Moriori Claims Settlement Act 2021

Public Act	2021 No 49
Date of assent	25 November 2021
Commencement	see section 2

Contents

		Page
1	Title	6
2	Commencement	6
	Part 1 **Preliminary matters, historical account, acknowledgements and apology, and settlement of historical claims**	
	Preliminary matters	
3	Purpose	6
4	Provisions to take effect on settlement date	6
5	Act binds the Crown	6
6	Outline	7
	Summary of historical account, acknowledgements, and apology of the Crown	
7	Summary of historical account, acknowledgements, and apology	8
8	Summary of historical account	8
9	Acknowledgements	10
10	Apology	12
	Interpretation provisions	
11	Interpretation of Act generally	13
12	Interpretation	13
13	Meaning of Moriori	15
14	Meaning of historical claims	16
	Historical claims settled and jurisdiction of courts, etc, removed	
15	Settlement of historical claims final	17

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975 18

Resumptive memorials no longer to apply

17 Certain enactments do not apply 18
18 Resumptive memorials to be cancelled 18

Miscellaneous matters

19 Limit on duration of trusts does not apply 19
20 Access to deed of settlement 19

Part 2
Cultural redress

Subpart 1—Protocols

21 Interpretation 20

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols 20
23 Protocols subject to rights, functions, and duties 20
24 Enforcement of protocols 21

Crown minerals

25 Crown minerals protocol 21

Primary industries

26 Primary industries protocol 22

Taonga tūturu

27 Appendix B of Hokoaetanga Tiaki Miheke 22

Subpart 2—Statutory acknowledgement and deeds of recognition

28 Interpretation 23

Statutory acknowledgement

29 Statutory acknowledgement by the Crown 23
30 Purposes of statutory acknowledgement 23
31 Relevant consent authorities to have regard to statutory acknowledgement 24
32 Environment Court to have regard to statutory acknowledgement 24
33 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement 24
34 Recording statutory acknowledgement on statutory plans 25
35 Provision of summary or notice to trustees 25
36 Use of statutory acknowledgement 26

Deeds of recognition

37 Issuing and amending deeds of recognition 26

General provisions relating to statutory acknowledgement and deeds of recognition

38 Exercise of powers and performance of functions and duties 27
39 Rights not affected 27

Consequential amendment to Resource Management Act 1991

40 Amendment to Resource Management Act 1991 27

Subpart 3—Overlay classification

41 Interpretation 27
42 Declaration of overlay classification and the Crown's acknowledgement 28
43 Purposes of overlay classification 28
44 Effect of protection principles 28
45 Obligations on New Zealand Conservation Authority and Conservation Boards 28
46 Noting of overlay classification in strategies and plans 29
47 Notification in *Gazette* 29
48 Actions by Director-General 30
49 Amendment to strategies or plans 30
50 Regulations 30
51 Bylaws 31
52 Effect of overlay classification on overlay areas 31
53 Termination of overlay classification 31
54 Exercise of powers and performance of functions and duties 32
55 Rights not affected 32

Subpart 4—Official geographic names

56 Interpretation 32
57 Official geographic names 33
58 Publication of official geographic names 33
59 Subsequent alteration of official geographic names 33

Subpart 5—Customary fishing regulations

60 Customary fishing regulations 34

Subpart 6—Vesting of cultural redress properties

61 Interpretation 35

Properties vested in fee simple

62 Glory housing property 36
63 Owenga property 36
64 Te Awanui 36
65 Waipāua property 36

Properties vested in fee simple to be administered as reserves

66 Rangiauria property 36

67 Waipāua coastal property 36
68 Glory block 37
69 Waihere block 38
70 Agreement or lease to graze on Glory block or Waihere block 38

General provisions applying to vesting of cultural redress properties

71 Properties vest subject to or together with interests 39
72 Interests that are not interests in land 39
73 Registration of ownership 39
74 Application of Part 4A of Conservation Act 1987 40
75 Matters to be recorded on record of title 41
76 Application of other enactments 41
77 Names of Crown protected areas discontinued 42

Further provisions applying to reserve properties

78 Application of other enactments to reserve properties 42
79 Subsequent transfer of reserve land 42
80 Transfer of reserve land to new administering body 43
81 Transfer of reserve land if trustees change 43
82 Reserve land not to be mortgaged 44
83 Saving of bylaws, etc, in relation to reserve properties 44

Part 3
Commercial redress

Subpart 1—Transfer of deferred selection properties

84 Interpretation 44
85 The Crown may transfer properties 44
86 Records of title for deferred selection properties 45
87 Authorised person may grant covenant for later creation of record of title 45
88 Application of other enactments 45

Subpart 2—Right of first refusal over shared RFR land

Interpretation

89 Interpretation 46
90 Meaning of shared RFR land 48
91 Shared RFR land required for another Treaty of Waitangi settlement 49
92 Ngāti Mutunga o Wharekauri participation under this subpart 49

Restrictions on disposal of shared RFR land

93 Restrictions on disposal of shared RFR land 49

Trustees' right of first refusal

94 Requirements for offer 50

95	Expiry date of offer	50
96	Withdrawal of offer	50
97	Acceptance of offer	50
98	Formation of contract	51
	Disposals to others where land remains shared RFR land	
99	Disposal to the Crown or Crown bodies	51
100	Disposal of existing public works to local authorities	52
101	Disposal of reserves to administering bodies	52
	Disposals to others where land may cease to be shared RFR land	
102	Disposal in accordance with obligations under enactment or rule of law	52
103	Disposal in accordance with legal or equitable obligations	52
104	Disposal under certain legislation	53
105	Disposal of land held for public works	53
106	Disposal for reserve or conservation purposes	53
107	Disposal for charitable purposes	53
108	Disposal to tenants	54
109	Disposal by Canterbury District Health Board	54
	RFR landowner obligations	
110	RFR landowner's obligations subject to other matters	54
	Notices about shared RFR land	
111	Notice to LINZ of shared RFR land with record of title after RFR date	54
112	Notice to trustees of offer trusts if disposal of shared RFR land being considered	55
113	Notice to trustees of offer trusts of disposal of shared RFR land to others	56
114	Notice to LINZ of land ceasing to be shared RFR land	56
115	Notice requirements	57
	Right of first refusal recorded on records of title	
116	Right of first refusal to be recorded on records of title for shared RFR land	57
117	Removal of notations when land to be transferred or vested	58
118	Removal of notations if notice given under section 91	58
119	Removal of notations when RFR period ends	59
	General provisions applying to right of first refusal	
120	Waiver and variation	59
121	Disposal of Crown bodies not affected	59
122	Assignment of rights and obligations under this subpart	59
	Schedule 1 **Statutory areas**	61

Schedule 2 62
Overlay areas

Schedule 3 63
Cultural redress properties

Schedule 4 65
Notices in relation to shared RFR land

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Moriori 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 Moriori in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Moriori.

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 Moriori, as recorded in the deed of settlement; and
- (e) defines terms used in this Act, including key terms such as Moriori 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) protocols for Crown minerals, primary industries, and taonga tūturu on the terms set out in the documents schedule; and
  - (ii) a statutory acknowledgement by the Crown of the statements made by Moriori of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for all but 2 of the statutory areas; and
  - (iii) an overlay classification applying to certain areas of land; and
  - (iv) the provision of official geographic names; and
  - (v) provision for the making of regulations about customary fishing; and

(b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties.

