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Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017

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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 Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017.

2 Commencement

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

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

Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record in te reo Māori and English the acknowledgements and apology given by the Crown to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua.

4 Provisions to take effect on settlement date

(1) The provisions of this Act take effect on the settlement date unless stated otherwise.

(2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—

(a) the provision to have full effect on that date; or

(b) a power to be exercised under the provision on that date; or

(c) a duty to be performed under the provision on that date.

5 Act binds the Crown

This Act binds the Crown.

6 Outline

(1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.

(2) This Part—

(a) sets out the purpose of this Act; and

(b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and

(c) specifies that the Act binds the Crown; and

(d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and historical claims; and

(f) provides that the settlement of the historical claims is final; and

(g) provides for—

(i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and

(ii) a consequential amendment to the Treaty of Waitangi Act 1975; and

(iii) the effect of the settlement on certain memorials; and

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

(v) access to the deed of settlement.

(3) Part 2 provides for cultural redress, including—

(a) cultural redress that does not involve the vesting of land, namely,—

(i) protocols for Crown minerals and taonga tūturu on the terms set out in the documents schedule; and

(ii) a statutory acknowledgement by the Crown of the statements made by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for some of the statutory areas; and

(iii) the appointment of a member to an advisory board (established by settlement legislation that is enacted for Rangitāne o Manawatu) to provide advice to the Manawatu–Wanganui Regional Council in relation to freshwater management issues concerning the Manawatu River catchment; and

(iv) an overlay classification applying to certain areas of land; and

(v) the provision of official geographic names; and

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

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

(a) authorisation for the transfer of commercial redress properties (including licensed land) and deferred selection properties to the trustees to give effect to the deed of settlement; and

(b) provision for a right of access to certain protected sites on the licensed land; and

(c) a right of first refusal in relation to RFR land.

(5) There are 4 schedules, as follows:

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

(b) Schedule 2 describes the overlay areas to which the overlay classification applies:

(c) Schedule 3 describes the cultural redress properties:

(d) Schedule 4 sets out provisions that apply to notices given in relation to RFR land.

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

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

7 Summary of historical account, acknowledgements, and apology

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

(2) Sections 9 and 10 record in te reo Māori and English the text of the acknowledgements and apology given by the Crown to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua in the deed of settlement.

8 Summary of historical account

Te reo Māori

(1) Heke mai ana a Rangitāne iwi i a Kupe rāua ko Whātonga, arā, ko te rangatira o Kurahaupō waka, ko te koroua hoki o te tipuna nei, o Rangitāne.

(2) Kei ngā tikanga tuku iho a Rangitāne ngā kōrero mō tō rātau ahi kā roa ki roto i te Wairarapa me Tamaki nui-ā-Rua kua kā mai nei ki roto i ngā rau tau i mua i te tau 1840 me ō rātau hononga motuhake ki ngā pito o te whenua, pēnei i Wairarapa Moana, i te takutaimoana, i Te Tapere-nui-o-Whātonga hoki.

(3) Ko Rangitāne tērā, me ētahi atu hoki, i karanga atu, i whakanoho mai i te Pākehā ki ēnei takiwā i ngā tau waenga o te tekau tau 1840. Ka whai hua a Rangitāne i te noho mai a ngā Pākehā nei, arā, i ngā utunga rēti mō ngā rīhi whenua me ngā mahi tauhokohoko. Ka ākina ngā iwi kāinga o te Wairarapa e te Karauna kia whakamutua ngā rīhi, kia hokona kētia te whenua ki te Karauna. I ngā tau 1853–54, ka hoko te Karauna i te āhua 1.5 miriona eka, arā, ko te ono tekau paiheneti o te rohe o Rangitāne.

(4) Ka hokona ana ngā whenua nei e te Karauna, ka whakatōkia hoki te mahara ki roto i a Rangitāne, tērā ngā painga mātauranga, hauora, ōhanga hoki ka hua ki a rātau. Ka huri te wā, kāore i tino puta ki a Rangitāne ngā painga nei, kāore hoki i puta ngā rawa i maharatia ka puta i ngā mahi a te Karauna ki te whakanohonoho mai i te Pākehā ki tō rātau takiwā.

(5) Ka oati te Karauna, tērā ka whakawhiwhia a Rangitāne ki ētahi whenua rāhui rahi tonu. Heoi, kāore te Karauna i āta rūri i ētahi o ngā rāhui nei, i tiaki rānei i

te hoko, ka mutu, ka takaroa hoki te tukunga o te taitara e te Karauna mō ētahi atu rāhui kua oatitia e ia. Ko tōna 100 ngā rāhui, e tata ana ki te 62 500 eka te rahi, i whai pānga ki ngā hokonga a te Karauna o ngā tau o mua o te tau 1865. Ko tōna rite, ko te whā paiheneti o ngā whenua katoa i hokona ai e te Karauna i mua o te tau 1865.

(6) I te tekau tau 1860, ka whakaturetia e te Karauna he ture e whakatūria ai te Kooti Whenua Māori me tētahi tikanga whakahaere whenua kāore nei i rite ki te tikanga ā-iwi o ngā hapori o Rangitāne. I te tau 1871, ka hokona e te Karauna ko ētahi wāhanga rahi tonu o ngā whenua o Rangitāne i Te Tapere-nui-o-Whātonga (ki waenga i Takapau me Pukaha) i muri mai i te whakawhiwhinga a te Kooti i ngā taitara ki ngā poraka whenua ki te tekau tāngata, ki te tokoiti iho rānei, nō Rangitāne. Kāore a Rangitāne i hoko i te poraka nui o Mangatainoka, he nui ake i te 60 000 eka tōna rahi. Mai i te tau 1877, ka ākina e te Karauna kia hokona tēnei whenua ahakoa tonu te kore hiahia o ngā rangatira o Rangitāne. Ka eke ki te tau 1890, kua riro i te Karauna ko tōna 85 paiheneti o te poraka nei o Mangatainoka. I tēnei rā, he iti iho i te kotahi paiheneti o te poraka matua kei te purihia hei whenua Māori.

(7) I te taha whakateraki o Te Tapere-nui-o-Whātonga, i runga i Te Āpiti ki Manawatū, ka roa te akiaki a te Karauna i ētahi o ngā tāngata o Rangitāne nō rātau te whenua ki te hoko i ō rātau hea o aua whenua. I ētahi atu poraka i te ngahere nei, tae atu ki ngā poraka rāhui, i hinga ngā tono a ētahi e whai mana ana ki te whenua kia whakaurua ō rātau ingoa ki ngā taitara, nō te mea kāore hoki he oranga mō rātau i te ture i maharatia māna e whakatikatika ngā taitara "tekau tāngata".

(8) Ka nui ngā mahi a ngā hapori o Rangitāne ki te whakahē i ngā mahi hoko whenua nei me ngā mahi hoki e raruraru ai ngā mana whakahaere ā-iwi, pēnei i ngā Pāremata a te Kotahitanga me te tono pīra a Nireaha Tamaki ki te Kaunihera a te Karauna. I te tau 1896, ka tuku ngā rangatira o te Wairarapa, me Rangitāne hoki, i a Wairarapa Moana ki te Karauna. Kāore te Karauna i whakawhiwhi mai he rāhui rahi tonu ki ngā iwi kāinga ahakoa anō tāna i oati ai, engari i whakawhiwhi kētia he whenua kei tawhiti noa atu, kei te Rohe Potae rā anō.

(9) Ka eke ki te tau 1910, he tekau paiheneiti noa iho te nui o te takiwā tuku iho o Rangitāne i noho hei whenua Māori. Eke rawa ki te tau 1940, kua heke tērā tatauranga ki te āhua 3.5 paiheneti. Tērā ētahi whenua i tangohia ā-ture nei mō ngā mahi tūmatawhānui, pēnei i te 580 eka i roto i Te Tapere-nui-o-Whātonga me te 300 eka i roto o Tawakeroa. I tēnei rā, kei te āhua rua paiheneti noa iho te whenua i tēnei takiwā e purihia ana hei whenua Māori.

(10) Ka taki nohonohongia te Wairarapa me Tamaki nui-ā-Rua, ka hurihia katoatia te āhua o te taiao. Ka tuaina te nuinga o Te Tapere-nui-o-Whātonga, ka whakamahia kētia te whenua hei mahinga pāmu, hei mahinga rori, hei mahinga ara tereina, ka whakatūria mai hoki ko ngā tāonga hou ki Norsewood, ki Tāmaki, ki Pahiatua, ki Eketahuna hoki. Ka riro atu i a Rangitāne te nuinga o ā

rātau mahinga kai māori, me ngā taonga pēnei i te manu huia nei. Ka hē haere te āhua o ngā roto me ngā awa.

(11) Ka eke ki ngā tau tīmata o te rau tau rua tekau, kua tata te whenua koretanga o Rangitāne, ka mutu, ka uaua ki ngā hapori o Rangitāne te pupuri ki ō rātau kāinga tuku iho, ki ō rātau matauranga me ā rātau tikanga tuku iho me tō rātau reo. I aua tau, ka kino te ngau a te pohara i a Rangitāne, ā, nō muri mai i te tau 1940, ka raruraru anō te tuakiri motuhake o Rangitāne i te nekehanga ki ngā tāone me ngā ākinga o te wā kia huri ki te ao Pākehā, tae atu ki ngā mahi a ngā kura a te Karauna i pēhi nei i te kōrerotanga o te reo Māori.

English

(1) Rangitāne trace their descent from the explorers Kupe and Whātonga, a rangatira of the Kurahaupō waka and the grandfather of the eponymous ancestor, Rangitāne.

(2) Rangitāne tradition records their centuries-long history of settlement in Wairarapa and Tamaki nui-ā-Rua before 1840 and their special association with many places including the Wairarapa Lakes, eastern coast, and Te Tapere-nui-o-Whātonga (also known by non-Māori as Seventy Mile Bush).

(3) Rangitāne were among those who welcomed Pākehā (or European) settlers to the region from the mid-1840s. Rangitāne enjoyed considerable benefits from the annual rents and trade with the new arrivals, who leased large areas of land. The Crown applied pressure on Wairarapa Māori to end the leases and instead sell their land to the Crown. In 1853–54, the Crown acquired about 1.5 million acres of land, about three-fifths of the traditional rohe of Rangitāne.

(4) When purchasing land, the Crown led Rangitāne to expect substantial educational, health, and economic benefits. In the course of time, however, Rangitāne did not experience many of these benefits nor the prosperity they reasonably expected from Crown-facilitated settlement in their region.

(5) The Crown also undertook to provide ample reserves for Rangitāne. However, the Crown failed to properly survey or protect from alienation a number of reserves and delayed issuing Crown titles for other reserves it had promised. Approximately 100 reserves, comprising approximately 62 500 acres, were associated with pre-1865 Crown purchases. This made up around four percent of all pre-1865 Crown purchases.

