

Version
as at 12 April 2022



Ngatikahu ki Whangaroa Claims Settlement Act 2017

Public Act 2017 No 41
Date of assent 21 August 2017
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngatikahu ki Whangaroa Claims Settlement Act 2017.

2 Commencement

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

Part 1

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

3 Purpose

The purpose of this Act is—

- (a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Ngatikahu ki Whangaroa in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngatikahu ki Whangaroa.

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 Ngatikahu ki Whangaroa, as recorded in the deed of settlement; and
 - (e) defines terms used in this Act, including key terms such as Ngatikahu ki Whangaroa 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 conservation 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 Ngatikahu ki Whangaroa of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with the deed of recognition for the specified area; and
 - (iii) an overlay classification applying to a certain area of land; and
 - (iv) the provision of official geographic names; and
 - (b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties.
- (4) There are 3 schedules, as follows:
- (a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in 1 case, for which a deed of recognition is issued:
 - (b) Schedule 2 describes the overlay area to which the overlay classification applies:
 - (c) Schedule 3 describes the cultural redress properties.

Section 6(2)(g)(iv): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

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

7 Summary of historical account, acknowledgements, and apology

- (1) Section 8 summarises in English and te reo Māori the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.
- (2) Sections 9 and 10 record in English and te reo Māori the text of the acknowledgements and apology given by the Crown to Ngatikahu ki Whangaroa in the deed of settlement.
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.

8 Summary of historical account

- (1) Prior to 1840, Europeans and Māori conducted land transactions within the Ngatikahu ki Whangaroa rohe. The majority of these involved other iwi who asserted some authority over the region. The Crown was meant to investigate the legitimacy of these transactions in the 1840s, but in most cases failed to do so because of concerns this would aggravate inter-tribal conflict. In the 1850s, the Crown investigated some Mangonui land claims, but did not investigate others. Though Ngatikahu ki Whangaroa occupied many of these blocks, the Crown failed to adequately consider their customary interests.
- (2) The Crown considered all customary title was extinguished if a land commissioner confirmed the transaction. It assumed ownership of an estimated 11 000 acres of Ngatikahu ki Whangaroa ancestral lands through its “surplus” land policy. Māori evidence regarding these transactions was not always heard in an open, public inquiry.
- (3) In 1841, the Crown sought to settle a dispute between two Māori rangatira by acquiring their interests in the area between Mangonui, Taemaro, and Otangaroa. Though these transactions involved Ngatikahu ki Whangaroa’s ancestral lands, there is no evidence of their involvement or of the Crown sufficiently investigating their customary interests.
- (4) In 1863, the Crown signed the Mangonui purchase to settle outstanding Māori claims in the eastern Mangonui area. The Crown agreed to set aside Taemaro and Waiaua as Māori reserves, but it reduced the size of Taemaro reserve—excluding some areas occupied and cultivated by Ngatikahu ki Whangaroa. A Ngatikahu ki Whangaroa petitioner later claimed that the Mangonui purchase of approximately 22 000 acres only involved about 2 000 acres at Kopupene.
- (5) The establishment of the Native Land Court in 1865 altered Māori customary tenure by allowing individual ownership. The 500-acre Motukahakaha block was awarded to 2 Māori owners and was later sold to private interests. The

Native Land Court awarded Māori title to the 977-acre Takerau block, but then cancelled it after deciding Takerau was Crown land.

- (6) Māori were awarded title to the 3 990-acre Taemaro block in 1870, which lay within the boundaries of the 1863 Mangonui purchase. The Crown believed it owned the block, but failed to attend the court hearing. Māori later surrendered title to Taemaro in exchange for an enlarged 99-acre reserve at Taemaro and a 649-acre reserve at Waimahana. The Crown passed the Taimaro and Waimahana Grants Act 1874, which empowered the Governor to establish the 2 reserves. The Act vested Taemaro reserve in 6 individuals and Waimahana reserve in 10 individuals.
- (7) Taemaro remained a contentious issue for Ngatikahu ki Whangaroa, who claimed they were coerced into surrendering title to the block. Crown officials denied any coercion. Ngatikahu ki Whangaroa repeatedly petitioned the Crown about “surplus” lands and the Taemaro and Takerau transactions.
- (8) After Crown officials approached them about gifting an area Lord Ranfurly had picnicked at for a scenic reserve, Motukiwi Hone Tua and other Ngatikahu ki Whangaroa offered the Crown approximately 10 acres for this purpose. The Crown, however, eventually decided to take 706 acres for the Ranfurly Bay Scenic Reserve, including important Ngatikahu ki Whangaroa wāhi tapu and urupā. Māori owners received a total of £1,060 from the Crown as compensation, but lost £40 per year from a 30-year lease of the block.
- (9) Following World War II, the Crown took land at Matarakaka that the navy had occupied during the conflict. In 1983, the Crown transferred the land to the Lands and Survey Department, and only re-vested it in Māori ownership in 1990. The Crown purchased other land at Matarakaka for scenic reserve purposes without getting the consent of all owners. Ngatikahu ki Whangaroa were left virtually landless and the majority of their people now live outside their rohe.

Te whakarāpopotanga o ngā kōrero o mua

- (1) I mua i te tau 1840, he mea whakaoti ētahi whakawhitinga whenua e ētahi Pākehā me ētahi Māori i roto i te rohe o Ngatikahu ki Whangaroa. He mea whai wāhi ki te nuinga o aua whakawhitinga ētahi atu iwi i whakapuaki i tō rātou mana i runga i taua rohe. Ko te tikanga me tirotiro te Karauna i te tūturutanga o aua whakawhitinga i ngā tau mai i 1840, engari i te nuinga o ngā wā kīhai i oti, nā tōna āwangawanga kei whakanuia te rīriri i waenga iwi. I ngā tau o 1850, i tirotiro te Karauna i ētahi o ngā kerēme whenua o Mangōnui, engari kīhai i tirotirohia ētahi atu. Ahakoa e nohoia ana te nuinga o ēnei poraka e Ngatikahu ki Whangaroa, i rahua e te Karauna te āta whai whakaaro ki ngā pānga tuku iho o Ngatikahu ki Whangaroa.
- (2) E ai ki te Karauna kua whakanoatia ngā kokoraho tuku iho katoa mehemea kua whakaūngia te whakawhitinga e tētahi kaikōmihana whenua. I riro i a ia te rangatiranga o tata ki te 11 000 eka o ngā whenua tuku iho o Ngatikahu ki Whan-

garoa nā tāna kaupapahere whenua “tuwhene”. Kīhai i rangona i ngā wā katoa ngā taunakitanga e pā ana ki aua whakawhitinga i ngā uiuitanga tuwhera, wātea hoki ki te iwi whānui.