(4) Part 3 provides for commercial redress, including—

(a) the transfer of deferred selection properties to the trustees; and

(b) a right of first refusal over shared RFR land.

(5) There are 4 schedules, as follows:

(a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in all but 2 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 sets out provisions that apply to notices given in relation to shared 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 Moriori in the deed of settlement.

8 Summary of historical account

(1) Moriori karāpuna (ancestors) were the waina-pono (original inhabitants) of Rēkohu, Rangihaute, Hokorereoro (South East Island), and other nearby islands (making up the Chatham Islands). They arrived sometime between 1000 and 1400 CE and all Moriori hokopapa to (are descended from) the founding ancestor Rongomaiwhenua. Moriori developed an egalitarian society where there was little differentiation of rank, and warfare and killing were outlawed. Moriori lived undisturbed for many centuries until their first contact with Pākehā, in 1791.

(2) In late 1835, about 900 people of 2 Māori imi (tribes) sailed on a British ship to Rēkohu after hearing of the islands' attractiveness for settlement and believing Moriori would offer little resistance. The newcomers were welcomed and fed by Moriori in accordance with tikane Moriori (Moriori custom). The newcomers soon began to walk the land. Some Moriori wanted to resist the invaders, but the elders Torea and Tapata urged the people to obey Nunuku's law of peace, arguing that to violate it would be contrary to their ancient beliefs and customs. Upon returning to their villages they were attacked, and many were killed. Māori accounts put the number of Moriori killed in 1835–36 at around 300, or about one-sixth of the population. Those Moriori who survived the

invasion were enslaved and forced to do manual labour. Slavery was foreign to and totally at odds with tikane Moriori.

(3) In 1842, Rēkohu and the surrounding islands were annexed to New Zealand, as the Chatham Islands. The Crown took no action before the late 1850s to alleviate the conditions of Moriori enslavement. Moriori sent letters and petitions to the Crown detailing their plight, including the names of those killed in the invasion and those who had subsequently died of despair. In 1862, Moriori wrote an extensive petition to the Crown seeking recognition of their ancient land rights and claiming the protection of the Crown and English law. In an 1862 letter, Moriori stated that they continued to be enslaved by Māori. In 1863, a new Resident Magistrate was appointed who set about improving some conditions for Moriori.

(4) In June 1870, the Native Land Court sat on the Chatham Islands. At that time, the population of the Chathams comprised just under 100 Moriori and about 20 Māori, but some Māori returned to the Chatham Islands from Taranaki to conduct their case and support their claim. The Court sat for 8 days at Waitangi and heard claims over the whole of Rēkohu as just 5 blocks, as well as claims to Hokorereoro (South East Island) and Rangihaute (Pitt Island). The Court, applying its own understanding of "Native customs", gave particular weight to pre-1840 conquest, where it was accompanied by subsequent occupation.

(5) The Court awarded more than 97% of the land to the recently arrived Māori and less than 3% to Moriori. Tikane Moriori did not recognise conquest as a means of gaining land rights. Moriori arguments focused on holding rights in accordance with tikane, in particular through ancestral occupation and adherence to their own ancient law of peace. Although under Moriori customary tenure land was held communally, Crown title was awarded to individuals. As a result of being left virtually landless, many Moriori who had survived the enslavement were forced to abandon Rēkohu.

(6) By 1901, the Moriori population on Rēkohu had collapsed from a pre-contact population of at least 2,000 to only 31 (out of a total Chatham Islands population of 418 comprising Moriori, Māori, and Europeans). At the turn of the century, several prominent Moriori elders died. With the loss of this generation, none remained who had first-hand knowledge of Moriori language and traditions. Moriori awareness of their language, hokopapa, and traditions subsequently went further into decline.

(7) In 1867, the Crown extended political representation to all Māori men who lived within 4 electoral districts. The Chatham Islands were outside all electoral districts, meaning Moriori and other Chatham Islands residents could not vote or have political representation. It was not until 1922 that legislation was enacted to correct this.

(8) For more than 100 years, individuals and institutions (including the Colonial Museum, a Crown institution) collected and exchanged kōimi t'chakat Moriori (the skeletal remains of Moriori ancestors) taken from Rēkohu and surrounding

islands. Moriori assert that that removal of kōimi t'chakat Moriori violated the tchap' (tapu) of these miheke (taonga) and eroded Moriori authority by interfering with their ability to act as tchieki (guardians) of their miheke.

(9) In the early 20th century, prominent ethnographers wrongly portrayed Moriori as extinct and racially distinct from, and inferior to, Māori. The Crown contributed to the dissemination of this myth through the publication of the *School Journal*. The 1916 and 1946 editions of the *School Journal* taught generations of New Zealand schoolchildren that Moriori were an inferior race and had occupied New Zealand prior to the arrival of Māori and had been driven out to the Chatham Islands by the later migrants. These myths caused much damage to Moriori and still persist today.

(10) The stories popularised and spread through the *School Journal* had a significant impact on many children of Moriori descent and they carried this through into adulthood. As a result of the stigma associated with persistent myths, generations have been reluctant to identify as Moriori or have not been told that they are Moriori, growing up in ignorance of their heritage. Moriori are still dealing with this legacy of loss today.

(11) Since the late 1970s, Moriori descendants have been working to rebuild their identity and culture as a distinct people with a unique heritage. What has been achieved over the past 40 years is testament to their resilience as a people and their determination to reclaim their rightful place in the history of Rēkohu and Aotearoa New Zealand.

9 Acknowledgements

(1) The Crown acknowledges Moriori as tchakat henu (tangata whenua) of Rēkohu (the Chatham Islands) and that Moriori had been settled on Rēkohu for many centuries before 1842.

(2) The Crown acknowledges that until now it has failed to address the deeply-felt and long-standing grievances of Moriori in an appropriate way.

(3) The Crown acknowledges the deaths of a significant number of Moriori as a consequence of their enslavement, as detailed in an 1862 petition to the Crown. The Crown further acknowledges that its failure to have acted in a more reactive and proactive manner to end the enslavement of the Moriori people was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(4) The Crown acknowledges that—

- (a) it did not consult Moriori about the introduction of the native land laws, which provided for the land awarded to Moriori by the Native Land Court to be held on the basis of individual title, rather than traditional collective tenure; and
- (b) in 1870, the Native Land Court awarded titles for 7 reserves to Moriori, each in the names of 9 or fewer individuals; and

(c) the individualisation of Moriori land tenure made the small amount of land remaining in Moriori ownership more susceptible to fragmentation, partition, and alienation, and further eroded Moriori tribal structures; and

(d) its failure to take steps to adequately protect the traditional tribal structures of Moriori, which were based on collective imi and hapū custodianship of land that had been held in peaceful occupation for many generations, had a prejudicial effect on Moriori and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(5) The Crown further acknowledges Moriori were virtually landless from 1870, and that its failure to ensure Moriori retained sufficient lands for their present and future needs was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. This landlessness hindered the cultural, social, and economic development of Moriori, most of whom live outside their rohe today. This compromised the ability of Moriori to manage their taonga and their wāhi t'chap (sacred sites), and to fulfil their t'chieki (guardian) and manawarekatanga (manaakitanga) responsibilities, all of which contributed to the erosion of mana Moriori and Moriori identity.

