, for a deferred selection property (other than a property that is also RFR land).
- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
  - (a) register the certificate against each record of title identified in the certificate; and
  - (b) cancel each memorial recorded under an enactment listed in section 17(2) on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.

#### *Miscellaneous matters*

### **19 Limit on duration of trusts does not apply**

- (1) A limit on the duration of a trust in any rule of law and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—
  - (a) do not prescribe or restrict the period during which—
    - (i) the Mana Ahuriri Trust may exist in law; or
    - (ii) the trustees may hold or deal with property or income derived from property; and
  - (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.
- (2) However, if the Mana Ahuriri Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

### **20 Access to deed of settlement**

The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the deed of settlement available—

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

## Part 2 Cultural redress

### Subpart 1—Te Kawa o Papa

#### 21 Interpretation

In this subpart,—

**conservation planning document** means a conservation management strategy, conservation management plan, national park management plan, or freshwater fisheries management plan

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

**Te Kawa o Papa** means a partnership agreement in the form set out in part 6 of the documents schedule.

#### 22 Authority to enter into Te Kawa o Papa

Not later than the settlement date, the Minister of Conservation, the Director-General, and the trustees must enter into Te Kawa o Papa.

#### 23 Noting of Te Kawa o Papa on conservation planning documents

- (1) The Director-General must ensure that a summary of Te Kawa o Papa is noted on every conservation planning document affecting the Ahuriri Hapū area of interest (as defined in Te Kawa o Papa).
- (2) The noting of the summary—
  - (a) is for the purpose of public notice only; and
  - (b) does not amend a conservation planning document for the purposes of the Conservation Act 1987.

#### 24 Te Kawa o Papa subject to rights, functions, and duties

- (1) Te Kawa o Papa does 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—
    - (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 functions, duties, or powers of the Minister of Conservation or the Director-General; or
  - (c) the legal rights of the trustees or Ahuriri Hapū.

- (2) Te Kawa o Papa does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to,—
- (a) land or any other resource held, managed, or administered under the conservation legislation; or
  - (b) the common marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011).

## 25 Enforcement of Te Kawa o Papa

- (1) The Crown and the trustees must comply with Te Kawa o Papa unless they agree to terminate it in accordance with its terms.
- (2) If the Crown fails to comply with Te Kawa o Papa without good cause, the trustees may seek—
- (a) a public law remedy (for example, judicial review):
  - (b) to enforce Te Kawa o Papa, 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 Te Kawa o Papa.
- (4) To avoid doubt, subsection (3) does not affect the ability of a court to award costs incurred by the trustees in a proceeding brought under subsection (2).
- (5) Subsection (2) does not affect any contract entered into between the Minister of Conservation or the Director-General and the trustees, including any contract for service or concession.

## Subpart 2—Protocols

## 26 Interpretation

In this subpart,—

**protocol**—

- (a) means each of the following protocols issued under section 27(1)(a):
  - (i) the Crown minerals protocol:
  - (ii) the taonga tūturu protocol; and
- (b) includes any amendments made under section 27(1)(b)

**responsible Minister** means,—

- (a) for the Crown minerals protocol, the Minister of Energy and Resources; and
- (b) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage; and
- (c) for either of those protocols, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol.

*General provisions applying to protocols*

**27 Issuing, amending, and cancelling protocols**

- (1) Each responsible Minister—
  - (a) must issue a protocol to the trustees on the terms set out in part 5 of the documents schedule; and
  - (b) may amend or cancel that protocol.
- (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.

**28 Protocols subject to rights, functions, and duties**

A protocol does 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—
  - (i) to introduce legislation and change Government policy; and
  - (ii) to interact with or consult a person that 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
- (c) the legal rights of Ahuriri Hapū or a representative entity.

**29 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.
- (4) To avoid doubt,—
  - (a) subsections (1) and (2) do not apply to guidelines developed for the implementation of a protocol; and
  - (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).

*Crown minerals***30 Crown minerals protocol**

- (1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—
  - (a) a register of protocols maintained by the chief executive; and
  - (b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed.
- (2) The noting of the summary is—
  - (a) for the purpose of public notice only; and
  - (b) not a change to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals.
- (4) In this section,—

**Crown mineral** means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991,—

- (a) that is the property of the Crown under section 10 or 11 of that Act; or
- (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964

**Crown minerals protocol area** means the area shown on the map attached to the Crown minerals protocol, together with the adjacent waters

**minerals programme** has the meaning given in section 2(1) of the Crown Minerals Act 1991.

*Taonga tūturu***31 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.
- (2) In this section, **taonga tūturu**—
  - (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
  - (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.



### Subpart 3—Statutory acknowledgement and deeds of recognition

#### 32 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 Ahuriri Hapū of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 3 of the documents schedule

**statutory acknowledgement** means the acknowledgement made by the Crown in section 33 in respect of the statutory areas, on the terms set out in this subpart

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

**statutory plan**—

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

#### *Statutory acknowledgement*

#### 33 Statutory acknowledgement by the Crown

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

#### 34 Purposes of statutory acknowledgement

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 35 to 37; 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 38 and 39; and
- (c) to enable the trustees and any member of Ahuriri Hapū to cite the statutory acknowledgement as evidence of the association of Ahuriri Hapū with a statutory area, in accordance with section 40.

**35 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.
- (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.

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

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (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.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

**37 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement**

- (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.
- (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—
  - (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.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

**38 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.
- (2) The information attached to a statutory plan must include—
  - (a) a copy of sections 33 to 37, 39, and 40; 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—
  - (a) part of the statutory plan; or
  - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

**39 Provision of summary or notice to trustees**

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
  - (a) if the application is received by the consent authority, a summary of the application; or
  - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (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(4) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
  - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
  - (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.
- (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.
- (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.

