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as at 12 April 2022



Ngai Tāmanuhiri Claims Settlement Act 2012

Public Act 2012 No 55
Date of assent 31 July 2012
Commencement see section 2

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Note

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

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

This Act is administered by the Ministry of Justice.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngai Tāmanuhiri Claims Settlement Act 2012.

2 Commencement

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

Part 1

**Purpose of Act, acknowledgements and apology of the Crown,
interpretation provisions, settlement of historical claims, and
miscellaneous matters**

Subpart 1—Purpose, acknowledgements, and apology

3 Purpose

The purpose of this Act is—

- (a) to give effect to certain provisions in the deed of settlement, which is a deed to settle the historical claims of Ngai Tāmanuhiri, dated 5 March 2011 and signed by—

- (i) the Honourable Christopher Finlayson, the Minister for Treaty of Waitangi Negotiations, on behalf of the Crown; and
 - (ii) Na Rongowhakaata Raihania and Hope Nga Taare Tupara, as trustees of the Tāmanuhiri Tutu Poroporo Trust on behalf of Ngai Tāmanuhiri; and
- (b) to record the acknowledgements and apology offered to Ngai Tāmanuhiri by the Crown in the deed of settlement.

4 Act binds the Crown

This Act binds the Crown.

5 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 this Act or of the deed of settlement.
- (2) This Part—
- (a) sets out the purpose of this Act, records the acknowledgements and apology given by the Crown to Ngai Tāmanuhiri, and specifies that this Act binds the Crown; and
 - (b) defines terms used in this Act; and
 - (c) provides that the settlement of the historical claims is final; and
 - (d) provides for—
 - (i) the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body to consider the historical claims; and
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the limit on the duration of a trust, the timing of actions or matters provided for in this Act, and access to the deed of settlement.
- (3) Part 2 provides for cultural redress, including,—
- (a) in subparts 1 to 3, cultural redress for which vesting of land is not required, including the establishment of the Local Leadership Body; and
 - (b) in subpart 4, the properties that are vested as cultural redress properties and provisions to facilitate the vesting of those properties; and
 - (c) in subpart 5, a provision relating to the transfer of Te Wherowhero.
- (4) Part 3 provides for commercial redress, including provisions,—
- (a) in subpart 1, to enable the transfer of commercial redress and deferred selection properties; and

- (b) in subpart 2, relating to the transfer of the licensed land, Wharerata Forest; and
 - (c) in subpart 3, to permit access to protected sites; and
 - (d) in subpart 4, providing for the RFR redress.
- (5) Part 4 sets out transitional provisions, including those for the removal of the charitable status of the fisheries and other assets of the Ngai Tāmanuhiri Whānui Trust.
- (6) There are 3 schedules, as follows:
- (a) Schedule 1 describes the 2 statutory areas to which the statutory acknowledgement relates:
 - (b) Schedule 2 describes the 3 cultural redress properties:
 - (c) Schedule 3 sets out requirements for giving notice in relation to RFR land.

Section 5(2)(d)(iv): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Acknowledgements and apology

6 Acknowledgements and apology

- (1) Sections 7 and 8 record the acknowledgements and apology offered to Ngai Tāmanuhiri by the Crown in the deed of settlement.
- (2) The acknowledgements and apology are to be read in conjunction with the account of the historical relations between Ngai Tāmanuhiri and the Crown, as recorded in Part 2 of the deed of settlement.

7 The Crown's acknowledgements

- (1) The Crown acknowledges that—
 - (a) it has failed to address until now the longstanding and legitimately held grievances of Ngai Tāmanuhiri in an appropriate manner; and
 - (b) its recognition of, and provision of redress for, those grievances is long overdue; and
 - (c) the sense of grief and loss suffered by, and the impact on, Ngai Tāmanuhiri remains today.
- (2) The Crown acknowledges that—
 - (a) prior to 1865 Ngai Tāmanuhiri had full control of their lands and resources and were participating successfully in the New Zealand economy; and
 - (b) when war broke out in the 1860s in other regions of New Zealand, Ngai Tāmanuhiri remained neutral; and

- (c) Ngai Tāmanuhiri were not involved in the fighting that took place on the East Coast in 1865; and
 - (d) the Crown used military force in Tūranga in November 1865 when there was no need for it to do so; and
 - (e) it did not pursue all reasonable possibilities for preserving peace in Tūranga after it issued the ultimatum to the occupants of Waerenga a Hika in November 1865; and
 - (f) the occupants of Waerenga a Hika were entitled to defend themselves; and
 - (g) the Crown's attack on Waerenga a Hika whose occupants included many women and children, was unwarranted, unjust, and breached the Treaty of Waitangi and its principles.
- (3) The Crown acknowledges that its military forces partook in indiscriminate looting of the Tūranga region in the aftermath of the Waerenga a Hika attack, which contributed to acute food shortages that caused some loss of life among Tūranga Māori.
- (4) The Crown acknowledges that its detention of some Ngai Tāmanuhiri in harsh conditions on the Chatham Islands for more than two years without laying formal charges or bringing them to trial—
 - (a) meant that they were detained for an unreasonably lengthy period, which assumed the character of indefinite detention without trial; and
 - (b) inflicted unwarranted hardships on them and their whānau and hapū; and
 - (c) was prevented from being challenged in the courts by several indemnity acts; and
 - (d) was wrongful, a breach of natural justice, and deprived those Ngai Tāmanuhiri of basic human rights; and
 - (e) was an injustice and a breach of the Treaty of Waitangi and its principles.
- (5) The Crown further acknowledges that these prisoners were justified in finally escaping from the Chatham Islands in July 1868.
- (6) The Crown acknowledges that when the Whakarau returned to the mainland, they had reason not to trust the Crown when it asked them to lay down their arms.
- (7) The Crown acknowledges that the summary executions at Ngatapa by Crown forces in January 1869 breached the Treaty of Waitangi and its principles and tarnished the honour of the Crown.
- (8) The Crown acknowledges that the manner in which it forcibly took possession of Te Hau Ki Turanga, and its ongoing care of Te Hau Ki Turanga for many years, breached the Treaty of Waitangi and its principles.
- (9) The Crown acknowledges that—

- (a) some Ngai Tāmanuhiri did not give any consent to the 1868 deed of cession; and
 - (b) those Ngai Tāmanuhiri who agreed to the cession did so under duress; and
 - (c) the pressure applied by the Crown to secure this cession, and the resulting extinguishment of Ngai Tāmanuhiri's customary interests in all their lands breached the Treaty of Waitangi and its principles.
- (10) The Crown acknowledges that—
- (a) it did not consult with Ngai Tāmanuhiri about the individualisation of titles by the Poverty Bay Commission, or the introduction of the native land legislation; and
 - (b) the Poverty Bay Commission awarded joint tenancies, which promoted alienation as these titles could not be bequeathed; and
 - (c) the awarding of titles to individuals by the Poverty Bay Commission and the Native Land Court made Ngai Tāmanuhiri lands more susceptible to partition, fragmentation, and alienation; and
 - (d) this had a prejudicial effect on Ngai Tāmanuhiri as it contributed to the erosion of traditional tribal structures, which were based on collective tribal and hapū custodianship of land. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.
- (11) The Crown acknowledges that it failed to enact legislation before 1894 that facilitated the administration of Ngai Tāmanuhiri land subject to the native land laws on a community basis, and this was a breach of the Treaty of Waitangi and its principles.
- (12) The Crown acknowledges that it did not investigate an allegation that the Validation Court had a validated transaction for 11,000 acres in Maraetaha 2, which did not take place.
- (13) The Crown acknowledges that—
- (a) a significant proportion of Ngai Tāmanuhiri land became vested in the East Coast Trust; and
 - (b) its failure to provide for Ngai Tāmanuhiri beneficial owners to be involved in the development of policy for the administration of their land once it became clear that this Trust would have a long-term existence was a breach of the Treaty of Waitangi and its principles.
- (14) The Crown acknowledges that—
- (a) it compulsorily acquired land from Ngai Tāmanuhiri under public works legislation in a number of blocks; and
 - (b) it took land for roads without paying compensation; and

- (c) there was generally inadequate consultation with Ngai Tāmanuhiri about public works takings before the middle of the twentieth century; and
 - (d) as late as 1983 the Crown acquired 99 acres at Maraetaha for water-works under public works legislation, further reducing Ngai Tāmanuhiri landholdings.
- (15) The Crown acknowledges the distress caused by the Manutuke consolidation scheme in the years following 1958, as it required many Ngai Tāmanuhiri to exchange land to which they had significant ancestral connections for land to which they had no connections.
- (16) The Crown acknowledges—
- (a) the severe impact on Ngai Tāmanuhiri of the loss of many traditional sources of kai moana because of the pollution of their coastline by Gisborne’s sewage system and industrial waste; and
 - (b) Ngai Tāmanuhiri have lost control over many of their significant sites, including wāhi tapu, and that this has had an ongoing impact on their physical and spiritual relationship with their land.
- (17) The Crown acknowledges that the cumulative effect of the Crown’s actions and omissions, including the operation and impact of the Poverty Bay Commission and native land laws, left Ngai Tāmanuhiri virtually landless and undermined their economic, social, and cultural development. The Crown acknowledges the devastating consequences that flow from this for the well-being of Ngai Tāmanuhiri. The Crown’s failure to ensure that Ngai Tāmanuhiri retained sufficient lands for its present and future needs was a breach of the Treaty of Waitangi and its principles.
- (18) The Crown acknowledges that Ngai Tāmanuhiri have lived with poorer housing, lower educational achievements, and worse health than many other New Zealanders for too long.
- (19) The Crown acknowledges that Ngai Tāmanuhiri have—
- (a) made a significant contribution to the wealth and development of the nation; and
 - (b) honoured their obligations and responsibilities under the Treaty of Waitangi, especially, but not exclusively, in their contribution to New Zealand’s war efforts overseas. The Crown pays tribute to the contribution made by Ngai Tāmanuhiri to the defence of the nation.