(6) The Crown acknowledges that its failure to devise a just solution for Moriori in regard to land on the Chatham Islands following the Native Land Court's determination of land title was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(7) The Crown acknowledges that by 1900 ta rē Moriori was no longer a living language. The Crown further acknowledges that it failed to actively protect ta rē Moriori, which contributed to the decline of ta rē Moriori, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(8) The Crown acknowledges that kōimi t'chakat Moriori (Moriori human remains) are tchap' (sacred), and that the removal from Rēkohu, collection, and trade of kōimi t'chakat violated the tchap' of these miheke (taonga) and caused Moriori great distress.

(9) The Crown further acknowledges that the collection and trade of kōimi t'chakat by the Colonial Museum were actions undertaken by or on behalf of the Crown and were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(10) The Crown acknowledges its contribution, through the dissemination of school journals, to the stigmatisation of Moriori as a racially inferior people who became extinct and acknowledges the suffering and hardship these myths have caused to generations of Moriori through to the present day.

(11) The Crown further acknowledges that its role in generations of schoolchildren learning the myth that Moriori were racially inferior contributed to the diminution of Moriori ihi (authority), and ieriki ieriki (imi leadership), over their identity, and rejection or loss of knowledge of Moriori hokopapa (ancestry), and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(12) The Crown acknowledges that until 1922 it failed to make any provision for Moriori and other Chatham Islanders to vote in parliamentary elections and have political representation, despite this issue having been debated in Parliament from as early as 1880. This unjustified failure, until 1922, to ensure that Moriori could exercise the right to vote denied Moriori a fundamental right and privilege of British subjects and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

10 Apology

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

"(a) To the Moriori people, tchakat henu (tangata whenua) and waina pono (original inhabitants) of Rēkohu (the Chatham Islands), to your karāpuna and mokopū, the Crown is profoundly sorry that for too long it failed to uphold the partnership and provide the protection envisaged by te Tiriti o Waitangi/the Treaty of Waitangi and its principles and sought by Moriori karāpuna since the 1840s.

(b) The Crown expresses its deep remorse for the pain and hurt its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles have caused to you and to generations of Moriori people and offers this apology.

(c) The Crown was aware in 1842, when it assumed responsibility for the Chatham Islands, that Moriori were enslaved and many had died at the hands of their captors. The Crown profoundly regrets that it failed for many years to take action to end Moriori enslavement, and that your karāpuna continued to suffer greatly in oppressive conditions which caused many more to die, including some who died of an illness known to Moriori as "kongenge", a deep despair of the spirit. The Crown acknowledges the protests of your karāpuna who actively sought from the Crown the protection owed to them under the Treaty of Waitangi and unreservedly apologises for its prolonged failure to act to end your people's enslavement.

(d) The Crown did not consult your karāpuna when it promoted the native land laws in the late 1860s. After the 1870 hearings of the Native Land Court on Rēkohu, you were left virtually landless. Your tribal structures were undermined and you were severed from your land, your wahi t'chap (sacred sites), and your responsibilities as guardians and hosts. For its failure to ensure that you retained sufficient lands for your present and future needs, the Crown is deeply sorry.

(e) By the beginning of the twentieth century ta rē Moriori (the Moriori language) as a living language had been lost to Moriori and Aotearoa New Zealand. For its failure to actively protect this miheke (taonga), the Crown apologises sincerely.

(f) Over a period of many years the Crown, through the Colonial Museum, collected, removed, and traded kōimi t'chakat (Moriori human remains) from Rēkohu. For these actions, which violated the t'chap of these miheke and caused great distress, the Crown is profoundly sorry.

(g) The Crown contributed, through the dissemination of derogatory stories in the *School Journal*, to the wrongful stigmatisation of Moriori as a racially inferior people who became extinct. For its part in spreading this myth to generations of New Zealanders and the suffering and hardship it caused, especially to children of Moriori descent, the Crown apologises unreservedly.

(h) The Crown pays tribute to you and your karāpuna for your persistence in this long search for justice. You have held strong to your principles of peace, known today as Nunuku's Law, and preserved the mana and manawa of Moriori. The Crown is humbled by your example.

(i) Through this settlement the Crown seeks to atone for the wrongs of the past, and to renew the relationship between Moriori and the Crown under te Tiriti o Waitangi/the Treaty of Waitangi and its principles. May this renewed relationship lead us towards a future of justice and peace—a future worthy of the vision offered to us by the Moriori Imi and your karāpuna."

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 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 61

deed of recognition—

(a) means a deed of recognition issued under section 37 by the Minister of Conservation and the Director-General; and

(b) includes any amendments made under section 37(3)

deed of settlement—

(a) means the deed of settlement dated 14 February 2020 and signed by—

(i) the Honourable Andrew Little, Minister for Treaty of Waitangi Negotiations, and the Honourable Grant Murray Robertson, Minister of Finance, for and on behalf of the Crown; and

(ii) Maui Ashley Solomon, Paul Te Teira Solomon, Thomas Henry Lanauze, and Grace Ngaroimata LeGros, for and on behalf of Moriori; and

(iii) Maui Ashley Solomon, Paul Te Teira Solomon, Thomas Henry Lanauze, Grace Ngaroimata LeGros, and Sharon Anne Elizabeth Wadsworth, being the trustees of the Moriori Imi Settlement 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 84

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

member of Moriori means an individual referred to in section 13(1)(a)

Moriori Imi Settlement Trust means the trust of that name established by a trust deed dated 3 December 2018

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 41

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 Moriori; or

(iii) 1 or more of the hunau, hapū, or groups referred to in section 13(1)(c)

reserve has the meaning given in section 2(1) of the Reserves Act 1977

reserve property has the meaning given in section 61

resource consent has the meaning given in section 2(1) of the Resource Management Act 1991

RFR means the right of first refusal provided for by subpart 2 of Part 3

RFR area has the meaning given in section 89

settlement date means the date that is 40 working days after the date on which this Act comes into force

shared RFR land has the meaning given in section 90

statutory acknowledgement has the meaning given in section 28

tikane means customary values and practices

trustees of the Moriori Imi Settlement Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Moriori Imi Settlement 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 Chatham Islands and Wellington.

13 Meaning of Moriori

(1) In this Act, **Moriori**—

(a) means the collective group composed of individuals who are descended from a Moriori karāpuna; and

(b) includes those individuals; and

(c) includes any hunau, hapū, or group to the extent that it is composed of those individuals.

(2) In this section and section 14,—

area of interest means the area shown as the Moriori area of interest in part 1 of the attachments

customary rights means rights exercised according to tikane Moriori, 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) Moriori customary adoption in accordance with tikane Moriori

Moriori karāpuna means an individual who—

(a) exercised customary rights by virtue of being descended from—

(i) Rongomaiwhenua or Rongomaitere; or

(ii) any other recognised ancestor of a group referred to in part 9.6.2 of the deed of settlement; and

(b) exercised the customary rights predominantly in relation to the area of interest.

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 Moriori 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 Moriori or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:

(i) Wai 64—Moriori claim:

(ii) Wai 308—Moriori Tchakat Henu claim:

(iii) Wai 417—Moriori claim:

(b) every other claim to the Waitangi Tribunal to the extent that subsection (2) applies to the claim and the claim relates to Moriori or a representative entity.