#### **40 Use of statutory acknowledgement**

- (1) The trustees and any member of Ahuriri Hapū may, as evidence of the association of Ahuriri Hapū 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—
  - (a) the relevant consent authorities; or
  - (b) the Environment Court; or
  - (c) Heritage New Zealand Pouhere Taonga; or
  - (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, because of the statutory acknowledgement, binding as fact on—
  - (a) the bodies referred to in subsection (1); or
  - (b) parties to proceedings before those bodies; or
  - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
  - (a) the trustees and members of Ahuriri Hapū are not precluded from stating that Ahuriri Hapū 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.

#### *Deeds of recognition*

#### **41 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 4 of the documents schedule for the statutory areas administered by the Department of Conservation.

- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 4 of the documents schedule for the statutory areas administered by the Commissioner.
- (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*

**42 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—
  - (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
    - (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
    - (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; but
  - (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
    - (ii) the bed of an artificial watercourse.

**43 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.
- (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 Ahuriri Hapū with a statutory area than that person would give if

there were no statutory acknowledgement or deed of recognition for the statutory area.

- (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.

#### 44 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
  - (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*

#### 45 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:  
Ahuriri Hapū Claims Settlement Act 2021

#### Subpart 4—Overlay classification

#### 46 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

**overlay area**—

- (a) means an area that is declared under section 47(1) to be subject to the overlay classification; but
- (b) does not include an area that is declared under section 58(1) to be no longer subject to the overlay classification

**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 2 of the documents schedule; and
- (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 2 of the documents schedule

**statement of values**, for an overlay area, means the statement—

- (a) made by Ahuriri Hapū 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.

#### **47 Declaration of overlay classification and the Crown's acknowledgement**

- (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.

#### **48 Purposes of overlay classification**

The only purposes of the overlay classification are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 50; and
- (b) to enable the taking of action under sections 51 to 56.

#### **49 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.

#### **50 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—
  - (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—
  - (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
  - (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 strategy, give the trustees an opportunity to make submissions in relation to those concerns.

### **51 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.
- (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.

### **52 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 47 that the overlay classification applies to the overlay areas; and
  - (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.
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 53 or 54.

### **53 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.
- (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 that the Director-General intends to take.



#### 54 Amendment to strategies or plans

- (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.
- (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.

#### 55 Regulations

- (1) 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:
  - (a) to provide for the implementation of objectives included in a strategy or plan under section 54(1):
  - (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:
  - (c) to create offences for breaches of regulations made under paragraph (b):
  - (d) to prescribe the following fines for an offence referred to in paragraph (c):
    - (i) a fine not exceeding \$5,000; and
    - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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##### Legislation Act 2019 requirements for secondary legislation made under this section

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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#### 56 Bylaws

- (1) The Minister of Conservation may make bylaws for 1 or more of the following purposes:
  - (a) to provide for the implementation of objectives included in a strategy or plan under section 54(1):

- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area;
  - (c) to create offences for breaches of bylaws made under paragraph (b);
  - (d) to prescribe the following fines for an offence referred to in paragraph (c):
    - (i) a fine not exceeding \$5,000; and
    - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues.
- (2) Bylaws made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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**57 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
  - (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 reserve.

**58 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.
- (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
  - (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.
- (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.
- (4) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.

### **59 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.
- (2) A person, in considering a matter or making a decision or recommendation under legislation 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).
- (4) This section is subject to the other provisions of this subpart.

### **60 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
  - (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 5—Official geographic names

### **61 Interpretation**

In this subpart,—

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

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

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

**62 Official geographic names**

- (1) A name specified in the second column of the table in clause 6.28 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.
- (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.

**63 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 62.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date.

**64 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
  - (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 6—Vesting of cultural redress properties****65 Interpretation**

In this subpart,—

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

*Properties vested in fee simple*

- (a) Conservation House property:
- (b) Pakake:

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

- (c) Heipipi Pa

**Heipipi Pa reserve land** means all or the part of Heipipi Pa that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.

*Properties vested in fee simple***66 Conservation House property**

- (1) The reservation of the Conservation House property as a government purpose reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Conservation House property vests in the trustees.
- (3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with an unregistered lease of the Conservation House property on the terms and conditions set out in part 10 of the documents schedule.

**67 Pakake**

The fee simple estate in Pakake vests in the trustees.

*Property vested in fee simple to be administered as reserve***68 Heipipi Pa**

- (1) The reservation of Heipipi Pa (being Heipipi Pa Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Heipipi Pa vests in the trustees.
- (3) Heipipi Pa is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Heipipi Historic Reserve.

*General provisions applying to vesting of cultural redress properties***69 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.

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

- (1) This section applies to an interest (other than an interest in land) that is listed for Heipipi Pa in Schedule 3, and for which there is a grantor, whether or not the interest also applies to land outside the property.
- (2) The interest applies—
  - (a) as if the trustees were the grantor of the interest in respect of Heipipi Pa; and
  - (b) until the interest expires or is terminated, but any subsequent transfer of Heipipi Pa must be ignored in determining whether the interest expires or is or may be terminated; and
  - (c) with any other necessary modifications; and
  - (d) despite any change in status of the land in Heipipi Pa.

## 71 Registration of ownership

- (1) This section applies to a cultural redress property vested in the trustees under this subpart.
- (2) Subsection (3) applies to a cultural redress property, but only to the extent that the property is all of the land contained in a record of title for a fee simple estate.
- (3) The Registrar-General must, on written application by an authorised person,—
  - (a) register the trustees as the owners of the fee simple estate in the property; and
  - (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 6 of the deed of settlement.
- (4) Subsection (5) applies to a cultural redress property, but only to the extent that subsection (2) does not apply to the property.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
  - (a) create a record of title for the fee simple estate in the property in the name of the trustees; and
  - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (6) Subsection (5) is subject to the completion of any survey necessary to create a record of title.
- (7) A record of title 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 is agreed in writing by the Crown and the trustees.
- (8) In this section, **authorised person** means a person authorised by—
  - (a) the Director-General, for the Conservation House property and Heipipi Pa;
  - (b) the chief executive of LINZ, for Pakake.

