Ngāti Maru (Taranaki) Claims Settlement Act 2022

Public Act	2022 No 9
Date of assent	30 March 2022
Commencement	see section 2

Contents

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Maru (Taranaki) Claims Settlement Act 2022.

2 Commencement

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

Part 1
Preliminary matters, historical account, acknowledgements and apology, and settlement of historical claims

Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology given by the Crown to Ngāti Maru in the deed of settlement; and

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

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 Ngāti Maru, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Ngāti Maru 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 effect of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 on certain land described in the deed or this Act; and

(v) the exclusion of the limit on the duration of a trust; and

(vi) 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) in subpart 1, protocols for primary industries and taonga tūturu on the terms set out in the documents schedule; and

(ii) in subpart 2, a statutory acknowledgement by the Crown of the statements made by Ngāti Maru of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for these areas; and

(b) in subpart 3, cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and

(c) in subpart 4, cultural redress relating to the use and management of natural resources, namely—

(i) provision for a Maru Taiao plan to identify values and principles of Ngāti Maru in relation to the Maru Taiao area, and the resource management issues of significance to Ngāti Maru; and

(ii) a requirement for a joint management agreement covering the management of the Waitara River and activities within its catchment affecting the river; and

(iii) a requirement for a cultural materials plan to be developed by the Minister of Conservation and the trustees setting out how the trustees will provide a member of Ngāti Maru with written authorisation to collect specified cultural materials from conservation land; and

(iv) the Crown's acknowledgement of the association of Ngāti Maru with pākohe and pūrangi, and provision for members of Ngāti Maru to remove the minerals by hand from the relevant area.

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

(a) in subpart 1, the transfer of the licensed land and deferred selection properties; and

(b) in subpart 2, the arrangements for the licensed land; and

(c) in subpart 3, ensuring the right of access to protected sites; and

(d) in subpart 4, a right of first refusal.

(5) There are 3 schedules, as follows:

(a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:

(b) Schedule 2 describes the cultural redress properties:

(c) Schedule 3 sets out provisions that apply to notices given in relation to RFR land.

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

7 Summary of historical account, acknowledgements, and apology

(1) Section 8 summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.

(2) Sections 9 and 10 record the text of the acknowledgements and apology given by the Crown to Ngāti Maru 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) The Ngāti Maru rohe is centred on the inland Waitara River valley in Taranaki. For generations, Ngāti Maru cultivated on the fertile river flats, and drew resources from the area's forests, rivers, and wetlands.

(2) Because of their inland location, Ngāti Maru had limited contact with Europeans during the 1840s and 1850s. Ngāti Maru were not involved in the land

dealings which led to war in Taranaki in 1860, and were not directly involved in the subsequent fighting. Their involvement was limited to providing refuge to Wiremu Kingi Te Rangitāke, in accordance with the requirements of whanaungatanga. However, when the Crown confiscated huge tracts of Taranaki to punish so called "rebels" in 1865, approximately half of the traditional lands of Ngāti Maru were included. Many of their main kāinga, urupā and wāhi tapu were taken, and some have never been returned.

(3) Following the confiscation, Ngāti Maru continued to live on their lands. In the early 1870s, the Crown attempted to promote European settlement on confiscated land by paying some Ngāti Maru compensation for the rights that the confiscation had extinguished. These "deeds of cession", covering around 60,000 acres, created significant divisions within the iwi, compounding the damage already caused by the loss of land.

(4) Much of the remaining Ngāti Maru land was then put through the Native Land Court. Ngāti Maru had no alternative but to use the Native Land Court if they wanted a title that could be legally recognised and protected from claims by other Māori. A legal title was also necessary if Ngāti Maru wished to lease or sell land. However, the individualisation of customary title made the land more susceptible to alienation, and further damaged tribal cohesion. Ultimately, Ngāti Maru did not retain any of the land awarded to them by the Native Land Court.

(5) In the early 1890s, some Ngāti Maru were virtually landless, and appealed to the Crown for help. The Crown's response was slow and ineffective. Legislation was not enacted until 1907, and the land ultimately provided to Ngāti Maru was poor and of limited size. An agreement to consolidate individual awards into more economically-viable family holdings was never carried out, and landless Ngāti Maru people not named in the 1907 Acts did not receive any land. Despite further petitions, in 1946 the Crown finally declined to provide any further land for Ngāti Maru. Much of the tribe's remaining land later came under Public Trustee administration and was subject to perpetual leases that invariably benefitted Pākehā farmers rather than the Ngāti Maru owners.

(6) The extensive loss of Ngāti Maru lands has eroded tribal structures, created severe poverty, and damaged the physical, cultural, and spiritual health of generations of Ngāti Maru people. The intense sense of loss and disconnection is expressed in the following Ngāti Maru lament: Maru Hāhā. Hāhā te whenua. Hāhā te tangata. Maru of extreme loss and breathlessness. The land is deserted. The people are gone and gasping for breath.

Te whakarāpopotanga o ngā pūtakenga kōrero

(1) Ko te rohe o Ngāti Maru kei te tuawhenua o te riu o te awa o Waitara ki Taranaki. E hia nei ngā whakatupuranga i ngaki kai ai ha Ngāti Maru i ngā whenua papatahi e mōmona ana i ngā tahataha o te awa, i whai hua ai hoki rātou i ngā rawa o ngā motumotu, o ngā awa me ngā hūhi o te rohe.

(2) Nā te mea i te tuawhenua rātou, he iti ngā wā i tūtaki ai rātou ki te Pākehā i ngā tekau tau o te 1840 me te 1850. Kīhei ha Ngāti Maru i whai wāhi atu ki ngā hokotanga o te whenua i pakū ai te pū, i katoro ai te ahi i Taranaki i te tau 1860, kāti kīhei rātou i āta uru atu ki te whawhai i hua mai rā i reira. Ko tā rātou whāi wāhi atu i whāiti noa iho ki te whakamarumaru i ha Wiremu Kingi Te Rangitāke, e ai rā ki ngā tikanga o te whanaungatanga. Heoti anō, i te wā i muru raupatu te Karauna i ngā whenua rahi hei whiu i hērā i pōhēhētia nei hei "kaiwhakapātaritari" i te tau 1865, i whai wāhi atu ki hērā ko tōna haurua o ngā whenua papatupu o Ngāti Maru. He mea tango te maha o hō rātou noninga matua, o hō rātou urupā, o hō rātou wāhi tapu hoki, kāti kāore anō hētahi o hērā kia whakahokia mai.

(3) I muri mai i te muru raupatu, ka noho tonu ha Ngāti Maru ki hō rātou whenua. I te upoko o te tekau tau 1870, ka whai te Karauna ki te whakatairanga i tā te manene Pākeha whakatau ki ngā whenua kua muru raupatungia mā te utu paremata ki hētahi o ngā uri o Ngāti Maru mō ngā mana i unuhia ai e te muru raupatu. Nā hēnei "whakaaetanga tuku" , i eke rā ki tōna 60,000 eka te nui, i tino tītaritaria ai te iwi e kino kē ake ai ngā tūkinotanga mai i te rironga o ngā whenua.

(4) He maha ngā whenua e toe ana ki ha Ngāti Maru i riro mā Te Kooti Whenua Māori hei whakawā. Kāore he kōwhiringa anō i ha Ngāti Maru atu i te whai i Te Kooti Whenua Māori mehemea i pīrangi rātou ki tētahi taitara e whai mana ana i raro i te ture, e aukatia ai hoki te kerēme mai a hētahi atu Māori. Me mātua whai taitara ā-ture hoki mehemea i hiahia ha Ngāti Maru ki te rīhi atu, ki te hoko atu rānei i te whenua. Heoti anō, nā te whakatakitahitanga o ngā taitara tuku iho i noho whakaraerae ai te whenua ki te rironga, ka kino kē ake te motunga o ngā hononga i waenga i te iwi. I te mutunga iho, kīhei i riro mai anō i ha Ngāti Maru he whenua kotahi i whakawhiwhia rā ki ha rātou e Te Kooti Whenua Māori.

(5) I te upoko o te tekau tau 1890, kua tata whenua kore hētahi o Ngāti Maru, kāti i tono rātou kia āwhinatia rātou e te Karauna. He pōturi, he hua kore hoki te urupare a te Karauna. Nō te tau 1907 rā anō i mana ai te ture, ā, ko te whenua i tukuna ai ki ha Ngāti Maru, i te mutunga iho, he akeake, he iti noa. Kīhei i whakatinanahia te whakaaetanga kia whakatōpūngia ngā taitara takitahi i whakawhiwhia mai rā hei taitara whenua ā-whānau e whai hua ake ai te taha ōhanga, kāti kīhei i whakawhiwhia he whenua ki ngā uri o Ngāti Maru kāore hō rātou nei whenua, kāore hoki hō rātou ingoa i ngā Ture o te tau 1907. Ahakoa ngā petihana i muri mai, i te tau 1946, kātahi tonu te Karauna ka whakapeka ki te tuku whenua atu anō ki ha Ngāti Maru. I riro te maha o ngā whenua e toe ana mō te iwi ki ngā whakaritenga a te Kaitiaki Tūmatanui, kāti i noho whakaraerae ki te rīhi whakahou-pūmau i whai hua ai ngā kaipāmu Pākehā i hōna wā tērā i ngā uri o Ngāti Maru nō rātou te whenua.

(6) Nā te nui o te rironga o ngā whenua o Ngāti Maru i hinga ai ngā tūranga ā-iwi, i hua ai te mutunga mai o te pōharatanga, i tūkinotia ai hoki te oranga ā-tinana,

ā-ahurea, ā-wairua hoki o ngā whakatupuranga o Ngāti Maru. Ko te nui o te mamae i te rironga o hō rātou whenua me te motunga o te here ki reira ka whakapuakina mā roto i te tangi a Ngāti Maru e whai ake nei: Maru Hāhā. Hāhā te whenua. Hāhā te tangata.

9 Acknowledgements

(1) The Crown acknowledges that Ngāti Maru's relationship with the Crown has been one characterised by loss of land, of identity, and of autonomy. For Ngāti Maru, this loss has left a legacy of dislocation and dispossession. Accordingly, the Crown makes the following acknowledgements to Ngāti Maru.

(2) The Crown acknowledges that the wars in Taranaki constituted an injustice and were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(3) The Crown acknowledges that—

- (a) even though Ngāti Maru were not in rebellion, the Crown unfairly treated Ngāti Maru as being in rebellion; and
- (b) its 1865 confiscation of half of Ngāti Maru's land had a devastating effect on the mana, welfare, economy, culture, and social development of the iwi; and
- (c) as a result of the confiscations, many Ngāti Maru were displaced and deprived of access to their wāhi tapu and sites of ancestral significance, traditional sources of food, and other resources on that land; and
- (d) it created confusion and damaging division among Ngāti Maru by negotiating deeds of cession for lands in the raupatu district despite the opposition of many of the iwi to alienating land the Crown had already confiscated; and
- (e) the confiscation was indiscriminate in extent and application, unconscionable, and unjust, and was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(4) The Crown acknowledges that the prejudicial effects of the war and confiscations were compounded by the inadequacies of the Compensation Court process, especially the Court's failure to fulfil promises to return land to Ngāti Maru for a number of years.

(5) The Crown acknowledges that—

- (a) its failure to return lands to Ngāti Maru in a timely manner caused uncertainty and distress for the iwi about where they were to live; and
- (b) it compounded this confusion by making informal cash payments (takoha) to Ngāti Maru which did not involve proper investigation of Māori customary rights, and no clear definition of the land supposedly being secured.

(6) The Crown acknowledges that—

(a) it did not consult Ngāti Maru before introducing land laws in the nineteenth century which established the Native Land Court; and

(b) Ngāti Maru had no choice but to participate in the Native Land Court system to protect their land against the claims of others; and

(c) because Native Land Court hearings were frequently held and advertised at places distant from the Ngāti Maru rohe, the iwi did not always receive notice that titles to their land were under determination and thereby lost important opportunities to defend their interests; and

(d) the individualisation of title made Ngāti Maru's land more susceptible to partition, fragmentation, and alienation, and this led to the erosion of Ngāti Maru's tribal structures. The Crown's failure to protect these structures was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(7) The Crown acknowledges that the survey costs associated with the Mangaere block were an unreasonable burden on its Ngāti Maru owners, and that its failure to actively protect Ngāti Maru from this burden was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(8) The Crown acknowledges that the native land laws failed to offer an effective form of tribal title to facilitate Ngāti Maru's tribal control over their lands until 1894, and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(9) The Crown acknowledges that—

(a) the West Coast Commissions were inadequate in their scope and therefore did not fully address the injustices perpetrated by the confiscations; and

(b) the reserves created by the Commissions in the 1880s were—

(i) virtually all returned under uncustomary individualised title; and

(ii) mainly situated in rough inaccessible bush; and

(iii) not sufficient for the present and future needs of Ngāti Maru; and

(c) the Crown's actions with respect to the West Coast Settlement Reserves, considered cumulatively, including the imposition of a regime of perpetually renewable leases and the sale of Ngāti Maru land by the Public and Māori Trustee—

(i) ultimately deprived Ngāti Maru of the control and ownership of the lands reserved for them in Taranaki; and

(ii) contributed to the impoverishment of Ngāti Maru; and

(iii) were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(10) The Crown acknowledges that—

(a) it imprisoned members of Ngāti Maru and other Māori of Taranaki for their participation in the peaceful resistance campaign initiated at Parihaka in 1879 and 1880; and

(b) legislation was enacted which "suspended the ordinary course of law", and as a result, all Ngāti Maru prisoners were detained without trial; and

(c) the detention of those Ngāti Maru without trial for an unreasonably lengthy period assumed the character of indefinite detention; and

(d) the imprisonment of at least 12 Ngāti Maru men in South Island gaols for political reasons inflicted unwarranted hardships on them and on members of their whānau and hapū; and

(e) the treatment of these political prisoners—

(i) was wrongful, a breach of natural justice, and deprived them of basic human rights; and

(ii) was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(11) The Crown acknowledges that—

(a) it inflicted serious damage on Parihaka and assaulted the human rights of the people residing there during its invasion and subsequent occupation of the settlement; and

(b) it forcibly removed many inhabitants, destroyed and desecrated their homes and sacred buildings, stole heirlooms, systematically destroyed large cultivations and livestock, and regulated entry into Parihaka; and

(c) its actions were a complete denial of the Māori right to develop and sustain autonomous communities in a peaceful manner; and

(d) its treatment of Ngāti Maru people at Parihaka was unconscionable and unjust, and that these actions constituted a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(12) The Crown acknowledges that it failed to set aside the Pohohitoa urupā that was reserved from the Pukemahoe deed of purchase in 1874. The Crown further acknowledges that in the 1890s it surveyed and then built a road through this site in the knowledge that it was an urupā. This was a failure to actively protect Māori interests and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown further acknowledges that the remains of Ngāti Maru tūpāpaku were exhumed during construction, and that this caused profound anguish for Ngāti Maru.