(6) In the 1860s, the Crown introduced legislation that created the Native Land Court and a new tenure system inconsistent with the tribal tenure of Rangitāne communities. In 1871, the Crown acquired considerable areas of Rangitāne land in Seventy Mile Bush (between Norsewood and Pukaha / Mt Bruce) after most land titles had been awarded by the Court to ten or fewer Rangitāne owners. Rangitāne withheld from sale the large Mangatainoka block of over 60 000 acres. From 1877, the Crown applied pressure to purchase this land even though recognised leaders of Rangitāne opposed sale. By 1890, the

Crown had acquired over 85 percent of Mangatainoka block. Today, less than one percent of the original block remains in Māori land title.

(7) In the northern Seventy Mile Bush, above the Manawatū Gorge, the Crown over a period of time applied considerable pressure on some individual Rangitāne owners to sell their interests. In other Bush blocks, including reserve blocks, some customary owners failed in their applications to get their names introduced to legal titles, as legislation intended to remedy "ten owner" titles did not in fact provide them with a remedy.

(8) Rangitāne communities resisted land sales and the breakdown of tribal structures through a number of initiatives, including the Kotahitanga parliaments and the Privy Council appeal of Nireaha Tamaki. In 1896, Rangitāne and other Wairarapa Māori leaders transferred ownership of the Wairarapa Lakes to the Crown. Instead of providing ample reserves in the vicinity of the Lakes as agreed, the Crown provided reserves several hundred kilometres away in the King Country.

(9) By 1910, only ten percent of Rangitāne's traditional rohe remained in Māori land title. By 1940, that figure had dropped to about 3.5 percent. Some land, including 580 acres in Seventy Mile Bush and 300 acres around Dannevirke, was lost to public works takings. Today, approximately only two percent of the region is owned under a Māori land title.

(10) The settlement of Wairarapa and Tamaki nui-ā-Rua resulted in significant transformation of the environment. Much of the Seventy Mile Bush was cut down to make way for agricultural uses, roading, and railways along with the new towns of Norsewood, Dannevirke, Pahiatua, and Eketahuna. Rangitāne lost much of their traditional food resources, and taonga (or treasures) such as the huia bird. The condition of lakes and rivers was degraded.

(11) Becoming virtually landless by the early twentieth century, Rangitāne communities struggled to maintain their traditional homes, customary knowledge, and language. During this period, Rangitāne experienced considerable social deprivation, and after 1940 Rangitāne identity suffered further due to urbanisation and assimilation pressures, including Crown schooling that discouraged the use of te reo Māori (Māori language).

9 Acknowledgements

Te reo Māori

(1) E whakaae ana te Karauna kāore ia i aro tōtika ki ngā nawe o Rangitāne kua roa e pīkautia ana, ā, e tino takaroa nei te aro ki ērā nawe.

Ngā mahi hoko whenua a te Karauna i mua i te tau 1865

(2) E whakaae ana te Karauna—

(a) nāna i whakaweti, tērā ka whakamutua te noho a te Pākehā ki te Wairarapa ki te kore a Rangitāne e hoko whenua ki te Karauna, e whakarere hoki i ngā rīhi whenua i whai moni ai a Rangitāne, i whai hua

tauhokohoko ai hoki i te tekau tau 1840 me ngā tau tōmua o te tekau tau 1850:

(b) nāna i kōkiri ētahi hokonga whenua maha tonu i ngā tau 1853–1865 i Wairarapa me Tamaki nui-ā-Rua, ā, i aua hokonga rā, nāna i takahi te Tiriti o Waitangi me ōna mātāpono i runga—

(i) i te korenga ōna i whiwhi i te whakaaetanga o ngā tino tāngata e whai take ana i te hokonga o te poraka o Tautāne, tae atu ki a Hēnare Matua, ki te rangatira i Tautāne, i pīrangi nei ki te pupuri i te whenua; ā

(ii) i te korenga ōna i kawe tōtika i āna here mō te whakahaere i ngā tikanga e pā ana ki ngā "koha", arā, ki ngā "rima paiheneti" i raua atu rā ki ētahi o ngā pukapuka hoko whenua, i mea ai ka whakataha te Karauna i ētahi pūtea hei painga mō ngā iwi kāinga inā hokona atu ai te whenua e te Karauna; ā

(iii) i te korenga ōna i āta rūri, i rāhui, i tiaki rānei kia kaua ai e riro atu ki te Pākeha ngā whenua i meatia rā hei rāhui i ētahi o ngā hokonga whenua, me te takaroa koretake nei ki te tuku i ngā karāti mō ngā rāhui ahakoa te oatitanga atu ka pērātia:

(c) nō muri i te hokonga o ō rātau whenua ki te Karauna mō te utu iti, kāore i riro i a Rangitāne ngā painga ā-mātauranga, ā-hauora, ā-ohaoha hoki i kōrerotia rā ki a rātau e te Karauna tērā ka hua i te hoko whenua ki te Karauna, i ngā "koha" hoki.

Ngā ture whenua Māori

(3) E whakaae ana te Karauna—

(a) kāore ia i matapaki ki a Rangitāne i mua i te whakaturetanga o ētahi ture whenua Māori e mea ana ki te whakatakitahi i ngā take whenua Māori i puritia ā-iwi nei i mua; ā

(b) he nui ngā nama ka hua ake i ngā mahi a te Kooti Whenua Māori ki te whakariterite taitara, tae atu ki ngā utu rūri me ngā utu kooti, ā, tērā ētahi wā ka hoko whenua a Rangitāne ki te utu i ngā nama a te Kooti; ā

(c) ka whakamāmātia te whakawehewehenga me te hokonga o ngā whenua o Rangitāne me ōna hapū nā runga i ngā mahi ka hua i ngā ture whenua Māori ki roto o Te Tapere-nui-o-Whātonga, arā, ki Tamaki nui-ā-Rua, me te Wairarapa, mai i 1865, arā rā, ko te whakawhiwhi whenua ki te tangata takitahi me te whakaāhei i te tangata takitahi ki te hoko whenua me te kore aro ki te iwi, ki te hapū rānei. Nā konei, ka whakatanukutia ngā tikanga a Rangitāne me ōna hapū, he mea hanga i runga i te whakaaro nō te takitini te whenua, te mana kaitiaki rānei i ngā take whenua; ā

(d) kāore ia i whai kia tika tana tiaki i ngā tikanga a Rangitāne me ōna hapū, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

(4) E whakaae ana hoki te Karauna nāna i takahi te Tiriti o Waitangi me ōna mātāpono i runga i te korenga ōna i whakarite tikanga ā-ture nei mō te whakahaere ngātahitanga o ngā whenua o Rangitāne kia tae rā anō ki te tau 1894, otirā, kua riro kē te nuinga o ngā whenua o Rangitāne i tērā wā.

Te Tapere-nui-o-Whātonga i muri i te tau 1865

(5) E whakaae ana te Karauna, tērā ētahi wā ka kino kē te kaha o tāna akiaki kia hainatia ngā pukapuka hoko i ētahi whenua ki te raki o Te Tapere-nui-o-Whātonga, he mahi ēnei ka takahi i te Tiriti o Waitangi me ōna mātāpono.

(6) E whakaae ana te Karauna nāna i akiaki ngā rangatira me ngā hapū o Rangitāne ki te hoko i ō rātau hea o roto o te poraka o Mangatainoka ki te tonga o Te Tapere-nui-o-Whātonga, nā runga i te kupu tinihanga i kī ai ko te whakaaetanga utu tārewa he whakaaetanga hoko kē, nā runga hoki i te whakatakotoranga take kore o te tikanga i kī ai me hoko ki te Karauna anake te katoa o Mangatainoka i muri i te whakahētanga a te Karauna i te tono a Rangitāne kia hokona tētahi wāhi o Mangatainoka e ea ai ngā nama a te Karauna. E whakaae ana te Karauna kāore ia i whiriwhiri kōrero mō tēnei hoko i runga i te pono, ā, kāore hoki ia i āta tiaki i ngā tika o Rangitāne, ā, ka takahia te Tiriti o Waitangi me ōna mātāpono e ia i roto i tāna whakahaere i ngā whiriwhiringa kōrero mō Mangatainoka.

(7) E whakaae ana te Karauna—

(a) i raro i ngā ture whenua Māori, i tukuna te nuinga o ngā taitara ki ngā poraka o Te Tapere-nui-o-Whātonga ki te tekau tāngata, ki te tokoiti iho rānei:

(b) i mahara ngā hapū o Rangitāne, i te nuinga o te wā, ko ngā tāngata i whakaingoatia ki ngā taitara nei he kaitiaki mā te iwi whānui, engari nā ngā ture whenua Māori i āhei ai tā ngā tāngata whai taitara ki ngā whenua nei hoko me te korenga i whai whakaaetanga i te iwi whānui nō rātau te whenua, me te korenga hoki o tā rātau whai wāhi ki ngā painga i ngā hoko:

(c) ahakoa ka whakaturetia mai he ture whakariterite taitara i te tau 1886 hei rongoā mō tēnei āhuatanga mā te whakauruuru tāngata atu anō mai i te iwi whānui nō rātau te whenua ki te taitara, kāore te Karauna i whakarite kia taea ai tēnei rongoā te whakamahi ki roto i ētahi o ngā poraka i Te Tapere-nui-o-Whātonga, tae atu ki ngā whenua rāhui. Ko ngā mahi nei a te Karauna, me ōna hapanga hoki, ka whakararu i a Rangitāne, ka takahi hoki i te Tiriti o Waitangi me ōna mātāpono.

Ngā kaupapa tōrangapū

(8) E whakaae ana te Karauna—

(a) i whai wāhi ngā rangatira me ngā hapori o Rangitāne ki ngā kaupapa hei aukati i te hoko whenua, hei pupuri hoki i te mana whakahaere o te iwi me ōna hapū. Ko ētahi o ngā kaupapa nei, ko te Kaupapa Whakahē Hoko, ko ngā mahi poropiti a Pāora Pōtangaroa, ko te Kotahitanga, ko

ngā mahi hoki a Nireaha Tāmaki e tirohia ai e ngā kooti ngā mahi a te Karauna e pā ana ki ngā taitara whenua o te iwi whānui; ā

(b) kāore ia i whai whakaaro ki ngā kaupapa nei i ngā wā katoa, i aro rānei ki ngā nawe e whakaarahia ana.