- (3) I aru te Karauna i te tau 1841 kia whakatauria he wenewene i waenga i ētahi rangatira tokorua nā te tango i ō rāua pānga i ngā whenua i waenga i Mangōnui, Taemaro me Otangaroa. Ahakoa i whai wāhi ngā whenua tuku iho o Ngatikahu ki Whangaroa ki aua whakawhitinga, kāhore he taunakitanga e whakaatu mai ana i uru mai ai a Ngatikahu ki Whangaroa ki aua whakawhitinga, i rawaka anō hoki tā te Karauna tirotiro i ō rātou pānga tuku iho.
- (4) I te tau 1863, i haina te Karauna i te hokonga o Mangōnui ko te whakatau i ngā kerēme Māori e toe ana i te takiwā o Mangōnui ki te rāwhiti te pūtake. I whakaae te Karauna ki te whakawehe i Taemaro me Waiaua hei rāhuitanga Māori, engari i whakaitingia te rahi o te rāhuitanga Taemaro, me te kati i ētahi wāhi e nohoia ana, e tāmatingia ana e Ngatikahu ki Whangaroa. He mea kerēme i muri atu e tētahi kaipetihana nō Ngatikahu ki Whangaroa i whai wāhi anake he 2 000 eka pea o te whenua i Kopupene ki te hokonga o Mangōnui e 22 000 eka pea te rahi.
- (5) Nā te whakatūnga o te Kōti Whakawā Whenua Māori i te tau 1865 te mana whenua tuku iho o te Māori i whakarerekē mā te tuku i te rangatiranga takitahitanga. I tukuna te poraka Motukahakaha e 500 eka te rahi ki ētahi rangatira Māori tokorua, ā, ka hokona atu i muri atu ki hunga kē. I tuku te Kōti Whakawā Whenua Māori i te kokoraho Māori ki te poraka Takerau 977 eka, engari i whakakorea taua kokoraho whai mai ana i tāna whakatau he whenua Karauna a Takerau.
- (6) I whiwhi kokoraho te Māori ki te poraka Taemaro e 3 990 eka i te tau 1870, ā, e takoto ana taua poraka i roto i ngā paenga o te hokonga o Mangōnui o te tau 1863. He mea whakapono te Karauna nōna taua poraka, engari horekau i tae ki te whakawākanga a te kōti. I muri atu i tuku atu ētahi Māori i te kokoraho ki Taemaro mō tētahi rāhuitanga rahi ake e 99 eka i Taemaro me tētahi anō rāhuitanga e 649 eka i Waimahana. I whakamana te Karauna i te Ture Karāti o Taemaro me Waimahana i te tau 1874, i whakamanahia ai te Kāwana ki te whakatū i ngā rāhuitanga e 2. I tauria e te Ture te rāhuitanga o Taemaro ki ngā tāngata e 6, me te rāhuitanga o Waimahana ki ngā tāngata 10.
- (7) I noho a Taemaro he take tautohetohe ki a Ngatikahu ki Whangaroa, me tā rātou kerēme i uruhina rātou ki te tuku atu i te poraka. I whakakore ngā āpiha o te Karauna nā rātou a Ngatikahu ki Whangaroa i uruhi ki te tuku i te poraka. I auau tonu ā Ngatikahu ki Whangaroa tuku petihana ki te Karauna mō ngā whenua “tuwhene”, me ngā whakawhitinga o Taemaro me Takerau.
- (8) I muri i tā ngā āpiha o te Karauna tonu i a rātou ki te takoha i te wahi i pikiniki ai a Rore Ranfurly hei rāhuitanga tirohanga, he mea tuku e Motukiwi Hone Tua me ētahi atu nō Ngatikahu ki Whangaroa tata ki te 10 eka mō taua pūtake. Heoi anō, i whakatau rawa te Karauna ki te tango i te 706 eka mō te Rāhuitanga Tirohanga o Ranfurly Bay, ā, i roto i taua tangohanga whenua ko ētahi wāhitapu

me ngā urupā hira o Ngatikahu ki Whangaroa. I whiwhi ngā rangatira Māori i te £1,060 i te Karauna hei paremata, engari i ngaro te £40 i te tau i tētahi rihitanga 30 tau te roa o te poraka.

- (9) Whai mai ana i te Pakanga Tuarua o te Ao, i tango te Karauna i te whenua i Mataraka i noho ai te taua moana i te wā o te pakanga. I te tau 1983, i whakawhitia ngā whenua e te Karauna ki te Tari Rūri Whenua, me te whakataka anō ki raro i te rangatiratanga o te Māori i te tau 1990 anake. I hoko te Karauna i ētahi atu whenua i Mataraka mō te hanga rāhuitanga tirohanga me te kore whiwhi whakaaetanga i ngā rangatira katoa. Ka mutu kua tata kore nei ngā whenua o Ngatikahu ki Whangaroa, ā, e noho ana te nuinga o te iwi i waho i tō rātou rohe ināiane.

9 Acknowledgements

- (1) The Crown acknowledges that it failed to deal with the long-standing grievances of Ngatikahu ki Whangaroa in an appropriate way, and that recognition of these grievances is long overdue.
- (2) The Crown acknowledges that, in approving pre-Treaty land transactions, issuing grants to settlers for some of these lands, and retaining 11 000 acres of “surplus land” from transactions in the Ngatikahu ki Whangaroa rohe, it—
- (a) failed to consider the customary rights and interests of Ngatikahu ki Whangaroa in these lands; and
 - (b) failed to assess the impact of the alienation of these lands on Ngatikahu ki Whangaroa; and
 - (c) failed to survey most of these lands.

The Crown acknowledges that these failures breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- (3) The Crown acknowledges that—
- (a) Ngatikahu ki Whangaroa have long disputed the extent of the Crown’s 1863 Mangonui purchase; and
 - (b) the Crown did not challenge the Native Land Court’s 1870 award to Māori of nearly 4 000 acres at Taemaro within the period provided in the native land laws for appealing court decisions; and
 - (c) the Māori owners of Taemaro subsequently protested that the Crown coerced them into surrendering the title for the block in return for reserves of approximately 750 acres at Taemaro and Waimahana; and
 - (d) the Taemaro Reserve did not include all areas occupied and cultivated by Ngatikahu ki Whangaroa; and
 - (e) the Crown’s failure to ensure Ngatikahu ki Whangaroa retained adequate reserves within the boundaries of the Mangonui purchase breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (4) The Crown acknowledges that—