## 72 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.
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of Heipipi Pa.
- (3) If the reservation of Heipipi Pa under this subpart is revoked for all or part of the property, the vesting of Heipipi Pa is no longer exempt from section 24

(except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

- (4) Subsections (2) and (3) do not limit subsection (1).

### **73 Matters to be recorded on record of title**

- (1) The Registrar-General must record on the record of title,—
- (a) for Heipipi Pa,—
    - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
    - (ii) that the land is subject to sections 72(3) and 77; and
  - (b) for any other cultural redress property, that the land is subject to Part 4A of the Conservation Act 1987.
- (2) A notation made under subsection (1) that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.
- (3) For Heipipi Pa, if the reservation of that property under this subpart is revoked for—
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—
    - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
    - (ii) the property is subject to sections 72(3) and 77; or
  - (b) part of the property, the Registrar-General must ensure that the notations referred to in paragraph (a) remain only on the record of title for the part of the property that remains a reserve.
- (4) The Registrar-General must comply with an application received in accordance with subsection (3)(a).

### **74 Application of other enactments**

- (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) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of the Conservation House property or Heipipi Pa.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
- (b) any matter incidental to, or required for the purpose of, the vesting.

#### **75 Name of Crown protected area discontinued**

- (1) Subsection (2) applies to the land in Heipipi Pa that, immediately before the settlement date, was a Crown protected area.
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land and the Board must amend the Gazetteer accordingly.
- (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.

#### *Further provisions applying to Heipipi Pa*

#### **76 Application of other enactments to Heipipi Pa**

- (1) The trustees are the administering body of Heipipi Pa.
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to Heipipi Pa.
- (3) If the reservation of Heipipi Pa under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of that property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.
- (4) Heipipi Pa is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.
- (5) Heipipi Pa must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of Heipipi Pa, and section 16(10A) of that Act does not apply to the proposed name.

#### **77 Subsequent transfer of Heipipi Pa reserve land**

The fee simple estate in Heipipi Pa reserve land may be transferred only in accordance with section 78 or 79.

#### **78 Transfer of Heipipi Pa reserve land to new administering body**

- (1) The registered owners of Heipipi Pa reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the land to 1 or more persons (the **new owners**).
- (2) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the new owners are able—
  - (a) to comply with the requirements of the Reserves Act 1977; and
  - (b) to perform the duties of an administering body under that Act.



- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of the fee simple estate in the Heipipi Pa reserve land.
- (4) The required documents are—
  - (a) a transfer instrument to transfer the fee simple estate in the Heipipi Pa reserve land to the new owners, including a notification that the new owners are to hold the land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and
  - (b) the written consent of the Minister of Conservation to the transfer of the land; and
  - (c) any other document required for the registration of the transfer instrument.
- (5) The new owners, from the time of their registration under this section,—
  - (a) are the administering body of the Heipipi Pa reserve land; and
  - (b) hold the land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.
- (6) A transfer that complies with this section need not comply with any other requirements.

**79 Transfer of Heipipi Pa reserve land to trustees of existing administering body if trustees change**

The registered owners of Heipipi Pa reserve land may transfer the fee simple estate in the land if—

- (a) the transferors of the land 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
- (c) the instrument to transfer the land is accompanied by a certificate given by the transferees, or the transferees' lawyer, verifying that paragraphs (a) and (b) apply.

**80 Heipipi Pa reserve land not to be mortgaged**

The owners of Heipipi Pa reserve land must not mortgage, or give a security interest in, the land.

**81 Saving of bylaws, etc, in relation to Heipipi Pa**

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to Heipipi Pa before that property was vested in the trustees under this subpart.

- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

### Part 3

## Te Muriwai o Te Whanga

### 82 Interpretation

In this Part and Schedule 4, unless the context otherwise requires,—

**appointer** means an organisation or a person who appoints a member to the Komiti under section 87

**local authority** means any or all of the following:

- (a) the Hawke’s Bay Regional Council:
- (b) the Hastings District Council:
- (c) the Napier City Council

**member**,—

- (a) in relation to the Komiti, means a member of the Komiti:
- (b) in relation to a local authority,—
  - (i) has the meaning given in paragraph (c) of the definition of member in section 5(1) of the Local Government Act 2002; and
  - (ii) includes the chairperson or mayor of the local authority

**Te Komiti Muriwai o Te Whanga** and **Komiti** mean the entity established by section 83

**Te Muriwai o Te Whanga** means the Ahuriri Estuary and catchment areas shown on SO 486367

**Te Muriwai o Te Whanga Plan** and **Plan** mean the plan approved under section 98

**terms of reference** means the terms of reference adopted by the Komiti under clause 2 of Schedule 4.

### *Te Komiti Muriwai o Te Whanga*

### 83 Establishment of Te Komiti Muriwai o Te Whanga

- (1) This section establishes Te Komiti Muriwai o Te Whanga.
- (2) The Komiti is a body corporate with perpetual succession.

### 84 Purpose of Komiti

The purpose of the Komiti is to promote the protection and enhancement of the environmental, economic, social, spiritual, historical, and cultural values of Te Muriwai o Te Whanga for present and future generations.

