Version
as at 12 April 2022

Tapuika Claims Settlement Act 2014

Public Act	2014 No 15
Date of assent	16 April 2014
Commencement	see section 2

Contents

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.

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Tapuika Claims Settlement Act 2014.

2 Commencement

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

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

Preliminary matters

3 Purpose

The purpose of this Act is—

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

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

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 this 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 Tapuika, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Tapuika 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, namely—

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

(b) a conservation relationship agreement with the Department of Conservation; and

(c) a protocol for fisheries to be issued by the Minister for Primary Industries after the Minister and the trustees have agreed its terms; and

(d) a statutory acknowledgement by the Crown of the statements made by Tapuika 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 certain areas; and

(e) an acknowledgement of Tapuika's statement of values in relation to Opoutihi by means of a Whenua Rāhui; and

(f) the assignment and alteration of place names; and

(g) a right of access for members of Tapuika over the Ōtara Scenic Reserve; and

(h) the vesting in the trustees of the fee simple estate in certain cultural redress properties; and

(i) the vesting of 1 cultural redress property jointly in the trustees of the Tapuika Iwi Authority Trust and the trustees of the Te Tāhuhu o Tawakeheimoa Trust.

(4) Part 3 provides for—

(a) the establishment of Te Maru o Kaituna/the Kaituna River Authority and its role in relation to the Kaituna River; and

(b) the vesting in and gifting back to the Crown of the Lower Kaituna Wildlife Management Reserve; and

(c) the delayed and contingent vesting of 2 joint cultural redress properties in the trustees of the Tapuika Iwi Authority Trust and the trustees or entities representing 5 other iwi as tenants in common in equal shares.

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

(a) the transfer of 17 commercial redress properties, including unlicensed land; and

(b) a contingent right for the trustees to purchase land in Te Puke should the land be available for Tapuika; and

(c) access to protected sites; and

(d) a right of first refusal to RFR land that may be exercised by the trustees.

(6) There are 6 schedules, as follows:

(a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued. It also describes the Whenua Rāhui area to which the Whenua Rāhui applies:

(b) Schedule 2 describes the cultural redress properties:

(c) Schedule 3 describes the 2 joint cultural redress properties:

(d) Schedule 4 describes the Lower Kaituna Wildlife Management Reserve:

(e) Schedule 5 contains administrative and procedural provisions that apply to the Kaituna River Authority:

(f) Schedule 6 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, and acknowledgements and apology of the Crown

7 Summary of historical account, acknowledgements, and apology

(1) Section 8 summarises the historical account from the deed of settlement, setting out the background to the deed of settlement.

(2) Section 9 records the text of the acknowledgements given by the Crown to Tapuika in the deed of settlement.

(3) Section 10 records the apology (in English and te reo Māori) given by the Crown to Tapuika in the deed of settlement.

(4) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.

8 Summary of historical account

(1) Although Tapuika did not sign the Treaty of Waitangi (Te Tiriti o Waitangi), from the 1840s to the early 1860s they sought to work with the Crown in the administration of their district. During this time, Māori customary law largely continued to prevail.

(2) In 1864, Crown forces and Māori allies blocked a Kīngitanga taua at Matatā that was intent on reaching the Waikato. At the ensuing battle of Kaokoaroa in April 1864, some Tapuika opposed the Crown. Tapuika were also among the warriors that defeated Crown troops at Gate Pā in April 1864 and they participated in the battle of Te Ranga in June 1864.

(3) The Crown regarded Māori who fought at Gate Pā and Te Ranga as rebels. Between 1865 and 1868, the Crown confiscated 290 000 acres of land around Tauranga. The Crown retained 50 000 acres and returned the remainder to Māori. However, Tapuika and other rebels who had not surrendered were gen-

erally excluded from this process and Tapuika were awarded none of the land they claimed.

(4) Kenana, a Tapuika settlement, was the base for Pai Mārire religion affiliates who opposed the survey of the confiscated lands. Crown forces, using a scorched-earth policy, destroyed Kenana and the surrounding cultivations, as well as kāinga further inland. The Crown then ordered a military occupation of Tapuika land.

(5) In the 1860s, the Crown established the Native Land Court and tasked it with converting customary title into title derived from the Crown. Tapuika had no alternative but to use the court if they wished to secure legal title to their lands.

(6) In the early 1870s, Native Land Court operations and Crown land purchase activities caused tensions between Tapuika and other iwi over rights to land in the Maketū district. In 1875 the Native Minister, seeking to resolve the issue, drew a boundary across the takapū that conflicted with an earlier judgment of the Native Land Court. Tapuika were subsequently excluded from almost all their ancestral lands beyond that boundary—approximately 40 000 prized coastal acres. Tapuika, a coastal people, were left with no coastal lands.

(7) In purchasing land, the Crown used pre-title advances, some of which were made to individuals of other iwi, and used outstanding debts to apply pressure to Tapuika. By 1900, Crown purchases had left Tapuika with approximately 10 000 acres of land. Title to this land had been fragmented by Native Land Court partition and succession processes, which also undermined the tribal structures of Tapuika.