- (a) the operation and impact of the native land laws, in particular the awarding of the important Ngatikahu ki Whangaroa blocks of Taemaro, Taupo, Mataraka B, and Motukahakaha to individuals rather than iwi or hapū, made Ngatikahu ki Whangaroa lands more susceptible to partition, fragmentation, and alienation; and
 - (b) this contributed to the erosion of Ngatikahu ki Whangaroa tribal structures, which were based on collective tribal custodianship of land. The Crown's failure to protect the tribal structures of Ngatikahu ki Whangaroa was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (5) The Crown acknowledges that the compulsory taking of more than 700 acres for a scenic reserve at Ranfurly Bay in 1919—
 - (a) caused Ngāti Kaitangata to lose many sites of significance and important urupā and wāhi tapu sites, including an urupā which was partitioned from the surrounding land by the Native Land Court in 1917; and
 - (b) deprived the owners of the significant income they had expected to receive from a 30-year lease of this land; and
 - (c) was excessive and therefore a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that it took 6 acres at Mataraka in 1946 for public works, which it retained long after the land was no longer used for the purpose for which it was acquired, and only returned the land in 1990 following appeals from descendants of the block's former owners.
- (7) The Crown acknowledges that it continued negotiations to purchase Mataraka B despite a meeting of assembled owners informing the Crown in 1949 that they wished to retain this land. In 1958, the majority of Mataraka B was declared Crown land after a small number of owners had approved a Crown offer at an assembled owners' meeting in 1952.
- (8) The Crown acknowledges that the cumulative effect of its acts and omissions, including Crown purchases, public works takings, and the operation and impact of the native land laws, left Ngatikahu ki Whangaroa virtually landless. The Crown's failure to ensure that Ngatikahu ki Whangaroa retained sufficient land for their present and future needs was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Ngā Whakaaetanga a te Karuna

- (1) E whakaae ana te Karauna i rahua tāna whakatutuki i ngā whakamau mauroa o Ngatikahu ki Whangaroa i runga i te tika, ā, he tino tōmuri rawa tāna āhukahuka i aua whakamau.
- (2) E whakaae ana te Karauna nā āna mahi whakaae ki ngā tauwhitinga whenua i mua i te Tiriti o Waitangi, te tuku karāti ki ngā kaiwhakanoho whenua mō ētahi

o aua whenua, me te pupuri i te 11 000 eka o ngā “whenua tuwhene” mai i ngā tauwhitinga i roto i te rohe o Ngatikahu ki Whangaroa—

- (a) horekau i whai whakaaro ki ngā motika tuku iho me pānga o Ngatikahu ki Whangaroa ki aua whenua; ā
- (b) horekau i aromatawai i te pānga o te makeretanga o aua whenua ki a Ngatikahu ki Whangaroa; ā
- (c) horekau i rūri i te nuinga o aua whenua.

E whakaae ana te Karauna i takahi aua rahunga i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

(3) E whakaae ana te Karauna—

- (a) he roa tonu te whakahē a Ngatikahu ki Whangaroa i te rahinga o tā te Karauna hokonga o Mangōnui i te tau 1863; ā
- (b) horekau te Karauna i tautohe i te tukunga a te Kōti Whakawā Whenua Māori i te tau 1870 tata ki te 4 000 eka i Taemaro i roto i te wā e whakaaetia ana i ngā ture whenua Māori mō te pira i ngā whakatau a te kōti; ā
- (c) i tautohe ngā rangatira Māori o Taemaro i muri atu ka uruhina rātou e te Karauna kia tuku atu i te kokoraho o te poraka hei utu mō te 750 eka pea te rahi i Taemaro me Waimahana; ā
- (d) horekau i kapi i te Rāhuitanga Taemaro ngā wāhi katoa e nohoia ana, e tāmatangia ana e Ngatikahu ki Whangaroa; ā
- (e) i takahia te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono e te kore whakarite a te Karauna kia puritia e Ngatikahu ki Whangaroa ngā rāhuitanga rawaka i roto i ngā rohenga o te hokonga o Mangōnui.

(4) E whakaae ana te Karauna—

- (a) he mea whakarite e te mahinga me te pānga o ngā ture whenua Māori, ina koa te tuku i ngā poraka hira o Taemaro, Taupō, Mataraka B me Motukahakaha ki ngā tāngata takitahi, kua ki te iwi, ngā hapū rānei, kia kaha ake te pā o te roherohe, te whakawehewehe me te makeretanga ki ngā whenua o Ngatikahu ki Whangaroa; ā
- (b) i whai wāhi tēnei ki te memeha haere o ngā hanganga ā-iwi o Ngatikahu ki Whangaroa, tērā e ahu mai ana i tō te iwi kaitiakitanga tōpū o te whenua. Ko tā te Karauna rahunga ki te tiaki i ngā hanganga ā-iwi o Ngatikahu ki Whangaroa he takahitanga o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

(5) E whakaae ana te Karauna ko te tangohanga whakature o neke atu i te 700 eka mō tētahi rāhuitanga tirohanga i Ranfurly Bay i te tau 1919—

- (a) te pūtake i ngaro ai i a Ngāti Kaitangata te maha o ngā pae hira, ngā urupā me ngā wāhi tapu whakahirahira, tae atu ki tētahi urupā i wāwāhia

- i te whenua huri rauna nā te Kōti Whakawā Whenua Māori i te tau 1917;
ā
- (b) i whakakore i te whiwHINGA a ngā rangatira o ngā whenua i ngā moni whiwHI nunui e ai ki te tūmanako kua whiwHI rātou mai i tētahi rīhi 30 tau te roa i runga i taua whenua; ā
 - (c) he inati, nā reira he takahitanga o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- (6) E whakaae ana te Karauna nāna i tango e ono ngā eka i Matakarakā i te tau 1946 mō ngā mahi nunui me te pupuri tonu i taua whenua mō te wā tino roa ake i muri i te whakamahinga mō te pūtake i riro ai, ā, i whakahoki i te whenua i te tau 1990 i muri anake i ngā pīra nā ngā uri o ngā rangatira tōmua o te poraka.
- (7) E whakaae ana te Karauna nāna i whakarite kia haere tonu ngā whakaritenga ki te hoko i te Matakarakā B ahakoa te hui o ngā rangatira tōpū tērā i kī atu ki te Karauna i te tau 1949 i hiahia rātou ki te pupuri tonu i taua whenua. I te tau 1958, he mea kī ko te nuinga o Matakarakā B he whenua nō te Karauna e tētahi rōpū tokoiti o ngā rangatira o te whenua i muri i te whakaae ki tētahi hui o ngā rangatira tōpū i te tau 1952.
- (8) E whakaae ana te Karauna nā te pānga tāpiripiri o āna mahi me āna whakarereenga, tae atu ki ngā hokonga a te Karauna, o te tango whenua mō ngā mahi nunui, me te papātanga o ngā ture whakawā whenua Māori i kore tata nei ai ngā whenua o Ngatikahu ki Whangaroa. Ko tā te Karauna rahunga ki te whakarite kia puritia e Ngatikahu ki Whangaroa te rahi o te whenua e rawaka ana mō ō ratou hiahia o nāianeī me āpōpō he takahitanga o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