(13) The Crown acknowledges that—

(a) it reserved less than one per cent of the land it purchased in the 1870s for Ngāti Maru, and that by the beginning of the twentieth century many Ngāti Maru were landless; and

(b) it was slow to react to the plight of landless Ngāti Maru, and after Parliament enacted legislation to provide for landless Ngāti Maru, the Crown took until 1915 to provide 2,000 acres it had previously confiscated; and

(c) landlessness has had a devastating impact on the social, cultural, and spiritual well-being of Ngāti Maru, and has led to socio-economic hardship for the iwi; and

(d) its failure to ensure that Ngāti Maru retained sufficient land for their present and future needs is a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(14) The Crown acknowledges that Ngāti Maru consider the Waitara River an ancestor, and that until the late 1970s, this river was grossly polluted by untreated wastewater from industrial plants and dairy farms, and that waste from local meat-works made the river "run red". The Crown further acknowledges that gravel extraction from the Waitara River, and deforestation of its upper catchment have contributed to the environmental degradation of the river's ecology, water quality, and some fisheries and caused Ngāti Maru great distress.

(15) The Crown acknowledges that, together, its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles during the nineteenth and twentieth centuries significantly undermined Ngāti Maru's traditional systems of authority and knowledge, and the rituals and art forms associated with their maintenance and development, compromised their economic capacity, and threatened the physical, cultural, and spiritual well-being of the iwi. The Crown acknowledges that its failure to protect the rangatiratanga of Ngāti Maru was in breach of its obligations under Article Two of te Tiriti o Waitangi/the Treaty of Waitangi and has led to Ngāti Maru's intense sense of enduring loss and disconnection from their treasured whenua.

(16) The Crown acknowledges that the lands and other resources confiscated from Ngāti Maru have made a significant contribution to the wealth and development of Taranaki as a region, and New Zealand as a whole.

He Whakaaetanga

(1) E whakaae ana te Karauna ko te whakaahuatanga o te hononga i waenga i ha Ngāti Maru me te Karauna, ko te rironga—o te whenua, o te tuakiri, o te mana motuhake hoki. Nā hēnei rironga i mahue mai ki a Ngāti Maru ko te panatanga ki whenua kē me te rawakoretanga. Nā reira e whakatakotohia nei e te Karauna ki a Ngāti Maru hēnei whakaaetanga e whai ake nei.

(2) E whakaae ana te Karauna he tūkino ā-ture ngā pakanga i Taranaki, ka mutu he takahanga hēnei i te Tiriti o Waitangi me hōna mātāpono.

(3) E whakaae ana te Karauna—

(a) ahakoa kāore ha Ngāti Maru i tū ki te whakapātaritari, i tūkino te Karauna i a Ngāti Maru ānō nei he kaiwhakapātaritari;

(b) i kino rawa atu te pānga o tana muru raupatu i te haurua o ngā whenua o Ngāti Maru i te tau 1865 ki te mana, ki te oranga, ki te ōhanga, ki te ahurea, ki te whanaketanga ā-pāpori hoki o te iwi;

(c) nā ngā muru raupatu, i panaia ai te tokomaha o Ngāti Maru ki whenua kē, ka mutu kāore he huarahi hei haerenga mō rātou ki hō rātou wāhi tapu me ngā wāhi tuku iho mai i ngā tūpuna, ki ngā wāhi tuku iho mō te kai me hētehi atu rawa o taua whenua;

(d) nāna i puta ai te rangiruatanga, i kino ai hoki te wehewehe o Ngāti Maru mā te whakarite whakaaetanga tuku mō ngā whenua i te takiwā raupatu ahakoa te tohe a te tokomaha o te iwi ki te rironga o ngā whenua kua muru raupatu kētia e te Karauna; ā,

(e) matapōkere ana te whānui me te kawenga o te raupatu, ā, he makihuhunu, he tūkino ā-ture, ka mutu he takahanga i te Tiriti o Waitangi me hōna mātāpono.

(4) E whakaae ana te Karauna i kino kē atu ngā pānga mai o te pakanga me ngā raupatu nā ngā takarepatanga o te tukanga o te Kōti Utu Paremata, oti noa nā te korenga o tā te Kōti whakaea i ngā oati i kī rā i ngā tau e hia nei ka whakahokia te whenua ki a Ngāti Maru.

(5) E whakaae ana te Karauna—

(a) nā tana kore i whakahoki wawe i ngā whenua ki a Ngāti Maru i ngākaurua ai, i āwangawanga ai te iwi mō te korenga o te whenua hei kāinga mō rātou; ā,

(b) i kino ake tēnei rangiruatanga nā ana takoha ki a Ngāti Maru, kāore nei i whai wāhi atu tētehi whakatewhatewha tika i ngā mana tuku iho o te Māori, ka mutu ko te pūmautanga o te taitara kāore i āta whakaaturia.

(6) E whakaae ana te Karauna—

(a) kāore ia i whakamōhio i ha Ngāti Maru i mua i tana whakatau ture whenua i te rautau tekau mā iwa i hangaia mai ai Te Kooti Whenua Māori;

(b) kāore ā Ngāti Maru kōwhiringa atu i te whai wāhi ki te pūnaha o Te Kooti Whenua Māori hei aukati i te kokorahotanga o hō rātou whenua e wai kē atu;

(c) nā te pānuitanga me te rerenga o ngā whakawā a Te Kooti Whenua Māori e tawhiti kē ana i te rohe o Ngāti Maru, kāore te iwi i whakamōhiotia ki te whakawākanga o ngā taitara ki hō rātou whenua, me te aha i riro atu te wā hirahira e tiaki ai rātou i hō rātou pānga; ā,

(d) nā te whakatakitahitanga o ngā taitara i whakaraerae ake ai ngā whenua ki te wāwāhitanga, ki te porohanga, ki te rironga hoki, ka mutu nā reira i ngahoro ai ngā tūranga o te iwi o Ngāti Maru. Ko tō te Karauna kore i tiaki i hēnei tūranga tētehi takahanga i te Tiriti o Waitangi me hōna mātāpono.

(7) E whakaae ana te Karauna he haraki ki ngā uri o Ngāti Maru nō rātou te whenua te taimaha o ngā utu o te wea e hāngai ana ki te poraka o Mangaere, ā, ko tana korenga i āta tiaki i ha Ngāti Maru kia kaua ai e pēnei tana taimaha tētehi takahanga i te Tiriti o Waitangi me hōna mātāpono.

(8) E whakaae ana te Karauna nā ngā ture mō te whenua Māori i kore ai e puta, taea noatia te tau 1894, tētehi taitara ā-iwi e whai take ana kia mau ai i ha Ngāti Maru te mana o hōna ake whenua, ka mutu he takahanga tēnei i te Tiriti o Waitangi me hōna mātāpono.

(9) E whakaae ana te Karauna—

(a) i whāiti rawa ngā tirohanga a te Kōmihana ki te Taihauāuru, me te aha kāore i āta ea i ha rātou ngā tūkino ā-ture i hua mai i ngā raupatu;

(b) ko ngā kōrero mō ngā whenua rāhui i whakaritea ai e ngā Kōmihana i te tekau tau 1880 e pēnei ana—

(i) tata tonu ko te katoa i noho i raro i te taitara takitahi kāore nei i tukuna iho;

(ii) ko te nuinga i te ururuatanga o te ngahere kāore i taea e wai rānei; ā,

(iii) kāore i rawaka e ora ai ngā uri o Ngāti Maru o nāianei, o muri ake nei hoki;

(c) nā ngā mahi a te Karauna e pā ana ki ngā Whakataunga Whenua Rāhui ki te Taihauāuru, i te whakatōpūtanga, tae atu ki te kawenga o tētehi kaupapa mō ngā rīhi whakahou-pūmau me te hokotanga o ngā whenua o Ngāti Maru e te Kaitiaki Tūmatanui me te Tumu Paeroa—

(i) i unuhia ai, i te mutunga iho, te mana whakahaere, me te mana pupuri o Ngāti Maru i ngā whenua i rāhuitia rā mō rātou i Taranaki;

(ii) i whai wāhi atu ki te pōharatanga o Ngāti Maru; ā,

(iii) i takahia rā te Tiriti o Waitangi me hōna mātāpono.

(10) E whakaae ana te Karauna—

(a) i mauhere ia i ngā uri o Ngāti Maru me hētehi atu Māori o Taranaki, mō rātou i whai wāhi ki te kaupapa o te papare i runga i te rangimārie i tīmata rā i Parihaka i te tau 1879 me te tau 1880;

(b) he ture i whakamanatia i "tārewa ai te rerenga māori o te ture", me te aha ko ngā mauhere katoa o Ngāti Maru kāore i whakawāngia;

(c) nā te haraki o te roa o te wā i kore ai e whakawāngia aua mauhere o Ngāti Maru rā, ānō ka pēnei rātou i te mauheretanga mutunga kore;

(d) nā te mauheretanga o ngā tāne 12, neke atu rānei i tērā, o Ngāti Maru ki ngā whare herehere i Te Waipounamu i runga i ngā take tōrangapū i pokerenoa ai te taimahatanga i utaina rā ki a rātou, ki ērā o hō rātou whānau, o hō rātou hapū hoki; ā,

(e) ko ngā āhuatanga i pā ki hēnei mauhere ā-tōrangapū—

(i) e hē ana, e takahi ana i te mātāpono me te tika, ka mutu, nā reira i unuhia ai hō rātou mana ā-tangata nei; ā,

(ii) he takahanga i te Tiriti o Waitangi me hōna mātāpono.

(11) E whakaae ana te Karauna—

(a) i tino pāhua kinotia e ia te pā o Parihaka, ka mutu i tūkino ia i ngā mana tangata o te iwi e noho ana ki reira i te pāhuatanga o te pā e ia, i tōna nohonga hoki ki te pā i muri mai;

(b) i kawhakina e ia ngā tāngata tokomaha e noho ana ki reira, i hoepapatia, i hāparutia hoki e ia hō rātou whare me hō rātou whare tapu, i tāhaetia ngā taonga tuku iho, i āta whai mahere ki te hoepapa i ngā māra nui me ngā kararehe, ka mutu i whakahaere ia i te tomokanga ki te pā o Parihaka;

(c) ko ana mahi te mutunga kē mai o te takahi i te mana o te Māori ki te whakawhanake, ki te taupua hoki i ngā hapori e whai ana i te mana motuhake i runga i te maungārongo; ā,

(d) kīhei i tika, he tūkino ā-ture hoki tana mahi ki te iwi o Ngāti Maru ki Parihaka, ka mutu he takahanga hēnei mahi i te Tiriti o Waitangi me hōna mātāpono.

(12) E whakaae ana te Karauna kāore ia i whakawehe i te urupā ki Pohohitoa i rāhuitia ai i te whakaaetanga hoko mō Pukemahoe i te tau 1874. E whakaae ana hoki te Karauna i te tekau tau 1890 i wea ha ia, i mahi hoki ha ia i tētehi rori kia takoto i taua wāhi i runga i te mōhio i reira tētehi urupā. Kāore tērā i āta tiaki i ngā pānga o te Māori, ka mutu he takahi tērā i te Tiriti o Waitangi me hōna mātāpono. E whakaae ana anō hoki te Karauna i hahua ngā kōiwi o ngā tūpāpaku o Ngāti Maru i te hanganga, me te aha i pā te mamae nui rawa atu ki a Ngāti Maru.