(4) However, the historical claims do not include—

(a) a claim that a member of Moriori, or a hunau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not a Moriori karāpuna; 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:

Moriori 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 on and from the date of its transfer to the trustees; or

(c) to shared RFR land transferred under a contract formed under section 98; or

(d) for the benefit of Moriori 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:

(iii) the shared RFR land transferred under a contract formed under section 98; 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

(b) the date of transfer of the property to the trustees, for a deferred selection property; or

(c) the date of transfer of the land, for shared RFR land transferred under a contract formed under section 98.

(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 Moriori Imi Settlement 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 Moriori Imi Settlement 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—Protocols

21 Interpretation

In this subpart,—

Hokoaetanga Tiaki Miheke means the document entered into under clause 5.33 of the deed of settlement (in the form set out in part 9 of the documents schedule)

protocol—

(a) means each of the following protocols issued under section 22(1) or (2):

(i) the Crown minerals protocol:

(ii) the primary industries protocol:

(iii) Appendix B of the Hokoaetanga Tiaki Miheke; and

(b) includes any amendments made under section 22(3)

responsible Minister means the 1 or more Ministers who have responsibility under a protocol.

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

(1) The responsible Minister must issue each of the protocols, other than Appendix B of the Hokoaetanga Tiaki Miheke, to the trustees on the terms set out in part 4 of the documents schedule.

(2) Appendix B of the Hokoaetanga Tiaki Miheke must be treated as having been issued by the responsible Minister.

(3) The responsible Minister may amend or cancel a protocol at the initiative of—

(a) the trustees; or

(b) the responsible Minister.

(4) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees.

23 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 the responsible Minister or a department of State; or

(c) the legal rights of Moriori or a representative entity.

24 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

25 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.

Primary industries

26 Primary industries protocol

(1) The chief executive of the Ministry for Primary Industries must note a summary of the terms of the primary industries protocol in any fisheries plan that affects the primary industries protocol area.

(2) The noting of the summary is—

(a) for the purpose of public notice only; and

(b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.

(3) The primary industries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, or seaweed) that are held, managed, or administered under any of the following enactments:

(a) the Fisheries Act 1996:

(b) the Maori Commercial Aquaculture Claims Settlement Act 2004:

(c) the Maori Fisheries Act 2004:

(d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

(4) In this section,—

fisheries plan means a plan approved or amended under section 11A of the Fisheries Act 1996

primary industries protocol area means the area shown on the map attached to the primary industries protocol, together with the adjacent waters.

Taonga tūturu

27 Appendix B of Hokoaetanga Tiaki Miheke

(1) Appendix B of the Hokoaetanga Tiaki Miheke 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 2—Statutory acknowledgement and deeds of recognition

28 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 Moriori of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

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

statutory acknowledgement means the acknowledgement made by the Crown in section 29 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

29 Statutory acknowledgement by the Crown

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

30 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 31 to 33; 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 34 and 35; and

(c) to enable the trustees and any member of Moriori to cite the statutory acknowledgement as evidence of the association of Moriori with a statutory area, in accordance with section 36.

31 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.

32 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.

33 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.

34 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 29 to 33, 35, and 36; 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.

35 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.

36 Use of statutory acknowledgement

(1) The trustees and any member of Moriori may, as evidence of the association of Moriori 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 the members of Moriori are not precluded from stating that Moriori 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

37 Issuing and amending deeds of recognition

(1) This section applies in respect of the statutory areas listed in Part 2 of Schedule 1.

(2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory areas.

(3) The Minister of Conservation and the Director-General may amend a deed of recognition, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deeds of recognition

38 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 Moriori 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 or the Director-General by a deed of recognition.

39 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

40 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:

Moriori Claims Settlement Act 2021

Subpart 3—Overlay classification

41 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 42(1) to be subject to the overlay classification; but

(b) does not include an area that is declared under section 53(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 1 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 1 of the documents schedule

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

(a) made by Moriori 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.

42 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.

43 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 45; and

(b) to enable the taking of action under sections 46 to 51.

44 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.

45 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.

46 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 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

47 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 42 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 48 or 49.

48 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.

49 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.

50 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 49(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).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

51 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 49(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).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

52 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 a reserve.

53 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 made under this section is published in the *Gazette*.

54 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.

55 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 4—Official geographic names

56 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

Crown protected area has the meaning given in section 4 of the Act

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

57 Official geographic names

(1) A name specified in the second column of the table in clause 5.47 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.

(3) The existing name of each Crown protected area is changed to the new name as follows:

Existing name	New name
Canister Cove Scenic Reserve	Waikokopu / Canister Cove Scenic Reserve
J M Barker (Hapupu) Historic Reserve	Hāpūpū / J M Barker Historic Reserve
Ocean Mail Scenic Reserve	Manauea / Ocean Mail Scenic Reserve
Waipaua Scenic Reserve	Waipāua Scenic Reserve

(4) Each new name given to a Crown protected area is to be treated as if—

(a) it were an official geographic name that takes effect on the settlement date; and

(b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.

58 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 57.

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

59 Subsequent alteration of official geographic names

(1) In making a determination to alter the official geographic name of a feature named under section 57(1), 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.

(3) The official geographic name of a Crown protected area named under section 57(3) must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.

Subpart 5—Customary fishing regulations

60 Customary fishing regulations

(1) The responsible Minister must recommend the making of regulations under section 186 of the Fisheries Act 1996 that—

(a) provide for the trustees of the Moriori Imi Settlement Trust and the trustees for Ngāti Mutunga o Wharekauri to manage customary fishing in the Rēkohu/Wharekauri fisheries area by appointing tchieki/kaitiaki to issue authorisations for customary fishing:

(b) revoke regulation 5B of the Fisheries (South-East Area Commercial Fishing) Regulations 1986 and replace it by prohibiting commercial fishing in the following (the **rāhui areas**):

(i) the same areas of water in which commercial fishing was prohibited by that regulation; or

(ii) any areas of water, whether or not they overlap with those same areas, that—

(A) are in the Rēkohu/Wharekauri fisheries area; and

(B) are places of importance for customary food gathering, as agreed by the trustees of the Moriori Imi Settlement Trust, the trustees for Ngāti Mutunga o Wharekauri, and the chief executive of the Ministry for Primary Industries; and

(C) the responsible Minister has consulted about with any persons materially affected by the change in areas; and

(D) the responsible Minister is satisfied are areas that, when closed to commercial fishing, do not prevent persons with a commercial interest in a species from taking their quota entitlement or annual catch entitlement within the quota management area for that species:

(c) provide that the trustees of the Moriori Imi Settlement Trust and the trustees for Ngāti Mutunga o Wharekauri may recommend to the responsible Minister that bylaws be made that restrict or prohibit other fishing (customary or recreational) in 1 or more rāhui areas:

(d) require that any restriction or prohibition imposed by the bylaws applies generally to all persons:

(e) require the responsible Minister to make bylaws that are recommended in accordance with regulations made under paragraphs (c) and (d), unless that Minister considers that the proposed bylaws would have an undue adverse effect on fishing in the Rēkohu/Wharekauri fisheries area:

(f) provide for any other matter required by clause 5.43 of the deed of settlement.

(2) However, the responsible Minister must not recommend the making of the regulations unless—

(a) the trustees of the Moriori Imi Settlement Trust and the trustees for Ngāti Mutunga o Wharekauri notify that Minister that regulations are required for the management of customary food gathering in relation to the Rēkohu/Wharekauri fisheries area; and

(b) the chief executive of the Ministry for Primary Industries and both those groups of trustees all agree on the text of the regulations.