8 The Crown’s apology to Ngai Tāmanuhiri

- (1) The Crown acknowledges that its relationship with Ngai Tāmanuhiri has involved some of the darkest episodes in our country’s history.
- (2) The Crown recognises that Ngai Tāmanuhiri has long sought to right the injustices they have suffered at the hands of the Crown, and is deeply sorry that it has failed until now to address the injustices in an appropriate manner.

- (3) The Crown deeply regrets, and apologises for, its use of military force in Tūranga, and the devastating consequences that flowed from this for Ngai Tāmanuhiri. The Crown is profoundly remorseful at the exile of some Ngai Tāmanuhiri to the Chatham Islands, and the summary executions of unarmed prisoners at Ngatapa during the war it fought against those who escaped their wrongful and unjust detention on the Chathams.
- (4) The Crown sincerely apologises for its many failures to respect Ngai Tāmanuhiri rangatiratanga and to protect Ngai Tāmanuhiri from being left virtually landless and economically marginalised.
- (5) The Crown unreservedly apologises to Ngai Tāmanuhiri and your ancestors and descendants for the many failures to honour its obligations under the Treaty of Waitangi.
- (6) The Crown seeks to restore its honour and reputation as a Treaty partner and atone for its past failures to uphold the Treaty of Waitangi with this apology and settlement. The Crown hopes to build a new relationship with Ngai Tāmanuhiri based on respect for the Treaty of Waitangi and its principles.

Subpart 2—Interpretation

9 Interpretation of Act generally

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

10 Interpretation

In this Act, unless the context requires another meaning,—

actual deferred selection settlement date, in relation to a deferred selection property, means the date on which settlement of the property takes place under Part 5 of the property redress schedule

affected person has the meaning given in section 2AA(2) of the Resource Management Act 1991

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

area of interest means the area that Ngai Tāmanuhiri identifies as its area of interest, as set out in Part 1 of the attachments

attachments means the attachments to the deed of settlement

business day means a day other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
- (b) a day in the period commencing on 25 December in any year and ending on the close of 15 January in the following year; and

- (ba) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) the days observed as the anniversaries of the provinces of Auckland and Wellington

coastal marine area has the meaning given in section 2(1) of the Resource Management Act 1991

commercial redress property means—

- (a) the licensed land; and
- (b) the Waingake Road property

Commissioner of Crown Lands has the same meaning as Commissioner in section 2 of the Land Act 1948

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

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

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

conservation protocol means a protocol issued by the Minister of Conservation under section 21(1)(a), and includes any amendments made under section 21(1)(b)

conservation protocol area means the area shown in the map attached to the conservation protocol

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

- (a) in relation to a company, control of the composition of its board of directors; and
- (b) in relation to another body, control of the composition of the group that would be its board of directors if the body were a company

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

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 any 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 of, or related company to, a company or body referred to in paragraph (d)

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 under section 34 of the Crown Forest Assets Act 1989

Crown mineral means, for the purposes of the Crown minerals protocol, a mineral (as defined by section 2(1) of the Crown Minerals Act 1991)—

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

Crown minerals protocol means a protocol issued by the Minister of Energy and Resources under section 21(1)(a), and includes any amendments made under section 21(1)(b)

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

cultural redress property has the meaning given in section 53

date of the deed of settlement means 5 March 2011

deed of settlement—

- (a) means the deed of settlement referred to in section 3; and
- (b) includes—
 - (i) the schedules and attachments to the deed; and
 - (ii) any amendments to the deed or to its schedules or attachments

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

Director-General means the Director-General of Conservation within the meaning of section 2(1) of the Conservation Act 1987

documents schedule means the schedule of that name attached to the deed of settlement

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

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

fisheries protocol means a protocol issued under section 21(1)(a) by the Minister within the meaning of the Fisheries Act 1996, and includes any amendments made under section 21(1)(b)

fisheries protocol area means the area shown on the map attached to the fisheries protocol, together with the adjacent waters

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

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

historical claims has the meaning given in section 12

land holding agency means,—

- (a) for a commercial redress property, the land holding agency specified for that property in Part 3 of the property redress schedule:
- (b) for a deferred selection property, the land holding agency specified for that property in Part 4 of the property redress schedule

licensed land—

- (a) means the Wharerata Forest; but
- (b) excludes—
 - (i) all trees growing, standing, or lying on that land; and
 - (ii) all improvements that have been—
 - (A) acquired by a purchaser of the trees on that land; or
 - (B) made, after the acquisition of the trees, by the purchaser or the licensee

LINZ means Land Information New Zealand

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

member of Ngai Tāmanuhiri means every individual referred to in section 11

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

Ngai Tāmanuhiri has the meaning given in section 11(1)

property redress schedule means the schedule of that name in the deed of settlement

protocol means a protocol issued under section 21(1)(a), including any amendments made under section 21(1)(b)

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

Registrar-General means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

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

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

representative entity means—

- (a) the trustees; and
- (b) any person (including the trustees) acting for, or on behalf of,—
 - (i) the collective group referred to in section 11; or
 - (ii) 1 or more of the whānau, hapū, and groups that together form that collective group; or
 - (iii) 1 or more members of Ngai Tāmanuhiri

reserve site means **Young Nick’s Head/Te Kuri a Paoa Historic Reserve**, the vesting of which is provided for by section 55

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

responsible Minister means, for the purposes of sections 21 and 22, one of the following Ministers:

- (a) for the conservation protocol, the Minister of Conservation;
- (b) for the Crown minerals protocol, the Minister of Energy and Resources;
- (c) for the fisheries protocol, the Minister within the meaning of the Fisheries Act 1996;
- (d) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage;
- (e) any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties under subpart 1 of Part 2

RFR land has the meaning given in section 87

RFR land schedule means the RFR land schedule in Part 3 of the attachments

RFR redress means the redress provided for in subpart 4 of Part 3

settlement date means the date that is 20 business days after the date on which this Act comes into force

settlement property means—

- (a) each cultural redress property; and
- (b) the Waingake Road property; and
- (c) the licensed land; and

- (d) each deferred selection property; and
- (e) all RFR land

statements of association has the meaning given in section 28

statutory acknowledgement means the acknowledgement made by the Crown in section 28 in respect of each statutory area, on the terms set out in subpart 2 of Part 2

statutory area means an area—

- (a) specified in Schedule 1; and
- (b) whose general location is indicated on the deed plan referred to in relation to that area in that schedule (but which does not establish the precise boundaries of the statutory area)

statutory plan means—

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

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

Tāmanuhiri Tutu Poroporo Trust and **TTPT** mean the trust of that name established by the trust deed

Tāmanuhiri Tutu Poroporo Trust deed and **trust deed**—

- (a) mean the deed of trust of the Tāmanuhiri Tutu Poroporo Trust dated 2 March 2011 and signed by Na Rongowhakaata Raihania, Reweti Ratu Ropiha, Pauline Norah Hill, Lisa Janet Maynard, Lynnette Rerehau Pounsford, Hope Nga Taare Tupare, and Keith Tausia Tarsau; and
- (b) includes the schedules to the trust deed and any amendments to the trust deed or its schedules

taonga tūturu and **ngā taonga tūturu** have the meanings given in section 2(1) of the Protected Objects Act 1975

taonga tūturu protocol means a protocol issued by the Minister for Arts, Culture and Heritage under section 21(1)(a), and includes any amendments under section 21(1)(b)

Te Wherowhero means the property of that name described in Part 2 of Schedule 2

tikanga means customary values and practices

trustees means the governance entity of Ngai Tāmanuhiri for the purposes of this Act, being the trustees from time to time of the Tāmanuhiri Tutu Poroporo Trust

Waingake Road property means the property situated at 1858 Waingake Road, Waingake and described in Part 3 of the property redress schedule

Wharerata Forest means the licensed land described in Part 3 of the property redress schedule.

Section 10 **business day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 10 **business day** paragraph (ba): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 10 **Heritage New Zealand Pouhere Taonga**: inserted, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 10 **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

11 Meaning of Ngai Tāmanuhiri

(1) In this Act, **Ngai Tāmanuhiri** means—

- (a) the collective comprising individuals who descend from—
 - (i) Tāmanuhiri:
 - (ii) any other recognised ancestor of the hapū or descent groups of Ngāti Rangiwhaho Matua, Ngāti Rangiwhaho, Ngāti Kahutia, Ngāti Rangitauwhiwhia, or Ngai Tawehi and who exercised customary rights within the Ngai Tāmanuhiri area of interest after 6 February 1840; and
- (b) members of 1 or more of those hapū or descent groups; and
- (c) every whānau, hapū, or other group of individuals to the extent that that whānau, hapū, or other group includes individuals referred to in paragraph (a); and
- (d) every individual referred to in paragraph (a).

(2) In subsection (1)(a),—

- (a) a person is **descended** from another person if the first person is descended from the other by—
 - (i) birth; or
 - (ii) legal adoption:
- (b) **customary rights** means rights according to tikanga, including—
 - (i) rights to occupy land; and
 - (ii) rights in relation to the use of land or other natural or physical resources.