Ko Wairarapa moana

(9) E whakaae ana te Karauna—

(a) he taonga a Wairarapa Moana me ōna awaawa me ōna repo ki ngā hapū o Rangitāne, ā, he pataka kai e kī ana i te kai me ngā rawa e ora ai te iwi; ā

(b) i te tau 1896 ka whakatau te Karauna i ngā māharahara o ngā kaipāmu Pākehā mō te waipuketanga o ngā whenua pāmu mā te whakarite i te tukunga o Wairarapa Moana mai i ngā iwi o Wairarapa me Rangitāne tonu; ā

(c) kāore ia i whakatutuki i ōna kawenga ki roto i te whakaaetanga mō te moana nei kia whakawhiwhia ngā iwi kāinga ki ētahi rāhui rahi tonu kei te takiwā o te moana, engari ka whakawhiwhia kētia ngā iwi o te Wairarapa ki ētahi whenua tūhāhā, kāore nei he ara ki reira, i Pouākani, i te raki o Taupō Moana, e rua tekau tau te takaroa mai i te whakaaetanga; ā

(d) hui katoa āna mahi me ōna hapanga e pā ana ki te whakaaetanga mō te moana, kua takahia te Tiriti o Waitangi me ōna mātāpono.

Te tango whenua mō ngā mahi tūmatanui

(10) E whakaae ana te Karauna—

(a) mēnā rā he matapakitanga i puta, he iti te matapakitanga ki a Rangitāne, otirā, ki te iwi Māori whānui, mō te kaupapa here me te whakatinanatanga o ngā ture mahi tūmatanui i mua i ngā tau waenga o te rautau rua tekau; ā

(b) he kore, he iti noa iho rānei, te matapakitanga ki a Rangitāne mō ētahi o ngā tangohanga whenua; ā

(c) ko ētahi whenua i tangohia ai mō ngā mahi tūmatanui nei, ka hokona kētia ki tāngata kē, tē whakahokia ki ngā tāngata o Rangitāne nō rātau whenua i mua; ā

(d) kua riro te whenua i ngā hapori o Rangitāne nā ngā tangohanga mahi tūmatanui, ā, nā aua ngarohanga kua tipu mai ki roto i ngā hapori o Rangitāne he nawe e mau tonu nei i tēnei rā.

He kore whenua, he pānga papori ohaoha hoki

(11) E whakaae ana te Karauna—

(a) tae rawa ake ki te tau 1900, nā te hoko whenua a te Karauna, nā ngā ture whenua Māori, nā ngā tangohanga mahi tūmatanui, hui atu ki ētahi atu momo tango whenua, he iti noa iho nei ngā whenua i toe ki a Rangitāne i

kore ai e taea te whai wāhi atu ki te ōhanga o te motu, te whakarite huarahi rānei e ea ai ō rātau hiahia mō te roanga mai o te rautau rua tekau; ā

(b) kua tata kore ngā whenua o ngā hapori o Rangitāne i ēnei rā; ā

(c) nā tōna kore i whai whakaaro kia nui tonu ngā whenua o Rangitāne e tutuki ai ō rātau hiahia e pā ana ki te ōhanga ā-pāpori, i houtupu ai, i roa ai hoki te taunga o te taumahatanga ki ngā hapori o Rangitāne, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

(12) E whakaae ana hoki te Karauna kua roa rawa ngā hapori o Rangitāne e pēhia ana e ngā huhunutanga me ngā pōharatanga ā-pāpori.

Te rironga o te taiao, otirā, o ngā taonga

(13) E whakaae ana te Karauna—

(a) he taonga ki a Rangitāne ō rātau whenua, ō rātau maunga, ō rātau awa, ō rātau repo, ō rātau moana hoki, he wāhanga nui i te tuakiri o te iwi, he tino mahinga kai, mahinga rawa hoki, ā, he mea me mātua whai mō te oranga wairua me te oranga tinana o te iwi; ā

(b) kua heke te ora o te taiao o Rangitāne i roto i ngā tau nā te tapahanga ngahere, nā te whakanōhanga mai o ngā momo kararehe me ngā kīrearea nō tāwāhi, nā te tuku para ā-ahuwhenua, ā-ahumahi hoki, nā te hanga rori me te hanga ara tereina, ā, kua pāngia kinotia e ēnei panonitanga te hononga o ngā hapori o Rangitāne ki ō rātau urupā, ki ō rātau wāhi tapu hoki, ā, kua noho tēnei hei pūtake i tipu ai te mamae me te nawe o Rangitāne; ā

(c) ko ngā ture o mua mō te taiao, i puta rā i mua i ngā tau whakamutunga o te tekau tau 1980, kāore i whai whakaaro ki ngā tikanga me ngā āhuatanga Māori, ā, i pēhia te kaha o Rangitāne ki te noho hei kaitiaki mō tō rātau taiao, otirā, mō ā rātau taonga.

Ko Te Tapere-nui-o-Whātonga

(14) E whakaae ana te Karauna—

(a) ko te ngahere onamata i te taha hauāuru o Tamaki nui-ā-Rua, i te taha hauāuru mā raki hoki o te Wairarapa, i mōhiotia nei ko "Te Tapere-nui-o-Whātonga", he tino taonga ki a Rangitāne me ōna hapori, ka mutu, he tino wāhi hei whakaora i ngā wairua me ngā tinana o ngā uri o Rangitāne; ā

(b) ka hokohokona ngā whenua nei e te Karauna, ka whakanōhia ki reira he tāngata nō tāwāhi, ka hurihia tēnei takiwā hei whenua mahi pāmu, ā, ka tata ngaro katoa tēnei ngahere me ōna taonga me ōna rawa, me ngā momo karerehe Māori pēnei i te manu kāmehameha, i te huia; ā

(c) nā te ngaronga o ngā taonga nei, ka memeha hoki tētahi hononga matua o Rangitāne ki ngā tikanga tuku iho, ki te āhua hoki o te noho a ō rātau

tīpuna, ā, kua noho tēnei hei take i pāmamae ai, i mau nawe ai hoki a Rangitāne.

Ngā pānga kino ki te ahurea me te tuakiri

(15) E whakaae ana te Karauna, nā te tere me te nui o te rironga whenua i a Rangitāne i te rautau tekau ma iwa, nā te whakanukutanga ki te tāone i te rautau rua tekau, nā te pūnaha mātauranga ā-motu i whakapāhunu nei i te reo Māori, ka raruraru nui a Rangitāne ki te pupuri i ōna marae me ōna hapori, ā, ka whakarāwahotia rātau i ā rātau ake tikanga me tō rātau reo.

(16) E whakaae ana te Karauna—

(a) he pānga mamae, he nawe ki a Rangitāne te korenga ōna i whakaingoatia ki te ture o te tau 1943 mō te whakahaere i ngā whenua ki Pāpāwai me Kaikōkirikiri i kohaina rā e Rangitāne me ētahi atu rangatira o te Wairarapa ki te Hāhi Mihingare mō te mātauranga te take; ā

(b) kāore ngā hapa mō te whakahaere i ngā whenua koha nei i kitea ai i ngā rangahau a ngā tari o te Kāwanatanga, o te Pāremata hoki i whakatikahia i te ture, i wāhi kē rānei, mō te hia nei tekau tau, ā, ka noho ngā hapa nei hei nawe mau tonu mō ngā hapori o Rangitāne.

(17) E whakaae ana te Karauna he iwi a Rangitāne nō te Wairarapa me Tamaki nui-ā-Rua. E whakaae ana te Karauna nā te iti o tōna whai whakaaro ki te mana o Rangitāne i ngā wā o mua ka uaua ake ngā wero i rangona rā e Rangitāne kia mau ai tōna tū hei iwi motuhake mai i te tau 1840 ki nāianei. E whakamihi ana hoki te Karauna ki ngā mahi a Rangitāne, mai i te tekau tau 1980, ki te whakaū i tōna tuakiri i tōna rohe, tae atu ki tana whakamōhio i a ia anō ki ngā tari Kāwanatanga me ngā kaunihera hoki.

English

(1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Rangitāne in an appropriate way and that recognition of these grievances is long overdue.

Crown purchasing pre-1865

(2) The Crown acknowledges that—

(a) it threatened to end Pākehā settlement in Wairarapa unless Rangitāne sold land to the Crown and gave up the pastoral leases to settlers, which were providing Rangitāne with income and trade benefits in the 1840s and early 1850s:

(b) it carried out an extensive series of purchases in the period 1853–1865 in Wairarapa and Tamaki nui-ā-Rua, and that in respect of these purchases it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by—

(i) failing to obtain the consent of key rights holders in the Tautāne block purchase, including Hēnare Matua, rangatira at Tautāne, who wished to retain the land; and

(ii) failing to adequately discharge its obligations under the "koha" or "five percent" clauses that were incorporated into certain purchase deeds, under which the Crown set aside funds for Māori benefit derived from on-selling the land; and

(iii) failing to properly survey, set aside, or protect from being taken up by settlers, lands intended to be reserved from some purchases, or unreasonably delaying issuing grants of reserves where these were promised:

(c) following the sale of their land to the Crown at low prices, Rangitāne did not receive all the educational, health, and economic benefits that the Crown had led them to expect from selling their land to the Crown and from the "koha" fund.

The native land laws

(3) The Crown acknowledges that—

(a) it did not consult Rangitāne before introducing native land laws that provided for the individualisation of Māori land holdings, which had previously been held in tribal tenure; and

(b) the Native Land Court title determination process carried significant costs, including survey and court costs, which at times contributed to the sale of Rangitāne land; and

(c) the operation and impact of the native land laws in the Seventy Mile Bush or Tamaki nui-ā-Rua region, and in Wairarapa, from 1865, in particular the awarding of land to individuals and the enabling of individuals to deal with that land without reference to the iwi and hapū, made the lands of Rangitāne and its constituent hapū more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of the customary tribal structures of Rangitāne and its constituent hapū, which were based on collective ownership or trusteeship of land; and

(d) it failed to take steps to adequately protect the traditional tribal structures of Rangitāne and its constituent hapū and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(4) The Crown further acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by failing to provide a legal means for the collective administration of Rangitāne land until 1894, by which time the bulk of Rangitāne land had been alienated.

Te Tapere-nui-o-Whātonga (Seventy Mile Bush) post-1865

(5) The Crown acknowledges that in some cases it applied unreasonable pressure to obtain signatures in favour of sale of certain northern Seventy Mile Bush blocks, actions that were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(6) The Crown acknowledges that it pressured Rangitāne rangatira and hapū to sell their interests in Mangatainoka block in the southern Seventy Mile Bush by misrepresenting loan agreements as agreements to sell the block, and unreasonably imposing monopoly powers over the whole of Mangatainoka after rejecting a Rangitāne offer to sell more than enough Mangatainoka land to repay the Crown's advances. The Crown acknowledges that it did not negotiate in good faith, and failed to actively protect Rangitāne interests, and that its conduct of negotiations for Mangatainoka breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(7) The Crown acknowledges that—

(a) under the native land laws, most titles in Seventy Mile Bush were granted to ten or fewer owners:

(b) Rangitāne hapū understood that, in most cases, these named owners were to act as trustees for the wider community, but the native land laws allowed the owners to sell the land granted to them without the consent of the wider community of customary owners and without their participation in the benefits of the sale:

(c) although it introduced the equitable owners legislation in 1886 to remedy this situation by providing for the addition of other customary owners on legal titles, the Crown failed to ensure that this remedy could be applied to a number of blocks, including reserve blocks, in Seventy Mile Bush. These Crown actions and omissions caused prejudice to Rangitāne and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Political movements

(8) The Crown acknowledges that—

(a) Rangitāne rangatira and communities were involved in collective efforts to resist land sales and the loss of iwi and hapū integrity. These movements included the Repudiation movement, Potangaroa's prophetic movement, the Kotahitanga parliaments, and the efforts of Nireaha Tamaki to bring Crown dealings with customary title under court scrutiny; and

(b) it did not always recognise these movements nor address the grievances they raised.