10 Apology

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

- (a) The Crown makes the following apology to the whānau, hapū, and iwi of Ngatikahu ki Whangaroa, to your tūpuna, and to your mokopuna:
- (b) The Crown apologises for its failure to honour its obligations to Ngatikahu ki Whangaroa under Te Tiriti o Waitangi/the Treaty of Waitangi. The Crown has taken too long to address appropriately your long-standing and acutely felt grievances, and recognises that this failure has adversely affected generations of Ngatikahu ki Whangaroa:
- (c) The Crown profoundly apologises for the hurt and ongoing grievance it caused Ngatikahu ki Whangaroa by taking surplus lands and its prolonged investigation of pre-Treaty land transactions, the adverse impact of native land laws on Ngatikahu ki Whangaroa lands and the Crown's taking of lands from Ngatikahu ki Whangaroa for public works and scenery preservation. The Crown is deeply sorry that the cumulative

effects of its actions have deprived Ngatikahu ki Whangaroa of important sites, wāhi tapu and urupā of your tūpuna and left you virtually landless:

- (d) The Crown has promoted injurious laws and policies that undermined Ngatikahu ki Whangaroa wellbeing, and disrespected Ngatikahu ki Whangaroa rangatiratanga. For its acts which contributed to the loss of Ngatikahu ki Whangaroa autonomy and damaged Ngatikahu ki Whangaroa's tribal structures the Crown is deeply sorry:
- (e) The Crown seeks to atone for past injustices it has inflicted upon you. Through this settlement, the Crown hopes to restore its honour and relieve Ngatikahu ki Whangaroa's justified sense of grievance. The Crown looks forward to forging a new and enduring relationship with Ngatikahu ki Whangaroa based on good faith, mutual respect, partnership and the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.

Te Whakapāna

- (a) Tēnei te whakapāha atu a te Karauna ki ngā whānau, ngā hapū me te iwi o Ngatikahu ki Whangaroa, ki ō koutou tūpuna me ā koutou mokopuna:
- (b) E tuku whakapāha ana te Karauna mō tāna kore whakatutuki i ōna herenga ki a Ngatikahu ki Whangaroa i raro i te Tiriti o Waitangi/the Treaty of Waitangi. He tino roa rawa te wā i pau i te Karauna hei whakatutuki i runga i te tika i ō koutou whakamau mauroa, tino ngau kino hoki. E āhukahuka ana te Karauna he kino te pānga o taua hapa ki ngā whakatupuranga maha o Ngatikahu ki Whangaroa:
- (c) E kaha whakapāha ana te Karauna mō te mamae me te whakamau haere tonu ki a Ngatikahu ki Whangaroa e pupū mai ana i tā te Karauna tango i ngā whenua tuwhene me tāna whakatewhatewha auroa i ngā tauwhitinga whenua i mua i te Tiriti o Waitangi. E whakapāha hoki ana mō te pānga kino o ngā ture whenua Māori ki ngā whenua o Ngatikahu ki Whangaroa, me tā te Karauna tango whenua mai i a Ngatikahu ki Whangaroa mō ngā mahi nunui me te tohu i te tirohanga whenua. E kaha pōuri ana te Karauna mō ngā pānga tāpiripiri o āna mahi tērā i tango i a Ngatikahu ki Whangaroa ōna pae hira, wāhitapu me ngā urupā o ō koutou tūpuna, ā, ko te mutunga iho tata kore nei ō koutou whenua:
- (d) I whakaturea e te Karauna ngā ture me ngā kaupapahere takakino i tuki-tuki i te oranga o Ngatikahu ki Whangaroa, i tīkai hoki i te rangatiratanga o Ngatikahu ki Whangaroa. E kaha pōuri ana anō hoki te Karauna mō āna mahi tērā i whai takoha atu ki te ngaromanga o te tino rangatiratanga o Ngatikahu ki Whangaroa, i tūkinō rā hoki i ngā hanganga ā-iwi o Ngatikahu ki Whangaroa:
- (e) E rīpenetā ana te Karauna mō āna tūkinō o mua i whakawhiua ki runga i a koutou. Mā tēnei whakataunga e tūmanako ana te Karauna ki te whakaora i tōna hōnōre me te hiki i te wairua whakamau tika o Ngatikahu ki

Whangaroa. E tārīa ana e te Karauna te hanga i tētahi whanaungatanga hou, mauroa tonu ki a Ngatikahu ki Whangaroa, ko te ngākau pono, te wairua whakaute tētahi i tētahi, te kōtuinga me ngā mātāpono o te Tiriti o Waitangi/the Treaty of Waitangi ngā pūtake.

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

computer register—

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

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

conservation area has the meaning given in section 2(1) of the Conservation Act 1987

conservation legislation means—

- (a) the Conservation Act 1987; and
- (b) the enactments listed in Schedule 1 of that Act

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

conservation management strategy has the meaning given in section 2(1) of the Conservation Act 1987

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

cultural redress property has the meaning given in section 61

deed of recognition—

- (a) means a deed of recognition issued under section 36 by the Minister of Conservation and the Director-General; and

(b) includes any amendments made under section 36(3)

deed of settlement—

- (a) means the deed of settlement dated 18 December 2015 and signed by—
- (i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and
 - (ii) David William Manuel, Pita Michael Pangari, Rawiri Henare, and Roger Kingi, for and on behalf of Ngatikahu ki Whangaroa; and
 - (iii) Adrian Thomas Tua, Celia Robinson, David William Manuel, Manaaki Reremoana Tepania Poto, Martha Selwyn, Rawiri Henare, and Roger Kingi, being the trustees of the Kahukuraariki 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

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

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

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

Kahukuraariki Trust means the trust of that name established by a trust deed dated 7 November 2015

LINZ means Land Information New Zealand

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

member of Ngatikahu ki Whangaroa means an individual referred to in section 13(1)(a)

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

overlay classification has the meaning given in section 41

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

Registrar-General means the Registrar-General of Land appointed in accordance with section 4 of the Land Transfer Act 1952

representative entity means—

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

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

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

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

statutory acknowledgement has the meaning given in section 27

tikanga means customary values and practices

trustees of the Kahukuraariki Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Kahukuraariki Trust

working day means a day other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, 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 Auckland and Wellington.