**85 Functions of Komiti**

- (1) The functions of the Komiti are to provide guidance and co-ordination in the management of Te Muriwai o Te Whanga to local authorities and Crown agencies that perform functions in relation to Te Muriwai o Te Whanga by—
  - (a) promoting a greater understanding of Te Muriwai o Te Whanga and the issues relating to its health and well-being; and
  - (b) advocating on behalf of Te Muriwai o Te Whanga; and
  - (c) providing a forum for the community to express its views on Te Muriwai o Te Whanga and its health and well-being; and
  - (d) identifying the values, vision, objectives, and desired outcomes and any other matters relevant to Te Muriwai o Te Whanga; and
  - (e) working with stakeholders to gather and collate all data and information relevant to the functions of the Komiti; and
  - (f) monitoring, evaluating, and reporting on matters affecting the ongoing health and well-being of Te Muriwai o Te Whanga; and
  - (g) advising the local authorities and the Director-General on matters pertaining to Te Muriwai o Te Whanga; and
  - (h) communicating to stakeholders matters pertaining to Te Muriwai o Te Whanga; and
  - (i) promoting and seeking opportunities to raise funds and support for the ongoing health and well-being of Te Muriwai o Te Whanga; and
  - (j) making recommendations on the integration and co-ordination of Te Muriwai o Te Whanga management; and
  - (k) preparing and approving the Te Muriwai o Te Whanga Plan; and
  - (l) taking any other action that is considered by Te Komiti Muriwai o Te Whanga to be appropriate to achieve its purpose.
- (2) To avoid doubt, except as provided in subsection (1)(k), the Komiti has discretion to determine, in any particular circumstances,—
  - (a) whether to perform any function specified in subsection (1); and
  - (b) how, and to what extent, any function specified in subsection (1) is performed.
- (3) In this section, **stakeholders** means—
  - (a) residents of the Hawke’s Bay region, Crown agencies, and businesses with an interest in Te Muriwai o Te Whanga; and
  - (b) the local authorities; and
  - (c) the Director-General.

**86 Capacity**

The Komiti has full capacity to perform its functions in a manner consistent with this Part and Schedule 4.

**87 Members of Komiti**

- (1) The Komiti consists of 8 members who are appointed as follows:
  - (a) 4 members appointed by the trustees of the Mana Ahuriri Trust; and
  - (b) 1 member appointed by the Hawke's Bay Regional Council; and
  - (c) 1 member appointed by the Hastings District Council; and
  - (d) 1 member appointed by the Napier City Council; and
  - (e) 1 member appointed by the Minister of Conservation.
- (2) A member appointed by a local authority must be a member of that local authority.
- (3) In appointing a member of the Komiti, the appointer—
  - (a) must be satisfied that the person to be appointed has the mana, skills, knowledge, or experience—
    - (i) to participate effectively in the Komiti; and
    - (ii) to contribute to achieving the purpose of the Komiti; and
  - (b) must have regard to the attributes of the existing members of the Komiti to ensure that the membership has the balance of skills, knowledge, and experience needed to achieve the Komiti's purpose; and
  - (c) is responsible for the costs of making that appointment and for the remuneration (if any) of the member appointed.
- (4) Each member is appointed for a term of 3 years and may be reappointed.
- (5) Where there is a vacancy on the Komiti, the appointer who appointed the person who has ceased to be a member must fill that vacancy as soon as is reasonably practicable.
- (6) Each appointer must use his, her, or its best endeavours to make the first appointments within 40 working days after the settlement date.
- (7) Subsection (1) is subject to section 88.

**88 Allocation of appointments if local authorities reorganised**

- (1) This section applies if—
  - (a) a local government reorganisation takes effect in accordance with an Order in Council made under section 25A(1) of the Local Government Act 2002; and
  - (b) the reorganisation results in a change in the number of local authorities that have a statutory obligation or power in respect of Te Muriwai o Te Whanga.

- (2) The Minister for Treaty of Waitangi Negotiations (the **Minister**) must decide how the appointments referred to in section 87(1)(b) to (e) are to be allocated among—
  - (a) the local authorities that are members of the new group of appointers; and
  - (b) the Minister of Conservation.
- (3) Before making his or her decision, the Minister must seek the opinion of each member of the new group of appointers on how the appointments should be allocated.
- (4) If the members are unanimous in their opinion, the Minister’s decision must give effect to that opinion.
- (5) If the members are not unanimous in their opinion, the Minister must have regard to the opinion of each member before making his or her decision.
- (6) The Minister’s decision must not—
  - (a) change the number of appointments made by a local authority that was not subject to the reorganisation without the local authority’s permission; or
  - (b) change the number of appointments made by the Minister of Conservation without the Minister of Conservation’s permission.
- (7) The Minister’s decision takes effect on a date notified in writing by the Minister to each member of the new group of appointers.
- (8) In this section,—

**new group of appointers** means—

  - (a) the trustees of the Mana Ahuriri Trust; and
  - (b) each local authority that has a statutory obligation or power in respect of Te Muriwai o Te Whanga after the reorganisation takes effect; and
  - (c) the Minister of Conservation

**statutory obligation** has the meaning given in section 5(1) of the Local Government Act 2002.

## **89 Members must act in interests of Te Muriwai o Te Whanga**

Each member of the Komiti must act—

- (a) in the best interests of Te Muriwai o Te Whanga; and
- (b) in a manner that promotes the effective performance of the functions of the Komiti.

## **90 Validity of acts**

Nothing done by the Komiti is invalid merely because of—

- (a) a vacancy in the membership of the Komiti at the time the thing was done; or
- (b) the subsequent discovery of a defect in the appointment of a person as a member of the Komiti.

### **91 Resignation or removal of members**

- (1) A member may resign from the Komiti by giving written notice to the appointer that appointed the member.
- (2) The appointer that appointed a member may remove the member from the Komiti by giving written notice to the member and the Komiti.

### **92 Members not personally liable**

A member is not personally liable for anything done or omitted in good faith in the performance of the functions of the Komiti or the exercise of its powers.

### **93 Administration and procedure of Komiti**

The provisions in Schedule 4 apply to the Komiti.

#### *Te Muriwai o Te Whanga Plan*

### **94 Purpose and scope of Te Muriwai o Te Whanga Plan**

- (1) The purpose of the Te Muriwai o Te Whanga Plan is to—
  - (a) set out the environmental, economic, social, spiritual, historical, and cultural values of Te Muriwai o Te Whanga; and
  - (b) set out the vision, objectives, and desired outcomes for Te Muriwai o Te Whanga in order to promote the protection and enhancement of those values; and
  - (c) identify the significant issues for Te Muriwai o Te Whanga; and
  - (d) identify how Te Muriwai o Te Whanga may enhance the social, cultural, and economic well-being of people and communities; and
  - (e) consider the integrated management of the waters and lands of Te Muriwai o Te Whanga for the benefit of the health and well-being of Te Muriwai o Te Whanga; and
  - (f) make recommendations on the integration and co-ordination of Te Muriwai o Te Whanga management.
- (2) The Plan must be consistent with the purpose set out in subsection (1).