12 Meaning of historical claims

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

- (a) means every claim (whether or not the claim has arisen or been considered, researched, notified, or made by or on the settlement date) that Ngai Tāmanuhiri or a representative entity had at, or at any time before,

the settlement date, or may have at any time after the settlement date, and that—

- (i) is founded on a right arising—
 - (A) from the Treaty of Waitangi or its principles; or
 - (B) under legislation; or
 - (C) at common law (including aboriginal title or customary law); or
 - (D) from fiduciary duty; or
 - (E) otherwise; and
 - (ii) arises from, or relates to, acts or omissions before 21 September 1992—
 - (A) by, or on behalf of, the Crown; or
 - (B) by or under legislation; and
- (b) includes every claim to the Waitangi Tribunal to which paragraph (a) applies, including—
- (i) the claims that relate exclusively to Ngai Tāmanuhiri or a representative entity, including—
 - (A) Wai 163, Maraetaha Block claim; and
 - (B) Wai 917, Ngai Tāmanuhiri claim; and
 - (ii) to the extent that they relate to Ngai Tāmanuhiri or a representative entity,—
 - (A) Wai 129, Ngati Porou land claim; and
 - (B) Wai 283, East Coast Raupatu claim; and
 - (C) Wai 878, Wastewater and Social Services claim; and
 - (iii) any other claim to the Waitangi Tribunal to which paragraph (a) applies, so far as it relates to Ngai Tāmanuhiri or a representative entity.
- (2) However, **historical claims** does not include any claim that—
- (a) a member of Ngai Tāmanuhiri, or a whānau, hapū, or other group referred to in section 11(1)(c) may have that is founded on a right arising as a result of being descended from an ancestor not referred to in section 11(1)(a); or
 - (b) a representative entity may have, to the extent that the claim is, or is based on, a claim referred to in paragraph (a).

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

13 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 acknowledgements expressed in, or the provisions of, 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, without limitation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—
 - (a) the historical claims; or
 - (b) the deed of settlement; or
 - (c) this Act; or
 - (d) the redress provided under the deed of settlement or this Act.
- (5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.
- (6) Subsection (4) does not limit section 70(3).

Amendment to Treaty of Waitangi Act 1975

14 Amendment to Treaty of Waitangi Act 1975

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) Schedule 3 is amended by inserting the following item in its appropriate alphabetical order: “Ngai Tāmanuhiri Claims Settlement Act 2012, section 13(4) and (5)”.

Protections no longer apply

15 Certain enactments do not apply

- (1) Nothing in the enactments listed in subsection (2) applies—
 - (a) to a settlement property (other than a deferred selection property); or
 - (b) to a deferred selection property, but only on and from the actual deferred selection settlement date for that property; or
 - (c) for the benefit of Ngai Tāmanuhiri 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.
- (3) To avoid doubt, the enactments listed in subsection (2) continue to apply to a deferred selection property if—
- (a) the trustees do not elect to acquire the property under the property redress schedule; or
 - (b) the agreement in Part 5 of the property redress schedule is cancelled.

Section 15(2)(b): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

16 Removal of memorials

- (1) The chief executive of LINZ must issue to the Registrar-General a certificate that identifies (by reference to the relevant legal description, certificate of title, or computer register) each allotment that is—
- (a) all or part of a settlement property; and
 - (b) contained in a certificate of title or computer register that has a memorial entered under any enactment referred to in section 15(2).
- (2) The chief executive of LINZ must issue a certificate under subsection (1) as soon as is reasonably practicable after—
- (a) the settlement date for a settlement property other than a deferred selection property; or
 - (b) the actual deferred selection settlement date, in the case of a deferred selection property.
- (3) Each certificate must state that it is issued under this section.
- (4) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under subsection (1),—
- (a) register the certificate against each certificate of title or computer register identified in the certificate; and
 - (b) cancel, in respect of each allotment identified in the certificate, each memorial that is entered (in accordance with any enactment referred to in section 15(2)) on a certificate of title or computer register identified in the certificate.

Subpart 4—Miscellaneous matters

17 Limit on duration of trusts does not apply

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

Section 17 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 17(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 17(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

18 Timing of actions or matters

- (1) Actions or matters occurring under this Act occur or take effect on and from the settlement date.
- (2) However, if a provision of this Act requires an action or matter to occur or take effect on a date other than the settlement date, that action or matter occurs or takes effect on and from that other date.

19 Access to deed of settlement

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

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

Part 2

Cultural redress

20 The Crown not prevented from providing other similar redress

- (1) The provision of cultural redress under subparts 1 to 3 does not prevent the Crown from doing anything that is consistent with that cultural redress, including—
 - (a) providing the same or similar redress to any person other than Ngai Tāmanuhiri or the trustees:
 - (b) disposing of land.
- (2) However, subsection (1) is not an acknowledgement by the Crown or Ngai Tāmanuhiri that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates.

Subpart 1—Protocols

21 Authority to issue, amend, or cancel protocols

- (1) Each responsible Minister may—
 - (a) issue a protocol to the trustees in the form set out in the documents schedule; and
 - (b) amend or cancel that protocol.
- (2) A protocol may be amended or cancelled under subsection (1) at the initiative of—
 - (a) the trustees; or
 - (b) the responsible Minister.
- (3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees.

22 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and government policy, which includes (without limitation) the ability to—
 - (i) introduce legislation and change government policy; and
 - (ii) interact with or consult a person that the Crown considers to be appropriate, including (without limitation) any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of a responsible Minister or a department of State; or
- (c) the legal rights of the trustees or a representative entity.

23 Enforcement of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails, without good cause, to comply with a protocol, the trustees may, subject to the Crown Proceedings Act 1950, enforce the protocol.
- (3) Despite subsection (2), damages or any form 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).

24 Conservation protocol

- (1) The Director-General must note a summary of the terms of the conservation protocol in the conservation documents affecting the conservation protocol area.
- (2) The noting of the summary of the conservation protocol is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the conservation documents for the purpose of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—
 - (a) rights relating to the common marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011); or
 - (b) an estate or interest in land held, managed, or administered under the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act; or
 - (c) an interest in, or rights relating to, flora or fauna administered or managed under the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act.

25 Crown minerals protocol

- (1) The chief executive within the meaning of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—
 - (a) a register of protocols maintained by the chief executive; and
 - (b) the minerals programmes affecting the Crown minerals protocol area when those programmes are replaced.
- (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and

- (b) not an amendment to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals.
- (4) In this section, **minerals programme** has the meaning given by section 2(1) of the Crown Minerals Act 1991.

Section 25(1): amended, on 24 May 2013, by section 65 of the Crown Minerals Amendment Act 2013 (2013 No 14).

26 Fisheries protocol

- (1) The chief executive within the meaning of the Fisheries Act 1996 must note a summary of the terms of the fisheries protocol in fisheries plans affecting the fisheries protocol area.
- (2) The noting of the summary of the fisheries protocol is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to fisheries plans for the purposes of section 11A of the Fisheries Act 1996.
- (3) The fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, and seaweed) 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.

27 Taonga tūturu protocol

The taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

Subpart 2—Statutory acknowledgement

28 Statutory acknowledgement by the Crown

- (1) The Crown acknowledges the statements of association.
- (2) In this section, and for the purposes of sections 29 to 37, **statements of association** means the statements—

- (a) made by Ngai Tāmanuhiri of their particular cultural, spiritual, historical, and traditional association with each statutory area; and
- (b) that are in the form set out in Part 1 of the documents schedule at the settlement date.

29 Purposes of statutory acknowledgement

- (1) The only purposes of the statutory acknowledgement are to—
 - (a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 30 to 32; and
 - (b) require relevant consent authorities to provide summaries of resource consent applications or, as the case requires, copies of notices of applications, to the trustees in accordance with section 34; and
 - (c) enable the trustees and any member of Ngai Tāmanuhiri to cite the statutory acknowledgement as evidence of the association of Ngai Tāmanuhiri with the relevant statutory areas, as provided for in section 35.
- (2) This section does not limit sections 38 to 40.

Section 29(1)(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

30 Relevant consent authorities to have regard to statutory acknowledgement

- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting the statutory area.
- (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

31 Environment Court to have regard to statutory acknowledgement

- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest greater than that of the general public in respect of proceedings relating to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

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

- (1) If, on or after the effective date, an application is 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,—

- (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.
- (2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 32: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

33 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include the relevant provisions of sections 28 to 32 in full, the descriptions of the statutory areas, and the statements of association.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not—
 - (a) part of the statutory plan, unless adopted by the relevant consent authority; or
 - (b) subject to Schedule 1 of the Resource Management Act 1991, unless adopted as part of the statutory plan.

34 Provision of summaries of resource consent applications

- (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) a summary of the application, if the application is received by the consent authority; or
 - (b) a copy of the notice, if the application is served on the consent authority under section 145(10) of the Resource Management Act 1991.
- (2) A summary provided under subsection (1)(a) must be—

- (a) the same as would be given to an affected person under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority; and
 - (b) provided as soon as is reasonably practicable—
 - (i) after an application is received by the consent authority; and
 - (ii) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (3) A copy of the notice given under subsection (1)(b) must be provided not later than 10 business days after the day on which the consent authority receives the notice.
- (4) The trustees may, by notice in writing to a relevant consent authority,—
- (a) waive their rights to be notified under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (5) This section does not affect the obligation of a relevant consent authority to decide,—
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

35 Use of statutory acknowledgement

- (1) The trustees and any member of Ngai Tāmanuhiri may, as evidence of the association of Ngai Tāmanuhiri with a statutory area, cite the statutory acknowledgement that relates to that area in submissions or proceedings concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
- (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) the bodies and the court referred to in subsection (1); or
 - (b) parties to proceedings before that court or any of those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) Despite subsection (2), the bodies, the court, and the persons specified in that subsection may take the statutory acknowledgement into account.

- (4) To avoid doubt,—
- (a) neither the trustees nor members of Ngai Tāmanuhiri are precluded from stating that Ngai Tāmanuhiri 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.

Section 35(1)(c): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

36 Application of statutory acknowledgement to river

If any part of a 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 overflowing 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.