Section 12 **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

13 Meaning of Ngatikahu ki Whangaroa

(1) In this Act, **Ngatikahu ki Whangaroa**—

- (a) means the collective group composed of individuals who are descended from an ancestor of Ngatikahu ki Whangaroa; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including the following:
 - (i) Ngāti Aukiwa:

- (ii) Te Hoia:
- (iii) Ngāti Kaitangata:
- (iv) Te Pohitiare:
- (v) Ngāti Rangimatamomoe:
- (vi) Ngāti Roha:
- (vii) Ngāti Rua.

(2) In this section and section 14,—

ancestor of Ngatikahu ki Whangaroa means an individual who—

- (a) exercised customary rights by virtue of being descended from—
 - (i) Kahukuraariki; or
 - (ii) any other recognised ancestor of a group referred to in part 8 of the deed of settlement; and
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840

area of interest means the area shown as the Ngatikahu ki Whangaroa area of interest in part 1 of the attachments

customary rights means rights exercised according to tikanga Māori, including—

- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources

descended means that a person is descended from another person by—

- (a) birth; or
- (b) legal adoption; or
- (c) whāngai (Māori customary adoption) in accordance with Ngatikahu ki Whangaroa tikanga.

14 Meaning of historical claims

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

- (a) means the claims described in subsection (2); and
- (b) includes the claims described in subsection (3); but
- (c) does not include the claims described in subsection (4).

(2) The historical claims are every claim that Ngatikahu ki Whangaroa 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 Ngatikahu ki Whangaroa or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:
 - (i) Wai 116 (Taemaro Land claim):
 - (ii) Wai 912 (Ngatikahu ki Whangaroa Lands and Resources claim); and
 - (b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that subsection (2) applies to the claim and the claim relates to Ngatikahu ki Whangaroa or a representative entity:
 - (i) Wai 45 (Muriwhenua Lands claim):
 - (ii) Wai 58 (Whangaroa Lands and Fisheries claim):
 - (iii) Wai 230 (Matauri and Putataua Bays claim):
 - (iv) Wai 258 (Whangaroa Lands claim):
 - (v) Wai 262 (Indigenous Flora and Fauna and Cultural Intellectual Property claim):
 - (vi) Wai 1144 (Constitution Act 1986 claim):
 - (vii) Wai 1487 (Florence Bishop and Don Bishop (Ngāitupango, Ngāti Ruamahoe, Ngāti Kura, Ngati Kahu ki Whangaroa) claim):
 - (viii) Wai 1661 (Ngāti Rua (Wood, Smith, and Wood) claim):
 - (ix) Wai 1666 (Ngāti Hine, Ngāti Kawau, Ngāti Kawhiti, and Ngā Uri o Te Pona (Taniwha) claim):
 - (x) Wai 1684 (Puru, Torckler, and Katene Whanau claim):
 - (xi) Wai 1832 (Hapu o Te Rohe Potae o Whangaroa (Kingi) claim):
 - (xii) Wai 1845 (Allen, Pawa, Travers, and Undin Whanau claim):
 - (xiii) Wai 1846 (Ngāti Ruamahoe and Ngati Kahu ki Whangaroa (Sailor Morgan) claim):
 - (xiv) Wai 1848 (Ngāti Miro and Ngāti Kura (Paki Whanau) claim):
 - (xv) Wai 1849 (Ngāti Kura and Ngati Kahu ki Whangaroa (Wiremu Samuels) claim):

- (xvi) Wai 1850 (Ngāti Kura and Ngati Kahu ki Whangaroa (Hera Epiha) claim):
 - (xvii) Wai 1851 (Ngāti Miro, Ngāti Kura, and Ngati Kahu ki Whangaroa (John Terewi) claim):
 - (xviii) Wai 1852 (Ngāti Kura and Ngati Kahu ki Whangaroa (Epiha Whanau) claim):
 - (xix) Wai 1853 (Ngāti Miro, Ngāti Kura, and Ngati Kahu ki Whangaroa (Wiremu Hone Paki) claim):
 - (xx) Wai 1854 (Ngāti Miro, Ngāti Kura, and Ngati Kahu ki Whangaroa (Tamaiparea) claim):
 - (xxi) Wai 1855 (Ngāti Miro, Ngāti Kura, and Ngati Kahu ki Whangaroa (Dawn Davies) claim):
 - (xxii) Wai 2004 (Ngāti Kura, Ngati Kahu ki Whangaroa, and Whakarara Tribal Committee (Tamaiparea) Lands claim):
 - (xxiii) Wai 2023 (Te Pahi Islands (Thorne) claim):
 - (xxiv) Wai 2115 (Ngati Kahu ki Whangaroa Natural Resources (Paki) claim):
 - (xxv) Wai 2149 (Ngā Uri o Te Pona Waahi Tapu (Taniwha) claim):
 - (xxvi) Wai 2151 (Ngāti Kahu Lands and Other Issues (Stewart) claim):
 - (xxvii) Wai 2170 (Ngati Kahu ki Whangaroa and Ngāpuhi Lands (Pine) claim).
- (4) However, the historical claims do not include—
- (a) a claim that a member of Ngatikahu ki Whangaroa, or a whānau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngatikahu ki Whangaroa; 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.
- (6) Despite subsection (4) and the provisions of the Treaty of Waitangi Act 1975, the Waitangi Tribunal may complete and release reports on those historical claims of Ngatikahu ki Whangaroa that are heard in the Wai 1040 Te Paparahi o Te Raki inquiry.

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 “Ngatikahu ki Whangaroa Claims Settlement Act 2017, section 15(4) to (6)”.

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) for the benefit of Ngatikahu ki Whangaroa 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.

Section 17(2)(b): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

18 Resumptive memorials to be cancelled

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the computer register for, each allotment that—
 - (a) is all or part of a cultural redress property; 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 the settlement date.
- (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 computer register identified in the certificate; and
 - (b) cancel each memorial recorded under an enactment listed in section 17(2) on a computer register identified in the certificate, but only in respect of each allotment described in the certificate.

*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 Kahukuraariki 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 Kahukuraariki Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 19 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 19(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 19(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

20 Access to deed of settlement

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

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

Part 2 Cultural redress

Subpart 1—Protocols

21 Interpretation

In this subpart,—

protocol—

- (a) means each of the following protocols issued under section 22(1)(a):
 - (i) the conservation protocol;
 - (ii) the taonga tūturu protocol; and
- (b) includes any amendments made under section 22(1)(b)

responsible Minister means,—

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

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

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

23 Protocols subject to rights, functions, and duties

Protocols do not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability—
 - (i) to introduce legislation and change Government policy; and
 - (ii) to interact with or consult a person the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of a responsible Minister or a department of State; or
- (c) the legal rights of Ngatikahu ki Whangaroa 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).