(8) In the twentieth century, the Crown took land from Tapuika for public works 80 times, including land taken in 1939 for a Native School. Rather than pay compensation, the Crown returned a smaller area that Tapuika had gifted to the Crown for another school in 1886. In 1971, the Crown took land from within Kenana urupā in breach of the provisions of the Public Works Act 1928.

(9) For Tapuika, the waterways of their rohe are taonga. However, since the late nineteenth century, these waterways have been modified and polluted. As a result, Tapuika wāhi tapu have been destroyed, Tapuika's traditional sources of food and water have been compromised, and it has become increasingly difficult for Tapuika to maintain their customary relationships with their waterways.

9 Acknowledgements

(1) The Crown acknowledges that it has failed to address until now the long-standing, deeply felt grievances of Tapuika. The Crown hereby recognises the legitimacy of the grievances of Tapuika, and makes the following acknowledgements.

War

(2) The Crown acknowledges that,—

(a) in the 1860s, Tapuika were drawn into wars that were not of their making. These conflicts had a divisive effect as individuals within Tapuika were compelled to align themselves with different sides in the conflict, as evidenced by their participation on both sides of the battle of Kaokaoroa in April 1864; and

(b) members of Tapuika were attacked by Crown troops at Pukehinahina in April 1864, and suffered loss of life at Te Ranga in June 1864; and

(c) the Crown was ultimately responsible for the outbreak of war in Tauranga in 1864 and the resulting loss of life, and thus breached the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.

Raupatu

(3) The Crown acknowledges that its 1868 extension of the Tauranga confiscation boundary compulsorily extinguished any customary interests in that land, including those of Tapuika, and this was a breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.

(4) The Crown also acknowledges that—

(a) the process for returning such land was ad hoc, slow, and arbitrary in nature; and

(b) Tapuika were rebels who had not surrendered at the time the lands were returned; and

(c) as rebels who had not surrendered, Tapuika were generally excluded from the lands return process.

(5) The Crown acknowledges that—

(a) it inflicted a scorched-earth policy in its assaults on the Tapuika settlements of Kenana and Rangiuru near Te Puke during the 1867 bush campaign; and

(b) the destruction of these settlements had a devastating and unnecessary impact on Tapuika and was a breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.

Native land laws

(6) The Crown acknowledges that—

(a) it did not consult with Tapuika about the introduction of the native land laws in the 1860s; and

(b) the title determination process carried significant costs for Tapuika, including survey and court costs. These costs were a particularly heavy burden for Tapuika, given the length and number of hearings into blocks near Maketū and that some of these hearings took place outside the Tapuika rohe; and

(c) the workings of the native land laws, in particular the awarding of land to individuals rather than to iwi or hapū and the enabling of individuals

to deal with that land without reference to iwi or hapū, made the lands of Tapuika more susceptible to alienation. As a result, the traditional tribal structures, mana, and rangatiratanga of Tapuika were eroded. The Crown acknowledges that it failed to take adequate steps to protect these structures, and this was a breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.

Toa claims

(7) The Crown acknowledges that Tapuika's deepest grievance arises from the Crown's handling of the toa claims. The Crown further acknowledges that its determination of a toa boundary within the Tapuika rohe in 1875—

(a) exacerbated a customary tenure dispute arising from decisions of the Native Land Court and Crown land purchase operations and further alienated Tapuika from their kin; and

(b) conflicted with an earlier judgment of the Native Land Court, which found that Tapuika were the customary owners of land within the boundary set by the Crown; and

(c) influenced subsequent Native Land Court judgments to lands within the boundary; and

(d) ultimately excluded Tapuika from title to approximately 40 000 acres of their ancestral coastal lands and some of their most sacred sites. This had a severe and lasting impact on the economic base and tino rangatiratanga of Tapuika.

Crown land purchase tactics

(8) The Crown acknowledges that—

(a) it failed to ensure that pre-title advances recorded as paid to Tapuika for the Paengaroa block were received by Tapuika and then insisted on receiving land in other blocks from Tapuika in return for those advances; and

(b) it used outstanding debts to pressure Tapuika into selling land at Paengaroa; and

(c) it used lease agreements and monopoly purchasing powers to facilitate the purchase of Tapuika land, and refused to accept Tapuika's 1876 request to withdraw from a lease for Rangiuru while maintaining monopoly purchasing powers over the block; and

(d) its monopoly purchasing powers prevented Tapuika selling Rangiuru for a significantly higher price to private parties than the price paid by the Crown; and

(e) the combined effect of these aggressive purchase techniques meant that the Crown failed to act in good faith or protect actively the interests of Tapuika in land they wished to retain and this was a breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.

Public works takings

(9) The Crown acknowledges that in 1888 Tapuika gifted the Crown 3 acres of land near Te Matai for a Native School. In 1939, the Crown used public works legislation to take 7.7 acres of land from Tapuika for a new school site. Instead of paying compensation, the Crown returned the smaller area of gifted land to Tapuika.

(10) The Crown acknowledges that—

(a) the Crown took land from within the Tapuika urupā at Kenana 3 times between 1917 and 1971 and that the urupā was in use by Tapuika when each of the takings occurred; and

(b) Tapuika did not consent to any of these takings and were deeply distressed by them; and

(c) the urupā, which is still in use today, is now divided in two by a highway and an adjacent railway line; and

(d) the third taking, in 1971, was found by the Māori Land Court to be in breach of the Public Works Act 1928. The Crown acknowledges that the 1971 taking was also made in breach of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles.