(3) In this section,—

Rēkohu/Wharekauri fisheries area means the area shown on deed plan OMCR-064-31

responsible Minister means the Minister responsible for the administration of the Fisheries Act 1996

trustees for Ngāti Mutunga o Wharekauri means the trustees of—

(a) a governance entity established by Ngāti Mutunga o Wharekauri to receive redress in relation to the settlement of their historical Treaty claims (as defined in section 2 of the Treaty of Waitangi Act 1975); or

(b) the Ngāti Mutunga o Wharekauri Iwi Trust, established by a trust deed dated 28 September 2004, if the governance entity has not been established.

Subpart 6—Vesting of cultural redress properties

61 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) Glory housing property:

(b) Owenga property:

(c) Te Awanui:

(d) Waipāua property:

Properties vested in fee simple to be administered as reserves

(e) Rangiauria property:

(f) Waipāua coastal property:

(g) Glory block:

(h) Waihere block

reserve property means each of the properties named in paragraphs (e) to (h) of the definition of cultural redress property.

Properties vested in fee simple

62 Glory housing property

(1) The Glory housing property ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Glory housing property vests in the trustees.

(3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable restrictive covenant in gross on the terms and conditions set out in part 5.1 of the documents schedule.

63 Owenga property

The fee simple estate in the Owenga property vests in the trustees.

64 Te Awanui

The fee simple estate in Te Awanui vests in the trustees.

65 Waipāua property

(1) The Waipāua property ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Waipāua property vests in the trustees.

Properties vested in fee simple to be administered as reserves

66 Rangiauria property

(1) The reservation of the Rangiauria property (being Rangiauria Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Rangiauria property vests in the trustees.

(3) The Rangiauria property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Rangiauria Scenic Reserve.

67 Waipāua coastal property

(1) The Waipāua coastal property ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Waipāua coastal property vests in the trustees.

(3) The Waipāua coastal property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Waipāua Coastal Scenic Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable easement in gross for a right of way on the terms and conditions set out in part 5.4 of the documents schedule.

(6) Despite the provisions of the Reserves Act 1977, the easement—

(a) is enforceable in accordance with its terms; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

68 Glory block

(1) The part of the Glory block that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.

(2) The reservation of the part of the Glory block that is a scenic reserve subject to the Reserves Act 1977 (being part of Canister Cove Scenic Reserve) is revoked.

(3) The fee simple estate in the Glory block vests in the trustees.

(4) The Glory block is declared a reserve and classified as a local purpose (ecological restoration and community purposes) reserve subject to section 23 of the Reserves Act 1977 for the purpose of protecting, managing, and restoring ecological values of the land while also contributing to the social, educational, cultural, and economic development of Rangihaute/Pitt Island (being Pitt Island (Rangiauria)).

(5) The reserve is named Glory Local Purpose Reserve.

(6) Subsections (1) to (5) do not take effect until—

(a) the trustees have provided the Crown with—

(i) a registrable easement in gross for a right of way on the terms and conditions set out in part 5.3 of the documents schedule; and

(ii) a registrable lease on the terms and conditions set out in part 5.2 of the documents schedule; and

(b) the trustees have provided a registrable easement for a right of way in favour of the Glory housing property on the terms and conditions set out in part 5.5 of the documents schedule; and

(c) the trustees have established the Rangihaute Land Trust by a deed of trust in the form set out in part 6 of the documents schedule; and

(d) the trustees have entered into a deed relating to the Waihere block and the Glory block in the form set out in part 7 of the documents schedule; and

(e) the trustees have assigned the right to receive the income under existing occupation rights, and given notice of the assignment, in accordance with the deed relating to the Waihere block and the Glory block.

(7) Despite the provisions of the Reserves Act 1977, the easement and the lease—

(a) are enforceable in accordance with their terms; and

(b) are to be treated as having been granted in accordance with the Reserves Act 1977.

(8) The lease is not a subdivision of land for the purposes of section 218(1)(a)(iii) of the Resource Management Act 1991.

69 Waihere block

(1) The Waihere block ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Waihere block vests in the trustees.

(3) The Waihere block is declared a reserve and classified as a local purpose (ecological restoration and community purposes) reserve subject to section 23 of the Reserves Act 1977 for the purpose of protecting, managing, and restoring ecological values of the land while also contributing to the social, educational, cultural, and economic development of Rangihaute/Pitt Island (being Pitt Island (Rangiauria)).

(4) The reserve is named Waihere Local Purpose Reserve.

(5) Subsections (1) to (4) do not take effect until—

(a) the trustees have established the Rangihaute Land Trust by a deed of trust in the form set out in part 6 of the documents schedule; and

(b) the trustees have entered into a deed relating to the Waihere block and the Glory block in the form set out in part 7 of the documents schedule; and

(c) the trustees have assigned the right to receive the income under existing occupation rights, and given notice of the assignment, in accordance with the deed relating to the Waihere block and the Glory block.

70 Agreement or lease to graze on Glory block or Waihere block

(1) The administering body of the Glory block or the Waihere block must comply with the deed for the blocks in granting any interest in relation to the blocks, despite sections 61(2) and (2A) and 74 of the Reserves Act 1977.

(2) If the administering body of the Glory block or the Waihere block receives funds under any of the following, it may apply the funds only for the purposes for which the Rangihaute Land Trust was established:

(a) an interest granted in relation to any part of the Glory block, except the lease referred to in section 68(6)(a)(ii) or any other interest over the same land:

(b) an interest granted in relation to the Waihere block.

(3) Section 72(3), but not section 72(1), of the Reserves Act 1977 applies to any agreement, licence, or lease to graze on the Glory block or the Waihere block that is granted while the Rangihaute Land Trust exists.

(4) In this section,—

deed for the blocks means the deed relating to the Waihere block and the Glory block entered into in the form set out in part 7 of the documents schedule

Rangihaute Land Trust means the trust established by a deed of trust in the form set out in part 6 of the documents schedule.

General provisions applying to vesting of cultural redress properties

71 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.

72 Interests that are not interests in land

(1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in the third column of the table in Schedule 3, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.

(2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property.

(3) The interest applies—

(a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and

(b) with any other necessary modifications; and

(c) despite any change in status of the land in the property.

73 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 (other than the Owenga 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 5 of the deed of settlement.

(4) Subsection (5) applies to—

(a) a cultural redress property, but only to the extent that subsection (2) does not apply to the property:

(b) the Owenga 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 names 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 chief executive of LINZ, for the following properties:

(i) the Owenga property:

(ii) Te Awanui:

(b) the Director-General, for all other properties.

74 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 a reserve property.

(3) The marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of the Owenga property is increased to a width of 25 metres.

(4) The trustees are appointed as the manager of the marginal strip reserved from the vesting of the Owenga property as if the appointment were made under section 24H of the Conservation Act 1987.

(5) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from sec-

tion 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

(6) Subsections (2), (3), and (5) do not limit subsection (1).

75 Matters to be recorded on record of title

(1) The Registrar-General must record on the record of title—

(a) for a reserve property—

(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 74(5) and 79; and

(b) for the Owenga property that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is increased to a width of 25 metres; and

(c) 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 a reserve property, if the reservation of the 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 74(5) and 79; 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).