### **95 Effect of Plan on Resource Management Act 1991 planning documents and resource consents**

- (1) In preparing or amending a regional policy statement, regional plan, or district plan (as those terms are defined in section 43AA of the Resource Management

Act 1991), a local authority must have regard to the Te Muriwai o Te Whanga Plan—

- (a) to the extent that the contents of the Plan have a bearing on the resource management issues of the region or district; and
  - (b) if doing so is the most appropriate way of achieving the purpose of the Resource Management Act 1991.
- (2) If a written report, decision, or document is required for the performance or exercise of a function, duty, or power referred to in subsection (1), the report, decision, or document must state how that subsection has been complied with.
- (3) When a local authority is considering an application for a resource consent to authorise an activity to be undertaken within Te Muriwai o Te Whanga, the local authority must have regard to the Te Muriwai o Te Whanga Plan if the authority considers—
- (a) that the Plan is relevant; and
  - (b) that having regard to the Plan is reasonably necessary to determine the application.
- (4) In this section,—
- (a) a reference to a policy statement includes a proposed policy statement (as that term is defined in section 43AA of the Resource Management Act 1991); and
  - (b) a reference to a plan includes a proposed plan (as that term is defined in section 43AAC of the Resource Management Act 1991).

#### **96 Effect of Plan on local government matters**

- (1) This section applies when a local authority is making a decision under the Local Government Act 2002.
- (2) The local authority must have regard to the Te Muriwai o Te Whanga Plan to the extent that the Plan is relevant to the decision.

#### **97 Effect of Plan on conservation matters**

Every person or entity must take into account the values and objectives set out in the Te Muriwai o Te Whanga Plan when—

- (a) preparing, reviewing, or approving a conservation management strategy or conservation management plan that relates to Te Muriwai o Te Whanga; or
- (b) making a decision, under any conservation legislation, that relates to Te Muriwai o Te Whanga.

#### **98 Preparation and approval of first Plan**

- (1) The Komiti must complete the preparation of the first Te Muriwai o Te Whanga Plan not later than 3 years after the settlement date.

- (2) In preparing and approving the Plan, the Komiti must—
  - (a) adopt and facilitate a collaborative approach that encourages the participation of interested persons and organisations in the preparation of the Plan; and
  - (b) comply with any requirements set out in the Komiti's terms of reference that relate to the preparation of the Plan.
- (3) After the Komiti approves the Plan, it must lodge a copy with each local authority and the Director-General.

#### **99 Review and amendment of Plan**

- (1) The Komiti may at any time review and, if necessary, amend the Te Muriwai o Te Whanga Plan or any component of the Plan.
- (2) The Komiti must start a review of the Plan not later than 10 years after—
  - (a) the approval of the first Plan; or
  - (b) the completion of the previous review of the Plan.

## **Part 4 Commercial redress**

#### **100 Interpretation**

In subparts 1 to 3,—

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

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

**deferred selection property** means a property described in part 4 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 in part 4 of the property redress schedule

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

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

- (a) is wāhi tapu or a wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and
- (b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act

**right of access** means the right conferred by section 109



**unlicensed land** means the land described as unlicensed land in part 4 of the property redress schedule.

### Subpart 1—Transfer of deferred selection properties

#### **101 The Crown may transfer properties**

- (1) To give effect to part 7 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
  - (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).
- (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).

#### **102 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—
  - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
  - (b) is to be treated as having been granted in accordance with Part 3B of that Act.

#### **103 Records of title for deferred selection properties**

- (1) This section applies to a deferred selection property that is to be transferred to the trustees under section 101.
- (2) However, this section applies only to the extent that—
  - (a) the property is not all of the land contained in a record of title for a fee simple estate; or
  - (b) there is no record of title for the fee simple estate in all or part of the property.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—

- (a) create 1 or more records of title for the fee simple estate in the property in the name of the Crown; and
  - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
  - (c) omit any statement of purpose from the record of title.
- (4) Subsection (3) is subject to the completion of any survey necessary to create a record of title.
- (5) In this section and section 104, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

#### **104 Authorised person may grant covenant for later creation of record of title**

- (1) For the purposes of section 103, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any deferred selection property.
- (2) Despite the Land Transfer Act 2017,—
  - (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and
  - (b) the Registrar-General must comply with the request.

#### **105 Application of other enactments**

- (1) This section applies to the transfer of the fee simple estate in a deferred selection property under section 101.
- (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
  - (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.
- (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 101, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.
- (7) Subsection (6) is subject to subsections (2) and (3).

**106 Ahuriri Station**

- (1) The chief executive of the Office for Māori Crown Relations—Te Arawhiti is authorised to—
  - (a) accept, on behalf of Her Majesty the Queen, a transfer of Ahuriri Station from Landcorp Holdings Limited to Her Majesty the Queen; and
  - (b) sign the transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (2) Subsections (3) to (5) apply to the transfer of Ahuriri Station under subsection (1).
- (3) Section 42 of the Land Act 1948 does not apply in relation to any record of title for Ahuriri Station.
- (4) The permission of the Napier City 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.
- (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, that transfer.
- (6) In this section, **Ahuriri Station** means the property described by that name in part 4 of the property redress schedule.

**Subpart 2—Unlicensed land****107 Unlicensed land**

The unlicensed land that is Crown forest land ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets on the date the land is transferred to the trustees.

**108 Management of marginal strips**

- (1) This section applies in relation to lease 318194.1 as varied by instruments 6450077.2 and 8828850.1 (held in part record of title 194635).
- (2) After the transfer of any unlicensed land to the trustees, any lessee of that land under the lease is to be treated as if the lessee had been appointed under section 24H(1) of the Conservation Act 1987 to be the manager of any marginal strip within the land.
- (3) The lessee may do 1 or more of the following things in relation to the marginal strip:
  - (a) exercise the powers of a manager under section 24H of the Conservation Act 1987;
  - (b) establish, develop, grow, manage, replant, and maintain a forest on the marginal strip as if the marginal strip were subject to the lease:

- (c) exercise the lessee's rights under the lease as if the marginal strip were subject to the lease.