*Conservation***25 Conservation protocol**

- (1) The Director-General must note a summary of the terms of the conservation protocol in any conservation management strategy, conservation management plan, freshwater fisheries management plan, or national park management plan that affects the conservation protocol area.
- (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to a strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—
 - (a) rights relating to the common marine and coastal area; or
 - (b) an estate or interest in land held, managed, or administered under the conservation legislation; or

- (c) an interest in, or rights relating to, flora or fauna managed or administered under the conservation legislation.
- (4) In this section,—
 - common marine and coastal area** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011
 - conservation protocol area** means the area shown on the map attached to the conservation protocol.

Taonga tūturu

26 Taonga tūturu protocol

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

Subpart 2—Statutory acknowledgement and deed of recognition

27 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 Ngatikahu ki Whangaroa 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 28 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***28 Statutory acknowledgement by the Crown**

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

29 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 30 to 32; 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 33 and 34; and
- (c) to enable the trustees and any member of Ngatikahu ki Whangaroa to cite the statutory acknowledgement as evidence of the association of Ngatikahu ki Whangaroa with a statutory area, in accordance with section 35.

30 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.

31 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.

32 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.

33 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 28 to 32, 34, and 35; 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.

34 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 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.

35 Use of statutory acknowledgement

- (1) The trustees and any member of Ngatikahu ki Whangaroa may, as evidence of the association of Ngatikahu ki Whangaroa 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, by virtue of the statutory acknowledgement, binding as fact on—

- (a) the bodies referred to in subsection (1); or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
- (a) neither the trustees nor members of Ngatikahu ki Whangaroa are precluded from stating that Ngatikahu ki Whangaroa 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.

Deed of recognition

36 Issuing and amending deed of recognition

- (1) This section applies in respect of the statutory area 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 area.
- (3) The Minister of Conservation and the Director-General may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deed of recognition

37 Application of statutory acknowledgement to river or stream

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

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

38 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement and the 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 Ngatikahu ki Whangaroa 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 the deed of recognition.

39 Rights not affected

- (1) The statutory acknowledgement and the 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 “Ngatikahu ki Whangaroa Claims Settlement Act 2017”.

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 the 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 the overlay area

protection principles—

- (a) means the principles agreed by the trustees and the Minister of Conservation, as set out 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 means the actions set out in part 1 of the documents schedule

statement of values means the statement—

- (a) made by Ngatikahu ki Whangaroa 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) The 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 area.

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

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 area; and
 - (b) the protection principles for the 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 the 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 intended to be taken.

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 the 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 the 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 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 <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 50(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 the 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 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	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 51(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

52 Effect of overlay classification on overlay area

- (1) This section applies if, at any time, the overlay classification applies to any land in—
- (a) a national park under the National Parks Act 1980; or
 - (b) a conservation area under the Conservation Act 1987; or
 - (c) a reserve under the Reserves Act 1977.
- (2) The overlay classification does not affect—
- (a) the status of the land as a national park, conservation area, or reserve; or
 - (b) the classification or purpose of the reserve.

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 the overlay area is no longer subject to the overlay classification.

- (2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—
 - (a) the trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands.
- (3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—
 - (a) subsection (2)(c) applies; or
 - (b) there is a change in the statutory management regime that applies to all or part of the overlay area.
- (4) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.

Section 53(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 the 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, the 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

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 5.15 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.

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

60 Akatāre Historic Reserve

- (1) The name of Akatere Historic Reserve is changed to Akatāre Historic Reserve.
- (2) The new name 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.
- (3) The Board must, as soon as practicable after the settlement date,—

- (a) give public notice of the new name in accordance with section 21(2) and (3) of the Act; but
 - (b) state in the notice that the new name became an official geographic name on the settlement date.
- (4) The official geographic name of the reserve 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—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) Clarke Block:
- (b) Kōwhairoa ana koiwi:
- (c) Opakau Urupā:
- (d) Otara ana koiwi:
- (e) Pear Tree Bay property:
- (f) Pukeānginga/Kiwitahi Urupā:
- (g) Stony Creek Station:
- (h) Te Komanga Urupā:
- (i) Temahani Urupā:
- (j) Thomson Block:
- (k) Waipouritaka ana koiwi:

Properties vested in fee simple to be administered as reserves

- (l) Kōwhairoa Peninsula property:
- (m) Waihi Bay property:

Properties vested in fee simple subject to conservation covenants

- (n) Paekauri:
- (o) Taemaro to Tokamatā

reserve property means each of the properties named in paragraphs (l) and (m) of the definition of cultural redress property.

*Properties vested in fee simple***62 Clarke Block**

The fee simple estate in Clarke Block vests in the trustees.

63 Kōwhairoa ana koiwi

- (1) The reservation of Kōwhairoa ana koiwi (being part of Ranfurly Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Kōwhairoa ana koiwi vests in the trustees.

64 Opakau Urupā

The fee simple estate in Opakau Urupā vests in the trustees.

65 Otara ana koiwi

- (1) The reservation of Otara ana koiwi (being part of Ranfurly Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Otara ana koiwi vests in the trustees.

66 Pear Tree Bay property

- (1) The reservation of Pear Tree Bay property (being part of Ranfurly Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pear Tree Bay property vests in the trustees.

67 Pukeānginga/Kiwitahi Urupā

The fee simple estate in Pukeānginga/Kiwitahi Urupā vests in the trustees.

68 Stony Creek Station

- (1) The fee simple estate in Stony Creek Station vests in the trustees.
- (2) The Minister of Conservation must provide the trustees with a registrable easement for a right to convey water on the terms and conditions set out in part 6.4 of the documents schedule.

69 Te Komanga Urupā

- (1) The reservation of Te Komanga Urupā (being part of Ranfurly Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Komanga Urupā vests in the trustees.

70 Temahani Urupā

The fee simple estate in Temahani Urupā vests in the trustees.

71 Thomson Block

- (1) The fee simple estate in Thomson Block vests in the trustees.

- (2) Subsection (1) does not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 6.3 of the documents schedule.

72 Waipouritaka ana koiwi

- (1) The reservation of Waipouritaka ana koiwi (being part of Ranfurly Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Waipouritaka ana koiwi vests in the trustees.

Properties vested in fee simple to be administered as reserves

73 Kōwhairoa Peninsula property

- (1) The reservation of the Kōwhairoa Peninsula property (being part of Ranfurly Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Kōwhairoa Peninsula property vests in the trustees.
- (3) The Kōwhairoa Peninsula property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Kōwhairoa Historic Reserve.

74 Waihi Bay property

- (1) The reservation of the Waihi Bay property (being part of Ranfurly Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Waihi Bay property vests in the trustees.
- (3) The Waihi Bay 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 Waihi Scenic Reserve.