(13) E whakaae ana te Karauna—

(a) i iti iho i te kotahi ōrau o ngā whenua i hokona ai e ia i te tekau tau 1879, ka rāhuitia mō Ngāti Maru, ā, nō te taenga mai ki te tīmatanga o te rautau rua tekau kua kore he whenua o te tokomaha o Ngāti Maru;

(b) he pōturi tana urupare ki te kino o korenga o ngā whenua o Ngāti Maru, ā, i muri i tā Pāremata whakamana i te ture e whai whakaritenga ana mō te korenga o ngā whenua o Ngāti Maru, nō te tau 1915 rā anō te Karauna tuku ai i te 2,000 eka i raupatua ai e ia i mua;

(c) inā kē te kino o te pānga o te korenga o ngā whenua ki te oranga ā-pāpori, ā-ahurea, ā-wairua hoki o Ngāti Maru, me te aha kua rongo te iwi i te taimaha e pā ana ki te oha-pori; ā,

(d) ko tana korenga i whai kia rawaka i ngā whenua i mau tonu rā i ha Ngāti Maru ngā hiahia matua o te wā, o muri ake nei hoki he takahanga i te Tiriti o Waitangi me hōna mātāpono.

(14) E whakaae ana te Karauna he tupuna te awa o Waitara ki te iwi o Ngāti Maru, ā, tae noa atu ki te whiore o te tekau tau 1970, inā kē te kino o te parahanga i te awa o Waitara nā te para o te wai tukanga-kore mai i ngā rawa whakanao me ngā pāmu kau, ka mutu nā ngā parapara i te whare patu kararehe he rite tonu te 'rerenga wherowero' o te awa. E whakaae ana hoki te Karauna nā te unuhanga o te kirikiri i te awa o Waitara, nā te tuangahere hoki i tana hikuwai i whai wāhi ki te hekenga o te kounga o te hauropi o te awa, o te kounga o te wai, me hētehi kai o te wai, ka mutu nā ērā i nui ai te āwangawanga o Ngāti Maru.

(15) E whakaae ana te Karauna, ko ana takahanga i te Tiriti o Waitangi me hōna mātāpono i te rautau tekau mā iwa me te rautau rua tekau i tino tukituki ki ngā āhuatanga tuku iho o Ngāti Maru e pā ana ki te rangatiratanga me te mātauranga, ki ngā tikanga me ngā mahinga toi e hāngai ana ki te oranga tonutanga me te whanaketanga o aua tikanga rā, i whakararuraru hoki i tō rātou kaha ā-ōhanga, i tuku anō hoki kia whakaraerae te oranga ā-tinana, ā-ahurea, ā-wairua hoki o te iwi. E whakaae ana te Karauna ko tana korenga i tiaki i te rangatiratanga o Ngāti Maru tētehi takahanga i hōna herenga e ai ki te Wāhanga Tuarua o te Tiriti o Waitangi, me te aha inā kē te roa me te kaha o tā Ngāti Maru rongo i te korenga rānei o hō rātou whenua taurikura, i te motunga rānei o tō rātou here ki reira.

(16) E whakaae ana te Karauna kua tino whai wāhi atu ngā whenua me hētehi atu rawa i raupatua ai i ha Ngāti Maru ki te whairawa me te whanaketanga o te rohe o Taranaki, o Aotearoa whānui hoki.

10 Apology

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

"(a) For generations, Ngāti Maru's relationship with the Crown has been characterised by the loss of land, of life, and of identity.

(b) The Crown's many breaches of te Tiriti o Waitangi/the Treaty of Waitangi left Ngāti Maru feeling like refugees in their own homeland.

(c) Accordingly, to the tūpuna, descendants, hapū, and whānau of Ngāti Maru, the Crown offers the following long-overdue apology:

(d) The Crown regrets its actions that led to the outbreak of war in Taranaki, and apologises for the destructive and demoralising effects these actions had upon Ngāti Maru peoples.

(e) For its unjust raupatu in Taranaki, the Crown apologises unreservedly. Its confiscation of half of the rohe of Ngāti Maru was indiscriminate and unwarranted, and the Crown deeply regrets this "confiscation without cause".

(f) For the suspension of the ordinary course of law and the unjust treatment and exile of Ngāti Maru peoples imprisoned for taking part in campaigns

of peaceful resistance, the Crown expresses profound remorse and apologises.

(g) For its unconscionable actions at Parihaka and the ensuing hardship and heartache Ngāti Maru peoples suffered as a result, the Crown is deeply sorry.

(h) For those actions which rendered your iwi almost completely landless, severed your connection to your whenua, and inflicted economic hardship and suffering on generations of your people, the Crown sincerely apologises.

(i) And for the ways the Crown's breaches of te Tiriti o Waitangi/the Treaty of Waitangi have threatened your Marutanga, offended against your ancestors, undermined your communities and your leadership, and compromised your cultural and spiritual well-being, the Crown humbly apologises.

(j) The Crown recognises that the resilience of Ngāti Maru iwi is connected intrinsically to the whenua, awa, and taonga of their rohe. Through this settlement, and with this apology, the Crown commits to building an enduring relationship of mutual trust, respect and cooperation with Ngāti Maru based on te Tiriti o Waitangi/the Treaty of Waitangi and its principles."

He Whakapāha

"(a) Ko te whakaahuatanga o te hononga i waenga i ha Ngāti Maru me te Karauna, i ngā whakatupuranga e hia nei, ko te rironga o te whenua, o te tangata, o te tuakiri hoki.

(b) Nā ngā takahanga maha a te Karauna i te Tiriti o Waitangi i haere manene ai a Ngāti Maru i tō rātou anō kāinga tupu.

(c) Nō reira, e whakapuaki ana te Karauna i tēnei whakapāha tōmuri rawa e whai ake nei ki ngā tūpuna, ki ngā uri whakatupu, ki ngā hapū, ki ngā whānau hoki o Ngāti Maru:

(d) E whakapāha ana te Karauna mō hāna mahi i pakaru ai te pakanga ki Taranaki, ā, e whakapāha ana hoki ia mō te orotā me te whakakiwakiwa o ngā pānga mai i hēnei mahi ki ngā tāngata o Ngāti Maru.

(e) E whakapāha kau ana te Karauna mō te tūkino ā-ture o tana raupatu i Taranaki. Matapōkere ana te raupatu kurī noa o tētehi haurua o te rohe o Ngāti Maru, ā, e tino whakapāha ana te Karauna i tēnei "raupatu take kore".

(f) Inā kē te hinapōuri o te Karauna, ā, e whakapāha ana ia mō te tārewatanga o te rerenga māori noa o te ture, mō te tūkino ā-ture o tana mahi, o tana whakamanene hoki i ngā uri o Ngāti Maru i mauheretia ai mō tā rātou whai wāhi atu ki ngā kaupapa o te papare i runga i te maungārongo.

(g) E tino whakapāha rawa atu ana te Karauna mō ana mahi tūkino i Parihaka, mō ngā uauatanga me ngā mamaetanga hoki i pā rā ki ngā uri o Ngāti Maru i muri mai nā aua mahi rā.

(h) E houtupu ana te whakapāha a te Karauna mō aua mahi nā reira tō koutou iwi i tata kore ai e whai whenua, i motu ai tō koutou hononga ki ō koutou whenua, i pā kinotia ai te hia nei whakatupuranga o tō koutou iwi e te uaua me te ngau kino ā-ōhanga.

(i) E whakapāha ana te Karauna i runga i te ngākau whakaiti mō te āhua o tā ngā takahanga a te Karauna i te Tiriti o Waitangi whakatumatuma i tō koutou Marutanga, mō ana hara ki ō koutou tūpuna, mō tana tukituki ki ō koutou hapori me ō koutou rangatira, mō te whakararuraru hoki i te oranga ā-ahurea me te oranga ā-wairua.

(j) E whakaae ana te Karauna ko te kaha o te iwi o Ngāti Maru ki te whakaora anō i ha ia e tino whai hononga ana ki te whenua, ki te awa me ngā taonga o tō rātou rohe. Mā tēnei whakataunga, mā tēnei whakapāha hoki, ka ū te Karauna ki te tuitui i tētehi hononga taimau ki a Ngāti Maru i runga i te pono o tētehi ki tētehi, i te whakaaro nui me te mahi tahi, i runga hoki i te Tiriti o Waitangi me hōna mātāpono."

Interpretation provisions

11 Interpretation of Act generally

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

12 Interpretation

(1) In this Act, unless the context otherwise requires,—

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

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

attachments means the attachments to the deed of settlement

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

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 43

deed of recognition—

(a) means a deed of recognition issued under section 38 by—

(i) the Minister of Conservation and the Director-General; or

(ii) the Commissioner of Crown Lands; and

(b) includes any amendments made under section 38(4)

deed of settlement—

(a) means the deed of settlement dated 27 February 2021 and signed by—

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

(ii) Andrew (Anaru) Waiora Marshall, Nathan Dean Peri, Jamie Tuuta, Paretutaki Hayward-Howie, and Rowena Ramari Henry, for and on behalf of Ngāti Maru; and

(iii) Holden Brent Hohaia, Tamzyn Rose Pue, Bronwyn Puata-Koroheke, Eileen Sandra Hall, Samuel Hamiora Tamarapa, and Raymond William Tuuta, being the trustees of Te Kāhui Maru Trust: Te Iwi o Maruwharanui; and

(b) includes—

(i) the schedules of, and attachments to, the deed; and

(ii) any amendments to the deed or its schedules and attachments

deferred selection property has the meaning given in section 106

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

exclusive RFR area means the area shown on SO 544260

exclusive RFR land has the meaning given in section 121

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

licensed land—

(a) means the property described in part 3 of the property redress schedule; but

(b) excludes—

(i) trees growing, standing, or lying on the land; and

(ii) improvements that have been—

(A) acquired by a purchaser of the trees on the land; or

(B) made by the purchaser or the licensee after the purchaser has acquired the trees on the land

LINZ means Land Information New Zealand

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

member of Ngāti Maru 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

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

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

regional council has the meaning given in section 2(1) of the Resource Management Act 1991

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

representative entity means—

(a) the trustees; and

(b) any person, including any trustee, acting for or on behalf of—

(i) the collective group referred to in section 13(1)(a); or

(ii) 1 or more members of Ngāti Maru; 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 43

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

RFR means the right of first refusal provided for by subpart 4 of Part 3

RFR date has the meaning given in section 120

RFR land has the meaning given in section 122

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

shared RFR land has the meaning given in section 120

statutory acknowledgement has the meaning given in section 29

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

Tahora Bus Stop property has the meaning given in section 120

Te Kāhui Maru Trust: Te Iwi o Maruwharanui means the trust of that name established by a trust deed dated 13 July 2018

tikanga means customary values and practices

trustees of Te Kāhui Maru Trust: Te Iwi o Maruwharanui and **trustees** mean the trustees, acting in their capacity as trustees, of Te Kāhui Maru Trust: Te Iwi o Maruwharanui

working day means a day other than—

(a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day:

(b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:

(c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:

(d) the days observed as the anniversaries of the provinces of Taranaki and Wellington.

(2) In this Act, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property.

13 Meaning of Ngāti Maru

(1) In this Act, **Ngāti Maru**—

(a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Maru; and

(b) includes those individuals; and

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

(2) In this section and section 14,—

ancestor of Ngāti Maru means an individual who—

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

(i) Maruwharanui; or

(ii) any other recognised ancestor of a group referred to in part 9 of the deed of settlement; and

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

area of interest means the area shown as the Ngāti Maru 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.

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

(i) Wai 136 (Ngāti Maru Land claim):

(ii) Wai 1609 (Ngāti Maru (Burrows and Hohaia) 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 Ngāti Maru or a representative entity:

(i) Wai 54 (Ngā Iwi o Taranaki claim):

(ii) Wai 126 (Motunui Plant and Petrocorp claim):

(iii) Wai 131 (Taranaki Māori Trust Board claim):

(iv) Wai 134 (Taranaki Iwi Land claim):

(v) Wai 139 (Taranaki Lands Confiscation claim):

(vi) Wai 143 (Taranaki claims):

(vii) Wai 583 (Te Iwi o Ngāti Maru Inc. claim):

(viii) Wai 889 (Kaitiaki Tangata o Te Whenua Tapu claim):

(ix) Wai 2158 (Descendants of Tamakehu claim):

(x) Wai 2159 (Ngaa Ariki (Moffitt) claim):

(xi) Wai 2317 (Te Puranga (Rata Pue) Crown Minerals claim).

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

(a) a claim that a member of Ngāti Maru, 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 Ngāti Maru; or

(b) a claim that a representative entity had or may have that is based on a claim referred to in paragraph (a).

(5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

(1) The historical claims are settled.

(2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.

(3) Subsections (1) and (2) do not limit the deed of settlement.

(4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

(d) the redress provided under the deed of settlement or this Act.

(5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

(1) This section amends the Treaty of Waitangi Act 1975.

(2) In Schedule 3, insert in its appropriate alphabetical order:

Ngāti Maru (Taranaki) Claims Settlement Act 2022, section 15(4) and (5)

Resumptive memorials no longer to apply

17 Certain enactments do not apply

(1) The enactments listed in subsection (2) do not apply—

(a) to a cultural redress property; or

(b) to the licensed land; or

(c) to the exclusive RFR land referred to in section 121(a); or

(d) to land in the exclusive RFR area; or

(e) to shared RFR land; or

(f) to the Tahora Bus Stop property; or

(g) for the benefit of Ngāti Maru or a representative entity.