Wairarapa moana

(9) The Crown acknowledges that—

(a) for Rangitāne hapū, the Wairarapa Lakes and their associated waterways and wetlands were a taonga and an abundant source of food and other customary resources; and

(b) in 1896 the Crown addressed settlers' concerns about the flooding of agricultural land by securing a transfer of the Wairarapa Lakes from Rangitāne and other Wairarapa Māori; and

(c) it failed to meet its obligations under the Lakes agreement to provide ample reserves in the vicinity of the Lakes and provided instead remote and inaccessible land north of Lake Taupō, at Pouākani, after a delay of two decades; and

(d) its accumulated acts and omissions in relation to the Lakes agreement breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Public works takings

(10) The Crown acknowledges that—

(a) there was limited, if any, consultation with Rangitāne or with Māori generally about the policy and enactment of public works legislation before the middle of the twentieth century; and

(b) consultation with Rangitāne communities prior to some takings was negligible or absent; and

(c) land taken for public works was in some cases disposed of to a third party rather than offered back to the original Rangitāne owners; and

(d) Rangitāne communities have suffered land loss through public works takings and these losses have in many instances created a sense of grievance within Rangitāne communities that is still held today.

Landlessness and socio-economic impacts

(11) The Crown acknowledges that—

(a) the cumulative effect of Crown purchasing, the native land laws, public works takings, and other forms of alienation left Rangitāne with insufficient land by 1900 to engage meaningfully with the colonial economy or to provide for their future needs in the twentieth century; and

(b) Rangitāne communities are virtually landless today; and

(c) its failure to ensure Rangitāne retained sufficient land for their socio-economic needs caused real and lasting prejudice to Rangitāne communities and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(12) The Crown further acknowledges that Rangitāne communities have suffered from social deprivation and disadvantage for too long.

Loss of environment or taonga

(13) The Crown acknowledges that—

(a) Rangitāne consider their lands, mountains, rivers, wetlands, and lakes as taonga, as part of their identity, as significant sources of food and other resources, and as integral to their spiritual and material well-being; and

(b) this Rangitāne environment has been degraded over time through deforestation, introduction of exotic species and pests, agricultural and industrial waste, road works, and drainage works, and these changes have detrimentally affected the relationship of Rangitāne communities to many of their urupā (burial places) and sacred sites and have been a source of distress and grievance for Rangitāne; and

(c) historic environmental legislation before the late 1980s did not provide for the recognition of Māori cultural values and practices and limited the ability of Rangitāne to exercise kaitiakitanga (or stewardship) over their natural environment or taonga.

Te Tapere-nui-o-Whātonga (or Seventy Mile Bush)

(14) The Crown acknowledges that—

(a) the ancient forest formerly covering the western part of the Tamaki nui-ā-Rua region and the north-western part of the Wairarapa region, and known as "Te Tapere-nui-o-Whātonga", was a taonga of great significance to Rangitāne communities and was a key source of Rangitāne's spiritual and material well-being; and

(b) large-scale Crown purchasing and settlement in this area resulted in primarily agricultural land uses and the almost total loss of this forest taonga and resource, along with many indigenous species, among these the highly-prized huia bird; and

(c) the loss of these taonga deprived Rangitāne of an important link to the tikanga and way of life of their ancestors, and has been a source of distress and grievance for Rangitāne.

Impacts on culture and identity

(15) The Crown acknowledges that the Rangitāne experience of large-scale land loss in the nineteenth century, urbanisation in the twentieth century, and the State education system that discouraged the use of te reo Māori, contributed significantly to Rangitāne struggling to maintain their traditional marae communities and becoming alienated from their own cultural traditions and language.

(16) The Crown acknowledges that—

(a) it has been a source of distress and grievance for Rangitāne that they were not named in the 1943 legislation that governs the administration of land at Pāpāwai and Kaikōkirikiri that was gifted by Rangitāne and other Wairarapa rangatira to the Anglican Church for the purpose of schools; and

(b) inadequacies in the administration of the gifted lands identified by various governmental and parliamentary inquiries were not remedied by legislative or other means for many decades, and these inadequacies and delays were an ongoing source of grievance in Rangitāne communities.

(17) The Crown acknowledges Rangitāne as an iwi of Wairarapa and Tamaki nui-ā-Rua regions. The Crown acknowledges that its former limited recognition of Rangitāne contributed to the challenges experienced by Rangitāne in maintaining a distinct iwi presence from 1840 to the present. The Crown further acknowledges the efforts of Rangitāne, especially from the 1980s, to re-establish its identity in the region, including with Crown agencies and local authorities.

10 Apology

The text of the apology offered by the Crown to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, as set out in the deed of settlement, is as follows:

Te reo Māori

"(a) E whakamihi ana te Karauna ki ngā mahi a ngā tīpuna o Rangitāne ki te rapu utu, ki te rapu tika mō ngā hē o te Karauna, ā, ka tuku i tēnei whakapāha ki a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua, ki ō rātau tīpuna, ki ō rātau uri hoki.

(b) E tino whakapāha ana te Karauna mō āna takahanga maha i te Tiriti o Waitangi me ōna mātāpono, me te pānga atu o ngā takahanga nei ki ngā whakatipuranga o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua.

(c) E pono ana te kōrehu o te Karauna kāore nei ia, i ētahi wā, i whiriwhiri kōrero i runga i te pono, i āta tiaki hoki i ngā tika o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i āna mahi hoko whenua i tō rātau takiwā.

(d) E nui ana te kōrehu o te Karauna kāore nei ia i āta tiaki i ngā tikanga-ā-iwi o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i muri i te whakaturetanga o ngā ture whenua Māori nā reira i huri rā ngā tikanga pupuri whenua o mua mai i te tikanga ā-iwi ki te tikanga tangata takitahi.

(e) E hōhonu ana te kōrehu o te Karauna kāore nei a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i whai rawa i runga i tā te Karauna i kī ai i āna akiakinga kia hoko rātau i te nui o te whenua i mua i te tau 1865. Ka pono te whakapāha nei a te Karauna i te korenga ōna i hapai i tāna kawenga ā-Tiriti ki te tiaki i a Rangitāne kia kaua ai e riro te nuinga o ngā whenua, ā, kua roa rawa rātau e noho pōhara ana, e huhunutia ana i raro i ngā pēhinga ōhanga ā-pāpori hoki.

(f) E hōhonu ana te kōrehu o te Karauna mō ngā kino kua pā nei ki a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i runga i te heke haere o te ora o ngā roto me ngā awa, te topenga o Te Tapere-nui-o-Whātonga, me te ngaronga o ngā taonga pēnei i te huia.

(g) E whakapāha ana te Karauna nā te iti o tōna whai whakaaro ki te mana o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i ngā wā o

mua, i rongo ai a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i ngā uauatanga o te mau tonu ki tōna tū hei iwi motuhake mai i te tau 1840 ki nāianei.

(h) Kāore he horokukūtanga o te whakapāha a te Karauna mō te korenga ōna i whai whakaaro ki te rangatiratanga o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua, mō te korenga hoki ōna i whakatutuki i āna kawenga ki a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i raro i te Tiriti o Waitangi.

(i) Mā tēnei whakataunga me tēnei whakapāha, e whai ana te Karauna ki te whakahoki i tōna mana, ki te whakaea hoki i ōna hara ki ngā whānau me ngā hapū o Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua mā te whakamāmā i ngā nawe kua pīkautia e ngā whakatipuranga. E hīkaka ana te Karauna ki te whiri i tētahi hononga hou ki a Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua i runga i te pono me te whakaaro nui o tētahi ki tētahi, ki te Tiriti o Waitangi hoki me ōna mātāpono."

English

"(a) The Crown recognises the efforts of the ancestors of Rangitāne in pursuit of redress and justice for the Crown's wrongs, and offers this apology to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, to their ancestors and to their descendants.

(b) The Crown is deeply sorry for its many breaches of the Treaty of Waitangi and its principles, and for the effect that these breaches have caused to generations of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua.

(c) The Crown sincerely regrets that on a number of occasions it failed to negotiate in good faith and actively protect Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua interests when purchasing land in their rohe.

(d) The Crown profoundly regrets that it failed to actively protect the tribal structures of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua after it promoted native land legislation which individualised their previously tribal land tenure.

(e) The Crown deeply regrets that Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua did not experience the prosperity the Crown led them to expect when it pressured them to sell large areas of land before 1865. The Crown sincerely apologises that it failed in its Treaty duty to protect them from being left virtually landless, and they have for too long experienced socio-economic deprivation and disadvantage.

(f) The Crown deeply regrets the prejudice Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua have suffered from the degradation of lakes

and rivers, the felling of Te Tapere-nui-o-Whātonga (the Seventy Mile Bush), and the loss of taonga such as the huia.

(g) The Crown regrets that its former limited recognition of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua contributed to the challenges experienced by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua in maintaining a distinct iwi presence from 1840 to the present.

(h) The Crown unreservedly apologises for not respecting the rangatiratanga of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua and for not having honoured its obligations to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua under te Tiriti o Waitangi/the Treaty of Waitangi.

(i) Through this settlement and this apology, the Crown seeks to restore its honour and atone for its wrongs to the whānau and hapū of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua by easing the burden of grievance that has been carried for generations. The Crown looks forward to developing a new relationship with Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua that has mutual trust and respect for te Tiriti/the Treaty and its principles as its foundation."