General provisions relating to statutory acknowledgements

37 Exercise of powers and performance of duties and functions

- (1) Except as expressly provided in this subpart,—
 - (a) the statutory acknowledgement does not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; and
 - (b) no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngai Tāmanuhiri with a statutory area (as described in a statement of association) than that person would give under the relevant legislation or bylaw if no statutory acknowledgement or deed of recognition existed in respect of the statutory area.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

38 Rights not affected

Except as expressly provided in this subpart, the statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

39 Limitation of rights

Except as expressly provided in this subpart, the statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

40 Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991.
- (2) Schedule 11 is amended by inserting the following item in its appropriate alphabetical order: “Ngai Tāmanuhiri Claims Settlement Act 2012”.

Subpart 3—Local Leadership Body**41 Interpretation**

In this subpart, unless the context otherwise requires,—

Council means the Gisborne District Council

governance document means the trust deed or other document by which a specified appointer is constituted and governed

LLB means the Local Leadership Body established by this subpart

LLB area means the area of the LLB as shown in OTS deed plan OTS-005-044

natural and physical resources has the meaning given in section 2(1) of the Resource Management Act 1991

Rongowhakaata Charitable Trust means the charitable trust of that name constituted by a trust deed dated 22 April 2006

specified appointers—

- (a) means, in relation to the appointments of the members of the LLB that must be made,—
 - (i) the trustees; and
 - (ii) the trustees of the Rongowhakaata Charitable Trust; and
 - (iii) the trustees of Te Aitanga a Māhaki Trust; and
- (b) includes a delegate of, or a successor to, a specified appointer, provided any such delegation or succession complies with the requirements of the governance document of the specified appointer

Te Aitanga a Māhaki Trust means the trust of that name constituted by trust deed dated 17 September 2005.

Establishment, status, and purpose of LLB

42 Establishment and status of Local Leadership Body

- (1) The LLB is established as a statutory body.
- (2) Despite the membership of the LLB provided for by section 44(1)(a) to (c), the LLB is a joint committee of the Council for the purposes of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.
- (3) Despite Schedule 7 of the Local Government Act 2002, the LLB—
 - (a) is a permanent committee; and
 - (b) must not be discharged without the agreement of the specified appointers and the Council.
- (4) Nothing in this section, section 43, or sections 46 to 52 has any effect until the initial appointments provided for by section 45 have been made.

43 Purpose of LLB

- (1) The purpose of the LLB is—
 - (a) to contribute to the sustainable management of the natural and physical resources in the LLB area for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Ngai Tāmanuhiri, Rongowhakaata, and Te Aitanga a Māhaki and Affiliates with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
 - (b) to enable individuals and communities within the LLB area, as resources allow,—
 - (i) to provide for their social, economic, and cultural well-being; and
 - (ii) to achieve improved outcomes in respect of the environment; and
 - (c) to ensure that the Council is appropriately informed of its statutory obligations within the LLB area, including obligations in respect of Te Tiriti o Waitangi arising under the Local Government Act 2002 and the Resource Management Act 1991 and any other relevant enactment.
- (2) Nothing in this subpart limits the obligations of the Council under the Local Government Act 2002 in respect of Māori within the LLB area whose interests are not represented by the specified appointers.

Appointment provisions

44 Membership of LLB

- (1) The membership of the LLB is as follows:
 - (a) 2 members appointed by the trustees; and
 - (b) 2 members appointed by the trustees of the Rongowhakaata Charitable Trust; and

- (c) 2 members appointed by the trustees of Te Aitanga a Māhaki Trust; and
 - (d) 6 members (comprising the mayor and 5 councillors holding office from time to time), appointed by the Council.
- (2) In appointing members of the LLB, a specified appointer must be satisfied that the persons appointed by that appointer have the skills, attributes, and knowledge to participate effectively as members of the LLB.
- (3) After the initial appointments made under section 45, the specified appointers and the Council must ensure that, having regard to the membership of the LLB for the time being, collectively the membership of the LLB reflects a balanced mix of the skills, attributes, and knowledge relevant to the purpose of the LLB.

45 Initial appointments

- (1) The trustees may, on or after the settlement date, notify the Crown of the initial members of the LLB appointed in accordance with—
- (a) section 44(1)(a) to (c) and (2); and
 - (b) clauses 5.28D to 5.28H of the deed of settlement.
- (2) When the trustees have notified the Crown of the initial members of the LLB appointed under subsection (1),—
- (a) the Crown must, not later than 2 business days after receiving notice of those appointments, notify the appointments to the Council; and
 - (b) the Council must, after receiving that notice from the Crown,—
 - (i) appoint 6 initial members of the LLB in accordance with—
 - (A) section 44(1)(d); and
 - (B) clause 31 of Schedule 7 of the Local Government Act 2002; and
 - (ii) not later than 20 business days after being notified under paragraph (a), notify the trustees and the Crown of the Council's appointments.

Functions and powers

46 Functions and powers of LLB

- (1) The primary function of the LLB is to achieve the purpose of the LLB.
- (2) In achieving the purpose of the LLB, the LLB may—
- (a) gather and disseminate information and hold meetings for the purpose of identifying existing and any new issues that affect the LLB area:
 - (b) develop policies and strategies to—
 - (i) address any significant issues relevant to the purpose of the LLB that are identified within the LLB area:
 - (ii) assist in achieving the purpose of the LLB:

- (c) monitor, evaluate, and review those policies and strategies:
 - (d) promote the integrated and co-ordinated management of the natural and physical resources of the LLB area:
 - (e) provide information to assist with the preparation of the regional policy statement, any regional plans, the district plan, annual plan, and any long-term plan of the Council, to the extent that those instruments are relevant to the LLB area:
 - (f) provide advice to the Council on applications for resource consents, designations, heritage orders, and water conservation orders within the LLB area and in relation to the transfer or delegation of powers that are relevant to the LLB area:
 - (g) monitor the extent to which the purpose of the LLB is being achieved:
 - (h) take any other agreed action that is relevant to achieving the purpose of the LLB.
- (3) The LLB has discretion to determine, in any particular circumstance,—
- (a) whether to exercise a function identified in subsection (2); and
 - (b) how, and to what extent, to exercise any of those functions.
- (4) The LLB has the powers reasonably necessary to carry out its functions in a manner consistent with this subpart and the relevant provisions in—
- (a) the Local Government Act 2002; and
 - (b) the Local Government Act 1974; and
 - (c) the Local Authorities (Members' Interests) Act 1968; and
 - (d) the Local Government Official Information and Meetings Act 1987.

Provisions governing members and procedures of LLB

47 Regulation of members

- (1) A member may be discharged by the specified appointer or the Council that appointed that member, as the case may be.
- (2) A member appointed by a specified appointer may resign on the date specified in a written notice given to that specified appointer.
- (3) If there is a vacancy on the LLB, the relevant specified appointer or the Council, as the case may be, must fill the vacancy as soon as is reasonably practicable.
- (4) To avoid doubt, members of the LLB who are appointed in accordance with section 44(1)(a) to (c) are not, by virtue of that membership, members of the Council.
- (5) The LLB ceases to exist and the term of office of all the remaining members expires if a specified appointer ceases to exist and a vacancy in the member-

ship of the LLB is unable to be filled in accordance with the requirements of section 44(1)(a) to (c).

48 Decision making

The members of the LLB must, individually and collectively, approach decision making in a manner that is consistent with, and reflects, the purpose of the LLB.

49 Procedural matters

- (1) The LLB must, except as provided in this subpart, regulate its own procedures.
- (2) The LLB must, at its first meeting,—
 - (a) appoint a chairperson or co-chairpersons and a deputy chairperson of the LLB and state the terms of those appointments; and
 - (b) state the terms of the appointments of the members appointed under section 44(1)(a) to (c); and
 - (c) adopt a quorum for meetings of the LLB; and
 - (d) adopt a set of standing orders for the operations of the LLB; and
 - (e) agree—
 - (i) how the LLB will be administered; and
 - (ii) how the costs associated with both the administration of the LLB and its operations will be met.
- (3) Every member of the LLB must comply with the standing orders of the LLB.
- (4) Despite clause 19(2) of Schedule 7 of the Local Government Act 2002, the members of the LLB appointed by a specified appointer—
 - (a) have the right to attend any meeting of the LLB; but
 - (b) do not have the right to attend meetings of the Council by reason merely of their membership of the LLB.

50 Conflict of interest

A member of the LLB is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter merely because—

- (a) the member is a member of an iwi or hapū; or
- (b) the economic, social, cultural, and spiritual values of an iwi or hapū and their relationship with the LLB are advanced by or reflected in—
 - (i) the subject matter under consideration;
 - (ii) any decision or recommendation of the LLB;
 - (iii) participation in the matter by the member.

Other matters relevant to procedures of LLB

51 Continuing responsibilities of specified appointers and Council

- (1) The specified appointers and the Council—
 - (a) are each responsible for supporting the persons that each has appointed to the LLB; and
 - (b) must, no later than 12 months after the date of the first meeting of the LLB, enter into an agreement on the terms of reference of the LLB; and
 - (c) may agree to extend that time frame by a period that does not exceed a further 6 months after the date of the first meeting of the LLB.
- (2) In subsection (1)(b), **agreement** is the same as an agreement referred to in clause 28I of the deed of settlement.

52 Application of other Acts to LLB

- (1) To the extent that they are relevant for the purpose and functions of the LLB, the provisions of the following Acts apply to the LLB, with the necessary modifications, except as provided otherwise in this subpart:
 - (a) the Local Government Act 2002; and
 - (b) the Local Government Act 1974; and
 - (c) the Local Authorities (Members' Interests) Act 1968; and
 - (d) the Local Government Official Information and Meetings Act 1987.
- (2) Clauses 6(1)(b), 12, 30(3) and (7), and 31(1) and (2) of Schedule 7 of the Local Government Act 2002 apply only to the members of the LLB appointed by the Council.
- (3) Clauses 23(3)(b), 26(1), (3), and (4), 27, 30(5) and (9)(b), and 31(3), (4), and (6) of Schedule 7 of the Local Government Act 2002 do not apply to the LLB.
- (4) To the extent that the rest of Schedule 7 of the Local Government Act 2002 is applicable, it applies to the LLB subject to all references to—
 - (a) a local authority being read as references to the LLB; and
 - (b) a member of a committee of a local authority being read as references to the persons appointed by the specified appointers in accordance with section 44(1).