(2) The enactments are—

(a) Part 3 of the Crown Forest Assets Act 1989:

(b) sections 568 to 570 of the Education and Training Act 2020:

(c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:

(d) sections 27A to 27C of the State-Owned Enterprises Act 1986:

(e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

18 Resumptive memorials to be cancelled

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

(a) is all or part of—

(i) a cultural redress property:

(ii) the licensed land:

(iii) shared RFR land:

(iv) the Tahora Bus Stop property:

(v) the exclusive RFR land referred to in section 121(a); and

(b) is solely within the exclusive RFR area; and

(c) is subject to a resumptive memorial recorded under an enactment listed in section 17(2).

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

(a) the settlement date, for a cultural redress property, the licensed land, the exclusive RFR land referred to in section 121(a), or each allotment that is solely within the exclusive RFR area; or

(b) the relevant RFR date, for shared RFR land or the Tahora Bus Stop property.

(3) Each certificate must state that it is issued under this section.

(4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—

(a) register the certificate against each record of title identified in the certificate; and

(b) cancel each memorial recorded under an enactment listed in section 17(2) on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.

Effect of Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

19 Land subject to Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

(1) This section applies if, at the time land is vested or transferred in accordance with this Act, the description of the land includes, or may include, part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

(2) Despite any other provision in this Act or the deed,—

(a) no part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 vests or is transferred in accordance with this Act; and

(b) the conservation status declared by section 42(1)(a) or (c) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 no longer applies to any part of the bed; and

(c) any conservation status applied to the land does not apply to any part of the bed; and

(d) section 42(2) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 does not apply to any part of the bed.

(3) If the land is a cultural redress property, a written application under section 63 must include a statement that this section applies and that the record of title for the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land.

(4) In respect of any other land, a transfer instrument must include a statement that this section applies and that the record of title for the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land.

(5) The Registrar-General must, on receipt of a written application or a transfer instrument in respect of the land, note on the record or records of title that—

(a) the land is subject to section 19 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022; and

(b) the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land.

(6) A person may apply for the notations entered under subsection (5) to be removed by providing a certificate to the Registrar-General from a licensed cadastral surveyor that certifies that the land does not include part of the bed of the Whanganui River vested in Te Awa Tupua.

(7) The Registrar-General must, as soon as is reasonably practicable after receiving the certificate, remove the notations entered under subsection (5) from each record of title identified in the certificate.

(8) If the licensed cadastral surveyor's certificate relates to land that, immediately before its vesting or transfer under this Act, was subject to the Conservation Act 1987 or the Reserves Act 1977, the surveyor must provide a copy of the certificate to the Director-General of Conservation.

(9) Despite anything in the Land Transfer Act 2017, a part of the bed of the Whanganui River subject to notation under subsection (5) is not required to be surveyed for the purposes of that Act if the part of the bed has an average width of less than 3 metres.

(10) In this section,—

bed has the meaning given in section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

conservation status means the status of any land as a conservation area or a reserve

licensed cadastral surveyor has the same meaning as in section 4 of the Cadastral Survey Act 2002

Te Awa Tupua means the legal person created by section 14 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Whanganui River has the meaning given in section 39 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

20 Act does not override Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Except as provided in section 19(2)(b) and (d), nothing in this Act overrides the provisions of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

Miscellaneous matters

21 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) Te Kāhui Maru Trust: Te Iwi o Maruwharanui 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 Te Kāhui Maru Trust: Te Iwi o Maruwharanui is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

22 Access to deed of settlement

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

(a) for inspection free of charge, and for purchase at a reasonable price, at that Office in Wellington between 9 am and 5 pm on any working day; and

(b) free of charge on an Internet site maintained by or on behalf of that Office.

Part 2
Cultural redress

Subpart 1—Protocols

23 Interpretation

In this subpart,—

protocol—

(a) means each of the following protocols issued under section 24(1) or (2):

(i) the primary industries protocol:

(ii) Appendix B of the Whakaaetanga Tiaki Taonga:

(b) includes any amendments made under section 24(3)

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

Whakaaetanga Tiaki Taonga means the document entered into under clause 5.25 of the deed of settlement (in the form set out in part 4.3 of the documents schedule).

General provisions applying to protocols

24 Issuing, amending, and cancelling protocols

(1) The responsible Minister must issue the primary industries protocol to the trustees on the terms set out in part 3 of the documents schedule.

(2) Appendix B of the Whakaaetanga Tiaki Taonga must be treated as having been issued by the responsible Minister for that protocol on the terms set out in part 4.3 of the documents schedule.

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

(a) the trustees; or

(b) the responsible Minister.

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

25 Protocols subject to rights, functions, and duties

A protocol does not restrict—

(a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability—

(i) to introduce legislation and change Government policy; and

(ii) to interact with or consult a person that the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or

(b) the responsibilities of the responsible Minister or a department of State; or

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

26 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).

Primary industries

27 Primary industries protocol

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

(2) The noting of the summary is—

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

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

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

(a) the Fisheries Act 1996:

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

(c) the Maori Fisheries Act 2004:

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

(4) In this section,—

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

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

Taonga tūturu

28 Appendix B of Whakaaetanga Tiaki Taonga

(1) Appendix B of the Whakaaetanga Tiaki Taonga does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

(2) In this section, **taonga tūturu**—

(a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and

(b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 2—Statutory acknowledgement and deeds of recognition

29 Interpretation

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

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

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

(b) set out in part 1 of the documents schedule

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

30 Statutory acknowledgement by the Crown

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

31 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 32 to 34; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 35 and 36; and

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

32 Relevant consent authorities to have regard to statutory acknowledgement

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

(2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.

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

33 Environment Court to have regard to statutory acknowledgement

(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.

34 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.

35 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—

(a) a copy of sections 30 to 34, 36, and 37; and

(b) descriptions of the statutory areas wholly or partly covered by the plan; and

(c) the statement of association for each statutory area.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—

(a) part of the statutory plan; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

36 Provision of summary or notice to trustees

(1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:

(a) if the application is received by the consent authority, a summary of the application; or

(b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

(2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B(4) of the

Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.

(3) The summary must be provided—

(a) as soon as is reasonably practicable after the relevant consent authority receives the application; but

(b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.

(4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.

(5) The trustees may, by written notice to a relevant consent authority,—

(a) waive the right to be provided with a summary or copy of a notice under this section; and

(b) state the scope of that waiver and the period it applies for.

(6) This section does not affect the obligation of a relevant consent authority to decide,—

(a) under section 95 of the Resource Management Act 1991, whether to notify an application:

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

37 Use of statutory acknowledgement

(1) The trustees and any member of Ngāti Maru may, as evidence of the association of Ngāti Maru with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

(d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.

(2) The content of a statement of association is not, because of the statutory acknowledgement, binding as fact on—

(a) the bodies referred to in subsection (1); or

(b) parties to proceedings before those bodies; or

(c) any other person who is entitled to participate in those proceedings.

(3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.

(4) To avoid doubt,—

(a) the trustees and members of Ngāti Maru are not precluded from stating that Ngāti Maru has an association with a statutory area that is not described in the statutory acknowledgement; and

(b) the content and existence of the statutory acknowledgement do not limit any statement made.

Deeds of recognition

38 Issuing and amending deeds of recognition

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

(2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 2.1 of the documents schedule for the statutory areas administered by the Department of Conservation.

(3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 2.2 of the documents schedule for the statutory areas administered by the Commissioner.

(4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deeds of recognition

39 Application of statutory acknowledgement and deed of recognition to river or stream

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

(a) applies only to—

(i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and

(ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but

(b) does not apply to—

(i) a part of the bed of the river or stream that is not owned by the Crown; or

(ii) an artificial watercourse.

(2) Despite subsection (1)(b)(i), the statutory acknowledgement applies to a part of the bed of the river or stream that is owned by Te Awa Tupua in the following statutory areas:

(a) Tāngarākau River and its tributaries within the area of interest:

(b) Whangamōmona River and its tributaries.

(3) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—

(a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but

(b) does not apply to—

(i) a part of the bed of the river or stream that is not owned and managed by the Crown; or

(ii) the bed of an artificial watercourse.

(4) In this section, **Te Awa Tupua** means the legal person declared by section 14 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

40 Exercise of powers and performance of functions and duties

(1) The statutory acknowledgement and a deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.

(2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Maru with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.

(3) Subsection (2) does not limit subsection (1).

(4) This section is subject to—

(a) the other provisions of this subpart; and

(b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

41 Rights not affected

(1) The statutory acknowledgement and a deed of recognition—

(a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and

(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

42 Amendment to Resource Management Act 1991

(1) This section amends the Resource Management Act 1991.

(2) In Schedule 11, insert in its appropriate alphabetical order:

Ngāti Maru (Taranaki) Claims Settlement Act 2022

Subpart 3—Vesting of cultural redress properties

43 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 2:

Properties vested in fee simple

(a) Former Matau School House property:

(b) Former Tarata School House property:

(c) Former Tarata School property:

(d) Purangi Domain property:

(e) Tahora Railways property:

(f) Tarawai property:

(g) Te Kerikeringa – Toetoe Road property:

Properties vested in fee simple to be administered as reserves

(h) Pūrangi property:

(i) Stratford Railway Strip property:

(j) Tāngarākau River property:

(k) Tarata Domain property:

(l) Tarata property:

(m) Te Kerikeringa – River property:

(n) Waitara River No 3 property:

(o) Whangamōmona River property:

Property jointly vested in fee simple to be administered as reserve

(p) Tāngarākau marginal strip property

joint management body means the joint management body established by section 69

Ngāti Hāua governance entity means any post-settlement governance entity representing Ngāti Hāua for the purposes of the Ngāti Hāua settlement legislation

Ngāti Hāua settlement legislation means legislation that—

(a) settles the historical claims of Ngāti Hāua; and

(b) provides for the vesting of an undivided half share of the fee simple estate in the Tāngarākau marginal strip property in the Ngāti Hāua governance entity

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

Properties vested in fee simple

44 Former Matau School House property

The fee simple estate in the Former Matau School House property vests in the trustees.

45 Former Tarata School House property

The fee simple estate in the Former Tarata School House property vests in the trustees.

46 Former Tarata School property

The fee simple estate in the Former Tarata School property vests in the trustees.

47 Purangi Domain property

(1) The reservation of the Purangi Domain property as a recreation reserve subject to the Reserves Act 1977 is revoked.

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

48 Tahora Railways property

The fee simple estate in the Tahora Railways property vests in the trustees.

49 Tarawai property

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

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

50 Te Kerikeringa – Toetoe Road property

The fee simple estate in the Te Kerikeringa – Toetoe Road property vests in the trustees.

Properties vested in fee simple to be administered as reserves

51 Pūrangi property

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

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

(3) The Pūrangi 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 Pūrangi Scenic Reserve.

52 Stratford Railway Strip property

(1) The fee simple estate in the Stratford Railway Strip property vests in the trustees.

(2) The Stratford Railway Strip property is declared a reserve and classified as a local purpose (esplanade) reserve subject to section 23 of the Reserves Act 1977.

(3) The reserve is named Stratford Railway Strip Local Purpose Reserve.

(4) The Stratford District Council is the administering body of the reserve and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Council under section 26 of that Act.

53 Tāngarākau River property

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

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

(3) The Tāngarākau River 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 Tāngarākau River Historic Reserve.

54 Tarata Domain property

(1) The reservation of the Tarata Domain property as a recreation reserve subject to the Reserves Act 1977 is revoked.

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

(3) The Tarata Domain property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve is named Tarata Domain Recreation Reserve.

(5) New Plymouth District Council is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Council under section 26 of that Act.

(6) Despite section 41(1) of the Reserves Act 1977, while the Council is the administering body of the Tarata Domain property,—

(a) the management plan in force for the reserves administered by the Council in the area where the Tarata Domain property is located continues to apply to the Tarata Domain property; and

(b) within 5 years of the settlement date, the Council and the trustees must jointly prepare and approve a separate management plan for the property.

(7) Any improvements in or on the Tarata Domain property do not vest in the trustees, despite the vesting under subsection (2).

55 Tarata property

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

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

(3) The Tarata 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 Tarata Scenic Reserve.

56 Te Kerikeringa – River property

(1) The reservation of the Te Kerikeringa – River property as a local purpose (cemetery) reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Te Kerikeringa – River property vests in the trustees.

(3) The Te Kerikeringa – River 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 Te Kerikeringa – River Scenic Reserve.

(5) New Plymouth District Council is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Council under section 26 of that Act.

(6) Despite section 41(1) of the Reserves Act 1977, while the Council is the administering body of the Te Kerikeringa – River property,—

(a) the management plan in force for the reserves administered by the Council in the area where the Te Kerikeringa – River property is located continues to apply to the Te Kerikeringa – River property; and

(b) within 5 years of the settlement date, the Council and the trustees must jointly prepare and approve a separate management plan for the property.

(7) To avoid doubt, the Te Kerikeringa – River property is not a cemetery for the purposes of the Burial and Cremation Act 1964.

57 Waitara River No 3 property

(1) The Waitara River No 3 property ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Waitara River No 3 property vests in the trustees.

(3) The Waitara River No 3 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 Waitara River No 3 Historic Reserve.

58 Whangamōmona River property

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

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

(3) The Whangamōmona River 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 Whangamōmona River Historic Reserve.

Property jointly vested in fee simple to be administered as reserve

59 Tāngarākau marginal strip property

(1) This section and section 69 take effect on and from the latest of the following dates:

(a) the settlement date:

(b) the settlement date under the Ngāti Hāua settlement legislation.

(2) The Tāngarākau marginal strip property ceases to be a conservation area under the Conservation Act 1987.