Waterways

(11) The Crown acknowledges that Tapuika consider the Kaituna River and its tributaries as taonga of great significance, with their own mauri. For Tapuika, their relationships with the Kaituna River and its tributaries give rise to their responsibilities to protect the mana and mauri of the waterways and to exercise their tino rangatiratanga, mana whakahaere and kaitiakitanga in accordance with their tikanga. Their relationships with the waterways lie at the heart of their spiritual and physical well-being and their tribal identity and culture.

(12) The Crown further acknowledges that—

(a) the modification, pollution, and degradation of the Kaituna River and its tributaries since the 1890s have drained resource-rich wetlands, destroyed Tapuika wāhi tapu, caused significant harm to kaimoana sources relied on by Tapuika, compromised the traditional water supplies of Tapuika communities, and caused great anguish to Tapuika; and

(b) the Crown has failed to respect, provide for, and protect the special relationship of Tapuika with the Kaituna River and its tributaries.

10 Apology

(1) To the iwi of Tapuika, to the tūpuna, the descendants, the hapū and the whānau, the Crown now makes this apology. It is long overdue. Your grievances are acutely felt, and they go back generations. For too long the Crown has failed to find a way to respond to them appropriately.

(2) The Crown is deeply sorry that it has not lived up to its obligations to Tapuika under Te Tiriti o Waitangi/the Treaty of Waitangi.

(3) Beginning in the 1860s and continuing well into the twentieth century, the Crown's dealings with Tapuika have dishonoured the Treaty and its spirit.

(4) In the 1860s Tapuika were swept up in the bitter tide of war, confiscation, and urupātu. From the 1870s, the native land laws and Crown land purchase operations compromised your rangatiratanga and facilitated the alienation of much of your rohe, Te Takapū o Tapuika. The line the Crown drew through your rohe in 1875 influenced subsequent decisions of the Native Land Court, which ultimately excluded Tapuika from title to your ancestral coastal lands and sacred sites.

(5) In the twentieth century, the Crown took land from you that had been marked out as a resting place for your dead, not once but 3 times. The Crown sincerely and with deep remorse apologises for the trauma it thereby caused.

(6) The waterways you live beside and cherish have, since the 1950s, been degraded and polluted. The Crown profoundly regrets the anguish this has caused for Tapuika, and failing to protect the special relationship Tapuika has with the Kaituna River and its tributaries.

(7) Despite all these challenges, Tapuika have survived by holding fast to their whenua and their awa, their traditions and their identity. The Crown acknowledges the resilience and the unextinguished mana of Tapuika.

(8) Through this apology, and this settlement, the Crown hopes to honestly confront the past and relieve the burden of grievance Tapuika has carried all these years. By the same means, the Crown hopes to forge a new relationship with the people of Tapuika, a relationship firmly founded on mutual trust, co-operation and respect for the Treaty of Waitangi (Te Tiriti o Waitangi).

Tā te Karauna Whakapāha ki a Tapuika

(1) Kei te iwi o Tapuika, kei ngā tūpuna, kei ngā uri, kei ngā hapū me ngā whānau, tēnei te Karauna te whakapāha atu nei. Kua takaroa rawa. E kai kinikini ana ō koutou mamae, ā, e hia kē whakatupuranga te roa. Kua roa ukauka kē te Karauna e kimi urupare tōtika ana, kihai i kitea.

(2) Kāore te pāpōuri o te Karauna i te korenga ōna e whakaea i ngā herenga ki a Tapuika i raro i te Tiriti o Waitangi.

(3) Kua takahia te Tiriti me tōna wairua e te Karauna me āna mahi ki a Tapuika mai anō i ngā tau 1860, ā, tae rawa ake ki te takapū o te rautau rua ngahuru.

(4) I ngā tau 1860, i whawhati mai ki runga i a Tapuika te tai tūāuri o te matawhāura, o te murunga whenua me te urupatu. Mai anō i ngā tau 1870, i turakina tō koutou rangatiratanga e ngā ture whenua Māori me ngā mahi hoko whenua a te Karauna. Nā konei hoki te Karauna i huawaere te hokonga o te nuinga o tō koutou rohe, o Te Takapū o Tapuika. He kaha te pā o te rārangi i tuhia e te Karauna i te tau 1875 ki ā te Kōti Whenua Māori whakatau i whai iho, ā, ko tōna

otinga atu ko te ngaromanga i a Tapuika o te mana ki ō koutou whenua kura i ngā pāpāringa o te moana, me ngā wāhi tapu hoki.

(5) I te rautau rua ngahuru, i murua e te Karauna ō koutou whenua i whakatapua hei moenga roa mō ō koutou mate, kaua rā ko te murunga kotahi, engari kē ia e toru rawa. Kāore te kaniawhea i te Karauna e whakapāha tūturu nei mō ngā mate i pā.

(6) Mai anō i ngā tau 1950, kua tāhawahawatia, kua whakaparuparutia hoki ngā wai a Parawhenuamea e noho ai koutou, e whakamaimoatia ai e koutou. E ngaukino ana te manawa pā i te Karauna i te auhī i pā ki a Tapuika, mōna i kore nei e taurima i te hononga motuhake o Tapuika ki te Awa Nui o Tapuika me ōna hikuwai.