Subpart 4—Vesting of cultural redress properties

53 Interpretation

In this Act, **cultural redress property** means the following sites, and each site means the land described by that name in Part 1 of Schedule 2:

- (a) Mangapoike:

- (b) Young Nick's Head/Te Kuri a Paoa Historic Reserve (which is the same as the land to be known as Te Kuri a Paoa/Young Nick's Head National Historic Reserve).

Site vesting in fee simple

54 Mangapoike

The fee simple estate in Mangapoike vests in the trustees.

Site to vest and be administered as national historic reserve

55 Young Nick's Head/Te Kuri a Paoa Historic Reserve

- (1) Young Nick's Head/Te Kuri a Paoa Historic Reserve vests in the trustees as if it were vested under section 26 of the Reserves Act 1977.
- (2) Young Nick's Head/Te Kuri a Paoa Historic Reserve is declared a national reserve for the purposes of section 13 of the Reserves Act 1977.
- (3) The national historic reserve created by subsection (2) is named Te Kuri a Paoa/Young Nick's Head National Historic Reserve.
- (4) Despite section 13(5)(b) of the Reserves Act 1977, the trustees must hold and administer Te Kuri a Paoa /Young Nick's Head National Historic Reserve as a national historic reserve subject to the Reserves Act 1977.
- (5) To avoid doubt, section 24(7B) of the Conservation Act 1987 applies to the vesting of Young Nick's Head/Te Kuri a Paoa Historic Reserve under subsection (1).

Provisions of general application to vesting of cultural redress properties

56 Properties vest subject to, or together with, encumbrances

Each cultural redress property vests under this subpart subject to, or together with, any encumbrances listed in relation to the property in the third column of Part 1 of Schedule 2.

57 Registration of ownership

- (1) This section applies in relation to the fee simple estate in a cultural redress property vested in the trustees under this subpart.
- (2) The Registrar-General must, on written application by an authorised person, comply with subsections (3) and (4).
- (3) In the case of Young Nick's Head/Te Kuri a Paoa Historic Reserve, the Registrar-General must—
 - (a) register the trustees as the proprietor of the fee simple estate in the land; and
 - (b) make entries in the register and do all other things necessary to give effect to this Part and to Part 5 of the deed of settlement.

- (4) In the case of Mangapoike, the Registrar-General must, in accordance with an application received from an authorised person,—
 - (a) create 1 computer freehold register for the fee simple estate in the property in the name of the trustees; and
 - (b) enter on the register any encumbrances that are registered, notified, or notifiable and that are described in the application.
- (5) Subsection (4) applies subject to the completion of any survey necessary to create the computer freehold register.
- (6) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—
 - (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the trustees and the Crown.
- (7) In subsections (2) and (4), **authorised person** means a person authorised by—
 - (a) the Secretary for Justice, in the case of Mangapoike; and
 - (b) the Director-General, in the case of Young Nick’s Head/Te Kuri a Paoa Historic Reserve.

58 Application of Part 4A of Conservation Act 1987

The vesting in the trustees of the fee simple estate in Mangapoike 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.

59 Matters to be recorded on computer freehold register

- (1) The Registrar-General must record on the computer freehold register for Mangapoike that the land is subject to Part 4A of the Conservation Act 1987.
- (2) Notification made under subsection (1) that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made under section 24D(1) of that Act.
- (3) The Registrar-General must record on the computer freehold register for Te Kuri a Paoa/Young Nick’s Head National Historic Reserve that the land is subject to section 61 of this Act.

60 Application of other enactments

- (1) The vesting of the fee simple estate in a cultural redress property 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) 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.

61 Subsequent transfer of Te Kuri a Paoa/Young Nick’s Head National Historic Reserve

- (1) This section applies to Te Kuri a Paoa/Young Nick’s Head National Historic Reserve if it remains a reserve under the Reserves Act 1977 after vesting in the trustees.
- (2) Despite any provision of the Reserves Act 1977, the fee simple estate in Te Kuri a Paoa/Young Nick’s Head National Historic Reserve may be transferred, but only if—
- (a) the transferors of the reserve are or were the trustees; and
 - (b) the transferees are the trustees of the same trust, after—
 - (i) any new trustees have been appointed to the trust; or
 - (ii) any transferor has ceased to be a trustee of the trust; and
 - (c) the instrument to transfer Te Kuri a Paoa/Young Nick’s Head National Historic Reserve is accompanied by a certificate given by the transferees, or the transferees’ solicitor, verifying that paragraphs (a) and (b) apply.

62 Saving of bylaws, etc, in relation to reserve site

- (1) This section applies to any bylaw, prohibition, or restriction on use or access that an administering body or the Minister made or granted under the Reserves Act 1977 or the Conservation Act 1987 in relation to Young Nick’s Head/Te Kuri a Paoa Historic Reserve before it vested in the trustees under section 55.
- (2) The bylaw, prohibition, or restriction on use or access remains in force until it expires or is revoked under the Reserves Act 1977 or the Conservation Act 1987.

63 Authority to alter name of Young Nick’s Head/Te Kuri a Paoa Historic Reserve

- (1) For the purposes of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, the official geographic name Young Nick’s Head/Te Kuri a Paoa Historic Reserve is altered to Te Kuri a Paoa/Young Nick’s Head National Historic Reserve for the reserve vested under section 55 of this Act.

- (2) The Board must ensure that, as soon as is reasonably practicable after the settlement date, the Gazetteer is altered by including the official geographic name as altered in subsection (1), as if that name had been altered under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.
- (3) In this section, **Board**, **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.

Subpart 5—Te Wherowhero

64 Transfer of Te Wherowhero to trustees

- (1) To give effect to clauses 5.18 to 5.23 of the deed of settlement,—
 - (a) the permission of a council under section 348 of the Local Government Act 1974 is not required for the laying out, forming, granting, or reserving a private road, private way, or right of way required in relation to—
 - (i) the transfer of Te Wherowhero to the trustees; or
 - (ii) any matter incidental to that transfer for the benefit of persons other than the trustees; and
 - (b) section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (i) the transfer of the fee simple estate in Te Wherowhero to the trustees; or
 - (ii) any matter incidental to, or required for the purpose of, that transfer.
- (2) As soon as orders are produced for computer freehold registers, the Registrar-General must create—
 - (a) 1 computer freehold register for the fee simple estate in Te Wherowhero in the names of the trustees; and
 - (b) 1 computer freehold register for the fee simple estate in the balance of the land in computer freehold register 504589 in the name of the transferor.
- (3) In this section, **transferor** means the person in whose name the fee simple title was registered immediately preceding the settlement date.

Part 3

Commercial redress

Subpart 1—Transfer of commercial redress, and deferred selection, properties

65 The Crown may transfer properties

- (1) To give effect to Part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to do 1 or both of the following:
 - (a) transfer the fee simple estate in—
 - (i) the Waingake Road property to the trustees:
 - (ii) a deferred selection property—
 - (A) to the trustees; or
 - (B) in the case of the LINZ property 11306, either to the trustees or to a nominated entity:
 - (b) sign a transfer instrument or other document or do any other thing to effect that transfer.
- (2) As soon as is reasonably practicable after the actual deferred settlement date for a deferred selection property, the chief executive of the land holding agency must provide written notification of that date to the chief executive of LINZ for the purposes of section 16 (which relates to the removal of memorials).
- (3) In this section,—

LINZ property 11306 means the property of that name described in Part 4 of the property redress schedule

nominated entity means an entity nominated by the trustees to take title to the LINZ property 11306.

66 Registrar-General to create computer freehold register

- (1) This section applies to a deferred selection property that is to be transferred under section 65, to the extent that—
 - (a) the property is not all of the land contained in a computer freehold register; or
 - (b) there is no computer freehold register for all or part of the property.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and

- (b) record on the computer freehold register any encumbrances that are registered, notified, or notifiable and that are described in the written application; but
 - (c) omit any statement of purpose from the computer freehold register.
- (3) Subsection (2) is subject to the completion of any survey necessary to create a computer freehold register.
- (4) The authorised person may grant a covenant to arrange for the later creation of a computer freehold register for any land that is to be transferred under section 65.
- (5) Despite the Land Transfer Act 1952,—
 - (a) the authorised person may request the Registrar-General to register a covenant (as referred to in subsection (4)) under the Land Transfer Act 1952 by creating a computer interest register; and
 - (b) the Registrar-General must register the covenant in accordance with paragraph (a).
- (6) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for a deferred selection property.

67 Application of other enactments

- (1) This section applies to the transfer under section 65 of the Waingake Road property or a deferred selection property (a **relevant property**).
- (2) The transfer of a relevant property—
 - (a) 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; and
 - (b) does not—
 - (i) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (ii) affect other rights to subsurface minerals; or
 - (iii) require the permission of a council under section 348 of the Local Government Act 1974 for laying out, forming, granting, or reserving a private road, private way, or right of way that may otherwise be required to fulfil the terms of Parts 5 and 6 of the property redress schedule.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the transfer of a relevant property; or
 - (b) any matter incidental to, or required for the purpose of, that transfer.
- (4) In exercising the powers conferred by this subpart, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a relevant property.

- (5) Subsection (4) is subject to subsection (2)(a) and (b)(i) and (ii).