Interpretation provisions

11 Interpretation of Act generally

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

12 Interpretation

In this Act, unless the context otherwise requires,—

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

attachments means the attachments to the deed of settlement

commercial redress property has the meaning given in section 86

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

computer register—

(a) has the meaning given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002; and

(b) includes, where relevant, a certificate of title issued under the Land Transfer Act 1952

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

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

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

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

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

cultural redress property has the meaning given in section 61

deed of recognition—

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

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

deed of settlement—

(a) means the deed of settlement dated 6 August 2016 and signed by—

(i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and

(ii) Steven Mark Chrisp, Richard Te Hurinui Jones, Jason Reuben Kerehi, and Mavis Raylene Mullins, being trustees of the Rangitāne Settlement Negotiations Trust, for and on behalf of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; and

(iii) Warwick Ian Gernhoefer, Yvette Rewa Grace, Jason Reuben Kerehi, Mavis Raylene Mullins, and Edward Joseph Pearse, being the trustees of the Rangitāne Tū Mai Rā Trust; and

(b) includes—

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

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

deferred selection property has the meaning given in section 86

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

historical claims has the meaning given in section 14

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

LINZ means Land Information New Zealand

member of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua means an individual referred to in section 13(1)(a)

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

overlay classification has the meaning given in section 42

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

Rangitāne Tū Mai Rā Trust means the trust established under the name Rangitāne Tū Mai Ra Trust by a trust deed dated 28 March 2014

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

representative entity means—

(a) the trustees; and

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

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

(ii) 1 or more members of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; or

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

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

reserve property has the meaning given in section 61

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

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

RFR land has the meaning given in section 99

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

statutory acknowledgement has the meaning given in section 27

tikanga means customary values and practices

trustees of the Rangitāne Tū Mai Rā Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Rangitāne Tū Mai Rā Trust

working day means a day other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day:

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

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

(d) the days observed as the anniversaries of the provinces of Hawke's Bay and Wellington.

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

13 Meaning of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua

(1) In this Act, **Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua**—

(a) means the collective group composed of individuals who are descended from a Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua tupuna; and

(b) includes those individuals; and

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

(i) Ngāti Hāmua:

(ii) Ngāti Te Rangiwhaka-ewa:

(iii) Ngāti Mutuahi:

(iv) Ngāti Pakapaka:

(v) Ngāti Parakiore:

(vi) Ngāi Tamahau:

(vii) Ngāti Te Raetea:

(viii) Hinetearorangi:

(ix) Ngāti Te Noti:

(x) Ngāti Te Whātui:

(xi) Ngāti Tangatakau:

(xii) Ngāti Mātangiuru:

(xiii) Ngāti Te Hina (or Ngāti Te Hina Ariki):

(xiv) Ngāti Te Koro o Ngā Whenua:

(xv) Ngāti Te Rangitōtohu:

(xvi) Ngāti Ruatōtara:

(xvii) Te Kapuārangi:

(xviii) Ngāti Matetapu:

(xix) Ngāti Whakawehi:

(xx) Ngāti Taimahu:

(xxi) Ngāti Tūkoko:

(xxii) Ngāti Te Atawhā:

(xxiii) Ngāti Te Whakamana:

(xxiv) Ngāti Meroiti:

(xxv) Ngāti Hinetauira:

(xxvi) Ngāti Tauiao:

(xxvii) Ngāti Moe:

(xxviii) Ngāi Tahu (or Ngāi Tahu Makaka-nui):

(xxix) Te Hika o Pāpāuma.

(2) In this section and section 14,—

area of interest means the area identified as the area of interest in the attachments

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

(a) rights to occupy land; and

(b) rights in relation to the use of land or other natural or physical resources

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

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with the applicable tikanga of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua

Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua tupuna means an individual who—

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

(i) the tupuna Rangitāne; or

(ii) any other recognised tupuna of a group referred to in subsection (1)(c)(i) to (xxix); and

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

Te Hika o Pāpāuma—

(a) means the collective group composed of individuals who are descended from the ancestor Pāpāuma (who is the eponymous ancestor of Te Hika o Pāpāuma); and

(b) includes those individuals; and

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

14 Meaning of historical claims

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

(a) means the claims described in subsection (2); and

(b) includes the claims described in subsection (3); but

(c) does not include the claims described in subsection (4).

(2) The historical claims are every claim that Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

(a) is founded on a right arising—

(i) from the Treaty of Waitangi or its principles; or

(ii) under legislation; or

(iii) at common law (including aboriginal title or customary law); or

(iv) from a fiduciary duty; or

(v) otherwise; and

(b) arises from, or relates to, acts or omissions before 21 September 1992—

(i) by or on behalf of the Crown; or

(ii) by or under legislation.

(3) The historical claims include—

(a) a claim to the Waitangi Tribunal that relates exclusively to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:

(i) Wai 166—Southern Hawke's Bay Lands and Fisheries Claim:

(ii) Wai 171—Ruataniwha and Other Blocks Claim:

(iii) Wai 175—Hutt Valley and Cape Palliser Lands Claim:

(iv) Wai 943—Ngāti Te Hore Ancestral Land Confiscation Claim:

(v) Wai 1008—Succession to Māori Land Legislation Claim:

(vi) Wai 1634—Te Ahu a Tūranga Block & Parihaka Island Claim:

(vii) Wai 1950—Ehetere Kawemata Rautahi Whānau Claim; and

(b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that subsection (2) applies to the claim and the claim relates to Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua or a representative entity:

(i) Wai 97—Wairarapa Lands and Fisheries Claim:

(ii) Wai 161—Waipukurau Block Claim:

(iii) Wai 420—Mataikona A2 Claim:

(iv) Wai 657—Aorangi Settlement Claim:

(v) Wai 741—Local Government and Resource Management Claim:

(vi) Wai 770—Land and Fisheries (Karaitiana) Claim:

(vii) Wai 1568—Southern Hawke's Bay Lands (Paewai and Nepe-Apatu) Claim:

(viii) Wai 1928—Descendants of Te Hirawanu (Karaitiana) Claim:

(ix) Wai 2211—Descendants of Te Hiko (Thompson & Bradbrook) Claim:

(x) Wai 2213—Coastal Hapū Collective Ocean Resources (Mauger and Hutcheson) Claim:

(xi) Wai 2225—Ngāi Tahumakakanui Lands Claim:

(xii) Wai 2241—Descendants of Te Hau and Akura (Oneroa, Smith, and Te Whata) Claim:

(xiii) Wai 2269—Te Whiti North Block (Hemi) Claim.

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

(a) a claim that a member of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua, or a whānau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right arising by virtue of being descended from—

(i) a tupuna who is not a Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua tupuna; or

(ii) the tupuna Kahungunu; or

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

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

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

(1) The historical claims are settled.

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

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

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

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

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

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

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

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

(2) In Schedule 3, insert in its appropriate alphabetical order "Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017, section 15(4) and (5)".

Resumptive memorials no longer to apply

17 Certain enactments do not apply

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

(a) to a cultural redress property; or

(b) to a commercial redress property; or

(c) to a deferred selection property on and from the date of its transfer to the trustees; or

(d) to the RFR land; or

(e) for the benefit of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua or a representative entity.

(2) The enactments are—

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

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

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

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

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

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

18 Resumptive memorials to be cancelled

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

(a) is all or part of—

(i) a cultural redress property:

(ii) a commercial redress property:

(iii) a deferred selection property:

(iv) the RFR land; and

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

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

(a) the settlement date, for a cultural redress property, a commercial redress property, or the RFR land; or

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

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

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

(a) register the certificate against each computer register identified in the certificate; and

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

Miscellaneous matters

19 Limit on duration of trusts does not apply

(1) A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—

(a) do not prescribe or restrict the period during which—

(i) the Rangitāne Tū Mai Rā Trust may exist in law; or

(ii) the trustees may hold or deal with property or income derived from property; and

(b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

(2) However, if the Rangitāne Tū Mai Rā Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

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

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

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

20 Access to deed of settlement

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

(a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between 9 am and 5 pm on any working day; and

(b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

Part 2
Cultural redress

Subpart 1—Protocols

21 Interpretation

In this subpart,—

protocol—

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

(i) the Crown minerals protocol:

(ii) the taonga tūturu protocol; and

(b) includes any amendments made under section 22(1)(b)

responsible Minister means,—

(a) for the Crown minerals protocol, the Minister of Energy and Resources:

(b) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage:

(c) for either protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol.

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

(1) Each responsible Minister—

(a) must issue a protocol to the trustees on the terms set out in part 4 of the documents schedule; and

(b) may amend or cancel that protocol.

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

(a) the trustees; or

(b) the responsible Minister.

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

23 Protocols subject to rights, functions, and duties

Protocols do not restrict—

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

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

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

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

(c) the legal rights of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua or a representative entity.

24 Enforcement of protocols

(1) The Crown must comply with a protocol while it is in force.

(2) If the Crown fails to comply with a protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950.

(3) Despite subsection (2), damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.

(4) To avoid doubt,—

(a) subsections (1) and (2) do not apply to guidelines developed for the implementation of a protocol; and

(b) subsection (3) does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under subsection (2).

Crown minerals

25 Crown minerals protocol

(1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—

(a) a register of protocols maintained by the chief executive; and

(b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed.

(2) The noting of the summary is—

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

(b) not a change to the minerals programmes for the purposes of the Crown Minerals Act 1991.

(3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals.

(4) In this section,—

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

(a) that is the property of the Crown under section 10 or 11 of that Act; or

(b) over which the Crown has jurisdiction under the Continental Shelf Act 1964

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

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

Taonga tūturu

26 Taonga tūturu protocol

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

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

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

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

Subpart 2—Statutory acknowledgement and deed of recognition

27 Interpretation

In this subpart,—

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

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

(a) made by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

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

statutory acknowledgement means the acknowledgement made by the Crown in section 28 in respect of the statutory areas, on the terms set out in this subpart

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

statutory plan—

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

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

Statutory acknowledgement

28 Statutory acknowledgement by the Crown

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

29 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 30 to 32; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 33 and 34; and

(c) to enable the trustees and any member of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua to cite the statutory acknowledgement as evidence of the association of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua with a statutory area, in accordance with section 35.

30 Relevant consent authorities to have regard to statutory acknowledgement

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

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

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

31 Environment Court to have regard to statutory acknowledgement

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

(2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.

(3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

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

(1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.

(2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.

(3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—

(a) in determining whether the trustees are persons directly affected by the decision; and

(b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.

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

33 Recording statutory acknowledgement on statutory plans

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

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

(a) a copy of sections 28 to 32, 34, and 35; and

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

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

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

(a) part of the statutory plan; or

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

34 Provision of summary or notice to trustees

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

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

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

(2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.

(3) The summary must be provided—

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

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

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

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

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

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

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

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

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

35 Use of statutory acknowledgement

(1) The trustees and any member of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua may, as evidence of the association of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

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

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

(b) parties to proceedings before those bodies; or

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

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

(4) To avoid doubt,—

(a) neither the trustees nor members of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua are precluded from stating that Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua has an association with a statutory area that is not described in the statutory acknowledgement; and

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

Deed of recognition

36 Issuing and amending deed of recognition

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

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

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

General provisions relating to statutory acknowledgement and deed of recognition

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

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

(a) applies only to—

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

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

(b) does not apply to—

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

(ii) an artificial watercourse.

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

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

(b) does not apply to—

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

(ii) the bed of an artificial watercourse.

38 Exercise of powers and performance of functions and duties

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

(2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.

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

(4) This section is subject to—

(a) the other provisions of this subpart; and

(b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition.