76 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) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private

road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.

(3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.

(4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

(a) the vesting of the fee simple estate in a cultural redress property under this subpart; or

(b) any matter incidental to, or required for the purpose of, the vesting.

77 Names of Crown protected areas discontinued

(1) Subsection (2) applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area.

(2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.

(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 reserve properties

78 Application of other enactments to reserve properties

(1) The trustees are the administering body of a reserve property.

(2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.

(3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.

(4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.

(5) A reserve property 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 the property, and section 16(10A) of that Act does not apply to the proposed name.

79 Subsequent transfer of reserve land

(1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.

(2) The fee simple estate in the reserve land may be transferred only in accordance with section 80 or 81.

(3) In this section and sections 80 to 82, **reserve land** means the land that remains a reserve as described in subsection (1).

80 Transfer of reserve land to new administering body

(1) The registered owners of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).

(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 reserve land.

(4) The required documents are—

(a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and

(b) the written consent of the Minister of Conservation to the transfer of the reserve land; and

(c) any other document required for the registration of the transfer instrument.

(5) The new owners, from the time of their registration under this section,—

(a) are the administering body of the reserve land; and

(b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.

(6) A transfer that complies with this section need not comply with any other requirements.

81 Transfer of reserve land if trustees change

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

(a) the transferors of the reserve land are or were the trustees of a trust; and

(b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and

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

82 Reserve land not to be mortgaged

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

83 Saving of bylaws, etc, in relation to reserve properties

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

(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
Commercial redress

Subpart 1—Transfer of deferred selection properties

84 Interpretation

In this subpart,—

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

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

85 The Crown may transfer properties

(1) To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—

(a) to transfer the fee simple estate in a deferred selection property to the trustees; and

(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).

86 Records of title for deferred selection properties

(1) This section applies to each deferred selection property that is to be transferred to the trustees under section 85.

(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 a record 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 87, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

87 Authorised person may grant covenant for later creation of record of title

(1) For the purposes of section 86, 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.

88 Application of other enactments

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

(2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

(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 85, 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).

Subpart 2—Right of first refusal over shared RFR land

Interpretation

89 Interpretation

In this subpart and Schedule 4,—

approving legislation for Ngāti Mutunga o Wharekauri means legislation that approves the rights to shared RFR land under this subpart as redress for Ngāti Mutunga o Wharekauri

Canterbury District Health Board means the Canterbury District Health Board established by section 19(1) of the New Zealand Public Health and Disability Act 2000

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 shared 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 94(2)(a) and 95

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 94, to dispose of shared RFR land to the trustees of an offer trust

offer trust means each of the following:

(a) the Moriori Imi Settlement Trust:

(b) a governance entity established by Ngāti Mutunga o Wharekauri, if it may participate under section 92

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

recipient trust means the 1 offer trust whose trustees accept an offer to dispose of shared RFR land under section 97

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

RFR area means the area shown on SO 536545

RFR date means the first day of the RFR period

RFR landowner, in relation to shared 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 shared RFR land has been disposed of under section 100(1); but

(d) to avoid doubt, does not include an administering body in which shared RFR land is vested under section 101(1)

RFR period means the period of 179 years that starts on the earlier of—

(a) the date that is 36 months after the settlement date under this Act; and

(b) the settlement date under approving legislation for Ngāti Mutunga o Wharekauri

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

90 Meaning of shared RFR land

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

(a) the land described in part 4 of the attachments that, on the RFR date, is held in fee simple by the Canterbury District Health Board; and

(b) the land that is within the RFR area that, on the RFR date,—

(i) is vested in the Crown; or

(ii) is held in fee simple by the Crown; and

(c) any land obtained in exchange for a disposal of shared RFR land under section 105(1)(c) or 106.

(2) Land ceases to be shared RFR land if—

(a) the fee simple estate in the land transfers from the RFR landowner to—

(i) the trustees of a recipient trust or their nominee (for example, under section 85 in the case of a deferred selection property or under a contract formed under section 98); or

(ii) any other person (including the Crown or a Crown body) under section 93(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 102 to 109 (which relate to permitted disposals of shared RFR land); or

(ii) under any matter referred to in section 110(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 120; or

(d) a notice is given under section 91; or

(e) the RFR period ends.

91 Shared RFR land required for another Treaty of Waitangi settlement

(1) This section applies to shared RFR land that—

(a) is required for the settlement of historical Treaty claims of Ngāti Mutunga o Wharekauri; or

(b) is required as a property to be shared by Moriori and Ngāti Mutunga o Wharekauri under an enactment that provides for their shared redress in relation to the settlement of their historical Treaty claims.

(2) The Minister for Treaty of Waitangi Negotiations must give notice to the RFR landowner, and to the trustees of the 1 or more offer trusts, that the land ceases to be shared RFR land.

(3) The notice may be given at any time before a contract is formed under section 98 for the disposal of the land.

(4) In this section, **historical Treaty claim** has the meaning given in section 2 of the Treaty of Waitangi Act 1975.

92 Ngāti Mutunga o Wharekauri participation under this subpart

A governance entity established by Ngāti Mutunga o Wharekauri may participate as an offer trust, but only on and from the settlement date under approving legislation for Ngāti Mutunga o Wharekauri.

Restrictions on disposal of shared RFR land

93 Restrictions on disposal of shared RFR land

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

(a) under any of sections 99 to 109; or

(b) under any matter referred to in section 110(1); or

(c) in accordance with a waiver or variation given under section 120; or

(d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust if the offer to those trustees was—

(i) made in accordance with section 94; and

(ii) made on terms that were the same as, or more favourable to those trustees than, the terms of the disposal to the person; and

(iii) not withdrawn under section 96; and

(iv) not accepted under section 97.

Trustees' right of first refusal

94 Requirements for offer

(1) An offer by an RFR landowner to dispose of shared RFR land to the trustees of an offer trust must be by notice to the trustees of the 1 or more offer trusts.

(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 of an offer trust to give notices to the RFR landowner in relation to the offer.

95 Expiry date of offer

(1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the trustees of the 1 or more offer trusts receive notice of the offer.

(2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which those trustees receive notice of the offer if—

(a) those 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.

(3) If the RFR landowner has received notice of acceptance from the trustees of 2 offer trusts at the end of the expiry date specified in the notice of offer given under section 94, the expiry date is extended to the 20th working day after the day on which those trustees receive the RFR landowner's notice given under section 97(4).

96 Withdrawal of offer

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

97 Acceptance of offer

(1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if—

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

(2) Those trustees must accept all the shared RFR land offered, unless the offer permits them to accept less.

(3) The offer is accepted only if the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust at the end of the expiry date.

(4) If the RFR landowner has received notice of acceptance from the trustees of 2 offer trusts at the end of the expiry date specified in the notice of offer given under section 94, the RFR landowner has 10 working days to give notice to the trustees of the 2 offer trusts.

(5) The RFR landowner's notice must state that—

(a) notice of acceptance has been received from the trustees of both offer trusts; and

(b) the offer may be accepted by the trustees of only 1 of the offer trusts before the end of the 20th working day after the day on which they receive the RFR landowner's notice.

98 Formation of contract

(1) If the trustees of an offer trust accept an offer by an RFR landowner to dispose of shared RFR land, a contract for the disposal of the land is formed between the RFR landowner and those trustees on the terms in the offer.