(3) The fee simple estate in the Tāngarākau marginal strip property vests as undivided half shares in the following as tenants in common:

(a) a share vests in the trustees under this paragraph; and

(b) a share vests in the Ngāti Hāua governance entity under the Ngāti Hāua settlement legislation.

(4) The Tāngarākau marginal strip property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(5) The reserve is named Tāngarākau Historic Reserve.

(6) The joint management body is the administering body of the reserve and the Reserves Act 1977 will apply as if the reserve were vested in the body (as if the body were trustees) under section 26 of the Reserves Act 1977.

General provisions applying to vesting of cultural redress properties

60 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 2.

61 Interests in land for certain reserve properties

(1) This section applies to all or the part of each reserve property listed in subsection (2) that remains a reserve under the Reserves Act 1977 (the **reserve land**), but only while the reserve land has an administering body that is treated as if the land were vested in it.

(2) The reserve properties are—

(a) the Stratford Railway Strip property; and

(b) the Tarata Domain property; and

(c) the Te Kerikeringa – River property; and

(d) the Tāngarākau marginal strip property.

(3) If the reserve property is affected by an interest in land listed for the property in Schedule 2, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

(4) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered owner of the reserve land.

(5) Subsections (3) and (4) continue to apply despite any subsequent transfer of the reserve land under section 72.

62 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 2, 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, except to the extent that subsection (3) applies.

(3) If all or part of the cultural redress property is reserve land to which section 61 applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

(4) The interest applies—

(a) until the interest expires or is terminated, 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.

63 Registration of ownership

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

(2) Subsection (3) applies to a cultural redress property (other than the Tāngarākau marginal strip property), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate.

(3) The Registrar-General must, on written application by an authorised person,—

(a) register the trustees as the owners of the fee simple estate in the property; and

(b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.

(4) Subsection (5) applies to a cultural redress property (other than the Tāngarākau marginal strip property), but only to the extent that subsection (2) does not apply to the property.

(5) The Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a record of title for the fee simple estate in the property in the names of the trustees; and

(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.

(6) For the Tāngarākau marginal strip property, the Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a record of title for an undivided half share of the fee simple estate in the property in the names of the trustees; and

(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.

(7) Subsections (5) and (6) are subject to the completion of any survey necessary to create a record of title.

(8) A record of title must be created under this section as soon as is reasonably practicable after the date on which the property vests, but not later than—

(a) 24 months after that date; or

(b) any later date that is agreed in writing,—

(i) in the case of a property other than the Tāngarākau marginal strip property, by the Crown and the trustees; or

(ii) in the case of the Tāngarākau marginal strip property, by the Crown, the trustees, and the Ngāti Hāua governance entity.

(9) In this section, **authorised person** means a person authorised by—

(a) the chief executive of Land Information New Zealand, for the following properties:

(i) Stratford Railway Strip property:

(ii) Former Matau School House property:

(iii) Former Tarata School property:

(iv) Former Tarata School House property:

(v) Tahora Railways property; and

(b) the chief executive of the Office for Māori Crown Relations—Te Arawhiti for the Te Kerikeringa – Toetoe Road property; and

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

64 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).

65 Matters to be recorded on record of title

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

(a) for a reserve property (other than the Tāngarākau marginal strip 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—

(A) sections 64(3) and 70; and

(B) section 61(4) in the case of the Stratford Railway Strip property, the Tarata Domain property, and the Te Kerikeringa – River property; and

(b) created under section 63(6) for the Tāngarākau marginal strip 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 61(4), 64(3), and 70; and

(c) for any other cultural redress property, that the land is subject to Part 4A of the Conservation Act 1987.

(2) A notation made under subsection (1) that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

(3) For a reserve property (other than the Stratford Railway Strip property, the Tāngarākau marginal strip property, the Tarata Domain property, and the Te Kerikeringa – River property), if the reservation of the property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—

(i) section 24 of the Conservation Act 1987 does not apply to the property; and

(ii) the property is subject to sections 64(3) and 70; or

(b) part of the property, the Registrar-General must ensure that the notations referred to in paragraph (a) remain only on the record of title for the part of the property that remains a reserve.

(4) For the Stratford Railway Strip property, the Tāngarākau marginal strip property, the Tarata Domain property, and the Te Kerikeringa – River property,—

(a) if the property remains a reserve but no longer has an administering body that is treated as if the land were vested in it, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notation that the property is subject to section 61(4); or

(b) if the reservation of the property under this subpart is revoked for—

(i) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—

(A) section 24 of the Conservation Act 1987 does not apply to the property; and

(B) the property is subject to sections 64(3) and 70; and

(C) the property is subject to section 61(4), if that notation has not been removed under paragraph (a); or

(ii) part of the property, the Registrar-General must ensure that the notations referred to in subparagraph (i) remain only on the record of title for the part of the property that remains a reserve.

(5) The Registrar-General must comply with an application received in accordance with subsections (3)(a) and (4)(a) or (b)(i), as relevant.

66 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.

67 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 date on which the property vests, 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

68 Application of other enactments to reserve properties

(1) The trustees are the administering body of a reserve property, except as provided for in sections 52, 54, 56, and 59.

(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.

(6) Despite subsection (2), sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 apply in relation to the following properties:

(a) the Tarata Domain property and the Te Kerikeringa – River property, while New Plymouth District Council is the administering body:

(b) the Stratford Railway Strip property, while Stratford District Council is the administering body.

69 Joint management body for Tāngarākau marginal strip property

(1) A joint management body is established for the Tāngarākau marginal strip property.

(2) The following are appointers for the purposes of this section:

(a) the trustees; and

(b) the Ngāti Hāua governance entity.

(3) Each appointer may appoint 2 members to the joint management body.

(4) A member is appointed only if the appointer gives written notice with the following details to the other appointers:

(a) the full name, address, and other contact details of the member; and

(b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

(5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment.

(6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.

(7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.

(8) However, the first meeting of the body must be held no later than 2 months after the date the property vests under section 59.

70 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 in the Tāngarākau marginal strip property may be transferred only in accordance with section 72.

(3) The fee simple estate in the reserve land in any other property may be transferred only in accordance with section 71 or 72.

(4) In this section and sections 71 to 73, **reserve land** means the land that remains a reserve as described in subsection (1).

71 Transfer of reserve land to new administering body

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

(2) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the new owners are able—

(a) to comply with the requirements of the Reserves Act 1977; and

(b) to perform the duties of an administering body under that Act.

(3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of the fee simple estate in the reserve land.

(4) The required documents are—

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

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

(c) the written consent of the administering body of the reserve land, if the trustees are transferring the reserve land but are not the administering body; and

(d) 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.

72 Transfer of reserve land if trustees change

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

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

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

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

73 Reserve land not to be mortgaged

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

74 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.

Subpart 4—Natural resources

75 Interpretation

In this subpart,—

conservation land means land that is—

(a) vested in the Crown or held in fee simple by the Crown; and

(b) held, managed, or administered by the Department of Conservation under the conservation legislation

conservation legislation means the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act

former riverbed means a riverbed that is dry as a result of—

(a) natural changes in the flow of the river, tributary, stream, or other natural watercourse; or

(b) artificial diversion of water from the river, tributary, stream, or other natural watercourse

Maru Taiao area means the areas with the general location (but not the precise boundaries) indicated on OMCR-024-01

Maru Taiao plan means a plan prepared by the trustees for the purpose set out in section 77

mining has the meaning given in section 2(1) of the Crown Minerals Act 1991

pākohe means metamorphosed indurated mudstone (otherwise known as argillite)

pūrangi means a highly indurated, green-grey, very fine-grained sandstone

relevant area means a riverbed or former riverbed on conservation land that—

(a) is within the area of interest; and

(b) is not included in Schedule 4 of the Crown Minerals Act 1991; and

(c) is not part of the Whanganui River or its tributaries (Te Awa Tupua)

relevant department means a department (as defined in section 5 of the Public Service Act 2020) that has a role in the management of land and natural resources

relevant local authority, for a Maru Taiao area, means a local authority with jurisdiction within the Maru Taiao area

Resource Management Act 1991 planning document means each of the following as defined in the Resource Management Act 1991:

(a) a district plan:

(b) a proposed district plan:

(c) a regional plan:

(d) a proposed regional plan:

(e) a regional policy statement:

(f) a proposed regional policy statement

riverbed means the land that the waters of a river, tributary, stream, or other natural watercourse cover at its fullest flow without flowing over its banks

Waitara River Authority has the meaning given in section 32(14) of the New Plymouth District Council (Waitara Lands) Act 2018

Waitara River Committee means the Waitara River Committee established under section 32 of the New Plymouth District Council (Waitara Lands) Act 2018.

Maru Taiao area

76 Acknowledgement of association

The Crown acknowledges—

(a) the long-standing traditional, cultural, and historical association of Ngāti Maru with the Maru Taiao area; and

(b) the Ngāti Maru statement of association with the Maru Taiao area, the text of which is set out in part 1 of the documents schedule.

77 Purpose of Maru Taiao plan

The purpose of a Maru Taiao plan is to identify—

(a) the values and principles of Ngāti Maru in relation to the Maru Taiao area; and

(b) the resource management issues of significance to Ngāti Maru in relation to the Maru Taiao area.

78 Maru Taiao plan may be lodged with relevant local authority

The trustees may from time to time prepare a Maru Taiao plan and lodge it with the relevant local authority.

79 Effect of Maru Taiao plan

(1) This section applies when a relevant local authority is preparing or reviewing a statutory plan.

(2) The relevant local authority must take into account any Maru Taiao plan lodged with it, to the extent that the plan's content has a bearing on the resource management issues of the Maru Taiao area within the relevant local authority's jurisdiction.

(3) The relevant local authority must include in the statutory plan a statement of the resource management issues of significance to Ngāti Maru as set out in the Maru Taiao plan.

(4) The relevant local authority must refer to the Maru Taiao plan to the extent that it is relevant in the evaluation under section 32 of the Resource Management Act 1991 of—

(a) a proposed policy statement, as defined in section 43AA of that Act; or

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

80 Maru Taiao plan may be lodged with relevant department

(1) The trustees may from time to time prepare a Maru Taiao plan and lodge it with a relevant department.

(2) The relevant department with which a Maru Taiao plan is lodged must have regard to the plan when exercising any of its powers or performing any of its functions that relate to the purpose of the Maru Taiao plan (as set out in section 77) within the Maru Taiao area.

81 Limitation of rights

A Maru Taiao plan does not have the effect of granting or creating rights under the Marine and Coastal Area (Takutai Moana) Act 2011.

Joint management agreement

82 Duty to make joint management agreement

A joint management agreement must be in force between Taranaki Regional Council and the trustees no later than 6 months after the settlement date, unless the parties agree to extend that period.

83 Scope

(1) The joint management agreement—

(a) must cover no other subject matter than matters relating to the Waitara River and activities within its catchment affecting the Waitara River:

(b) must cover the matters referred to in section 84:

(c) may cover additional duties, functions, or powers agreed under section 94 or 95.

(2) In this subpart, **Waitara River** and **Waitara River catchment** have the meanings set out in section 4 of the New Plymouth District Council (Waitara Lands) Act 2018.

84 Contents

The joint management agreement must provide for Taranaki Regional Council and the trustees to work together in performing or exercising the following duties, functions, and powers:

(a) monitoring and enforcement, under section 86:

(b) duties, functions, or powers under Part 6 of the Resource Management Act 1991 in relation to applications for resource consents under section 87:

(c) preparation, review, change, or variation of a Resource Management Act 1991 planning document under section 88:

(d) monitoring of abandoned petroleum wells and notification of resource consents in relation to mining under section 89.

85 Principles for development and operation

In working together to develop the joint management agreement, and in working together under the joint management agreement, Taranaki Regional Council and the trustees must act in a manner consistent with the following guiding principles:

(a) they must promote the purpose of restoring and maintaining the quality and integrity of the waters that flow into and form part of the Waitara River for present and future generations:

(b) they must respect the mana of Ngāti Maru:

(c) they must recognise the intrinsic value of the Waitara River as a taonga:

(d) they must reflect a shared commitment to—

(i) working together in good faith and a spirit of co-operation:

(ii) being open, honest, and transparent in their communications:

(iii) using their best endeavours to ensure that the purpose of the joint management agreement is achieved in an enduring manner:

(e) they must recognise that the joint management agreement operates within statutory frameworks and that complying with those statutory frameworks, meeting statutory timeframes, and minimising delays and costs are important.

86 Monitoring and enforcement

(1) This section applies to monitoring and enforcement relating to the Waitara River and activities within its catchment affecting the Waitara River.

(2) The part of the joint management agreement on monitoring and enforcement must provide for the Waitara River Committee to—

(a) meet no less than twice each year to—

(i) discuss and agree the priorities for the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991:

(ii) discuss and agree the methods for and extent of the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991:

(iii) discuss the opportunities for the Waitara River Authorities to participate in the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991:

(b) meet no less than twice each year to discuss appropriate responses to address the outcomes of the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991, including—

(i) the potential for review of Resource Management Act 1991 planning documents; and

(ii) enforcement under the Resource Management Act 1991, including criteria for the commencement of prosecutions, applications for enforcement orders, the service of abatement notices, and the service of infringement notices:

(c) agree appropriate procedures for reporting back to the Waitara River Committee on the enforcement action taken by Taranaki Regional Council:

(d) discuss and agree the role of the Waitara River Authorities in the 5-yearly review provided for in section 35(2A) of the Resource Management Act 1991:

(e) discuss the opportunities for persons nominated by the Waitara River Authorities to participate in enforcement action under the Resource Management Act 1991.