(7) Ahakoa ngā mātātaki huhua nei, nā te pūpuri pūmau ki tōna whenua, ki ōna awa, ki āna tikanga, ki tōna whakapapa hoki a Tapuika i takatū tonu ai i te mata o te whenua. E aumihi ana te Karauna ki te pūtohe me te mana tūmau o Tapuika.

(8) Mā roto i tēnei whakapāha, e tūmanako ana te Karauna kia ea ngā mahi o mua, kia māriri hoki te mamae kua roa nei e ngaukino ana i a Tapuika. Mā konei anō hoki, e tūmanako ana te Karauna ki te whakawhirikoka i te taukaea hou i waenga i ngā uri o Tapuika, he taukaea e takea mai ana i te whakapono o tētehi ki tētehi, i te mahi ngātahi, i te whai koha ki Te Tiriti o Waitangi hoki.

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 133

Commissioner of Crown Lands means the Commissioner of Crown Lands appointed under section 24AA of the Land Act 1948

computer register—

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

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

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

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

conservation legislation means—

(a) the Conservation Act 1987; and

(b) the enactments listed in Schedule 1 of that Act

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

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

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

cultural redress property has the meaning given in section 65

deed of recognition—

(a) means a deed of recognition issued under section 41(1) by—

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

(ii) the Commissioner of Crown Lands; and

(b) includes any amendments made under section 41(4)

deed of settlement—

(a) means the deed of settlement dated 16 December 2012 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) Nuia Kokiri, Te Hira Roberts, Carol Biel, Vincent Kihirini, Dean Flavell, Melanie Biel, John Pini, Dr Hinematau McNeill, Ateremu McNeill, Teia Williams, and Geoff Rice for and on behalf of Tapuika; and

(b) includes—

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

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

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

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

historical claims has the meaning given in section 14

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

joint cultural redress property has the meaning given in section 96

LINZ means Land Information New Zealand

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

member of Tapuika 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

Ngāti Rangiwewehi settlement date has the meaning given to **settlement date** in section 13 of the Ngāti Rangiwewehi Claims Settlement Act 2014

Ngāti Whakaue entity has the meaning given in section 130(6)

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

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

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

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

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)(b); or

(ii) 1 or more members of Tapuika; or

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

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

reserve property has the meaning given in section 65

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 4

RFR land has the meaning given in section 149

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

statutory acknowledgement has the meaning given in section 32

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

Tapuika has the meaning given in section 13

Tapuika Iwi Authority Trust means the trust of that name established by a trust deed dated 15 December 2012

Te Kapu o Waitaha has the meaning given in section 9 of the Waitaha Claims Settlement Act 2013

Te Matai Forest (North) has the meaning given in section 133

Te Matai Forest (South) has the meaning given in section 133

Te Puke property means a property described as a second right of purchase property in part 5 of the property redress schedule

Te Tāhuhu o Tawakeheimoa Trust has the meaning given in section 13 of the Ngāti Rangiwewehi Claims Settlement Act 2014

tikanga means customary values and practices

trustees of Tapuika Iwi Authority Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Tapuika Iwi Authority Trust

vesting date has the meaning given in section 96

Whenua Rāhui has the meaning given in section 46

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 a Sunday, the following Monday:

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

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

Section 12 **Heritage New Zealand Pouhere Taonga**: inserted, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 12 **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

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 Tapuika

(1) In this Act, **Tapuika**—

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

(b) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including—

(i) Ngāti Tuheke:

(ii) Ngāti Kuri:

(iii) Ngāti Marukukere:

(iv) Ngāti Moko.

(2) In this section and section 14,—

ancestor of Tapuika means an individual who—

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

(i) Tapuika through Makahae, Huritini, Marangaipāroa, Tukutuku, Tamateranini, or Tuariki; or

(ii) any other recognised ancestor of a group referred to in subsection (1); and

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

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

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

(a) rights to occupy land; and

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

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

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Tapuika tikanga.

14 Meaning of historical claims

(1) In this Act (other than in section 97), **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 Tapuika 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 Tapuika or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:

(i) Wai 615:

(ii) Wai 825:

(iii) Wai 831:

(iv) Wai 1182; and

(b) Wai 368, a claim to the Waitangi Tribunal that relates in part to Tapuika, to the extent that subsection (2) applies to the claim and the claim relates to Tapuika or a representative entity.

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

(a) a claim that a member of Tapuika, or a whānau, hapū, or group referred to in section 13(1)(b), had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Tapuika; 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 "Tapuika Claims Settlement Act 2014, section 15(4) and (5)".

Resumptive memorials no longer to apply

17 Certain enactments do not apply

(1) The enactments listed in subsection (3) do not apply—

(a) to a cultural redress property, other than Te Taita; or

(b) to a commercial redress property, other than Pūwhenua Forest, Te Matai Forest (South), and Te Matai Forest (North); or

(c) to the RFR land; or

(d) to a joint cultural redress property on and from the vesting date; or

(e) to Te Taita on and from the date of its vesting under section 79; or

(f) to Pūwhenua Forest, Te Matai Forest (South), and Te Matai Forest (North) on and from the date on which the property is transferred; or

(g) to a Te Puke property on and from the commencement date of this Act; or

(h) for the benefit of Tapuika or a representative entity.