Subpart 2—Licensed land

Transfer of Wharerata Forest

68 Interpretation

In this subpart,—

accumulated rentals means the accumulated rentals relating to the Wharerata Forest that are held under the terms of the Crown forestry rental trust

confirmed beneficiary has the meaning given in the Crown forestry rental trust deed

Crown interest—

- (a) means the Crown’s entitlement, as a beneficiary of the Wharerata Forest Trust, to 50% of the Wharerata Forest; and
- (b) includes—
 - (i) the rental proceeds associated with the Crown interest; and
 - (ii) the Crown’s entitlement to a 50% shareholding in Wharerata Forest Limited

historical Treaty claim has the meaning given in section 2 of the Treaty of Waitangi Act 1975

other Wharerata claimants means Ngāti Rakaipaaka, Ngai Te Rakato, and any other claimants with well founded historical Treaty claims to the Wharerata Forest, as may be determined by the Waitangi Tribunal under the Treaty of Waitangi Act 1975

rental proceeds means—

- (a) the accumulated rentals; and
- (b) the ongoing rentals

Waitangi Tribunal means the tribunal established under the Treaty of Waitangi Act 1975

Wharerata Forest Limited means the company of that name incorporated under the company number 3910978—

- (a) to act as the trustee of the Wharerata Forest Trust; and
- (b) to administer the Wharerata Forest in accordance with—
 - (i) this Act; and
 - (ii) the deed of settlement; and
 - (iii) the Wharerata shareholders’ agreement and trust deed

Wharerata Forest Trust means the trust established by the Wharerata shareholders’ agreement and trust deed

Wharerata shareholders' agreement and trust deed means the trust deed entered into by the Crown, the trustees, and Wharerata Forest Limited in accordance with clause 6.8 of the deed of settlement and in substantially the same form set out in the documents schedule.

Transfer of fee simple estate to Wharerata Forest Limited

69 Transfer of licensed land

To give effect to clauses 6.10 and 6.11 of the deed of settlement, the Crown (acting by and through the chief executive of LINZ) is authorised to do 1 or both of the following:

- (a) transfer to Wharerata Forest Limited the fee simple estate in the Wharerata Forest:
- (b) sign a transfer instrument or other document, or do any other thing to effect that transfer.

70 Licensed land ceases to be Crown forest land

- (1) The Wharerata Forest ceases to be Crown forest land on the registration of the transfer of the fee simple estate in the land to Wharerata Forest Limited.
- (2) Although the Wharerata Forest does not cease to be Crown forest land until the transfer of the fee simple estate in the land to Wharerata Forest Limited is registered, neither the Crown nor any court or tribunal may do any thing, or omit to do any thing, if that act or omission would, between the settlement date and the date of registration, be inconsistent with this subpart, with clause 6.10 or 6.11 of the deed of settlement, or with Part 6 of the property redress schedule although consistent with the Crown Forest Assets Act 1989.
- (3) Despite subsection (1), section 13 does not exclude the jurisdiction of the Waitangi Tribunal in relation to the transfer of any portion of the Crown interest to any other Wharerata claimant, as provided for by sections 78 to 81.

71 Wharerata Forest Limited is confirmed beneficiary and licensor

- (1) Wharerata Forest Limited is, in relation to the Wharerata Forest, the confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed.
- (2) The effect of subsection (1) is that—
 - (a) Wharerata Forest Limited is entitled to the rental proceeds payable since the commencement of the Crown forestry licence; and
 - (b) all the provisions of the Crown forestry rental trust deed apply on the basis that Wharerata Forest Limited is the confirmed beneficiary; and
 - (c) Wharerata Forest is to be managed in accordance with the Wharerata shareholders' agreement and trust deed.
- (3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the 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 had become final on the settlement date.
- (5) Wharerata Forest Limited is the licensor under the Crown forestry licence as if the licensed land had been 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 (which relates to the payment of compensation) does not apply to the licensed land.

72 Registrar-General to create computer freehold register for Wharerata Forest

- (1) This section applies to the Wharerata Forest that is to be transferred to Wharerata Forest Limited under Part 6 of the deed of settlement and Part 6 of the property redress schedule.
- (2) The Registrar-General must, in accordance with a written application by an authorised person, and after the completion of any necessary survey, create—
 - (a) 1 computer freehold register for that part of the Wharerata Forest in the Gisborne Land Registration District; and
 - (b) 1 computer freehold register for that part of the Wharerata Forest in the Hawke's Bay Land Registration District.
- (3) Each computer freehold register created under subsection (2) must be created—
 - (a) in the name of the Crown; and
 - (b) subject to, and together with, any encumbrances that are registered, notified, or notifiable and that are described in the written application; but
 - (c) without any statement of purpose.
- (4) For the purposes of this section, section 66 applies, with the necessary modifications, to permit the authorised person to grant a covenant for the later creation of a computer freehold register for the Wharerata Forest that is transferred under the authority of section 69.
- (5) In this section, **authorised person** means the chief executive of LINZ.

73 Effect of transfer of licensed land

Section 71 applies whether or not, on the settlement date, the transfer of the fee simple estate in the licensed land has been registered.

74 Application of other enactments

- (1) The transfer of the Wharerata Forest to Wharerata Forest Limited 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) The transfer of Wharerata Forest to Wharerata Forest Limited does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the transfer of Wharerata Forest to Wharerata Forest Limited; or
 - (b) any matter incidental to, or required for the purpose of, that transfer.
- (4) In exercising the authority under section 69, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of Wharerata Forest to Wharerata Forest Limited.
- (5) Subsection (4) is subject to subsections (1) and (2).

Transfer of part of Wharerata Forest

75 Transfer of part of Wharerata Forest by Wharerata Forest Limited

- (1) The trustees may request Wharerata Forest Limited to transfer a specified part of the Wharerata Forest in accordance with the Wharerata shareholders' agreement and trust deed.
- (2) Wharerata Forest Limited must transfer the specified part of the Wharerata Forest in accordance with the request.

76 Application of other enactments

For a period of up to 9 years from the settlement date, if Wharerata Forest Limited transfers a specified part of the Wharerata Forest under section 75 or otherwise under the Wharerata shareholders' agreement and trust deed,—

- (a) section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (i) the transfer of the specified part of the Wharerata Forest; or
 - (ii) any matter incidental to, or required for the purpose of, that transfer; and
- (b) the transfer of a specified part of the Wharerata Forest does not require the permission of a council under section 348 of the Local Government Act 1974 for laying out, forming, granting, or reserving a private road, private way, or right of way that may be required to fulfil the terms of the Wharerata shareholders' agreement and trust deed in relation to the transfer; and

- (c) a certificate given by a director of Wharerata Forest Limited is sufficient evidence that the transfer is under section 75.

Transfer of Crown interest in Wharerata Forest

77 Transfer of Crown interest

- (1) This section applies if, at any time up to 8 years from the settlement date, the Crown and any other Wharerata claimant propose to enter into a deed of settlement to settle the historical Treaty claim of that other Wharerata claimant in relation to the Crown interest.
- (2) Before entering into a deed of settlement with any other Wharerata claimant, the Crown must consult every other Wharerata claimant with a view to reaching an agreement on whether all or any part of the Crown interest should be transferred to the other Wharerata claimant with which the deed of settlement is proposed.
- (3) If agreement is reached under subsection (2), the Crown must, to the extent required by the deed of settlement in respect of the Crown interest, transfer to the other Wharerata claimant or the claimant's nominee the specified part of the Crown interest.
- (4) If agreement is not reached under subsection (2), sections 78 to 81 apply, for the period referred to in section 76.

Limited jurisdiction of Waitangi Tribunal in respect of Wharerata Forest

78 Reference of certain matters to Waitangi Tribunal for mediation

- (1) If an agreement is not reached under section 77,—
- (a) the matter may be referred to the Waitangi Tribunal for determination by—
- (i) the Crown; or
- (ii) any of the other Wharerata claimants; and
- (b) the Waitangi Tribunal may exercise its jurisdiction to refer the matter for mediation in accordance with clauses 9A to 9C of Schedule 2 of the Treaty of Waitangi Act 1975.
- (2) If a matter is referred to the Waitangi Tribunal under subsection (1), a reference in clauses 9A to 9C of Schedule 2 of the Treaty of Waitangi Act 1975—
- (a) to a claim submitted under section 6 of that Act or under clause 9A of Schedule 2 of that Act is to be treated as a reference to a matter referred to the Waitangi Tribunal under this section; and
- (b) to a settlement of a claim under that Act is to be treated as a reference to the resolution of a dispute under this section.
- (3) This section applies despite section 13.

79 Jurisdiction of Waitangi Tribunal to make findings and recommendations

- (1) If, within a reasonable time, the parties to the dispute cannot agree on mediation or the dispute cannot be resolved by mediation, as provided for by section 78, the Waitangi Tribunal may, despite sections 13 and 15, exercise its jurisdiction in accordance with sections 8HA to 8HD of the Treaty of Waitangi Act 1975, as modified by section 80, to make—
 - (a) findings on the historical Treaty claims of any or all of the other Wharerata claimants; and
 - (b) recommendations relating to the transfer of all or part of the Crown interest to any or all of the other Wharerata claimants.
- (2) To avoid doubt, sections 8HA to 8HD of the Treaty of Waitangi Act 1975 are modified only to the extent necessary to apply to the Crown interest and those modifications do not apply to licensed land.