Properties vested in fee simple subject to conservation covenants

75 Paekauri

- (1) Paekauri ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Paekauri vests in the trustees.
- (3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with—
 - (a) a registrable covenant in relation to Paekauri on the terms and conditions set out in part 6.1 of the documents schedule; and
 - (b) a registrable easement in gross for a right of way and a right to convey telecommunications and computer media in favour of the Minister of Conservation on the terms and conditions set out in part 6.3 of the documents schedule.

- (4) The covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.

76 Taemaro to Tokamatā

- (1) Taemaro to Tokamatā ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Taemaro to Tokamatā vests in the trustees.
- (3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Taemaro to Tokamatā on the terms and conditions set out in part 6.2 of the documents schedule.
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
 - (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.

General provisions applying to vesting of cultural redress properties

77 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.

78 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 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.

79 Registration of ownership

- (1) This section applies to a cultural redress property vested in the trustees under this subpart.
- (2) Subsection (3) applies to a cultural redress property, but only to the extent that the property is all of the land contained in a computer freehold register.

- (3) The Registrar-General must, on written application by an authorised person,—
 - (a) register the trustees as the proprietors of the fee simple estate in the property; and
 - (b) record any entry on the computer freehold register 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 cultural redress property, but only to the extent that subsection (2) does not apply to the property.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the trustees; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (6) Subsection (5) is subject to the completion of any survey necessary to create a computer freehold register.
- (7) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—
 - (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustees.
- (8) In this section, **authorised person** means a person authorised by—
 - (a) the chief executive of the Ministry of Justice, for the following properties:
 - (i) Clarke Block:
 - (ii) Stony Creek Station:
 - (iii) Thomson Block:
 - (b) the chief executive of LINZ, for the following properties:
 - (i) Pukeānginga/Kiwitahi Urupā:
 - (ii) Temahani Urupā:
 - (iii) Opakau Urupā:
 - (c) the Director-General, for all other properties.

80 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) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.
- (4) Subsections (2) and (3) do not limit subsection (1).

81 Matters to be recorded on computer freehold register

- (1) The Registrar-General must record on the computer freehold register,—
 - (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 80(3) and 86; and
 - (b) for any other cultural redress property, that the land is subject to Part 4A of the Conservation Act 1987.
- (2) A notification made under subsection (1) that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.
- (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 computer freehold register for the property the notifications that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
 - (ii) the property is subject to sections 80(3) and 86; or
 - (b) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain only on the computer freehold register 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).

82 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.

83 Minister of Conservation may grant easements

- (1) The Minister of Conservation may grant any easement over a conservation area or reserve required to fulfil the terms of the deed of settlement in relation to a cultural redress property.
- (2) Any such easement is—
 - (a) enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - (b) to be treated as having been granted in accordance with Part 3B of that Act; and
 - (c) registrable under section 17ZA(2) of that Act as if it were a deed to which that provision applied.

84 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

85 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.

86 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 87 or 88.
- (3) In this section and sections 87 to 89, **reserve land** means the land that remains a reserve as described in subsection (1).

87 Transfer of reserve land to new administering body

- (1) The registered proprietors of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).
- (2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able—
 - (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 proprietors of the fee simple estate in the reserve land.
- (4) The required documents are—
 - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and
 - (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.

88 Transfer of reserve land to trustees of existing administering body if trustees change

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

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

89 Reserve land not to be mortgaged

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

90 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.

Schedule 1

Statutory areas

ss 27, 36

Part 1

Areas subject only to statutory acknowledgement

Statutory area	Location
Coastal marine area	As shown on OTS-116-18
Oruaiti River and its tributaries within the Ngatikahu ki Whangaroa area of interest	As shown on OTS-116-19
Paekauri Conservation Area	As shown on OTS-116-17

Part 2

Area subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
Akatārere Historic Reserve	As shown on OTS-116-16

Schedule 2 Overlay area

s 42

Overlay area	Location	Description
Whakaangi (being Whakaangi Scenic Reserve)	As shown on OTS-116-15	<i>North Auckland Land District—Far North District</i> 59.8315 hectares, more or less, being Lot 1 DP 192338 and Lot 2 DP 322780.

Schedule 3

Cultural redress properties

ss 61, 77, 78

Properties vested in fee simple

Name of property	Description	Interests
Clarke Block	<i>North Auckland Land District— Far North District</i> 380.4000 hectares, more or less, being Section 27 Block VI Mangonui Survey District. Part <i>Gazette</i> notice D261708.1.	Subject to an unregistered licence to occupy to Oruaiti Farms Limited (dated 7 August 1990).
Kōwhairoa ana koiwi	<i>North Auckland Land District— Far North District</i> 1.6120 hectares, more or less, being Section 3 SO 497509. Part Proclamation 4666.	Subject to an unregistered deed (dated 22 November 1993) and a deed of renewal (2007) in favour of Kordia Limited. Subject to an unregistered high impact, research and collection permit with national permit number AK-31321-FAU to Adrieen J Mayor. Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink. Subject to an unregistered Wildlife Act Authority permit with national permit number 35818-FAU to Animal Health Board Incorporated. Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited. Subject to an unregistered Wildlife Act Authority permit with national permit number AK-32415-FAU to Auckland Museum. Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited. Subject to an unregistered guiding permit with concession number OT-28963-GUI to Active New Zealand Limited.
Opakau Urupā	<i>North Auckland Land District— Far North District</i> 9.4545 hectares, more or less, being Allotments 88C and 88D Mangonui East Parish.	

Name of property	Description	Interests
O tara ana koiwi	<p><i>North Auckland Land District— Far North District</i></p> <p>1.0000 hectares, more or less, being Section 1 SO 494626. Part <i>Gazette</i> notice 16595.</p>	<p>Subject to an unregistered deed (dated 22 November 1993) and a deed of renewal (2007) in favour of Kordia Limited.</p> <p>Subject to an unregistered high impact, research and collection permit with national permit number AK-31321-FAU to Adrican J Mayor.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number AK-32415-FAU to Auckland Museum.</p> <p>Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.</p> <p>Subject to an unregistered guiding permit with concession number OT-28963-GUI to Active New Zealand Limited.</p> <p>Subject to an unregistered guiding permit with concession number CA-26856-GUI to Adventure Specialties Trust.</p> <p>Subject to an unregistered guiding permit with concession number 36342-GUI to R Tucker Thompson Sail Training Trust.</p>
Pear Tree Bay property	<p><i>North Auckland Land District— Far North District</i></p> <p>0.9985 hectares, more or less, being Section 1 SO 497509. Part Proclamation 4666.</p>	<p>Subject to an unregistered deed (dated 22 November 1993) and a deed of renewal (2007) in favour of Kordia Limited.</p> <p>Subject to an unregistered high impact, research and collection permit with national permit number AK-31321-FAU to Adrican J Mayor.</p>