39 Rights not affected

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

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

(b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

(2) This section is subject to the other provisions of this subpart.

Consequential amendment to Resource Management Act 1991

40 Amendment to Resource Management Act 1991

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

(2) In Schedule 11, insert in its appropriate alphabetical order "Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017".

Subpart 3—Manawatu River catchment advisory board

41 Appointment of member to advisory board

(1) This section takes effect on the later of the following dates:

(a) the settlement date under this Act:

(b) the settlement date under the other settlement legislation.

(2) The trustees may appoint 1 member to the advisory board in accordance with the other settlement legislation.

(3) In this section,—

advisory board means an advisory board to provide advice to the Manawatu–Wanganui Regional Council in relation to freshwater management issues concerning the Manawatu River catchment

freshwater management issues means the issues relevant to freshwater management under the Resource Management Act 1991, to the extent that they relate to the Manawatu River catchment

Manawatu River catchment means the catchment of the Manawatu River to the extent that the catchment is within the jurisdiction of the Manawatu–Wanganui Regional Council

other settlement legislation means legislation that is enacted and that—

(a) settles the historical claims of Rangitāne o Manawatu; and

(b) establishes the advisory board.

Subpart 4—Overlay classification

42 Interpretation

In this subpart,—

Conservation Board means a board established under section 6L of the Conservation Act 1987

New Zealand Conservation Authority means the Authority established by section 6A of the Conservation Act 1987

overlay area—

(a) means an area that is declared under section 43(1) to be subject to the overlay classification; but

(b) does not include an area that is declared under section 54(1) to be no longer subject to the overlay classification

overlay classification means the application of this subpart to each overlay area

protection principles, for an overlay area,—

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

(b) includes any principles as they are amended by the written agreement of the trustees and the Minister of Conservation

specified actions, for an overlay area, means the actions set out for the area in part 1 of the documents schedule

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

(a) made by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and

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

43 Declaration of overlay classification and the Crown's acknowledgement

(1) Each area described in Schedule 2 is declared to be subject to the overlay classification.

(2) The Crown acknowledges the statements of values for the overlay areas.

44 Purposes of overlay classification

The only purposes of the overlay classification are—

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 46; and

(b) to enable the taking of action under sections 47 to 52.

45 Effect of protection principles

The protection principles are intended to prevent the values stated in the statement of values for an overlay area from being harmed or diminished.

46 Obligations on New Zealand Conservation Authority and Conservation Boards

(1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to an overlay area, the Authority or Board must have particular regard to—

(a) the statement of values for the area; and

(b) the protection principles for the area.

(2) Before approving a strategy or plan that relates to an overlay area, the New Zealand Conservation Authority or a Conservation Board must—

(a) consult the trustees; and

(b) have particular regard to the views of the trustees as to the effect of the strategy or plan on—

(i) any matters in the implementation of the statement of values for the area; and

(ii) any matters in the implementation of the protection principles for the area.

(3) If the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay area, the Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns.

47 Noting of overlay classification in strategies and plans

(1) The application of the overlay classification to an overlay area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.

(2) The noting of the overlay classification is—

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

(b) not an amendment to the strategy or plan for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

48 Notification in *Gazette*

(1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—

(a) the declaration made by section 43 that the overlay classification applies to the overlay areas; and

(b) the protection principles for each overlay area.

(2) An amendment to the protection principles, as agreed by the trustees and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.

(3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 49 or 50.

49 Actions by Director-General

(1) The Director-General must take action in relation to the protection principles that relate to an overlay area, including the specified actions.

(2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.

(3) The Director-General must notify the trustees in writing of any action intended to be taken.

50 Amendment to strategies or plans

(1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to an overlay area.

(2) The Director-General must consult relevant Conservation Boards before initiating the amendment.

(3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

51 Regulations

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:

(a) to provide for the implementation of objectives included in a strategy or plan under section 50(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:

(c) to create offences for breaches of regulations made under paragraph (b):

(d) to prescribe the following fines for an offence referred to in paragraph (c):

(i) a fine not exceeding $5,000; and

(ii) if the offence is a continuing one, an additional amount not exceeding $500 for every day on which the offence continues.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

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

52 Bylaws

(1) The Minister of Conservation may make bylaws for 1 or more of the following purposes:

(a) to provide for the implementation of objectives included in a strategy or plan under section 50(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:

(c) to create offences for breaches of bylaws made under paragraph (b):

(d) to prescribe the following fines for an offence referred to in paragraph (c):

(i) a fine not exceeding $5,000; and

(ii) if the offence is a continuing one, an additional amount not exceeding $500 for every day on which the offence continues.

(2) Bylaws under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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

This note is not part of the Act.

Section 52(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

53 Effect of overlay classification on overlay areas

(1) This section applies if, at any time, the overlay classification applies to any land in—

(a) a national park under the National Parks Act 1980; or

(b) a conservation area under the Conservation Act 1987; or

(c) a reserve under the Reserves Act 1977.

(2) The overlay classification does not affect—

(a) the status of the land as a national park, conservation area, or reserve; or

(b) the classification or purpose of a reserve.

54 Termination of overlay classification

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of an overlay area is no longer subject to the overlay classification.

(2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—

(a) the trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or

(b) the relevant area is to be, or has been, disposed of by the Crown; or

(c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands.

(3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—

(a) subsection (2)(c) applies; or

(b) there is a change in the statutory management regime that applies to all or part of the overlay area.

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

Section 54(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

55 Exercise of powers and performance of functions and duties

(1) The overlay classification does not affect, and must not be taken into account by, any person exercising a power or performing a function or duty under an enactment or a bylaw.

(2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the values stated in the statement of values for an overlay area than that person would give if the area were not subject to the overlay classification.

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

(4) This section is subject to the other provisions of this subpart.

56 Rights not affected

(1) The overlay classification does not—

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

(b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay area.

(2) This section is subject to the other provisions of this subpart.

Subpart 5—Official geographic names

57 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

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

58 Official geographic names

(1) A name specified in the second column of the table in clause 5.29 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.

(2) Each official geographic name of a feature is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.

(3) The names of Crown protected areas are changed as follows:

(a) Haukopua Scenic Reserve is changed to Haukōpuapua Scenic Reserve:

(b) Mount Bruce National Wildlife Centre Reserve is changed to Pukaha / Mount Bruce National Wildlife Centre Reserve:

(c) Mount Bruce Scenic Reserve is changed to Pukaha / Mount Bruce Scenic Reserve:

(d) Rimutaka Forest Park is changed to Remutaka Forest Park.

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

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

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

59 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under section 58.

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

60 Subsequent alteration of official geographic names

(1) In making a determination to alter the official geographic name of a feature named under section 58(1), the Board—

(a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but

(b) must have the written consent of the trustees.

(2) To avoid doubt, the Board must give public notice of a determination made under subsection (1) in accordance with section 21(2) and (3) of the Act.

(3) The official geographic name of a Crown protected area named under section 58(3) must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.

Subpart 6—Vesting of cultural redress properties

61 Interpretation

In this subpart,—

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

Properties vested in fee simple

(a) Te Taumata property:

(b) Hāmua property:

(c) Kumeti Road property:

(d) Rongokaha property:

(e) Wi Waka property:

Properties vested in fee simple to be administered as reserves

(f) Māharahara Peak property:

(g) Matanginui Peak property:

(h) Te Punanga property

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

Properties vested in fee simple

62 Te Taumata property

The fee simple estate in the Te Taumata property vests in the trustees.

63 Hāmua property

(1) The reservation of the part of the Hāmua property that is a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The part of the Hāmua property comprising former Section 157 Block XIV Mangahao Survey District vests in the Crown as Crown land subject to the Land Act 1948.

(3) The fee simple estate in the Hāmua property vests in the trustees.

(4) Subsections (1) to (3) do not take effect until the trustees have provided Tararua District Council with a registrable easement in gross for a right to access and maintain a monument on the terms and conditions set out in part 8 of the documents schedule.

64 Kumeti Road property

(1) The Kumeti Road property (being part of Ruahine Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.

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

(3) The Minister of Conservation must provide the trustees with a registrable easement for a right of way on the terms and conditions set out in part 8 of the documents schedule.

65 Rongokaha property

(1) The reservation of the part of the Rongokaha property that is a recreation reserve subject to the Reserves Act 1977 (being Bruce Road Recreation Reserve) is revoked.

(2) The part of the Rongokaha property that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.

(3) The fee simple estate in the Rongokaha property vests in the trustees.

(4) Subsections (1) to (3) do not take effect until the Minister of Conservation has provided Wellington Regional Council with a registrable easement in gross for a right to install, access, and operate an environmental monitoring station on the terms and conditions set out in part 8 of the documents schedule.

66 Wi Waka property

(1) The fee simple estate in Section 1 SO 506789 vests in Tararua District Council.

(2) The road comprising Sections 2, 3, and 4 SO 506789 is stopped.

(3) The part of the Wi Waka property comprising Sections 2 and 4 SO 506789 vests in the Crown as Crown land subject to the Land Act 1948.

(4) Sections 1 and 3 SO 506789 are declared a reserve and classified as a local purpose reserve, for the purpose of a cemetery, subject to section 23 of the Reserves Act 1977.

(5) The fee simple estate in the Wi Waka property vests in the trustees.

Provisions about vesting of area in Tararua District Council

(6) The vesting under subsection (1) 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.

(7) The vesting under subsection (1) does not—

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

(b) affect other rights to subsurface minerals.

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

(a) the vesting under subsection (1); or

(b) the creation by the Registrar-General of 1 computer freehold register for the fee simple estate in Sections 1 and 3 SO 506789 in the name of Tararua District Council; or

(c) any matter incidental to, or required for the purpose of, the vesting or the creation of the computer freehold register.

Properties vested in fee simple to be administered as reserves

67 Māharahara Peak property

(1) The Māharahara Peak property (being part of Ruahine Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.

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

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

(4) The reserve is named Māharahara Scenic Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable easement in gross for a right of way on the terms and conditions set out in part 8 of the documents schedule.

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

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

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

68 Matanginui Peak property

(1) The Matanginui Peak property (being part of Ruahine Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.

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

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

(4) The reserve is named Matanginui Scenic Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable easement in gross for a right of way on the terms and conditions set out in part 8 of the documents schedule.

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

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

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

69 Te Punanga property

(1) The part of the Te Punanga property that is a conservation area under the Conservation Act 1987 (being part of Tararua Forest Park) ceases to be part of the Park and a conservation area.

(2) The road comprising Section 1 SO 507270 is stopped.

(3) The stopped road vests in the Crown as Crown land subject to the Land Act 1948.

(4) The fee simple estate in the Te Punanga property vests in the trustees.

(5) The Te Punanga property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(6) The reserve is named Te Punanga Recreation Reserve.