(3) The cost of carrying out the matters provided for in this section must be paid out of income payable to Taranaki Regional Council under subpart 2 of Part 4

of the New Plymouth District Council (Waitara Lands) Act 2018, in accordance with section 33 of that Act.

87 Resource consent process

(1) This section applies to applications to the Taranaki Regional Council for resource consent to—

(a) dam, divert, take, or use water from or in the Waitara River:

(b) discharge a contaminant or water into the Waitara River:

(c) discharge a contaminant onto or into land in circumstances that will result in the contaminant entering the Waitara River:

(d) alter, demolish, erect, extend, place, reconstruct, remove, or use a structure or part of a structure in, on, under, or over the bed or banks of the Waitara River:

(e) drill, excavate, tunnel, or otherwise disturb the bed or banks of the Waitara River:

(f) introduce or plant a plant or part of a plant, whether exotic or indigenous, in, on, or under the bed or banks of the Waitara River:

(g) deposit a substance in, on, or under the bed or banks of the Waitara River:

(h) reclaim or drain the bed of the Waitara River:

(i) enter onto or pass across the bed of the Waitara River:

(j) damage, destroy, disturb, or remove a plant or part of a plant, whether exotic or indigenous, in, on, or under the bed or banks of the Waitara River:

(k) damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed or banks of the Waitara River:

(l) damage, destroy, disturb, or remove the habitats of animals or aquatic life in, on, or under the bed or banks of the Waitara River.

(2) The part of the joint management agreement on the resource consent process must provide that—

(a) Taranaki Regional Council must provide the Waitara River Authorities with information on the applications for resource consents that the Council receives:

(b) the information must be provided as soon as is reasonably practicable after the application is received and before a determination is made under sections 95A to 95C of the Resource Management Act 1991 and be—

(i) the same as would be given to affected persons through limited notification under section 95B of the Resource Management Act 1991; or

(ii) the information that Taranaki Regional Council and the Waitara River Authorities agree on:

(c) Taranaki Regional Council and the Waitara River Authorities must jointly develop and agree criteria to assist the Council's decision-making under the following processes or sections of the Resource Management Act 1991:

(i) best practice for pre-application processes:

(ii) section 87D (request that an application be determined by the Environment Court rather than the consent authority):

(iii) section 88(3) (incomplete application for resource consent):

(iv) section 91 (deferral pending additional consents):

(v) section 92 (requests for further information):

(vi) sections 95 to 95F (notification of applications for resource consent):

(vii) sections 127 and 128 (change, cancellation, or review of consent conditions):

(d) Taranaki Regional Council must actively encourage applicants to consult early with the Waitara River Authorities before lodging an application, including facilitating participation in pre-lodgement hui with iwi:

(e) Taranaki Regional Council must give appropriate weight to any comments received from the Waitara River Authorities within agreed timeframes in making decisions on applications, in light of the requirement under section 6(e) of the Resource Management Act 1991 to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:

(f) Taranaki Regional Council may use the Waitara River Committee as the forum to undertake any of the actions under this section.

(3) The criteria developed and agreed under subsection (2)(c)—

(a) are additional to, and must not derogate from, the criteria that the Council must apply under the Resource Management Act 1991:

(b) do not impose a requirement on the Council to change, cancel, or review consent conditions.

(4) Taranaki Regional Council and the Waitara River Authorities each bears their own costs of complying with this section.

88 Preparation, review, change, or variation of Resource Management Act 1991 planning document

(1) This section applies to preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document to the extent to which those processes relate to the Waitara River.

(2) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must record—

(a) how a Waitara River Authority may participate in the preparation or change of a policy statement or plan, including the use of any of the pre-notification, collaborative, or streamlined planning processes under Schedule 1 of the Resource Management Act 1991; and

(b) how Taranaki Regional Council will undertake consultation requirements, including the requirements of section 34A(1A) and clause 4A of Schedule 1 of the Resource Management Act 1991.

89 Engagement on abandoned petroleum wells and resource consents for mining activities

(1) The joint management agreement must include a commitment from the Taranaki Regional Council to—

(a) provide timely notice to the trustees of any environmental issues with abandoned petroleum wells within the rohe of Ngāti Maru which may come to the Council's attention; and

(b) acknowledge Ngāti Maru as an affected party regarding mining activities within the rohe of Ngāti Maru and provide timely notice to the trustees of receipt of any applications for consents relating to mining activities within the rohe and a summary of any application for such a consent.

(2) The commitment in subsection (1) is limited to the extent that Taranaki Regional Council has a statutory role in relation to abandoned petroleum wells or mining activities, as the case may be.

90 Process for finalising agreement

Convening joint committee

(1) Taranaki Regional Council and the trustees must convene, no later than 30 working days after the settlement date, a joint committee that will be responsible for the process of finalising the joint management agreement.

Working together positively

(2) Taranaki Regional Council and the trustees must work together in a positive and constructive manner to finalise the joint management agreement, with facilitation by the Crown, within the timeframe specified in section 82 having particular regard to the principles set out in section 85.

(3) Taranaki Regional Council and the trustees may resort to any facilitation, mediation, or other process that they consider to be appropriate in the process of finalising the joint management agreement.

Advising Minister of progress

(4) No later than 12 months after the settlement date, Taranaki Regional Council and the trustees must give written or electronic notice to the Minister for the Environment—

(a) confirming that all matters relating to the joint management agreement have been agreed; or

(b) stating that there are issues in dispute that the parties have not been able to resolve, the nature of the issues in dispute, and the position of the respective parties on the issues in dispute; or

(c) notifying an agreement in writing under section 82 to extend the date by which a joint management agreement will be in force.

(5) Where notice is given under subsection (4)(a), that notice must also specify the date on which the joint management agreement is to come into force.

(6) Where notice is given under subsection (4)(b), the Minister for the Environment and the trustees, in consultation with Taranaki Regional Council, must work together to resolve the issues in dispute.

(7) The process referred to in subsection (6) may continue for a period of no more than 2 months, unless otherwise agreed in writing by the Minister for the Environment and the trustees.

Agreement finalised without ministerial involvement

(8) If, at the end of 2 months, all matters relating to the joint management agreement have been agreed, Taranaki Regional Council and the trustees must finalise the joint management agreement and give written or electronic notice to the Minister specifying the date on which the joint management agreement is to come into force.

Agreement finalised with ministerial involvement

(9) If, at the expiration of the 2-month period, there remains any issue in dispute in relation to the joint management agreement,—

(a) the Minister for the Environment must make a determination on the issue in dispute; and

(b) on the basis of that determination, the trustees and Taranaki Regional Council must finalise the joint management agreement and give written or electronic notice to the Minister for the Environment specifying the date on which the joint management agreement is to come into force.

(10) In making any determination under subsection (9)(a), the Minister for the Environment must have particular regard to the principles set out in section 85.

(11) The Minister for the Environment may appoint a facilitator or take any other action considered appropriate to promote the resolution of any issues in dispute between the trustees and Taranaki Regional Council.

(12) Where notice has been given under subsection (4)(c), not less than 4 months before the extended date by which a joint management agreement will be in force, the trustees and Taranaki Regional Council must give written or electronic notice to the Minister for the Environment—

(a) confirming that—

(i) all matters relating to the joint management agreement have been agreed; and

(ii) the joint management agreement will be in force on the extended date; or

(b) stating that there are issues in dispute that the parties have not been able to resolve, the nature of the issues in dispute, and the position of the respective parties on the issues in dispute.

(13) If notice is given under subsection (12)(b), the Minister for the Environment and the trustees, in consultation with Taranaki Regional Council, must work together to resolve the issues in dispute, and subsections (6) to (11) apply with any necessary modification.

Agreement may come into force in stages

(14) The trustees and Taranaki Regional Council may agree that a joint management agreement is to come into force in stages.

Minister must get copy of agreement

(15) When the trustees and Taranaki Regional Council give notice to the Minister of the date on which the joint management agreement is to come into force, they must also give the Minister a copy of the agreement.

91 Suspension

(1) The trustees and Taranaki Regional Council may agree in writing to suspend, in whole or in part, the operation of the joint management agreement.

(2) The parties must specify the scope and duration of any suspension agreed under subsection (1).

92 Waiver of rights

(1) The trustees may give written or electronic notice to Taranaki Regional Council that they waive any rights provided for under the joint management agreement.

(2) The trustees must specify the extent and duration of any waiver notified under subsection (1).

(3) The trustees may at any time revoke a notice of waiver by written or electronic notice to Taranaki Regional Council.

93 Legal framework

(1) Sections 36B to 36E of the Resource Management Act 1991 do not apply to the joint management agreement.

(2) The performance or exercise of a duty, function, or power under the joint management agreement has the same legal effect as if it were performed or exercised by Taranaki Regional Council.

(3) Taranaki Regional Council must not use the special consultative procedure under section 83 of the Local Government Act 2002 in relation to the joint management agreement.

(4) The joint management agreement is enforceable between the parties to it.

(5) Neither party has the right to terminate the joint management agreement.

94 Extension

(1) The trustees and Taranaki Regional Council may agree to extend the joint management agreement to cover any other duties, functions, or powers.

(2) If the parties agree to extend the joint management agreement to cover additional duties, functions, or powers, subsections (3) to (6) apply.

(3) The extended part of the joint management agreement is subject to sections 83 to 85 and 91 to 93.

(4) Despite section 93(5), the extended part of the joint management agreement may be terminated wholly or partly by 1 party giving the other party 20 working days' written or electronic notice.

(5) Before either party exercises the right in subsection (4), the parties must work together to resolve the issue giving rise to the wish to terminate, in a manner consistent with the principles set out in section 85 and the dispute resolution process contained in the joint management agreement.

(6) Termination under subsection (4) does not affect the remaining part of the joint management agreement.

95 Review and amendment

(1) The trustees and Taranaki Regional Council may at any time agree in writing to undertake a review of the joint management agreement.

(2) If, as a result of a review, the parties agree in writing that the joint management agreement should be amended, they may amend the joint management agreement without further formality.

(3) If the joint management agreement is amended, the parties must—

(a) give written or electronic notice of the amendment to the Minister for the Environment; and

(b) provide a copy of the amended joint management agreement to the Minister for the Environment.

96 Other powers not affected

The provisions of this Act relating to joint management agreements do not preclude Taranaki Regional Council from—

(a) making any other joint management agreement with the trustees under the Resource Management Act 1991:

(b) making any other co-management arrangement with the trustees under any enactment:

(c) making a transfer or delegation to the trustees under any enactment.

97 Exercise of powers in certain circumstances

(1) This section applies if—

(a) a statutory function or power is affected by a joint management agreement; and

(b) either—

(i) an emergency situation arises; or

(ii) a statutory timeframe for the carrying out of the function or the exercise of the power cannot be complied with under the joint management agreement.

(2) Taranaki Regional Council may perform the function or exercise the power on its own account and not in accordance with the joint management agreement.

(3) As soon as practicable, Taranaki Regional Council must give the trustees written or electronic notice of the performance of the function or the exercise of the power.

Cultural materials plan

98 Duty to make cultural materials plan

(1) The Minister of Conservation and the trustees must agree to a cultural materials plan no later than 5 years after the settlement date.

(2) The plan must set out—

(a) how the trustees will provide a member of Ngāti Maru with written authorisation to collect the following cultural materials from conservation land within the area of interest:

(i) pākohe and pūrangi:

(ii) flora material; and

(b) the circumstances in which members of Ngāti Maru may possess dead protected wildlife.

(3) In this section and in section 99, protected wildlife means any species of wildlife absolutely protected under section 3 of the Wildlife Act 1953 or partially protected under section 5 of that Act.

99 Possession of protected wildlife

Despite anything to the contrary contained or implied in the Wildlife Act 1953 or regulations made under that Act, a member of Ngāti Maru may have in their possession dead protected wildlife if the member has acted in accordance with all relevant provisions of the cultural materials plan developed under section 98.

Minerals

100 Acknowledgement of association

The Crown acknowledges—

(a) the long-standing cultural, historical, spiritual, and traditional association of Ngāti Maru with pākohe and pūrangi; and

(b) the Ngāti Maru statements of association with pākohe and pūrangi, in the form set out in part 1 of the documents schedule.

101 Authorisation to search for and remove Crown-owned pākohe and pūrangi

(1) A member of Ngāti Maru who has written authorisation from the trustees may, in accordance with the Ngāti Maru cultural materials plan agreed to in accordance with section 98,—

(a) search by hand for Crown-owned pākohe or pūrangi in the relevant area:

(b) remove by hand Crown-owned pākohe or pūrangi from the relevant area.

(2) A person who removes Crown-owned pākohe or pūrangi under subsection (1) may also remove from the relevant area, by hand, any other minerals that are—

(a) bound to the pākohe or pūrangi; or

(b) reasonably necessary for working the pākohe or pūrangi by traditional methods.

(3) A person who removes Crown-owned pākohe or pūrangi under subsection (1) must not,—

(a) on any day, remove more than the person can carry by hand in 1 load without assistance; or

(b) use machinery or cutting equipment to remove the pākohe or pūrangi.

(4) Subsection (1) does not apply to any part of a riverbed or former riverbed that is—

(a) an ecological area declared under section 18 of the Conservation Act 1987; or

(b) an archaeological site (as defined by section 6 of the Heritage New Zealand Pouhere Taonga Act 2014).