### Subpart 3—Access to protected sites

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

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site.
- (2) Subsection (1) takes effect on and from the date of transfer of the property to the trustees.
- (3) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.
- (4) The right of access is subject to the following conditions:
  - (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and
  - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
  - (c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—
    - (i) for the safety of people; or
    - (ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
    - (iii) for operational reasons.

#### **110 Right of access over unlicensed land**

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

**111 Right of access to be recorded on records of title**

- (1) This section applies to the transfer of any unlicensed land under section 101.
- (2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land.
- (3) The Registrar-General must, upon the registration of the transfer of the land, record on any record of title for the land that the land is subject to a right of access to protected sites on the land.

**Subpart 4—Right of first refusal over RFR land***Interpretation***112 Interpretation**

In this subpart and Schedule 5,—

**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 another body, control of the composition of the group that would be its board of directors if the body were a company

**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
- (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;
  - (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,—

- (a) means—
  - (i) to transfer or vest the fee simple estate in the land; or
  - (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but

- (b) to avoid doubt, does not include—
  - (i) to mortgage, or give a security interest in, the land; or
  - (ii) to grant an easement over the land; or
  - (iii) to consent to an assignment of a lease, or to a sublease, of the land; or
  - (iv) to remove an improvement, a fixture, or a fitting from the land

**expiry date**, in relation to an offer, means its expiry date under sections 115(2)(a) and 116

**notice** means a notice given under this subpart

**offer** means an offer by an RFR landowner, made in accordance with section 115, to dispose of RFR land to the trustees

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

**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
- (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 121(1); but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested under section 122(1)

**RFR period** means the period of 174 years on and from the settlement date

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

### 113 Meaning of RFR land

- (1) In this subpart, **RFR land** means—
  - (a) the land described in part 3 of the attachments that, on the settlement date,—
    - (i) is vested in the Crown; or
    - (ii) is held in fee simple by the Crown; and
  - (b) any land obtained in exchange for a disposal of RFR land under section 126(1)(c) or 127.
- (2) Land ceases to be RFR land if—
  - (a) the fee simple estate in the land transfers from the RFR landowner to—

- (i) the trustees or their nominee (for example, under section 101 in the case of a deferred selection property or under a contract formed under section 119); or
- (ii) any other person (including the Crown or a Crown body) under section 114(d); or
- (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
  - (i) under any of sections 123 to 129 (which relate to permitted disposals of RFR land); or
  - (ii) under any matter referred to in section 130(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 138; or
- (d) the RFR period for the land ends.

*Restrictions on disposal of RFR land*

**114 Restrictions on disposal of RFR land**

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

- (a) under any of sections 120 to 129; or
- (b) under any matter referred to in section 130(1); or
- (c) in accordance with a waiver or variation given under section 138; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees if the offer to the trustees was—
  - (i) made in accordance with section 115; and
  - (ii) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
  - (iii) not withdrawn under section 117; and
  - (iv) not accepted under section 118.

*Trustees' right of first refusal*

**115 Requirements for offer**

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees.
- (2) The notice must include—
  - (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 record of title for the land; and
- (c) a street address for the land (if applicable); and
- (d) a street address, postal address, and fax number or electronic address for the trustees to give notices to the RFR landowner in relation to the offer.

#### **116 Expiry date of offer**

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

#### **117 Withdrawal of offer**

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

#### **118 Acceptance of offer**

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

#### **119 Formation of contract**

- (1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer.
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees may nominate a nominee only if—
  - (a) the nominee is lawfully able to hold the RFR land; and



- (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (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 nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

*Disposals to others where land remains RFR land*

**120 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 563 of the Education and Training Act 2020.

**121 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.
- (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.

**122 Disposal of reserves to administering bodies**

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

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

**123 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.

**124 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
  - (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.

**125 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
- (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.

**126 Disposal of land held for public works**

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

- (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or
- (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
- (c) section 117(3)(a) of the Public Works Act 1981; or
- (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

- (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

### **127 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.

### **128 Disposal for charitable purposes**

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

### **129 Disposal to tenants**

The Crown may dispose of RFR land,—

- (a) if the land was held on the settlement date for education purposes, to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or
- (b) under section 67 of the Land Act 1948, if the disposal of the land 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
- (c) under section 93(4) of the Land Act 1948.

### *RFR landowner obligations*

### **130 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—
  - (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—
    - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees; 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.

- (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*

**131 Notice to LINZ of RFR land with record of title after settlement date**

- (1) If a record of title is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the record of title has been created.
- (2) If land for which there is a record of title 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 record of title is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the legal description of the land and the reference for the record of title.

**132 Notice to trustees of disposal of RFR land to others**

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal.
- (3) The notice must include—
  - (a) the legal description of the land, including any interests affecting it; and
  - (b) the reference for any record of title 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 114; and
  - (f) if the disposal is to be made under section 114(d), a copy of any written contract for the disposal.

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

- (1) This section applies if land contained in a record of title is to cease being RFR land because—
  - (a) the fee simple estate in the land is to transfer from the RFR landowner to—
    - (i) the trustees or their nominee (for example, under section 101 in the case of a deferred selection property, or under a contract formed under section 119); or
    - (ii) any other person (including the Crown or a Crown body) under section 114(d); or

- (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 123 to 129; or
    - (ii) under any matter referred to in section 130(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 138.
- (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.
- (3) The notice must include—
- (a) the legal description of the land; and
  - (b) the reference for the record of title for the land; and
  - (c) the details of the transfer or vesting of the land.