80 Modifications to jurisdiction of Waitangi Tribunal

- (1) The jurisdiction of the Waitangi Tribunal under section 79 is limited to determining matters relating to the transfer of all or part of the Crown interest.
- (2) The Crown must advise the Waitangi Tribunal of any change to the Crown interest in order to inform the Tribunal of the extent of the Tribunal's jurisdiction for the purpose of subsection (1).
- (3) The recommendations that the Waitangi Tribunal may make under section 8HB(1)(a) of the Treaty of Waitangi Act 1975—
 - (a) are limited to recommendations on the transfer of the Crown interest; but
 - (b) for the purposes of making any such recommendation, the Waitangi Tribunal may inquire into, and make findings on, the actions of the Crown in relation to all or any part of the Wharerata Forest.
- (4) Despite section 8HD of the Treaty of Waitangi Act 1975, any or all of the other Wharerata claimants may appear and be heard by the Tribunal in relation to the historical Treaty claims of any other Wharerata claimant.

81 Obligations in event of interim recommendation of Waitangi Tribunal

- (1) This section applies at any time during the period referred to in section 76 if, in inquiring into the historical Treaty claims of any other Wharerata claimant under section 79,—
 - (a) the Waitangi Tribunal makes an interim recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the transfer of the whole or part of the Crown interest to 1 or more of the other Wharerata claimants; and
 - (b) that interim recommendation becomes final under section 8HC of that Act.

- (2) The Crown must give effect to the final recommendation by transferring all or part of the Crown interest as directed by the Waitangi Tribunal.

Subpart 3—Access to protected sites

82 Meaning of protected site

In this subpart, **protected site** means any area of land situated in the Wharerata Forest 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).

Section 82(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 82(b): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

83 Right of access to protected site

- (1) The owner of the land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow access across the land to each protected site to Māori for whom the protected site is of special spiritual, cultural, or historical significance.
- (2) The right of access may be exercised by vehicles or on 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 reasonable conditions imposed by the owner relating to the time, location, or manner of access as are reasonably required for—
- (i) the safety of people; or
- (ii) the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
- (iii) operational reasons.

84 Right of access subject to Crown forestry licence

- (1) The right of access conferred by section 83 is subject to, and does not override, the terms of any Crown forestry licence, except where the licensee has agreed to an exercise of the right of access.

- (2) An amendment to a Crown forestry licence will be of no effect to the extent that it purports to—
- (a) delay the date from which a person who has a right of access under section 83 may exercise that right; or
 - (b) otherwise adversely affect the right of access.

85 Notation of right of access over licensed land transferred on settlement date

- (1) The Registrar-General must, in accordance with a written application by an authorised person, record on the computer freehold register for the Wharerata Forest that the land is, or may at any future time be, subject to the right of access set out in section 83.
- (2) An application must be made as soon as is reasonably practicable after the settlement date.
- (3) However, if a computer freehold register has not been created by the settlement date, an application must be made as soon as is reasonably practicable after the register has been created.
- (4) In this section, **authorised person** means a person authorised by the chief executive of LINZ.

Subpart 4—Right of first refusal in relation to RFR land

86 Interpretation

In this subpart and Schedule 3, unless the context requires another meaning,—
deferred Muriwai School RFR land means the Muriwai School DSP site described in Part 4 of the property redress schedule that—

- (a) has not been transferred; and
- (b) is no longer able to be transferred in accordance with Part 5 of that schedule

dispose of, in relation to RFR land,—

- (a) means to—
 - (i) transfer or vest the fee simple estate in the land; or
 - (ii) 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), for 50 years or longer; but
- (b) to avoid doubt, does not include to—
 - (i) mortgage, or give a security interest in, the land; or
 - (ii) grant an easement over the land; or
 - (iii) consent to an assignment of a lease, or to a sublease, of the land; or

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

expiry date, in relation to an offer, means its expiry date under sections 89(a) and 90

Muriwai School House site means 0.0900 hectares, approximately, subject to ground verification, being Part Lot 1 DP 3561, part computer freehold register GS2A/870, as shown bordered in yellow on the Muriwai School House site diagram in Part 3 of the attachments

Muriwai School House site RFR land means the Muriwai School House site, if it does not form part of the Muriwai School DSP site described in Part 4 of the property redress schedule

notice means a notice required by section 105, 106, or 107

offer means an offer, made in accordance with section 89, by an RFR landowner to dispose of RFR land to the trustees

Pakowhai Scenic Reserve means the RFR land described by that name in Part 3 of the attachments

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

RFR land has the meaning given in section 87

RFR landowner, in relation to RFR land,—

- (a) means—
 - (i) the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
 - (ii) a Crown body, if the body holds the fee simple estate in the land; and
- (b) includes a local authority to which RFR land has been disposed of under section 95(1); but
- (c) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date, under section 96(1)

RFR period means a period of—

- (a) 100 years from the settlement date for the Pakowhai Scenic Reserve; and
- (b) 169 years for—
 - (i) the deferred Muriwai School RFR land; and
 - (ii) the Muriwai School House site RFR land.

87 Meaning of RFR land

- (1) In this subpart, **RFR land** means—
 - (a) Pakowhai Scenic Reserve; and
 - (b) Muriwai School House site RFR land; and
 - (c) deferred Muriwai School RFR land; and

- (d) land obtained in exchange for a disposal of RFR land under section 100(1)(c) or 101.
- (2) However, land ceases to be RFR land if—
 - (a) the RFR landowner transfers the fee simple estate in the land to—
 - (i) the trustees or their nominee (for example, under section 92); or
 - (ii) any other person (including the Crown or a Crown body) under section 88(c); or
 - (b) the RFR landowner transfers or vests the fee simple estate in the land to or in a person other than the Crown or a Crown body—
 - (i) under any of sections 97 to 103 (which relate to permitted disposals of RFR land); or
 - (ii) under section 104(1) (which relates to matters that may override the obligations of an RFR landowner under this subpart); or
 - (c) the RFR period ends.

Restrictions on disposal of RFR land

88 Restrictions on disposal of RFR land

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

- (a) under any of sections 94 to 103; or
- (b) under section 104(1); or
- (c) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees, if the offer was—
 - (i) made in accordance with section 89; and
 - (ii) on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
 - (iii) not withdrawn under section 91; and
 - (iv) not accepted under section 92.

Trustees' right of first refusal

89 Requirements for offer

An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees that incorporates—

- (a) the terms of the offer, including its expiry date; and
- (b) a legal description of the land, including any encumbrances affecting the land, and the reference for any computer register that contains the land; and
- (c) a street address for the land (if applicable); and

- (d) a street address, postal address, and fax number to enable the trustees to give notices to the RFR landowner in relation to the offer.

90 Expiry date of offer

- (1) The expiry date of an offer must be on or after the day that is 40 business days after the date on which the trustees receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the day that is 20 business days after the date on which the trustees receive notice of the offer if—
 - (a) the trustees received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
 - (c) the earlier offer was not withdrawn.

91 Withdrawal of offer

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

92 Acceptance of offer

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

93 Formation of contract

- (1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer, including the terms set out in subsections (3) to (6).
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person other than the trustees (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees may nominate a nominee only—
 - (a) if the nominee is lawfully able to hold the RFR land; and
 - (b) by giving notice to the RFR landowner on or before the day that is 10 business days before the day on which the transfer is to settle.
- (5) The notice must specify—
 - (a) the full name of the nominee; and

- (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

Disposals if land remains RFR land

94 Disposal to the Crown or Crown body

- (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.

Section 94(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

95 Disposal of existing public works to local authority

- (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 the Public Works Act 1981).
- (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.

96 Disposal of reserves to administering body

- (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 that land; or
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if the 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 if land may cease to be RFR land***97 Disposal in accordance with 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.

98 Disposal in accordance with legal or equitable obligation

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

- (a) a legal or an equitable obligation that—
 - (i) was unconditional before the settlement date; or
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
- (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.

99 Disposal by the Crown under certain legislation

The Crown may dispose of RFR land in accordance with—

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 355(3) of the Resource Management Act 1991; or
- (c) section 34 of the Marine and Coastal Area (Takutai Moana) Act 2011.

100 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 those provisions are applied by another enactment); or
- (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
- (c) section 117(3)(a) of the Public Works Act 1981; or
- (d) section 117(3)(b) of the Public Works Act 1981, if the land is disposed of to the owner of adjoining land; or
- (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993 after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

101 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.

102 Disposal for charitable purposes

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

103 Disposal to tenants

The Crown may dispose of RFR land—

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

RFR landowner obligations

104 RFR landowner's obligations under this subpart

- (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 but, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
 - (b) any encumbrance or legal or equitable obligation that—
 - (i) prevents or limits an RFR landowner's disposal of RFR land to the trustees; and
 - (ii) the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) Reasonable steps, for the purposes of subsection (1)(b)(ii), do not include steps to promote the passing of an enactment.
- (3) This subpart does not limit subsection (1).

*Notices***105 Notice of RFR land with computer register after settlement date**

- (1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.
- (2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the reference for the computer register and a legal description of the land.

106 Notice of disposals of RFR land to others

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees.
- (2) The notice must be given on or before the day that is 20 business days before the date of the disposal.
- (3) The notice must—
 - (a) specify the legal description of the land (including any encumbrances affecting the land); and
 - (b) identify any computer register that contains the land; and
 - (c) specify the street address for the land (if applicable); and
 - (d) identify the person to whom the land is being disposed of; and
 - (e) explain how the disposal complies with section 88; and
 - (f) if the disposal is made under section 88(c), include a copy of any written contract for the disposal.

107 Notice of land ceasing to be RFR land

- (1) This section applies if land contained in a computer register is to cease being RFR land because—
 - (a) the RFR landowner is to transfer the fee simple estate in the land to—
 - (i) the trustees or their nominee (for example, under section 92); or
 - (ii) any other person (including the Crown or a Crown body) under section 88(c); or
 - (b) the RFR landowner is to transfer or vest the fee simple estate in the land to or in a person other than the Crown or a Crown body—
 - (i) under any of sections 97 to 103; or

- (ii) under section 104(1).
- (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—
 - (a) specify the legal description of the land; and
 - (b) identify the computer register that contains the land; and
 - (c) specify the details of the transfer or vesting of the land.