(2) Despite subsection (1)(g), if a Te Puke property transfers on or after the settlement date, the enactments listed in subsection (3) cease to apply on and from the date on which the property is transferred.

(3) 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(3)(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 certificate of title or computer register for, each allotment that—

(a) is all or part of a property described in section 17(1); and

(b) is subject to a resumptive memorial recorded under any enactment listed in section 17(3).

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

(a) the settlement date, for a property described in section 17(1)(a) to (c); or

(b) the date of transfer of the property to the trustees, for a Te Puke property; or

(c) the date of transfer, for Te Matai Forest (South), Te Matai Forest (North), or Pūwhenua Forest under section 135 or 136, as the case requires; or

(d) the vesting date, for a joint cultural redress property; or

(e) the date of vesting, for Te Taita.

(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 certificate of title or computer register identified in the certificate; and

(b) cancel each memorial recorded under an enactment listed in section 17(3) on a certificate of title or 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 Tapuika Iwi Authority 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 Tapuika Iwi Authority 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.

Joint redress

21 Provisions of other Acts that have the same effect for joint property redress

(1) Subsection (2) applies if a provision in this Act has the same effect for one of the following properties as does a provision in another Act:

(a) Ōtanewainuku:

(b) Pūwhenua:

(c) Te Matai Forest (South):

(d) Te Taita.

(2) The provisions must be given effect to only once as if they were 1 provision.

Part 2
Cultural redress

The Crown not prevented from providing redress to other persons

22 The Crown not prevented from providing other similar redress

(1) The provision of the specified cultural redress does not prevent the Crown from doing anything that is consistent with that cultural redress, including—

(a) providing the same or similar redress to a person other than the trustees; or

(b) disposing of land.

(2) However, subsection (1) is not an acknowledgement by the Crown, Tapuika, or the trustees that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates.

(3) In this section, **specified cultural redress** means each of the following, as provided for in this Part:

(a) the protocols:

(b) the statutory acknowledgement:

(c) a deed of recognition:

(d) the Whenua Rāhui.

Subpart 1—Protocols and conservation relationship agreement

23 Interpretation

In this subpart,—

conservation relationship agreement means the agreement described by that name in part 5 of the documents schedule

protocol—

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

(i) the Crown minerals protocol:

(ii) the taonga tūturu protocol; and

(b) includes any amendments made under section 24(1)(b)

responsible Minister means,—

(a) for the conservation relationship agreement, the Minister of Conservation:

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

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

(d) for any 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 and conservation relationship agreement

24 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.

25 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 to—

(i) introduce legislation and change Government policy; and

(ii) 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 Tapuika or a representative entity.

26 Enforcement of protocols

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

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

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

(4) To avoid doubt,—

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

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

Conservation

27 Conservation relationship agreement

The Minister of Conservation, the Director-General of Conservation, and the Tapuika Iwi Authority Trust must enter into a conservation relationship agreement.

Crown minerals

28 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 replaced.

(2) The noting of the summary is—

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

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

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

(4) In this section,—

Crown mineral means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991, that is the property of the Crown under section 10 or 11 of that Act

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

29 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.

Fisheries

30 Fisheries protocol

(1) This section and section 31 apply on and from the date on which the Tapuika Iwi Authority Trust is recognised as a mandated iwi organisation by Te Ohu Kai Moana Trustee Limited under section 13 of the Maori Fisheries Act 2004.

(2) After the Minister for Primary Industries and the trustees have agreed the terms of a fisheries protocol, the Minister—

(a) must issue a fisheries protocol to the trustees; and

(b) may amend or cancel the protocol.

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

(a) the trustees; or

(b) the Minister.

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

(5) Sections 25 and 26 apply to the fisheries protocol as if—

(a) the fisheries protocol were a protocol defined in section 23; and

(b) the Minister for Primary Industries were the responsible Minister.

31 Noting of fisheries protocol

(1) The chief executive of the department of State responsible for the administration of the Fisheries Act 1996 must note a summary of the terms of the fisheries protocol in any fisheries plan that affects the fisheries protocol area.

(2) The noting of the summary is—

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

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

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

(a) the Fisheries Act 1996:

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

(c) the Maori Fisheries Act 2004:

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

(4) In this section,—

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

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

Subpart 2—Statutory acknowledgement and deeds of recognition

32 Interpretation

In this subpart,—

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

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 Tapuika 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 33 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 referred to in relation to 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

33 Statutory acknowledgement by the Crown

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

34 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 35 to 37; 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 38 and 39; and

(c) to enable the trustees and any member of Tapuika to cite the statutory acknowledgement as evidence of the association of Tapuika with a statutory area, in accordance with section 40.

Section 34(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

35 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.

36 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.

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

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

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

Section 37: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

38 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 33 to 37, 39, and 40; 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.

39 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) a summary of the application, if the application is received by the consent authority; 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 date 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.