Name of property	Description	Interests
Pukeānginga/Kiwitahi Urupā	<p><i>North Auckland Land District— Far North District</i></p> <p>12.2923 hectares, more or less, being Allotments 88A and 88B Mangonui East Parish.</p>	<p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number AK-32415-FAU to Auckland Museum.</p> <p>Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.</p> <p>Subject to an unregistered guiding permit with concession number OT-28963-GUI to Active New Zealand Limited.</p>
Stony Creek Station	<p><i>North Auckland Land District— Far North District</i></p> <p>2275.2786 hectares, more or less, being Section 1 SO 64554, Sections 1, 2, 3, 4, 5, and 6 SO 64294, Sections 7 and 8 SO 64295, Sections 9, 10, 11, 12, and 13 SO 64330 and Lots 2, 3, and 4 DP 112590. Part Transfer C863141.1.</p>	<p>Together with the easement for a right to convey water referred to in section 68(2) (affects Section 5 SO 64294).</p> <p>Subject to a right of way easement in gross created by Transfer C596755.1.</p> <p>Together with a right of way easement created by Transfer C498020.1 (affects Sections 9, 10, 11, 12, and 13 SO 64330).</p> <p>Subject to section 8 of the Mining Act 1971 (affects the land formerly held in certificates of title NA89C/41 and NA86D/158).</p> <p>Subject to sections 5 and 261 of the Coal Mines Act 1979 (affects the land formerly held in certificates of title NA89C/41 and NA86D/158).</p> <p>Subject to section 3 of the Petroleum Act 1937 (affects the land formerly held in certificates of title NA89C/41 and NA86D/158).</p>

Name of property	Description	Interests
Te Komanga Urupā	<p><i>North Auckland Land District— Far North District</i></p> <p>0.4047 hectares, more or less, being Section 2 SO 497509. Part Proclamation 4666.</p>	<p>Subject to section 8 of the Atomic Energy Act 1945 (affects the land formerly held in certificates of title NA89C/41 and NA86D/158).</p> <p>Subject to section 3 of the Geothermal Energy Act 1953 (affects the land formerly held in certificates of title NA89C/41 and NA86D/158).</p> <p>Subject to an unregistered deed (dated 22 November 1993) and a deed of renewal (2007) in favour of Kordia Limited.</p> <p>Subject to an unregistered high impact, research and collection permit with national permit number AK-31321-FAU to Adrieen J Mayor.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number AK-32415-FAU to Auckland Museum.</p> <p>Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.</p> <p>Subject to an unregistered guiding permit with concession number OT-28963-GUI to Active New Zealand Limited.</p>
Temahani Urupā	<p><i>North Auckland Land District— Far North District</i></p> <p>6.1075 hectares, more or less, being Sections 1 and 2 SO 497504.</p>	

Name of property	Description	Interests
Thomson Block	<p><i>North Auckland Land District— Far North District</i></p> <p>390.0974 hectares, more or less, being Lots 1, 2, and 3 DP 164336 and Section 2 SO 59412. Part <i>Gazette</i> notice D261708.1.</p>	<p>Subject to the right of way easement in gross referred to in section 71(2).</p> <p>Subject to section 241(2) of the Resource Management Act 1991 (affects Lots 1 and 3 DP 164336).</p> <p>Subject to an unregistered licence to occupy to Oruaiti Farms Limited (dated 7 August 1990).</p>
Waipouritaka ana koiwi	<p><i>North Auckland Land District— Far North District</i></p> <p>1.0030 hectares, more or less, being Section 2 SO 494358. Part <i>Gazette</i> notices 16595 and B524461.3.</p>	<p>Subject to an unregistered deed (dated 22 November 1993) and a deed of renewal (2007) in favour of Kordia Limited.</p> <p>Subject to an unregistered high impact, research and collection permit with national permit number AK-31321-FAU to Adrean J Mayor.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number AK-32415-FAU to Auckland Museum.</p> <p>Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.</p> <p>Subject to an unregistered guiding permit with concession number OT-28963-GUI to Active New Zealand Limited.</p> <p>Subject to an unregistered guiding permit with concession number CA-26856-GUI to Adventure Specialties Trust.</p>

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Kōwhairoa Peninsula property	<p><i>North Auckland Land District— Far North District</i></p> <p>283.8500 hectares, more or less, being Section 4 SO 497509. Part Proclamation 4666.</p>	<p>Subject to being a historic reserve, as referred to in section 73(3).</p> <p>Subject to an unregistered deed (dated 22 November 1993) and a deed of renewal (2007) in favour of Kordia Limited.</p> <p>Subject to an unregistered high impact, research and collection permit with national permit number AK-31321-FAU to Adrean J Mayor.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number AK-32415-FAU to Auckland Museum.</p> <p>Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.</p> <p>Subject to an unregistered guiding permit with concession number OT-28963-GUI to Active New Zealand Limited.</p>
Waihi Bay property	<p><i>North Auckland Land District— Far North District</i></p> <p>1.0610 hectares, more or less, being Section 1 SO 494358. Part <i>Gazette</i> notice 16595.</p>	<p>Subject to being a scenic reserve, as referred to in section 74(3).</p> <p>Subject to an unregistered deed (dated 22 November 1993) and a deed of renewal (2007) in favour of Kordia Limited.</p> <p>Subject to an unregistered high impact, research and collection permit with national permit number AK-31321-FAU to Adrean J Mayor.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p>

Name of property	Description	Interests
		<p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number AK-32415-FAU to Auckland Museum.</p> <p>Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.</p> <p>Subject to an unregistered guiding permit with concession number OT-28963-GUI to Active New Zealand Limited.</p> <p>Subject to an unregistered guiding permit with concession number CA-26856-GUI to Adventure Specialties Trust.</p>

Properties vested in fee simple subject to conservation covenants

Name of property	Description	Interests
Paekauri	<p><i>North Auckland Land District— Far North District</i></p> <p>10.3600 hectares, more or less, being Section 1 SO 494372.</p>	<p>Subject to the conservation covenant referred to in section 75(3)(a).</p> <p>Subject to the easement in gross for a right of way and a right to convey telecommunications and computer media as referred to in section 75(3)(b).</p>
Taemaro to Tokamatā	<p><i>North Auckland Land District— Far North District</i></p> <p>38.8330 hectares, more or less, being Sections 1, 2, 3, 4, and 5 SO 495026.</p>	<p>Subject to the conservation covenant referred to in section 76(3).</p>

Notes

1 *General*

This is a consolidation of the Ngatikahu ki Whangaroa Claims Settlement Act 2017 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

Education and Training Act 2020 (2020 No 38): section 668

Trusts Act 2019 (2019 No 38): section 161