108 Notice requirements

Schedule 3 applies to notices given under this subpart by or to—

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

Memorials for RFR land

109 Recording memorials on computer registers for RFR land

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers that contain,—
 - (a) the RFR land for which there is a computer register on the settlement date; and
 - (b) the RFR land for which a computer register is first created after the settlement date; and
 - (c) land for which there is a computer register that becomes RFR land after the settlement date.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable—
 - (a) after the settlement date, in the case of RFR land for which there is a computer register on the settlement date; or
 - (b) after receiving a notice under section 105 that a computer register has been created for the RFR land or that the land has become RFR land, in the case of any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on the computer register that the land described in the certificate (and contained in the computer register) is—
 - (a) RFR land as defined in section 87; and

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

110 Removal of memorials when land to be transferred or vested

- (1) The chief executive of LINZ must, before registering the transfer or vesting of land described in a notice received under section 107, issue to the Registrar-General a certificate that—
 - (a) specifies the legal description of the land; and
 - (b) identifies the computer register that contains the land; and
 - (c) specifies the details of the transfer or vesting of the land; and
 - (d) states that it is issued under this section.
- (2) The chief executive of LINZ must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove any memorial recorded under section 109 from the computer register identified in the certificate.

111 Removal of memorials when RFR period ends

- (1) As soon as is reasonably practicable after the RFR period ends in respect of the RFR land, the chief executive of LINZ must issue to the Registrar-General a certificate that—
 - (a) identifies each computer register that still has a memorial recorded on it under section 109; and
 - (b) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove a memorial recorded under section 109 from any computer register identified in the certificate.

Matters relating to implementation of RFR

112 Waiver and variation

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

113 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.

Part 4 Transitional matters

114 Interpretation

In this Part, unless the context otherwise requires,—

assets and liabilities—

- (a) means assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement of this Act, by or on behalf of—
 - (i) the NTWT trustees;
 - (ii) the relevant subsidiary; and
- (b) includes—
 - (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and
 - (ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere)

exempt income has the meaning given in section YA 1 of the Income Tax Act 2007

Inland Revenue Acts has the meaning given in section 3(1) of the Tax Administration Act 1994

Ngai Tāmanuhiri Whānui Charitable Trust and **NTWCT** mean the charitable trust of that name established by trust deed dated 15 August 1994 and incorporated 22 August 1994 under number 624878

Ngai Tāmanuhiri Whānui Trust and **NTWT** means the trust of that name established by trust deed dated 30 April 2005

NTWCT trustees and **NTWT trustees** mean, respectively, the trustees of the NTWCT and of the NTWT

relevant subsidiary means the Ngai Tāmanuhiri Asset Holding Company incorporated under company number 1766684

taxable income has the meaning given in section YA 1 of the Income Tax Act 2007

TTPT trustees has the meaning given to **trustees** in section 10.

*Assets and liabilities***115 Vesting of assets and liabilities**

- (1) On the commencement of this Act, the assets and liabilities of the NTWT trustees vest in the TTPT trustees and become the assets and liabilities of the TTPT trustees.
- (2) However, the assets and liabilities of the relevant subsidiary continue to be the assets and liabilities of the relevant subsidiary.
- (3) To the extent that the assets and liabilities of the NTWT trustees are held subject to—
 - (a) any charitable trusts, those assets and liabilities are—
 - (i) freed of all charitable trusts; but
 - (ii) subject to the trusts expressed in the trust deed of the Tāmanuhiri Tutu Poroporo; and
 - (b) any other trusts, covenants, or conditions affecting an asset or liability, those assets and liabilities continue to be subject to those trusts, covenants, or conditions.
- (4) To the extent that the assets and liabilities of the relevant subsidiary are held subject to any charitable trusts, those assets and liabilities are—
 - (a) freed of all charitable trusts; but
 - (b) subject to any other trusts, covenants, or conditions affecting those assets and liabilities.
- (5) To avoid doubt,—
 - (a) the assets and liabilities of the relevant subsidiary continue to be the assets and liabilities of that subsidiary; and
 - (b) nothing in this section has the effect, of itself, of causing the relevant subsidiary to be a different person for the purposes of the Inland Revenue Acts.

*Transitional taxation provisions***116 Taxation provision applying to transferred assets and liabilities of TTPT trustees**

- (1) This section applies for the purposes of the Inland Revenue Acts, provided that the assets and liabilities of the NTWT trustees become those of the TTPT trustees in accordance with section 115.
- (2) On and from the date on which the assets and liabilities vest in the TTPT trustees under section 115(1),—
 - (a) the TTPT trustees are deemed to be the same persons as the NTWT trustees; and

- (b) everything done by the NTWT trustees before the assets and liabilities become those of the TTPT trustees is deemed to have been done by the TTPT trustees on the date that it was done by the NTWT trustees.
- (3) Income derived or expenditure incurred by the NTWT trustees before the assets and liabilities become those of the TTPT trustees does not become income derived or expenditure incurred by the TTPT trustees just because the assets and liabilities become those of the TTPT trustees under section 115.
- (4) Subsection (5) applies if income of the NTWT trustees—
 - (a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and
 - (b) is exempt income of the NTWT trustees but is not exempt income of the TTPT trustees.
- (5) The TTPT trustees must be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property on the day that it becomes the TTPT trustees' property for a consideration that is its market value on that day.
- (6) The TTPT trustees must identify the undistributed charitable amounts, using the following formula:

$$x - y$$

where—

- x is the total amounts derived by the NTWT trustees that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by the NTWT trustees before the commencement of this Act
 - y is the amounts described in x that have been distributed before the commencement of this Act.
- (7) The undistributed charitable amounts described in subsection (6) are excluded from the corpus of the TTPT trustees for the purposes of the Income Tax Act 2007, to the extent to which they are otherwise included but for this subsection.
 - (8) If the TTPT trustees distribute an undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless subsection (9) applies.
 - (9) If the TTPT trustees distribute an undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient.

117 Election by TTPT trustees to be Māori authority

- (1) If the TTPT trustees make an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, to the extent that the amount referred to in section 116(6) is distributed in an income year, that distribution will be—
 - (a) exempt income if the distribution is applied for a charitable purpose; or

- (b) a taxable Māori authority distribution.
- (2) If this section applies, the amount must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

118 Taxation provision applying to assets and liabilities of relevant subsidiary

- (1) This section applies provided that—
 - (a) the assets and liabilities of the relevant subsidiary remain the assets and liabilities of the subsidiary; and
 - (b) the income of the relevant subsidiary derived from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of the subsidiary before the commencement of this Act, and ceases to be exempt income as a result of the application of section 115(3).
- (2) The subsidiary is to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property for a consideration that is its market value on the date of the commencement of this Act.

119 Election by relevant subsidiary to be Māori authority

- (1) If the relevant subsidiary makes an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, income derived by the subsidiary before the commencement of this Act that was exempt income under sections CW 41 and CW 42 of that Act must be treated as a taxable Māori authority distribution if, after the commencement of this Act, it is distributed by the subsidiary in an income year.
- (2) If this section applies, the distribution must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Schedule 1 Statutory areas

s 10

Statutory area

Ngai Tāmanuhiri Coastal Marine Area

Part Waipaoa River (including Karaua Stream)

Location

OTS-005-005

OTS-005-006

Schedule 2

Cultural redress

ss 5(6), 10, 53, 56

Part 1

Cultural redress properties

Name of site	Description	Encumbrances
Mangapoike	<i>Hawke's Bay Land District— Gisborne and Wairoa District</i> 62.6773 hectares, more or less, being Lot 1 DP 21726 (formerly Part Nuhaka 2B2A2 Block). All Computer Freehold Register HBP4/1288.	
Young Nick's Head/ Te Kuri a Paoa Historic Reserve	<i>Gisborne Land District— Gisborne District</i> 38.7300 hectares, more or less, being Lot 1 DP 319260. All Computer Freehold Register 75811.	Subject to national historic reserve referred to in section 55, subject to Reserves Act 1977.

Part 2

Te Wherowhero

Name of site	Description	Encumbrances
Te Wherowhero	<i>Gisborne Land District— Gisborne District</i> 79 hectares, approximately, being Part Lot 3 and Lot 4 DP 3709. Part Computer Freehold Register 504589. Subject to survey.	Subject to open space covenant under section 22 of the Queen Elizabeth the Second National Trust Act 1977 created by transfer 162149.1. Subject to drainage easement and together with rights of way, both to be registered in conjunction with the transfer.

Schedule 3

Notices relating to RFR land

ss 5(6), 86, 108

1 Requirements for giving notice

A notice by or to an RFR landowner, or the trustees, 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, in the case of a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, or fax number—
 - (i) specified for the trustees in accordance with the deed of settlement, in the case of a notice to the trustees; or
 - (ii) specified by the RFR landowner in an offer made under section 89, or specified in a later notice by the trustees, in the case of a notice by the trustees to an RFR landowner; or
 - (iii) of the national office of LINZ, in the case of a notice given to the chief executive of LINZ under section 105 or 107; and
- (c) 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.

2 Timing

- (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 second day after posting, if posted; or
 - (c) at the time of transmission, if faxed.
- (2) However, a notice is to be treated as having been received on the next business day if, under subclause (1), it would be treated as having been received—
 - (a) after 5 pm on a business day; or
 - (b) on a day that is not a business day.

Notes

1 *General*

This is a consolidation of the Ngai Tāmanuhiri Claims Settlement Act 2012 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

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

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this consolidation*

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

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

Trusts Act 2019 (2019 No 38): section 161

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Crown Minerals Amendment Act 2013 (2013 No 14): section 65