40 Use of statutory acknowledgement

(1) The trustees and any member of Tapuika may, as evidence of the association of Tapuika 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 Tapuika are precluded from stating that Tapuika has an association with a statutory area that is not described in the statutory acknowledgement; and

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

Section 40(1)(c): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Deeds of recognition

41 Issuing and amending deeds of recognition

(1) A deed of recognition must be issued to the trustees for each of the statutory areas listed in Part 2 of Schedule 1 (**relevant statutory areas**) in the form set out in part 3 of the documents schedule.

(2) The Minister of Conservation and the Director-General must issue a deed of recognition for the relevant statutory areas administered by the Department of Conservation.

(3) The Commissioner of Crown Lands must issue a deed of recognition for the relevant statutory areas administered by the Commissioner.

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

General provisions relating to statutory acknowledgement and deeds of recognition

42 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, 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 a deed of recognition applies to a river or stream, that part of the deed—

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

(b) does not apply to—

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

(ii) the bed of an artificial watercourse.

43 Exercise of powers and performance of functions and duties

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

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

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

(4) This section is subject to—

(a) the other provisions of this subpart; and

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

44 Rights not affected

(1) The statutory acknowledgement and a deed of recognition do 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, a statutory area.

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

Consequential amendment to Resource Management Act 1991

45 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 "Tapuika Claims Settlement Act 2014".

Subpart 3—Whenua Rāhui

46 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

protection principles, for the Whenua Rāhui area, means the principles set out for the area in part 1 of the documents schedule, or as amended under section 49(3)

specified actions, for the Whenua Rāhui area, means the actions set out for the area in part 1 of the documents schedule

statement of values, for the Whenua Rāhui area, means the statement—

(a) made by Tapuika of their values relating to their cultural, historical, spiritual, and traditional association with the Whenua Rāhui area; and

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

Whenua Rāhui means the application of this subpart to the Whenua Rāhui area

Whenua Rāhui area—

(a) means the area that is declared under section 47(1) to be subject to the Whenua Rāhui; but

(b) does not include an area that is declared under section 57(1) to be no longer subject to the Whenua Rāhui.

47 Declaration of Whenua Rāhui and the Crown's acknowledgement

(1) Opoutihi, as described in Part 3 of Schedule 1, is declared to be subject to an overlay classification called Whenua Rāhui.

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

48 Purposes of Whenua Rāhui

The only purposes of the Whenua Rāhui are—

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 50; and

(b) to enable the taking of action under sections 51 to 56.

49 Agreement on protection principles

(1) The trustees and the Minister of Conservation may agree on and publicise protection principles that are intended to prevent the values stated in the statement of values for the Whenua Rāhui area from being harmed or diminished.

(2) The protection principles set out in part 1 of the documents schedule are to be treated as having been agreed by the trustees and the Minister of Conservation.

(3) The trustees and the Minister of Conservation may agree in writing to any amendment to the protection principles.

50 Obligations on New Zealand Conservation Authority and Conservation Boards

(1) When the New Zealand Conservation Authority or a Conservation Board considers or approves a conservation management strategy, conservation manage-

ment plan, or national park management plan that relates to the Whenua Rāhui area, the Authority or Board must have particular regard to—

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

(b) the protection principles for the area.

(2) Before approving a strategy or plan that relates to the Whenua Rāhui 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) the statement of values for the area; and

(ii) the protection principles for the area.

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

51 Noting of Whenua Rāhui in strategies and plans

(1) The application of the Whenua Rāhui to the Whenua Rāhui 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 Whenua Rāhui 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.

52 Notification in *Gazette*

(1) The Minister of Conservation must notify in the *Gazette*,—

(a) as soon as practicable after the settlement date, the application of the Whenua Rāhui to the Whenua Rāhui area; and

(b) as soon as practicable after the settlement date, the protection principles for the Whenua Rāhui area; and

(c) as soon as practicable after the amendment has been agreed in writing, any amendment to the protection principles agreed under section 49(3).

(2) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 53 or 54.

53 Actions by Director-General

(1) The Director-General must take action in relation to the protection principles that relate to the Whenua Rāhui 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.

54 Amendment to strategies or plans

(1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to the Whenua Rāhui 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 and section 46(1) to (4) of the National Parks Act 1980.

55 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 54(1):

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

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

(d) to prescribe the following fines:

(i) a fine not exceeding $5,000 for an offence referred to in paragraph (c); and

(ii) if the offence is a continuing one, a further amount not exceeding $50 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 55(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

56 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 54(1):

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

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

(d) to prescribe the following fines:

(i) a fine not exceeding $1,000 for an offence referred to in paragraph (c); and

(ii) if the offence is a continuing one, a further amount not exceeding $50 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	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 56(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

57 Termination of Whenua Rāhui

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

(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 Whenua Rāhui is no longer appropriate for the Whenua Rāhui area; or

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

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

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

Section 57(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

58 Exercise of powers and performance of functions and duties

(1) The Whenua Rāhui 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 an enactment or a bylaw, must not give greater or lesser weight to the values stated in the statement of values for the Whenua Rāhui area than that person would give if the area were not subject to the Whenua Rāhui.