(7) The Minister of Conservation must provide the trustees with a registrable easement for a right of way on the terms and conditions set out in part 8 of the documents schedule.

General provisions applying to vesting of cultural redress properties

70 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in Schedule 3.

71 Interests that are not interests in land

(1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in Schedule 3, and for

which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.

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

(3) The interest applies—

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

(b) with any other necessary modifications; and

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

72 Registration of ownership

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

(2) Subsection (3) applies to a cultural redress property, but only to the extent that the property is all of the land contained in a computer freehold register.

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

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

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

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

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

(a) create a computer freehold register for the fee simple estate in the property in the name of the trustees; and

(b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.

(6) Subsection (5) is subject to the completion of any survey necessary to create a computer freehold register.

(7) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—

(a) 24 months after that date; or

(b) any later date that may be agreed in writing by the Crown and the trustees.

(8) In this section, **authorised person** means,—

(a) for the Te Taumata property, a person authorised by the chief executive of Land Information New Zealand:

(b) for the Wi Waka property, a person authorised by the chief executive of the Ministry of Justice:

(c) for the Hāmua property, 2 persons who make a joint application, with 1 person authorised by the chief executive of the Ministry of Justice and the other person authorised by the Director-General:

(d) for all other properties, a person authorised by the Director-General.

73 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

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

(3) The marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of the Rongokaha property is reduced to a width of 5 metres.

(4) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

(5) Subsections (2) to (4) do not limit subsection (1).

74 Matters to be recorded on computer freehold register

(1) The Registrar-General must record on the computer freehold register—

(a) for a reserve property—

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

(ii) that the land is subject to sections 73(4) and 79; and

(b) for the Rongokaha property that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 5 metres; and

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

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

(3) If the reservation of a reserve property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notifications that—

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

(ii) the property is subject to sections 73(4) and 79; or

(b) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain only on the computer freehold register for the part of the property that remains a reserve.

(4) The Registrar-General must comply with an application received in accordance with subsection (3)(a).

75 Application of other enactments

(1) The vesting of the fee simple estate in a cultural redress property under this subpart does not—

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

(b) affect other rights to subsurface minerals.

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

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

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

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

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

76 Minister of Conservation may grant easements

(1) The Minister of Conservation may grant any easement over a conservation area or reserve required to fulfil the terms of the deed of settlement in relation to a cultural redress property.

(2) Any such easement is—

(a) enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and

(b) to be treated as having been granted in accordance with Part 3B of that Act; and

(c) registrable under section 17ZA(2) of that Act as if it were a deed to which that provision applied.

77 Names of Crown protected areas discontinued

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

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

(3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Further provisions applying to reserve properties

78 Application of other enactments to reserve properties

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

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

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

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

(5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name.

79 Subsequent transfer of reserve land

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

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

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

80 Transfer of reserve land to new administering body

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

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

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

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

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

(4) The required documents are—

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

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

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

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

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

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

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

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

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

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

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

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

82 Reserve land not to be mortgaged

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

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

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

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

Subpart 7—Vesting and gifting back of properties

84 Vesting and gifting back of Pukaha / Mount Bruce National Wildlife Centre Reserve

(1) The fee simple estate in Pukaha / Mount Bruce National Wildlife Centre Reserve vests in the trustees on the vesting date.

(2) On the seventh day after the vesting date, the fee simple estate in Pukaha / Mount Bruce National Wildlife Centre Reserve vests in the Crown as a gifting back to the Crown by the trustees for the people of New Zealand.

(3) However, the following matters continue to apply as if the vestings had not occurred:

(a) Pukaha / Mount Bruce National Wildlife Centre Reserve remains a reserve under the Reserves Act 1977; and

(b) any enactment, instrument, or interest that applied to Pukaha / Mount Bruce National Wildlife Centre Reserve immediately before the vesting date, including a lease of the wildlife centre to the Pukaha Mount Bruce Board, continues to apply to it; and

(c) to the extent that the overlay classification applied to Pukaha / Mount Bruce National Wildlife Centre Reserve immediately before the vesting date, it continues to apply to the property; and

(d) the Crown retains all liability for Pukaha / Mount Bruce National Wildlife Centre Reserve.

(4) The vestings are not affected by—

(a) Part 4A of the Conservation Act 1987; or

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

(c) section 11 or Part 10 of the Resource Management Act 1991; or

(d) any other enactment relating to the land.

(5) In this section, **Pukaha / Mount Bruce National Wildlife Centre Reserve** means 57.3192 hectares, more or less, being Section 1 SO 32447 and Section 1 SO 37485 (Wellington Land District), as shown on deed plan OTS-204-26.

(6) In this section and section 85, **vesting date** means the first 1 May that falls after the settlement date.

85 Vesting and gifting back of Pukaha / Mount Bruce Scenic Reserve

(1) The fee simple estate in Pukaha / Mount Bruce Scenic Reserve vests in the trustees on the vesting date.

(2) On the seventh day after the vesting date, the fee simple estate in Pukaha / Mount Bruce Scenic Reserve vests in the Crown as a gifting back to the Crown by the trustees for the people of New Zealand.

(3) However, the following matters continue to apply as if the vestings had not occurred:

(a) Pukaha / Mount Bruce Scenic Reserve remains a reserve under the Reserves Act 1977; and

(b) any enactment, instrument, or interest that applied to Pukaha / Mount Bruce Scenic Reserve immediately before the vesting date continues to apply to it; and

(c) to the extent that the overlay classification applied to Pukaha / Mount Bruce Scenic Reserve immediately before the vesting date, it continues to apply to the property; and

(d) the Crown retains all liability for Pukaha / Mount Bruce Scenic Reserve.

(4) The vestings are not affected by—

(a) Part 4A of the Conservation Act 1987; or

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

(c) section 11 or Part 10 of the Resource Management Act 1991; or

(d) any other enactment relating to the land.

(5) In this section, **Pukaha / Mount Bruce Scenic Reserve** means 891.4896 hectares, more or less, being Section 16 Block I Kopuaranga Survey District, Sections 38 and 39 and Part Section 7 Block XIV Tararua Survey District, Sections 25 and 27 and Part Section 6 Block IV Mikimiki Survey District, and Section 174 Block XIII Mangaone Survey District (Wellington Land District), as shown on deed plan OTS-204-26.

Part 3
Commercial redress

86 Interpretation

In subparts 1 to 3,—

commercial redress property means a property described in part 3 of the property redress schedule

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

Crown forestry licence—

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

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

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

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

deferred selection property means a property described in part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

land holding agency means the land holding agency specified,—

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

(b) for a deferred selection property, in part 4 of the property redress schedule

licensed land—

(a) means each property described as licensed land in part 3 of the property redress schedule; but

(b) excludes—

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

(ii) improvements that have been—

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

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

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

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

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

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

right of access means the right conferred by section 95.

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

87 The Crown may transfer properties

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

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

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

(2) Subsection (3) applies to a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in section 17(2).

(3) As soon as is reasonably practicable after the date on which a deferred selection property is transferred to the trustees, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of section 18 (which relates to the cancellation of resumptive memorials).

88 Computer freehold registers for commercial redress properties and deferred selection properties

(1) This section applies to each of the following properties that is to be transferred to the trustees under section 87:

(a) a commercial redress property (other than the licensed land):

(b) a deferred selection property.

(2) However, this section applies only 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.

(3) 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 interests that are registered, notified, or notifiable and that are described in the application; but

(c) omit any statement of purpose from the computer freehold register.

(4) Subsection (3) is subject to the completion of any survey necessary to create a computer freehold register.

(5) In this section and sections 89 and 90, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

89 Computer freehold register for licensed land

(1) This section applies to the licensed land that is to be transferred to the trustees under section 87.

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

(a) create a computer freehold register in the name of the Crown for the fee simple estate in the property; and

(b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the 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.

90 Authorised person may grant covenant for later creation of computer freehold register

(1) For the purposes of sections 88 and 89, the authorised person may grant a covenant for the later creation of a computer freehold register for any commercial redress property or deferred selection property.

(2) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a computer interest register; and

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

91 Application of other enactments

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

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

(3) The transfer does not—

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

(b) affect other rights to subsurface minerals.

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

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

(6) In exercising the powers conferred by section 87, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.

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

Subpart 2—Licensed land

92 Licensed land ceases to be Crown forest land

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

(2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 6 of the deed of settlement, or part 4 of the property redress schedule.

93 Trustees are confirmed beneficiaries and licensors of licensed land

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

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

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

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

(3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of 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 made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and

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

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

(a) on the settlement date; and

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

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

94 Effect of transfer of licensed land

(1) Section 93 applies whether or not—

(a) the transfer of the fee simple estate in the licensed land has been registered; or

(b) the processes described in clause 17.4 of the Crown forestry licences have been completed.

(2) To the extent that the Crown has not completed the processes referred to in subsection (1)(b) before the settlement date, it must continue those processes—

(a) on and after the settlement date; and

(b) until the processes are completed.

(3) For the period starting on the settlement date and ending on the completion of the processes referred to in subsections (1) and (2), the licence fee payable under the Crown forestry licence in respect of the licensed land is the amount calculated in the manner described in paragraphs 4.23 and 4.24 of the property redress schedule.

(4) However, the calculation of the licence fee under subsection (3) is overridden by any agreement made by the trustees as licensor, the licensee, and the Crown.

(5) On and from the settlement date, references to the prospective proprietors in clause 17.4 of the Crown forestry licence must, in relation to the licensed land, be read as references to the trustees.

Subpart 3—Access to protected sites

95 Right of access to protected sites

(1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site.

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

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

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

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

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

(i) for the safety of people; or

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

(iii) for operational reasons.

96 Right of access over licensed land

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

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

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

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

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

97 Right of access to be recorded on computer freehold registers

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

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

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

Subpart 4—Right of first refusal over RFR land

Interpretation

98 Interpretation

In this subpart and Schedule 4,—

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

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

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(a) means—

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

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

(b) to avoid doubt, does not include—

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

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

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

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

expiry date, in relation to an offer, means its expiry date under sections 101(2)(a) and 102

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 101, to dispose of RFR land to the trustees

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

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

RFR landowner, in relation to RFR land,—

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

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

(c) includes a local authority to which RFR land has been disposed of under section 107(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested under section 108(1)

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

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

99 Meaning of RFR land

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

(a) the land described in part 6 of the attachments that, on the settlement date,—

(i) is vested in the Crown; or

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

(b) any land obtained in exchange for a disposal of RFR land under section 112(1)(c) or 113.

(2) Land ceases to be RFR land if—

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

(i) the trustees or their nominee (for example, under a contract formed under section 105); or

(ii) any other person (including the Crown or a Crown body) under section 100(d); or

(b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—

(i) under any of sections 109 to 115 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 116(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

(c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under section 124; or

(d) the RFR period ends.