#### **134 Notice requirements**

Schedule 5 applies to notices given under this subpart by or to—

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

#### *Right of first refusal recorded on records of title*

#### **135 Right of first refusal to be recorded on records of title 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 records of title for,—
- (a) the RFR land for which there is a record of title on the settlement date; and
  - (b) the RFR land for which a record of title is first created after the settlement date; and
  - (c) land for which there is a record of title 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 record of title on the settlement date; or
  - (b) after receiving a notice under section 131 that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.

- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is—
  - (a) RFR land, as defined in section 113; and
  - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

### **136 Removal of notations 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 133, issue to the Registrar-General a certificate that includes—
  - (a) the legal description of the land; and
  - (b) the reference for the record of title 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 as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under section 135 for the land described in the certificate.

### **137 Removal of notations 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—
  - (a) the reference for each record of title for that RFR land that still has a notation recorded under section 135; 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 as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notation recorded under section 135 from any record of title identified in the certificate.

*General provisions applying to right of first refusal*

**138 Waiver and variation**

- (1) The trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this subpart.
- (2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

**139 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.

**140 Assignment of rights and obligations under this subpart**

- (1) Subsection (3) applies if the RFR holder—
  - (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—
  - (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
  - (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and Schedule 5 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.

- (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 under this subpart, because—

- (a) they are the trustees; or
- (b) they have previously been assigned those rights and obligations under this section.

## Schedule 1 Statutory areas

ss 32, 41

### Part 1

#### Area subject only to statutory acknowledgement

<b>Statutory area</b>	<b>Location</b>
Ahuriri Hapū Coastal Marine Area	As shown on OTS-206-20

### Part 2

#### Areas subject to both statutory acknowledgement and deed of recognition

<b>Statutory area</b>	<b>Location</b>
Esk River and its tributaries within the area of interest	As shown on OTS-206-18
Fern Bird Bush Nature Reserve	As shown on OTS-206-05
Hutchinson Scenic Reserve	As shown on OTS-206-06
Part of Kaimanawa Forest Park	As shown on OTS-206-07
Part of Kaweka Forest Conservation Area	As shown on OTS-206-08
Part of Kaweka State Forest Park	As shown on OTS-206-09
Kuripapango DOC Field Base	As shown on OTS-206-10
Mangaone River and its tributaries within the area of interest	As shown on OTS-206-12
Mohaka River and its tributaries within the area of interest	As shown on OTS-206-13
Ngaruroro River and its tributaries within the area of interest	As shown on OTS-206-14
Puketitiri (Puketitiri Field Centre)	As shown on OTS-206-17
Tutaekuri River and its tributaries within the area of interest	As shown on OTS-206-19



## Schedule 2

### Overlay areas

s 47

<b>Overlay area</b>	<b>Location</b>	<b>Description</b>
Balls Clearing Scenic Reserve	As shown on OTS-206-02	<i>Hawke's Bay Land District—Hastings District</i> 135.1496 hectares, more or less, being Sections 66, 104, 105, 106, and 107 Block XIV Pohue Survey District.
Otatara Pa Historic Reserve	As shown on OTS-206-04	<i>Hawke's Bay Land District—Napier City</i> 58.1495 hectares, more or less, being Lot 1 DP 404875, Lot 1 DP 6448, Lot 1 DP 6687, Lot 1 DP 12898, Lot 2 DP 341324, Lot 4 DP 311299, Lots 10 and 11 DP 12805, Section 11 Block VII Heretaunga Survey District, and Block 176 Puketapu Crown Grant District.

## Schedule 3

### Cultural redress properties

ss 65, 69, 70

#### *Properties vested in fee simple*

Name of property	Description	Interests
Conservation House property	<i>Hawke's Bay Land District— Napier City</i> 0.1309 hectares, more or less, being Section 1 SO 2726. All <i>Gazette</i> 1992, p 971.	Subject to the unregistered lease referred to in section 66(3). Subject to an unregistered lease to the Animal Health Board (now OSPRI) set out in a letter dated 24 May 2013 and an unregistered variation of that lease dated 2 June 2015. Subject to an unregistered easement with concession number ECHB-23849-OTH to Napier City Council.
Pakake	<i>Hawke's Bay Land District— Napier City</i> 0.4217 hectares, more or less, being Lot 2 DP 22454. All record of title HBP2/876 for the fee simple estate.	Subject to and together with a right to drain sewage specified in easement certificate 568837.6. The easements specified in easement certificate 568837.6 are subject to section 309(1)(a) of the Local Government Act 1974. Subject to an unregistered licence to occupy to Wilson Parking New Zealand Limited set out in a letter dated 28 March 2017.

#### *Property vested in fee simple to be administered as reserve*

Name of property	Description	Interests
Heipipi Pa	<i>Hawke's Bay Land District— Napier City</i> 16.8552 hectares, more or less, being Lots 1 and 2 DP 2205, and Lot 2 DP 2289. All record of title HB142/185 for the fee simple estate. 0.6634 hectares, more or less, being Lot 1 DP 13873. All record of title HBF4/779 for the fee simple estate. 0.3784 hectares, more or less, being Section 50 Block XII Puketapu Survey District. All record of title HBA3/793 for the fee simple estate. 6.5931 hectares, more or less, being Part Lot 19 DP 1856. All	Subject to being a historic reserve, as referred to in section 68(3). Subject to section 59 of the Land Act 1948 (affects record of title HBA3/793). Subject to <i>Gazette</i> notice 260916 declaring adjoining State Highway 2 to be a limited access road (affects record of title HBA3/793). Subject to a right of way easement in gross, and easements in gross for rights to convey water and convey electric power created by <i>Gazette</i> notice 517954.1 (affects record of title HBA3/793). Subject to notice 5259013.2 pursuant to section 91 of the