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

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

59 Rights not affected

(1) The Whenua Rāhui does not—

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

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

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

Subpart 4—Geographic names

60 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

61 Assignment and alteration of official geographic names

(1) A name specified in the first column of the table in clause 5.104.1 of the deed of settlement is assigned to the feature described in the second and third columns of that table.

(2) A name specified in the first column of the table in clause 5.104.2 of the deed of settlement for the feature described in the third and fourth columns of that table is altered to the name specified in the second column of the table.

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

62 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice of each assignment or alteration of an official geographic name under section 61 in accordance with section 21(2) and (3) of the Act.

(2) However, the notices must state that the assignments and alterations took effect on the settlement date.

63 Subsequent alteration of official geographic names

(1) In making a determination to alter the official geographic name of a feature referred to in this subpart, the Board—

(a) need not comply with sections 16, 17, 18, 19(1), and 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 the determination in accordance with section 21(2) and (3) of the Act.

Subpart 5—Access over Ōtara Scenic Reserve

64 Access over Ōtara Scenic Reserve

(1) On and from the settlement date, the members of Tapuika have a right of access, exercisable at any time and in perpetuity, over the Ōtara Scenic Reserve.

(2) In exercising the right of access, the members of Tapuika may use the same methods of access as the members of Waitaha use.

(3) The Registrar-General must, on receipt of an application made by the Director-General, note on the computer freehold register for the Ōtara Scenic Reserve that it is subject to this section.

(4) The right of access applies despite the Reserves Act 1977.

(5) In this section,—

member of Waitaha has the meaning given in section 9 of the Waitaha Claims Settlement Act 2013

Ōtara Scenic Reserve means 5.0050 hectares, more or less, being Sections 1 and 2 SO 450796. Part Proclamation 10017.

Subpart 6—Vesting of cultural redress properties

65 Interpretation

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in Schedule 2:

Properties vested in fee simple

(a) Otāhu Pā:

(b) Otukawa:

(c) Te Riu o Hua:

Properties vested in fee simple to be administered as reserves

(d) Omawake Pā:

(e) Te Kainga Onaumoko:

(f) Te Manga o Ngakohua:

(g) Te Paieka:

(h) Te Pehu Pā:

(i) Te Weta Pā:

(j) Te Whaititiri Pā:

(k) Wai Paepae:

(l) Waiari Stream site:

Property jointly vested in fee simple to be administered as reserve

(m) Te Taita

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

Properties vested in fee simple

66 Otāhu Pā

The fee simple estate in Otāhu Pā vests in the trustees.

67 Otukawa

The fee simple estate in Otukawa vests in the trustees.

68 Te Riu o Hua

(1) Te Riu o Hua ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Te Riu o Hua vests in the trustees.

Properties vested in fee simple to be administered as reserves

69 Omawake Pā

(1) Omawake Pā ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Omawake Pā vests in the trustees.

(3) Omawake Pā is declared a reserve and classified as a historic reserve for the purposes specified in section 18 of the Reserves Act 1977.

(4) The reserve is named the Omawake Pā Historic 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 specified in part 7 of the documents schedule.

70 Te Kainga Onaumoko

(1) Te Kainga Onaumoko ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Te Kainga Onaumoko vests in the trustees.

(3) Te Kainga Onaumoko is declared a reserve and classified as a historic reserve for the purposes specified in section 18 of the Reserves Act 1977.

(4) The reserve is named the Te Kainga Onaumoko Historic Reserve.

71 Te Manga o Ngakohua

(1) The reservation of Te Manga o Ngakohua (being part of the Taumata Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Manga o Ngakohua vests in the trustees.

(3) Te Manga o Ngakohua 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 the Te Manga o Ngakohua Scenic Reserve.

72 Te Paieka

(1) Te Paieka ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Te Paieka vests in the trustees.

(3) Te Paieka is declared a reserve and classified as a historic reserve for the purposes specified in section 18 of the Reserves Act 1977.

(4) The reserve is named the Te Paieka Historic Reserve.

73 Te Pehu Pā

(1) The road shown as Section 3 on SO 468677 is stopped.

(2) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.

(3) The stopped road vests in the Crown as a conservation area under the Conservation Act 1987.

(4) Te Pehu Pā ceases to be a conservation area under the Conservation Act 1987.

(5) The fee simple estate in Te Pehu Pā vests in the trustees.

(6) Te Pehu Pā is declared a reserve and classified as a historic reserve for the purposes specified in section 18 of the Reserves Act 1977.

(7) The reserve is named the Te Pehu Pā Historic Reserve.

74 Te Weta Pā

(1) Te Weta Pā ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Te Weta Pā vests in the trustees.

(3) Te Weta Pā is declared a reserve and classified as a historic reserve for the purposes specified in section 18 of the Reserves Act 1977.

(4) The reserve is named the Te Weta Pā Historic Reserve.

75 Te Whaititiri Pā

(1) Te Whaititiri Pā ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Te Whaititiri Pā vests in the trustees.

(3) Te Whaititiri Pā is declared a reserve and classified as a historic reserve for the purposes specified in section 18 of the Reserves Act 1977.

(4) The reserve is named the Te Whaititiri Pā Historic Reserve.

76 Waiari Stream site

(1) The Waiari Stream site ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Waiari Stream site vests in the trustees.

(3) The Waiari Stream site 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 the Waiari Stream Scenic Reserve.