102 Access to relevant area to search for and remove Crown-owned pākohe or pūrangi

(1) A person who is authorised to search for Crown-owned pākohe or pūrangi in, and remove Crown-owned pākohe or pūrangi from, a relevant area under section 101 may access the relevant area for that purpose—

(a) on foot; or

(b) by any means that are available to the public; or

(c) by any other means specified in writing by the Director-General.

(2) The means of access under subsection (1)(c) is subject to any conditions specified in writing by the Director-General.

103 Obligations if accessing relevant area

A person who accesses a relevant area under section 101 or 102 must take all reasonable care to do no more than minor damage to vegetation on, and other natural features of, the riverbed or former riverbed.

104 Relationship with other enactments

(1) A person exercising a right under section 101 or 102 must comply with all other lawful requirements (for example, under the Resource Management Act 1991).

(2) However,—

(a) a person may exercise a right under section 101 or 102 despite not having any authorisation required by the conservation legislation; and

(b) a permit is not required under section 8(1)(a) of the Crown Minerals Act 1991 to exercise a right under section 101(1).

(3) Any activity that is not authorised under section 101(1) may require a permit under section 8(1)(a) of the Crown Minerals Act 1991.

105 Crown not to seek return or assert ownership of minerals removed

The Crown must not seek the return of, or assert ownership interests in, the minerals removed by an authorised person in accordance with section 101.

Part 3
Commercial redress

106 Interpretation

In subparts 1 to 4,—

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

Crown forestry licence—

(a) has the meaning given in section 2(1) of the Crown Forest Assets Act 1989; and

(b) in relation to the licensed land, means the licence described in the third column of the table in part 3 of the property redress schedule

Crown forestry rental trust means the forestry rental trust referred to in section 34 of the Crown Forest Assets Act 1989

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust

deferred selection property—

(a) means a property described in part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied; and

(b) includes a property described in subpart A of part 5 of the property redress schedule if—

(i) clause 7.11 of the deed of settlement applies; and

(ii) the requirements for transfer under the deed of settlement have been satisfied

land holding agency means the land holding agency specified,—

(a) for the licensed land, in part 3 of the property redress schedule; or

(b) for a deferred selection property,—

(i) in part 4 of the property redress schedule; and

(ii) in subpart A of part 5 of the property redress schedule if clause 7.11 of the deed of settlement applies

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

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

(a) is wāhi tapu or a wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act

right of access means the right conferred by section 117.

Subpart 1—Transfer of licensed land and deferred selection properties

107 The Crown may transfer properties

To give effect to part 7 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—

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

(b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.

108 Records of title for deferred selection properties

(1) This section applies to a deferred selection property that is to be transferred under section 107 to the trustees.

(2) However, this section applies only to the extent that—

(a) the property is not all of the land contained in a record of title for a fee simple estate; or

(b) there is no record of title for the fee simple estate in all or part of the property.

(3) The Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a record of title for the fee simple estate in the property in the name of the Crown; and

(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but

(c) omit any statement of purpose from the record of title.

(4) Subsection (3) is subject to the completion of any survey necessary to create a record of title.

(5) In this section and sections 109 and 110, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

109 Record of title for licensed land

(1) This section applies to the licensed land that is to be transferred to the trustees under section 107.

(2) The Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a record of title in the name of the Crown for the fee simple estate in the property; and

(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but

(c) omit any statement of purpose from the record of title.

(3) Subsection (2) is subject to the completion of any survey necessary to create a record of title.

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

(1) For the purposes of sections 108 and 109, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in the licensed land or a deferred selection property.

(2) Despite the Land Transfer Act 2017,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and

(b) the Registrar-General must comply with the request.

111 Application of other enactments

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

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

(3) The transfer does not—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals.

(4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer.

(5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.

(6) In exercising the powers conferred by section 107, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.

(7) Subsection (6) is subject to subsections (2) and (3).

112 Transfer of properties subject to lease

(1) This section applies to a deferred selection property—

(a) for which the land holding agency is the Ministry of Education or the New Zealand Police; and

(b) the ownership of which is to be transferred to the trustees; and

(c) that, after the transfer, is to be subject to a lease back to the Crown.

(2) Section 24 of the Conservation Act 1987 does not apply to the transfer of the property.

(3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to section 113 upon the registration of the transfer.

(4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that—

(a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and

(b) the land is subject to section 113.

(5) A notation made under subsection (4) 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.

113 Requirements if lease terminates or expires

(1) This section applies if the lease referred to in section 112(1)(c) (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.

(2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.

(3) The registered owners of the property must apply in writing to the Registrar-General,—

(a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that—

(i) section 24 of the Conservation Act 1987 does not apply to the property; and

(ii) the property is subject to this section; or

(b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,—

(i) section 24 of the Conservation Act 1987 does not apply to that part; and

(ii) that part is subject to this section.

(4) The Registrar-General must comply with an application received in accordance with subsection (3) free of charge to the applicant.

Subpart 2—Licensed land

114 Licensed land ceases to be Crown forest land

(1) The licensed land ceases to be Crown forest land upon the registration of the transfer of the fee simple estate in the land to the trustees.

(2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but would be inconsistent with this subpart, part 7 of the deed of settlement, or part 8 of the property redress schedule.

115 Trustees are confirmed beneficiaries and licensors of licensed land

(1) The trustees are the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed in relation to the licensed land.

(2) The effect of subsection (1) is that—

(a) the trustees are entitled to the rental proceeds payable for the licensed land to the trustees of the Crown forestry rental trust under a Crown forestry licence since the commencement of the licence; and

(b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustees are the confirmed beneficiaries in relation to the licensed land.

(3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of a Crown forestry licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land.

(4) Notice given by the Crown under subsection (3) has effect as if—

(a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and

(b) the recommendation became final on the settlement date.

(5) The trustees are the licensors under each Crown forestry licence as if the licensed land were returned to Māori ownership—

(a) on the settlement date; and

(b) under section 36 of the Crown Forest Assets Act 1989.

(6) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the licensed land.

116 Effect of transfer of licensed land

Section 115 applies whether or not the transfer of the fee simple estate in the licensed land has been registered.

Subpart 3—Access to protected sites

117 Right of access to protected sites

(1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom

the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site.

(2) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.

(3) The right of access is subject to the following conditions:

(a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and

(b) the right of access may be exercised only at reasonable times and during daylight hours; and

(c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—

(i) for the safety of people; or

(ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or

(iii) for operational reasons.

118 Right of access over licensed land

(1) A right of access over licensed land is subject to the terms of any Crown forestry licence.

(2) However, subsection (1) does not apply if the licensee has agreed to the right of access being exercised.

(3) An amendment to a Crown forestry licence is of no effect to the extent that it would—

(a) delay the date from which a person may exercise a right of access; or

(b) adversely affect a right of access in any other way.

119 Right of access to be recorded on records of title

(1) This section applies to the transfer to the trustees of any licensed land.

(2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land.

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

Subpart 4—Right of first refusal over RFR land

Interpretation

120 Interpretation

In this subpart and Schedule 3,—

approving Ngāti Hāua legislation means the legislation that approves as redress for Ngāti Hāua the rights to shared RFR land provided by or under this subpart to the Ngāti Hāua governance entity

approving Te Korowai o Wainuiārua legislation means the legislation that approves as redress for Te Korowai o Wainuiārua the rights to shared RFR land and the Tahora Bus Stop property provided by or under this subpart to the Te Korowai o Wainuiārua governance entity

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

(a) for a company, control of the composition of its board of directors; and

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

Crown body means—

(a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and

(b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and

(c) the New Zealand Railways Corporation; and

(d) a company or body that is wholly owned or controlled by 1 or more of the following:

  (i) the Crown:

  (ii) a Crown entity:

  (iii) a State enterprise:

  (iv) the New Zealand Railways Corporation; and

(e) a subsidiary or related company of a company or body referred to in paragraph (d)

dispose of, in relation to RFR land,—

(a) means—

  (i) to transfer or vest the fee simple estate in the land; or

  (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but

(b) to avoid doubt, does not include—

(i) to mortgage, or give a security interest in, the land; or

(ii) to grant an easement over the land; or

(iii) to consent to an assignment of a lease, or to a sublease, of the land; or

(iv) to remove an improvement, a fixture, or a fitting from the land

expiry date, in relation to an offer, means its expiry date under sections 124(2)(a) and 125

Ngāti Hāua governance entity means any post-settlement governance entity representing Ngāti Hāua under the approving Ngāti Hāua legislation

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 124, to dispose of RFR land to the trustees of any offer trust

offer trust means the trust specified for each of the following types of RFR land:

(a) for exclusive RFR land, the Te Kāhui Maru Trust: Te Iwi o Maruwharanui:

(b) for shared RFR land,—

(i) the Te Kāhui Maru Trust: Te Iwi o Maruwharanui; and

(ii) a governance entity established by Te Korowai o Wainuiārua, but only if the settlement date under the approving Te Korowai o Wainuiārua legislation has occurred; and

(iii) a governance entity established by Ngāti Hāua, but only if the settlement date under the approving Ngāti Hāua legislation has occurred:

(c) for the Tahora Bus Stop property,—

(i) the Te Kāhui Maru Trust: Te Iwi o Maruwharanui; and

(ii) a governance entity established by Te Korowai o Wainuiārua, but only on and from the settlement date defined in the approving Te Korowai o Wainuiārua legislation

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

recipient trust means the trust specified for each of the following types of RFR land:

(a) for exclusive RFR land, the Te Kāhui Maru Trust: Te Iwi o Maruwharanui; and

(b) for shared RFR land or the Tahora Bus Stop property, the offer trust whose trustees accept an offer to dispose of the land under section 127

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

relevant approving legislation means the approving Te Korowai o Wainuiārua legislation or the approving Ngāti Hāua legislation, as the case requires

RFR date means the date on which the RFR period commences, as the case may be, for—

(a) the exclusive RFR land; and

(b) the shared RFR land; and

(c) the Tahora Bus Stop property

RFR land has the meaning given in section 122

RFR landowner, in relation to RFR land,—

(a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and

(b) means a Crown body, if the body holds the fee simple estate in the land; and

(c) includes a local authority to which RFR land has been disposed of under section 130(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested—

(i) on the RFR date for that land; or

(ii) after the RFR date for that land, under section 131(1)

RFR period means,—

(a) for exclusive RFR land, the period of 180 years on and from the settlement date; and

(b) for shared RFR land, the period of 180 years on and from the earlier of—

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

(ii) the later of the settlement dates under the relevant approving legislation; and

(c) for the Tahora Bus Stop property, the period of 180 years on and from the earlier of—

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

(ii) the settlement date under the approving Te Korowai o Wainuiārua legislation

shared RFR land means—

(a) the land described in part 5 of the attachments that on the RFR date for that land—

(i) is vested in the Crown; or

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

(iii) is a reserve vested in an administering body that derived title from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown; and

(b) any land obtained in exchange for a disposal of the land described in paragraph (a) under section 135(1)(c) or 136

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

Tahora Bus Stop property means—

(a) the land described in part 6 of the attachments if, on the RFR date for that land,—

(i) the land is vested in the Crown; or

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

(b) any land obtained in exchange for a disposal of the Tahora Bus Stop property under section 135(1)(c) or 136

Te Korowai o Wainuiārua governance entity means any post-settlement governance entity representing Te Korowai o Wainuiārua under the approving Te Korowai o Wainuiārua legislation.

121 Meaning of exclusive RFR land

In this subpart, **exclusive RFR land** means—

(a) the land described in part 4 of the attachments that, on the settlement date,—

(i) is vested in the Crown; or

(ii) is held in fee simple by the Crown or the following Crown bodies:

(A) Kāinga Ora–Homes and Communities:

(B) Fire and Emergency New Zealand:

(C) New Zealand Railways Corporation; or

(iii) is a reserve vested in an administering body that derived title from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown; and

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

(i) is vested in the Crown; or

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

(iii) is a reserve vested in an administering body that derived title from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown; and

(c) any land obtained in exchange for a disposal of the land described in paragraphs (a) and (b) under section 135(1)(c) or 136.

122 Meaning of RFR land

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

(a) exclusive RFR land; and

(b) shared RFR land; and

(c) the Tahora Bus Stop property.

(2) RFR land does not include the licensed land.

(3) Land ceases to be RFR land if—

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

(i) the trustees of a recipient trust or their nominee (for example, under section 107 in the case of a deferred selection property or under a contract formed under section 128); or

(ii) any other person (including the Crown or a Crown body) under section 123(d); or

(b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—

(i) under any of sections 132 to 138 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 139(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

(c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under section 148; or

(d) the RFR period for the land ends.

Restrictions on disposal of RFR land

123 Restrictions on disposal of RFR land

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

(a) under any of sections 129 to 138; or

(b) under any matter referred to in section 139(1); or

(c) in accordance with a waiver or variation given under section 148; or

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

(i) made in accordance with section 124; and

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

(iii) not withdrawn under section 126; and

(iv) not accepted under section 127.

Right of first refusal for trustees of offer trusts

124 Requirements for offer

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

(2) The notice must include—

(a) the terms of the offer, including its expiry date; and

(b) the legal description of the land, including any interests affecting it, and the reference for any record of title for the land; and

(c) a statement that identifies the RFR land as exclusive RFR land, shared RFR land, or the Tahora Bus Stop Property; and

(d) a street address for the land (if applicable); and

(e) a street address, postal address, and fax number or electronic address for the trustees of an offer trust to give notices to the RFR landowner in relation to the offer.