(2) The terms of the contract may be varied by written agreement between the RFR landowner and those trustees.

(3) Under the contract, those trustees may nominate any person (the **nominee**) to receive the transfer of the shared RFR land.

(4) Those trustees may nominate a nominee only if—

(a) the nominee is lawfully able to hold the shared 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 shared RFR land to the nominee.

(6) If those trustees nominate a nominee, they remain liable for the obligations of the transferee under the contract.

Disposals to others where land remains shared RFR land

99 Disposal to the Crown or Crown bodies

(1) An RFR landowner may dispose of shared RFR land to—

(a) the Crown; or

(b) a Crown body.

(2) To avoid doubt, the Crown may dispose of shared RFR land to a Crown body in accordance with section 563 of the Education and Training Act 2020.

100 Disposal of existing public works to local authorities

(1) An RFR landowner may dispose of shared 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 shared 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.

101 Disposal of reserves to administering bodies

(1) An RFR landowner may dispose of shared RFR land in accordance with section 26 or 26A of the Reserves Act 1977.

(2) To avoid doubt, if shared 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 shared 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 shared RFR land

102 Disposal in accordance with obligations under enactment or rule of law

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

103 Disposal in accordance with legal or equitable obligations

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the RFR date; or

(ii) was conditional before the RFR date but became unconditional on or after the RFR date; or

(iii) arose after the exercise (whether before, on, or after the RFR date) of an option existing before the RFR date; or

(b) the requirements, existing before the RFR date, of a gift, an endowment, or a trust relating to the land.

104 Disposal under certain legislation

An RFR landowner may dispose of shared 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.

105 Disposal of land held for public works

(1) An RFR landowner may dispose of shared 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, shared RFR land may be disposed of by an order of the Māori 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.

106 Disposal for reserve or conservation purposes

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

(a) section 15 of the Reserves Act 1977; or

(b) section 16A or 24E of the Conservation Act 1987.

107 Disposal for charitable purposes

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

108 Disposal to tenants

The Crown may dispose of shared RFR land,—

(a) if the land was held on the RFR 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 RFR date; or

(ii) on or after the RFR date under a right of renewal in a lease granted before the RFR date; or

(c) under section 93(4) of the Land Act 1948.

109 Disposal by Canterbury District Health Board

The Canterbury District Health Board, or any of its subsidiaries, may dispose of shared RFR land to any person if the Minister of Health has given notice to the trustees of the 1 or more offer trusts that, in the Minister's opinion, the disposal will achieve, or assist in achieving, the district health board's objectives.

RFR landowner obligations

110 RFR landowner's obligations subject to other matters

(1) An RFR landowner's obligations under this subpart in relation to shared 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 shared RFR land to the trustees of an offer trust; and

(ii) that the RFR landowner cannot satisfy by taking reasonable steps; and

(c) the terms of a mortgage over, or security interest in, shared RFR land.

(2) **Reasonable steps**, for the purposes of subsection (1)(b)(ii), does not include steps to promote the passing of an enactment.

Notices about shared RFR land

111 Notice to LINZ of shared RFR land with record of title after RFR date

(1) If a record of title is first created for shared RFR land after the RFR 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 shared RFR land after the RFR date, the RFR landowner must give the chief executive of LINZ notice that the land has become shared RFR land.

(3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the shared RFR land or after the land becomes shared RFR land.

(4) The notice must include the legal description of the land and the reference for the record of title.

112 Notice to trustees of offer trusts if disposal of shared RFR land being considered

(1) This section applies if an RFR landowner is considering whether to dispose of shared RFR land in a way that may require an offer under this subpart.

(2) The RFR landowner must give notice to the trustees of the 1 or more offer trusts that, if the landowner decides to dispose of the land, the landowner may be required to offer the land to the trustees of an offer trust under this subpart.

(3) The notice must be given immediately before the RFR landowner starts the processes under any of the following provisions, as relevant:

- (a) section 52 of the Land Act 1948:
- (b) section 23 or 24 of the New Zealand Railways Corporation Restructuring Act 1990:
- (c) section 40 of the Public Works Act 1981 (if the tests in section 40(1) of that Act are met):
- (d) any other enactment that regulates or applies to the disposal of the land.

(4) The notice must include—

- (a) the legal description of the land; and
- (b) the reference for any record of title for the land; and
- (c) the street address for the land (if applicable); and
- (d) if the land does not have a street address, a description or diagram with enough information to enable a person who is not familiar with the land to locate it.

(5) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—

- (a) section 564(3) of the Education and Training Act 2020 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education and Training Act 2020); or
- (b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or

(c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment.

(6) In this section, **dispose of** means to transfer the fee simple estate in the land.

113 Notice to trustees of offer trusts of disposal of shared RFR land to others

(1) An RFR landowner must give the trustees of the 1 or more offer trusts notice of the disposal of shared RFR land by the landowner to a person other than the trustees of an offer trust 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 93; and

(f) if the disposal is to be made under section 93(d), a copy of any written contract for the disposal.

114 Notice to LINZ of land ceasing to be shared RFR land

(1) Subsections (2) and (3) apply if land contained in a record of title is to cease being shared RFR land because—

(a) the fee simple estate in the land is to transfer from the RFR landowner to—

(i) the trustees of a recipient trust or their nominee (for example, under section 85 in the case of a deferred selection property or under a contract formed under section 98); or

(ii) any other person (including the Crown or a Crown body) under section 93(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 102 to 109; or

(ii) under any matter referred to in section 110(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 120.

(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 shared 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.

(4) Subsections (5) and (6) apply if land contained in a record of title ceases to be shared RFR land because a notice is given under section 91 in relation to the land.

(5) The RFR landowner must, as soon as practicable after receiving the notice under section 91, give the chief executive of LINZ notice that the land has ceased to be shared RFR land.

(6) 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) a copy of the notice given under section 91.

115 Notice requirements

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

(a) an RFR landowner; or

(b) the trustees of an offer trust or a recipient trust.

Right of first refusal recorded on records of title

116 Right of first refusal to be recorded on records of title for shared 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 shared RFR land for which there is a record of title on the RFR date; and

(b) the shared RFR land for which a record of title is first created after the RFR date; and

(c) land for which there is a record of title that becomes shared RFR land after the RFR date.

(2) The chief executive must issue a certificate as soon as is reasonably practicable—

(a) after the RFR date, for shared RFR land for which there is a record of title on the RFR date; or

(b) after receiving a notice under section 111 that a record of title has been created for the shared RFR land or that the land has become shared 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 of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate.

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the shared RFR land identified in the certificate that the land is—

(a) shared RFR land, as defined in section 90; and

(b) subject to this subpart (which restricts disposal, including leasing, of the land).

117 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 114(2), 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 of the 1 or more offer trusts 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 116 for the land described in the certificate.

118 Removal of notations if notice given under section 91

(1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under section 114(5), 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) a copy of the notice given under section 91; and

(d) a statement that the certificate is issued under this section.

(2) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove from the record of title identified in the certificate any notation recorded under section 116 for the land described in the certificate.

119 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, issue to the Registrar-General a certificate that includes—

(a) the reference for each record of title for shared RFR land that still has a notation recorded under section 116; and

(b) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts 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 116 from any record of title identified in the certificate.

General provisions applying to right of first refusal

120 Waiver and variation

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

(2) The trustees of an offer trust 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.