Restrictions on disposal of RFR land

100 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 106 to 115; or

(b) under any matter referred to in section 116(1); or

(c) in accordance with a waiver or variation given under section 124; or

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

(i) made in accordance with section 101; and

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

(iii) not withdrawn under section 103; and

(iv) not accepted under section 104.

Trustees' right of first refusal

101 Requirements for offer

(1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees.

(2) The notice must include—

(a) the terms of the offer, including its expiry date; and

(b) the legal description of the land, including any interests affecting it, and the reference for any computer register for the land; and

(c) a street address for the land (if applicable); and

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

102 Expiry date of offer

(1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the trustees receive notice of the offer.

(2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the trustees receive notice of the offer if—

(a) the trustees received an earlier offer to dispose of the land; and

(b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and

(c) the earlier offer was not withdrawn.

103 Withdrawal of offer

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

104 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.

105 Formation of contract

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

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

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

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

(a) the nominee is lawfully able to hold the RFR land; and

(b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.

(5) The notice must specify—

(a) the full name of the nominee; and

(b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.

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

Disposals to others but land remains RFR land

106 Disposal to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

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

Section 106(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

107 Disposal of existing public works to local authorities

(1) An RFR landowner may dispose of RFR land that is a public work or part of a public work, in accordance with section 50 of the Public Works Act 1981, to a local authority, as defined in section 2 of that Act.

(2) To avoid doubt, if RFR land is disposed of to a local authority under subsection (1), the local authority becomes—

(a) the RFR landowner of the land; and

(b) subject to the obligations of an RFR landowner under this subpart.

108 Disposal of reserves to administering bodies

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

(2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under subsection (1), the administering body does not become—

(a) the RFR landowner of the land; or

(b) subject to the obligations of an RFR landowner under this subpart.

(3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—

(a) the RFR landowner of the land; and

(b) subject to the obligations of an RFR landowner under this subpart.

Disposals to others where land may cease to be RFR land

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

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

110 Disposal in accordance with legal or equitable obligations

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the settlement date; or

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

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

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

111 Disposal under certain legislation

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

(a) section 54(1)(d) of the Land Act 1948; or

(b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

(c) section 355(3) of the Resource Management Act 1991; or

(d) an Act that—

(i) excludes the land from a national park within the meaning of the National Parks Act 1980; and

(ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

112 Disposal of land held for public works

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

(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

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

113 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.

114 Disposal for charitable purposes

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

115 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 under a right of renewal in a lease granted before the settlement date; or

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

RFR landowner obligations

116 RFR landowner's obligations subject to other matters

(1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

(a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any interest or legal or equitable obligation—

(i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees; and

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

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

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

Notices about RFR land

117 Notice to LINZ 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 legal description of the land and the reference for the computer register.

118 Notice to trustees of disposal of RFR land to others

(1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.

(2) The notice must be given on or before the date that is 20 working days before the day of the disposal.

(3) The notice must include—

(a) the legal description of the land, including any interests affecting it; and

(b) the reference for any computer register for the land; and

(c) the street address for the land (if applicable); and

(d) the name of the person to whom the land is being disposed of; and

(e) an explanation of how the disposal complies with section 100; and

(f) if the disposal is to be made under section 100(d), a copy of any written contract for the disposal.

119 Notice to LINZ 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 fee simple estate in the land is to transfer from the RFR landowner to—

(i) the trustees or their nominee (for example, under a contract formed under section 105); or

(ii) any other person (including the Crown or a Crown body) under section 100(d); or

(b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—

(i) under any of sections 109 to 115; or

(ii) under any matter referred to in section 116(1); or

(c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under section 124.

(2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land.

120 Notice requirements

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

(a) an RFR landowner; or

(b) the trustees.

Right of first refusal recorded on computer registers

121 Right of first refusal to be recorded 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 for,—

(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 must issue a certificate as soon as is reasonably practicable—

(a) after the settlement date, for RFR land for which there is a computer register on the settlement date; or

(b) after receiving a notice under section 117 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.

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

(4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

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

(a) RFR land, as defined in section 99; and

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

122 Removal of notifications when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 119, issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land; and

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

(2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under section 121 for the land described in the certificate.

123 Removal of notifications when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends, issue to the Registrar-General a certificate that includes—

(a) the reference for each computer register for RFR land that still has a notification recorded under section 121; and

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

(2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under section 121 from any computer register identified in the certificate.

General provisions applying to right of first refusal

124 Waiver and variation

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

(2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.

(3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

125 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.

126 Assignment of rights and obligations under this subpart

(1) Subsection (3) applies if the RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and

(b) has given the notices required by subsection (2).

(2) The RFR holder must give notices to each RFR landowner that—

(a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specify the date of the assignment; and

(c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.

(3) This subpart and Schedule 4 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.

(4) In this section,—

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

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

(a) they are the trustees; or

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

Schedule 1
Statutory areas

ss 27, 36

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Akitio River and its tributaries	As shown on OTS-204-02
Coastal marine area	As shown on OTS-204-03
Manawatū River (with recorded name Manawatu River) and its tributaries within the area of interest	As shown on OTS-204-04
Ruamahanga River and its tributaries	As shown on OTS-204-05
Wainui River and its tributaries	As shown on OTS-204-06

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

Statutory area	Location
Lowes Bush Scenic Reserve	As shown on OTS-204-07
Oumakura Scenic Reserve	As shown on OTS-204-08
Pukeahurangi / Jumbo	As shown on OTS-204-09
Pukeamoamo / Mitre	As shown on OTS-204-10
Rewa Bush Conservation Area	As shown on OTS-204-11

Schedule 2
Overlay areas

s 43

Overlay area	Location	Description
Haukōpuapua Scenic Reserve	As shown on OTS-204-13	*Wellington Land District—Tararua District* 80.9371 hectares, more or less, being Section 97 Block I Makuri Survey District.
Pukaha / Mount Bruce National Wildlife Centre Reserve	As shown on OTS-204-14	*Wellington Land District—Tararua District* 57.3192 hectares, more or less, being Section 1 SO 32447 and Section 1 SO 37485.
Pukaha / Mount Bruce Scenic Reserve	As shown on OTS-204-14	*Wellington Land District—Tararua District* 891.4896 hectares, more or less, being Section 16 Block I Kopuaranga Survey District, Sections 38 and 39 and Part Section 7 Block XIV Tararua Survey District, Sections 25 and 27 and Part Section 6 Block IV Mikimiki Survey District, and Section 174 Block XIII Mangaone Survey District.

Schedule 3
Cultural redress properties

ss 61, 70, 71

Properties vested in fee simple

Name of property	Description	Interests
Te Taumata property	*Hawke's Bay Land District—Tararua District* 3.0470 hectares, more or less, being Section 1 SO 504953. Part computer freehold register 276792.	Subject to an unregistered residential tenancy agreement.
Hāmua property	*Wellington Land District—Tararua District* 3.8986 hectares, more or less, being Section 1 SO 505971. All *Gazette* 2009, p 3896, and all *Gazette* notice 425076.1.	Subject to the easement in gross for a right to access and maintain a monument in favour of Tararua District Council referred to in section 63(4).
Kumeti Road property	*Hawke's Bay Land District—Tararua District* 0.1453 hectares, more or less, being Section 1 SO 505701. Part *Gazette* 1976, p 69.	Together with the easement for a right of way referred to in section 64(3). Subject to an unregistered low impact research and collection permit with national permit number TW-32116-FAU to S Trewick and M Bulgarella. Subject to an unregistered low impact research and collection permit with national permit number WE-32716-FAU to Auckland Museum.
Rongokaha property	*Wellington Land District—Masterton District* 12.8362 hectares, more or less, being Section 1 SO 512435. Part *Gazette* 1889, p 880, and part *Gazette* notice B056035.1.	Subject to the easement in gross for a right to install, access, and operate an environmental monitoring station in favour of Wellington Regional Council referred to in section 65(4). Subject to an unregistered low impact research and collection permit with national permit number WE-32716-FAU to Auckland Museum.
Wi Waka property	*Wellington Land District—Tararua District* 0.9138 hectares, more or less, being Sections 2 and 4 SO 506789. 0.1453 hectares, more or less, being Section 5 SO 506789. All computer freehold register WN52/118.	

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Māharahara Peak property	*Wellington and Hawke's Bay Land Districts—Manawatu and Tararua Districts* 7.7508 hectares, more or less, being Section 3 SO 505701. Part *Gazette* 1976, p 69.	Subject to being a scenic reserve, as referred to in section 67(3). Subject to the easement in gross for a right of way referred to in section 67(5). Subject to an unregistered low impact research and collection permit with national permit number TW-32116-FAU to S Trewick and M Bulgarella. Subject to an unregistered low impact research and collection permit with national permit number WE-32716-FAU to Auckland Museum.
Matanginui Peak property	*Wellington and Hawke's Bay Land Districts—Manawatu and Tararua Districts* 7.8407 hectares, more or less, being Section 2 SO 505701. Part *Gazette* 1976, p 69.	Subject to being a scenic reserve, as referred to in section 68(3). Subject to the easement in gross for a right of way referred to in section 68(5). Subject to an unregistered low impact research and collection permit with national permit number TW-32116-FAU to S Trewick and M Bulgarella. Subject to an unregistered low impact research and collection permit with national permit number WE-32716-FAU to Auckland Museum.
Te Punanga property	*Wellington Land District—Carterton District* 0.0333 hectares, more or less, being Section 1 SO 507270. 0.1235 hectares, more or less, being Section 2 SO 507270. Part computer freehold register WN428/229.	Subject to being a recreation reserve, as referred to in section 69(5). Together with the easement for a right of way referred to in section 69(7). Subject to an unregistered low impact research and collection permit with national permit number WE-37051-FLO to University of Waikato. Subject to an unregistered low impact research and collection permit with national permit number WE-23023-FLO to D Batchelor, C Peterson, and R Raphael. Subject to an unregistered low impact research and collection permit with national permit number CA-29181-FAU to Canterbury Museum.

Name of property	Description	Interests
		Subject to an unregistered low impact research and collection permit with national permit number WE-32716-FAU to Auckland Museum. Subject to an unregistered guiding concession with concession number WE-32736-GUI to Woodnet 2005 Limited.

Schedule 4
Notices in relation to RFR land

ss 98, 120, 126(3)

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, for a notice given by the trustees; and

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

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

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 101, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under section 117 or 119, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite clause 1, a notice given in accordance with clause 1(a) may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

3 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the fourth day after posting, if posted; or

(c) at the time of transmission, if faxed or sent by other electronic means.

(2) However, a notice is to be treated as having been received on the next working day if, under subclause (1), it would be treated as having been received—

(a) after 5 pm on a working day; or

(b) on a day that is not a working day.

Notes

1 General

This is a consolidation of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

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

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

3 Editorial and format changes

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

4 Amendments incorporated in this consolidation

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

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

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

Trusts Act 2019 (2019 No 38): section 161

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