125 Expiry date of offer

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

(2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which the trustees of the 1 or more offer trusts receive notice of the offer if—

(a) those trustees received an earlier offer to dispose of the land; and

(b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and

(c) the earlier offer was not withdrawn.

(3) For an offer of shared RFR land or the Tahora Bus Stop property, if the RFR landowner has received notices of acceptance from the trustees of 2 or more offer trusts at the expiry date specified in the notice given under section 124(1), the expiry date is extended for the trustees of those 2 or more offer trusts to the date that is 10 working days after the date on which the trustees receive the RFR landowner's notice given under section 127(4).

126 Withdrawal of offer

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

127 Acceptance of offer

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

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

(2) The trustees of an offer trust must accept all the RFR land offered, unless the offer permits them to accept less.

(3) In the case of an offer of shared RFR land or the Tahora Bus Stop property, if, at the end of the expiry date, the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust, the offer is accepted.

(4) In the case of an offer of shared RFR land or the Tahora Bus Stop property, if, at the end of the expiry date specified in the notice of offer given under section 124(1), the RFR landowner has received notice of acceptance from the trustees of 2 or more offer trusts, the RFR landowner has 10 working days in which to give notice to the trustees of those 2 or more offer trusts—

(a) specifying the offer trusts from whose trustees acceptance notices have been received; and

(b) stating that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the tenth working day after the day on which the RFR landowner's notice is received under this subsection.

128 Formation of contract

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

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

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

(4) The trustees of the recipient trust may nominate a nominee only if—

(a) the nominee is lawfully able to hold the RFR land; and

(b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.

(5) The notice must specify—

(a) the full name of the nominee; and

(b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.

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

Disposals to others where land remains RFR land

129 Disposal to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

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

130 Disposal of existing public works to local authorities

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

(2) To avoid doubt, if RFR land is disposed of to a local authority under subsection (1), the local authority becomes—

(a) the RFR landowner of the land; and

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

131 Disposal of reserves to administering bodies

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

(2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under subsection (1), the administering body does not become—

(a) the RFR landowner of the land; or

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

(3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—

(a) the RFR landowner of the land; and

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

Disposals to others where land may cease to be RFR land

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

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

133 Disposal in accordance with legal or equitable obligations

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the relevant RFR date; or

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

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

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

134 Disposal under certain legislation

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

(a) section 54(1)(d) of the Land Act 1948; or

(b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

(c) section 355(3) of the Resource Management Act 1991; or

(d) an Act that—

(i) excludes the land from a national park within the meaning of the National Parks Act 1980; and

(ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

135 Disposal of land held for public works

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

(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Māori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an applica-

tion by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

136 Disposal for reserve or conservation purposes

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

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

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

137 Disposal for charitable purposes

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

138 Disposal to tenants

The Crown may dispose of RFR land,—

(a) if the land was held on the relevant RFR date for education purposes, to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or

(b) under section 67 of the Land Act 1948, if the disposal of the land is to a lessee under a lease of the land granted—

(i) before the relevant RFR date; or

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

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

RFR landowner obligations

139 RFR landowner's obligations subject to other matters

(1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

(a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any interest or legal or equitable obligation—

(i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and

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

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

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

Notices about RFR land

140 Notice to LINZ of RFR land with record of title after RFR date

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

(2) If land for which there is a record of title becomes RFR land after the relevant RFR date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.

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

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

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

(1) An RFR landowner must give the trustees of the 1 or more offer trusts, as the case requires, notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee.

(2) The notice must be given on or before the date that is 20 working days before the day of the disposal.

(3) The notice must include—

(a) the legal description of the land, including any interests affecting it; and

(b) the reference for any record of title for the land; and

(c) the street address for the land (if applicable); and

(d) the name of the person to whom the land is being disposed of; and

(e) an explanation of how the disposal complies with section 123; and

(f) if the disposal is to be made under section 123(d), a copy of any written contract for the disposal.

142 Notice to LINZ of land ceasing to be RFR land

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

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

(i) the trustees of a recipient trust or their nominee (for example, under section 107 in the case of a deferred selection property, or under a contract formed under section 128); or

(ii) any other person (including the Crown or a Crown body) under section 123(d); or

(b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—

(i) under any of sections 132 to 138; or

(ii) under any matter referred to in section 139(1); or

(c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under section 148.

(2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

(c) the details of the transfer or vesting of the land.

143 Notice to be given if disposal of shared RFR land or Tahora Bus Stop property being considered

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

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

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

(a) section 52 of the Land Act 1948:

(b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990:

(c) section 40 of the Public Works Act 1981 (providing that the tests in section 40(1) of that Act are met):

(d) any other enactment that regulates or applies to the disposal of the land.

(4) The notice must—

(a) specify the legal description of the land; and

(b) identify any record of title that contains the land; and

(c) specify the street address for the land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate it.

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

(a) section 564(3) of the Education and Training Act 2020 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education and Training Act 2020); or

(b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or

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

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

144 Notice requirements

Schedule 3 applies to notices given under this subpart by or to—

(a) an RFR landowner; or

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

Right of first refusal recorded on records of title

145 Right of first refusal to be recorded on records of title for RFR land

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the records of title for,—

(a) the RFR land for which there is a record of title on the relevant RFR date; and

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

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

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

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

(b) after receiving a notice under section 140 that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.

(3) Each certificate must state that it is issued under this section.

(4) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate.

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

(a) RFR land, as defined in section 122; and

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

146 Removal of notations when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 142(2), issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

(c) the details of the transfer or vesting of the land; and

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

(2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate.

(3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under section 145 for the land described in the certificate.

147 Removal of notations when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—

(a) the reference for each record of title for that RFR land that still has a notation recorded under section 145; and

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

(2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate.

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notation recorded under section 145 from any record of title identified in the certificate.

General provisions applying to right of first refusal

148 Waiver and variation

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

(2) The trustees of an offer trust and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.

(3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

149 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

150 Assignment of rights and obligations under this subpart

(1) Subsection (3) applies if the RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and

(b) has given the notices required by subsection (2).

(2) The RFR holder must give notices to each RFR landowner that—

(a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specify the date of the assignment; and

(c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.

(3) This subpart and Schedule 3 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with any necessary modifications.

(4) In this section,—

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

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

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

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

Schedule 1
Statutory areas

ss 29, 38

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Kirikiri property	As shown on OMCR-024-02
Part Tāngarākau Forest Conservation Area	As shown marked A on OMCR-024-03
Tāngarākau River and its tributaries within the area of interest	As shown on OMCR-024-04
Whangamōmona River and its tributaries	As shown on OMCR-024-05

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

Statutory area	Location
Autawa Road Conservation Area	As shown on OMCR-024-06
Jury Conservation Area	As shown on OMCR-024-07
Kerekeringa Conservation Area	As shown on OMCR-024-08
Kirai Scenic Reserve	As shown on OMCR-024-09
Manganui River and its tributaries within the area of interest	As shown on OMCR-024-10
Marginal Strip – Waitara River	As shown on OMCR-024-11
Mataru Scenic Reserve	As shown on OMCR-024-12
Matau Conservation Area	As shown on OMCR-024-13
Part Moki Conservation Area	As shown on OMCR-024-14
Ngatoto Conservation Area	As shown on OMCR-024-15
Okau Scenic Reserve	As shown on OMCR-024-16
Patea River and its tributaries within the area of interest	As shown on OMCR-024-17
Part Pouiatoa Conservation Area	As shown on OMCR-024-18
Part Rerekapa Falls Recreation Reserve	As shown on OMCR-024-19
Part Tāngarākau Forest Conservation Area	As shown marked B on OMCR-024-03
Part Waitaanga Conservation Area	As shown on OMCR-024-20
Waitara River and its tributaries within the area of interest	As shown on OMCR-024-21
Part Whangamōmona Forest Conservation Area	As shown on OMCR-024-22
Whetu Conservation Area	As shown on OMCR-024-23

Schedule 2
Cultural redress properties

ss 43, 60–62

Properties vested in fee simple

Name of property	Description	Interests
Former Matau School House property	*Taranaki Land District—Stratford District* 0.1252 hectares, more or less, being Part Section 22 Block II Ngatimaru Survey District. All record of title TN158/5 for the fee simple estate.	Subject to an unregistered tenancy agreement dated 1 October 2017.
Former Tarata School House property	*Taranaki Land District—New Plymouth District* 0.1012 hectares, more or less, being Part Section 52 Tarata Village. All record of title 59248 for the fee simple estate.	
Former Tarata School property	*Taranaki Land District—New Plymouth District* 1.4847 hectares, more or less, being Section 53 Tarata Village. All record of title 74065 for the fee simple estate.	Subject to an unregistered licence to occupy to R & R Lambert dated 1 October 2015.
Purangi Domain property	*Taranaki Land District—New Plymouth District* 4.0469 hectares, more or less, being Section 2 Block II Ngatimaru Survey District. All *Gazette* 1903, p 1436.	
Tahora Railways property	*Taranaki Land District—Stratford District* 4.0059 hectares more or less, being Section 61 Tahora Suburban. All of record of title TNK2/9 for the fee simple estate.	Subject to an easement for a right to convey water created by easement instrument 1153287.1. Subject to an unregistered grazing licence to M Peat dated 19 November 2008.
Tarawai property	*Taranaki Land District—Stratford District* 14.5687 hectares, more or less, being Section 12 Block XI Upper Waitara Survey District. All *Gazette* 1964, p 59.	Subject to an unregistered Wildlife Act permit with permit number 75617-FAU to the East Taranaki Environment Trust.
Te Kerikeringa – Toetoe Road property	*Taranaki Land District—New Plymouth District* 0.0059 hectares, more or less, being Section 1 SO 561342.	

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Pūrangi property	*Taranaki Land District—Stratford District*	Subject to being a scenic reserve, as referred to in section 51(3).
	42.2849 hectares, more or less, being Sections 44 and 52 Block II Ngatimaru Survey District. All *Gazette* Notice 293091.3, and *Gazette* 1949, p 1423.	Subject to an unregistered Wildlife Act permit with permit number 75617-FAU to the East Taranaki Environment Trust.
Stratford Railway Strip property	*Taranaki Land District—Stratford District*	Subject to being a local purpose (esplanade) reserve, as referred to in section 52(2).
	0.0928 hectares, more or less, being Section 1 SO 532053. Part *Gazette* 1891, p 3.	Subject to a land covenant in gross created by document 11906537.1.
Tāngarākau River property	*Taranaki Land District—Stratford District*	Subject to being a historic reserve, as referred to in section 53(3).
	2.7750 hectares, more or less, being Section 1 SO 561337.	
Tarata Domain property	*Taranaki Land District—New Plymouth District*	Subject to being a recreation reserve, as referred to in section 54(3).
	4.9200 hectares, more or less, being Section 1 SO 561338. All *Gazette* notices 103860, 103861 and 290095.1.	
Tarata property	*Taranaki Land District—New Plymouth District*	Subject to being a scenic reserve, as referred to in section 55(3).
	132.0000 hectares, more or less, being Section 1 SO 561340. Part *Gazette* 1890, p 114 and Part *Gazette* 1894, p 1164.	
Te Kerikeringa – River property	*Taranaki Land District—New Plymouth District*	Subject to being a scenic reserve, as referred to in section 56(3).
	1.5430 hectares, more or less, being Section 1 SO 561341. Part record of title TN137/118 for the fee simple estate.	
Waitara River No 3 property	*Taranaki Land District—Stratford District*	Subject to being a historic reserve, as referred to in section 57(3).
	4.0620 hectares, more or less, being Sections 1, 2 and 3 SO 561343.	Subject to an unregistered Wildlife Act permit with permit number 75617-FAU to the East Taranaki Environment Trust.
Whangamōmona River property	*Taranaki Land District—Stratford District*	Subject to being a historic reserve, as referred to in section 58(3).
	2.1905 hectares, more or less, being Sections 1 and 2 SO 561345.	

Property jointly vested in fee simple to be administered as reserve

Name of property	Description	Interests
Tāngarākau marginal strip property	*Taranaki Land District—Stratford District* 1.1415 hectares, more or less, being Sections 1 and 2 SO 561336.	Subject to being a historic reserve, as referred to in section 59(4).

Schedule 3
Notices in relation to RFR land

ss 120, 144, 150(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees of an offer trust or a recipient trust under subpart 4 of Part 3 must be—

(a) in writing and signed by—

(i) the person giving it; or

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

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

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

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 124, or in a later notice given to the trustees of an offer trust, or identified by those trustees as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under section 140 or 142, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite clause 1, a notice given in accordance with clause 1(a) may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

3 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

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

(c) at the time of transmission, if faxed or sent by other electronic means.

(2) However, a notice is to be treated as having been received on the next working day if, under subclause (1), it would be treated as having been received—

(a) after 5 pm on a working day; or

(b) on a day that is not a working day.

Legislative history

19 May 2021	Introduction (Bill 36–1)
6 July 2021	First reading and referral to Māori Affairs Committee
21 December 2021	Reported from Māori Affairs Committee (Bill 36–2)
1 March 2022	Second reading
29 March 2022	Third reading
30 March 2022	Royal assent

This Act is administered by the Office for Māori Crown Relations—Te Arawhiti.

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2022