121 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.

122 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 4 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with any necessary modifications.

(4) In this section,—

constitutional document means the trust deed or other instrument adopted for the governance of the RFR holder

RFR holder means the 1 or more persons who have the rights and obligations of the trustees of an offer trust under this subpart, because—

(a) they are the trustees of the offer trust; or

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

Schedule 1
Statutory areas

ss 28, 37

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Coastal statutory acknowledgement area	As shown on OMCR-064-08
Tikitiki Hill Conservation Area—Department of Conservation staff house and land	As shown on OMCR-064-17

Part 2
Areas subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
11882 Owenga site	As shown on OMCR-064-07
Hanson Bay South Marginal Strip	As shown on OMCR-064-09
Henga Scenic Reserve	As shown on OMCR-064-10
Lake Huro Marginal Strip	As shown on OMCR-064-11
Owenga Marginal Strip	As shown on OMCR-064-12
Pacific Ocean Marginal Strip	As shown on OMCR-064-13
Petre Bay Marginal Strip	As shown on OMCR-064-14
Pitt Strait Marginal Strip	As shown on OMCR-064-15
Te Awatea Scenic Reserve	As shown on OMCR-064-16
Waitangi Marginal Strip	As shown on OMCR-064-18
Wharekauri site 101	As shown on OMCR-064-19
Wharekauri site 103	As shown on OMCR-064-20
Wharekauri site 104	As shown on OMCR-064-21
Wharekauri site 105	As shown on OMCR-064-22

Schedule 2
Overlay areas

s 42

Overlay area	Location	Description
Manauea (Ocean Mail) Scenic Reserve	As shown on OMCR-064-01	*Wellington Land District—Chatham Islands Council* 831.1510 hectares, more or less, being Wharekauri 1G10B2 Block. All record of title WN547/188 for the fee simple estate.
Mangere Island Nature Reserve	As shown on OMCR-064-02	*Wellington Land District—Chatham Islands Council* 112.9073 hectares, more or less, being Mangere Block.
Part Wharekauri site 100	As shown on OMCR-064-03	*Wellington Land District—Chatham Islands Council* 37.9000 hectares, more or less, being Section 1 SO 36538, Section 2 SO 36539, and Section 3 SO 36540.
Rangatira Nature Reserve	As shown on OMCR-064-04	*Wellington Land District—Chatham Islands Council* 218.5303 hectares, more or less, being Rangatira or South East Island.
Waikokopu (Canister Cove) Scenic Reserve and Waipāua Scenic Reserve	As shown on OMCR-064-05	*Wellington Land District—Chatham Islands Council* 1,214.1000 hectares, more or less, being Section 1 SO 32597, Section 3 Block IX Rangiauria Survey District, and Section 3 SO 545003.
Wharekauri site 102	As shown on OMCR-064-06	*Wellington Land District—Chatham Islands Council* 191.8850 hectares, more or less, being Sections 1 and 2 Block II Rangitihi Survey District and Section 1 SO 36529.

Schedule 3
Cultural redress properties

ss 61, 71, 72

Properties vested in fee simple

Name of property	Description	Interests
Glory housing property	*Wellington Land District—Chatham Islands Council* 5.0000 hectares, more or less, being Section 6 SO 545003. Part transfer A016237.	Subject to the restrictive covenant in gross referred to in section 62(3). Together with the right of way easement referred to in section 68(6)(b). Subject to an unregistered research and collection permit with permit number 48332-GEO to Monash University, School of Earth, Atmosphere, and Environment.
Owenga property	*Wellington Land District—Chatham Islands Council* 1.6610 hectares, more or less, being Section 1 SO 545004. All record of title 363467 for the fee simple estate.	Subject to an unregistered tenancy agreement dated 7 October 2002. Subject to an unregistered tenancy agreement dated 25 January 2011.
Te Awanui	*Wellington Land District—Chatham Islands Council* 2.0370 hectares, more or less, being Section 1 SO 36805. Part transfer 067039.2.	
Waipāua property	*Wellington Land District—Chatham Islands Council* 1.0000 hectare, more or less, being Section 9 SO 545003. Part transfer A016237.	Subject to an unregistered grazing licence with concession number 50492-GRA to C L Lanauze and K Smith and a variation dated 8 July 2020. Subject to an unregistered research and collection permit with permit number 48332-GEO to Monash University, School of Earth, Atmosphere, and Environment.

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Rangiauria property	*Wellington Land District—Chatham Islands Council* 34.6000 hectares, more or less, being Section 2 SO 545003. Part *Gazette* 1993, p 29.	Subject to being a scenic reserve, as referred to in section 66(3).
Waipāua coastal property	*Wellington Land District—Chatham Islands Council*	Subject to being a scenic reserve, as referred to in section 67(3). Subject to the easement in gross for a right of way referred to in section 67(5).

Name of property	Description	Interests
	30.6100 hectares, more or less, being Sections 8 and 10 SO 545003. Part transfer A016237.	Subject to an unregistered grazing licence with concession number 50492-GRA to C L Lanauze and K Smith and a variation dated 8 July 2020. Subject to an unregistered research and collection permit with permit number 48332-GEO to Monash University, School of Earth, Atmosphere, and Environment.
Glory block	*Wellington Land District—Chatham Islands Council* 462.2000 hectares, more or less, being Section 5 SO 545003. Part transfer A016237 and part *Gazette* 1993, p 29.	Subject to being a local purpose reserve, as referred to in section 68(4). Subject to the easement in gross for a right of way referred to in section 68(6)(a)(i). Subject to the lease referred to in section 68(6)(a)(ii). Subject to the right of way easement referred to in section 68(6)(b). Subject to an unregistered grazing licence with concession number 50492-GRA to C L Lanauze and K Smith and a variation dated 8 July 2020. Subject to an unregistered research and collection permit with permit number 48332-GEO to Monash University, School of Earth, Atmosphere, and Environment.
Waihere block	*Wellington Land District—Chatham Islands Council* 741.5000 hectares, more or less, being Section 1 SO 545003. Part transfer A016237.	Subject to being a local purpose reserve, as referred to in section 69(3). Subject to an unregistered grazing licence with concession number 50491-GRA to E P, Y, J and A Lanauze. Subject to an unregistered research and collection permit with permit number 48332-GEO to Monash University, School of Earth, Atmosphere, and Environment.

Schedule 4
Notices in relation to shared RFR land

ss 89, 115, 122(3)

1 Requirements for giving notice

A notice by or to an RFR landowner, or the trustees of an offer trust or a recipient trust, under subpart 2 of Part 3 must be—

(a) in writing and signed by—

(i) the person giving it; or

(ii) at least 2 of the trustees of that trust, for a notice given by the trustees of that trust; and

(b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—

(i) for a notice to the trustees of that trust, specified for those trustees in accordance with the deed of settlement, or in a later notice given by those trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of those trustees; or

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 94, or in a later notice given to those trustees, or identified by those trustees as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under section 111 or 114, 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

25 March 2020	Introduction (Bill 238–1)
23 February 2021	First reading and referral to Māori Affairs Committee
19 August 2021	Reported from Māori Affairs Committee (Bill 238–2)
9 November 2021	Second reading
23 November 2021	Committee of the whole House, third reading
25 November 2021	Royal assent

This Act is administered by the Ministry of Justice.

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2021