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
	record of title HBA3/1044 for the fee simple estate.	<p data-bbox="967 383 1329 450">Transit New Zealand Act 1989 (affects record of title HBA3/793).</p> <p data-bbox="967 450 1329 622">Subject to a compensation certificate pursuant to section 19 of the Public Works Act 1981, instrument 497163.1 (affects records of title HBA3/793 and HBA3/1044).</p> <p data-bbox="967 622 1329 831">Subject to a right of way easement in gross, and easements in gross for rights to store water, convey water, convey electric power, and drain water created by <i>Gazette</i> notice 517954.1 (affects record of title HBA3/1044).</p> <p data-bbox="967 831 1329 981">Subject to an unregistered grazing licence with concession number WE-32632-GRA to Taratahi Agricultural Training Centre (Wairarapa) Trust Board.</p> <p data-bbox="967 981 1329 1102">Subject to an unregistered easement with concession number ECHB-24093-OTH to Napier City Council.</p>

## Schedule 4

### Administration and procedure of Te Komiti Muriwai o Te Whanga

ss 82, 86, 93

#### 1 Chairperson and deputy chairperson

- (1) The trustees of the Mana Ahuriri Trust must appoint one of the Komiti's members as chairperson of the Komiti.
- (2) The term of office of the chairperson is 3 years, unless the chairperson resigns or is removed during that term.
- (3) The trustees may reappoint or remove the chairperson.
- (4) The Komiti must appoint one of its members as deputy chairperson of the Komiti.
- (5) The term of office of the deputy chairperson is 3 years, unless the deputy chairperson resigns or is removed during that term.
- (6) The Komiti may reappoint or remove the deputy chairperson.

#### 2 Terms of reference

- (1) The Komiti must, at its first meeting after the settlement date, adopt terms of reference for the operations of the Komiti.
- (2) The Komiti may amend the terms of reference at any time.
- (3) However, the Komiti may adopt or amend the terms of reference only if at least 7 of the Komiti's members are present and voting at the meeting or voting by proxy.
- (4) Members of the Komiti must comply with the terms of reference.

#### 3 Meetings of Komiti

##### *Meetings schedule*

- (1) The Komiti must,—
  - (a) at the first meeting of each year after the settlement date, agree a schedule of meetings for the year that will allow the Komiti to achieve its purpose and perform its functions; and
  - (b) regularly review the schedule to ensure that it is sufficient to allow the Komiti to achieve its purpose and perform its functions.
- (2) The chairperson must give written notice of the schedule to each member not later than 14 days before the first meeting on the schedule is to be held.
- (3) If the schedule is amended, the chairperson must give written notice of the amended schedule to each member not later than 14 days before the first meeting on the amended schedule is to be held.
- (4) A member may waive any requirement regarding the giving of notice to that member.

*Special meetings*

- (5) The terms of reference may—
- (a) provide for special meetings; and
  - (b) set out requirements in relation to how and when special meetings may be called.

*Quorum and attendance*

- (6) The quorum for a meeting of the Komiti is 5 members and must include—
- (a) the chairperson or deputy chairperson; and
  - (b) 2 members appointed by the trustees of the Mana Ahuriri Trust; and
  - (c) 1 member appointed by a local authority.
- (7) The Komiti may invite to meetings any advisers or other persons whom the Komiti considers to be necessary to the work of the Komiti.
- (8) In this clause and clause 4, **special meeting** means a meeting that has not been scheduled in the schedule of meetings.

**4 Decision making**

- (1) The Komiti must make its decisions at—
- (a) a scheduled meeting; or
  - (b) a special meeting called in accordance with the terms of reference.
- (2) When making decisions,—
- (a) members of the Komiti must strive to achieve consensus; but
  - (b) if, in the opinion of the chairperson, consensus is not practicable after a reasonable discussion, a decision of the Komiti may be made by a minimum of 75% of those members present and voting at the meeting or voting by proxy.
- (3) The chairperson may vote on any matter but does not have a casting vote.

**5 Management of conflicts of interest**

- (1) Each Komiti member must avoid, to the extent that it is reasonably practicable to do so, any conflict, or any appearance of a conflict, between his or her own interests and his or her responsibilities as a member of the Komiti (a **conflict of interest**).
- (2) The terms of reference must set out effective measures for the disclosure and management of conflicts of interest.
- (3) Komiti members who are also members of a local authority are not disqualified from participating in any decision making by the local authority by virtue of being a member, or participating in making a decision, of the Komiti.

**6 Administrative and technical support of Komiti**

- (1) The Napier City Council is responsible for the administrative support of the Komiti.
- (2) The administrative support referred to in subclause (1) includes the provision of those services required for the Komiti to carry out its functions under this Act.
- (3) The Napier City Council must, on behalf of the Komiti,—
  - (a) hold any funds belonging to the Komiti; and
  - (b) account for the funds in a separate and identifiable manner; and
  - (c) spend the funds in accordance with any direction given by the Komiti.
- (4) All appointers must provide technical support to the Komiti to the extent that it is reasonably practicable to do so.

**7 Reporting of activities**

- (1) The Komiti must report to the appointers after the end of each financial year.
- (2) The report must—
  - (a) describe the activities of the Komiti for the financial year the report covers; and
  - (b) explain how the activities relate to the purpose and functions of the Komiti.
- (3) In this clause, **financial year** means a period of 1 year ending on 30 June.

## Schedule 5

### Notices in relation to RFR land

ss 112, 134, 140(3)

#### 1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under subpart 4 of Part 4 must be—

- (a) in writing and signed by—
  - (i) the person giving it; or
  - (ii) at least 2 of the trustees for a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—
  - (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
  - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 115, 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
- (c) for a notice given under section 131 or 133, 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
  - (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 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

#### 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
  - (b) on the sixth day after posting, if posted; or

- (c) at the time of transmission, if faxed or sent by other electronic means.
- (2) However, a notice is to be treated as having been received on 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.

### Legislative history

20 December 2019	Introduction (Bill 216–1)
12 March 2020	First reading and referral to Māori Affairs Committee
10 August 2020	Reported from Māori Affairs Committee (Bill 216–2)
29 June 2021	Second reading
7 December 2021	Committee of the whole House, third reading
13 December 2021	Royal assent

This Act is administered by the Ministry of Justice.