77 Restriction on transfer of Waiari Stream site

(1) The trustees must not transfer the fee simple estate in the Waiari Stream site to a person other than the Crown.

(2) However, the trustees may transfer the fee simple estate in the Waiari Stream site to transferees who are the trustees of the Tapuika Iwi Authority Trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust, only if the transfer instrument is accompanied by a certificate given by the transferees, or the transferee's solicitor, verifying that this subsection applies.

78 Wai Paepae

(1) Wai Paepae ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Wai Paepae vests in the trustees.

(3) Wai Paepae 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 trustees must provide, in favour of the trustees, a registrable easement for a right of way over the area marked A on SO 60791 in favour of Wai Paepae, on the terms and conditions set out in part 7.3 of the documents schedule.

(5) The reserve is named the Wai Paepae Scenic Reserve.

Te Taita: property jointly vested in fee simple to be administered as reserve

79 Te Taita

(1) This section and section 80 take effect on the later of—

(a) the settlement date; and

(b) the Ngāti Rangiwewehi settlement date.

(2) Te Taita ceases to be a conservation area under the Conservation Act 1987.

(3) The fee simple estate in Te Taita vests as undivided half-shares in the following as tenants in common:

(a) the Tapuika Iwi Authority Trust; and

(b) the trustees of the Te Tāhuhu o Tawakeheimoa Trust.

(4) Te Taita is declared a reserve and classified as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

(5) The reserve is named Te Taita Scenic Reserve.

(6) The joint management body established by section 80 is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were the trustees) under section 26 of that Act.

(7) Subsection (6) continues to apply despite any subsequent transfer under section 91.

80 Joint management body for Te Taita Scenic Reserve

(1) A joint management body is established for Te Taita Scenic Reserve.

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

(a) the trustees of the Tapuika Iwi Authority Trust; and

(b) the trustees of the Te Tāhuhu o Tawakeheimoa Trust.

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

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

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

(b) the date on which the appointment takes effect, which must not be earlier than the date of the notice.

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

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

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

(8) However, the first meeting of the body must be held not later than 2 months after the settlement date.

81 Interests in land for Te Taita

(1) This section applies to Te Taita while—

(a) Te Taita has an administering body that is treated as if the property were vested in it; and

(b) all or part of Te Taita remains a reserve under the Reserves Act 1977 (the **reserve land**).

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

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

(4) Subsections (2) and (3) continue to apply despite any subsequent transfer of the reserve land under section 91.

General provisions applying to vesting of cultural redress properties

82 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in Schedule 2.

83 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) listed for the property in the third column of the table in Schedule 2, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.

(2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that subsection (3) applies.

(3) If all or part of the cultural redress property is reserve land to which section 81 applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

(4) The interest applies—

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

(b) with any other necessary modifications; and

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

84 Vesting of share of fee simple estate in property

In sections 85 to 93, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property.

85 Registration of ownership

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

(2) Subsection (3) applies to a cultural redress property (other than Te Taita), 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, that is necessary to give effect to this subpart and to part 4 of the deed of settlement.

(4) Subsection (5) applies to a cultural redress property (other than Te Taita), 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) For Te Taita, the Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a computer freehold register for an undivided half-share of the fee simple estate in the property in the names of each of—

(i) the trustees of the Tapuika Iwi Authority Trust; and

(ii) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

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

(7) Subsections (5) and (6) are subject to the completion of any survey necessary to create a computer freehold register.

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

(a) 24 months after the settlement date or, in the case of Te Taita, not later than 24 months after the date of the vesting of Te Taita; or

(b) in the case of Te Taita, any later date that may be agreed in writing by the Crown and the trustees of the Tapuika Iwi Authority Trust and the Te Tāhuhu o Tawakeheimoa Trust; or

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

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

(a) the chief executive of LINZ for Otāhu Pā:

(b) the chief executive of the Ministry of Justice for Otukawa:

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

86 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property in the trustees (or in the case of Te Taita in the trustees of the Tapuika Iwi Authority Trust and the Te Tāhuhu o Tawakeheimoa Trust) 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) However, subsection (1) is subject to subsections (3) and (4).

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

(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 sec-

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

87 Matters to be recorded on computer freehold register

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

(a) for a reserve property (other than Te Taita),—

(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 86(4) and 90; and

(b) for Te Taita,—

(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 81(3), 86(4), and 90; 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) For a reserve property (other than Te Taita), if the reservation of the property under this subpart is revoked for—

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

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

(ii) the property is subject to sections 86(4) and 90; or

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

(4) For Te Taita, if the reservation of the property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register created under section 85 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 81(3), 86(4), and 90; or

(b) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain on any computer freehold regis-

ter, created under section 85 or derived from a computer freehold register created under section 85, for only the part of the property that remains a reserve.

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

88 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.

Further provisions applying to reserve properties

89 Application of other enactments to reserve properties

(1) The trustees are the administering body of a reserve property, except as provided for in section 79.

(2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve property, despite sections 48A(6), 114(5), and 115(6) of that Act.

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

(4) 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, but not the rest of section 25, applies to the revocation.

(5) 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.

(6) The name of a reserve property must not be changed under section 16(10) of the Reserves Act 1977 without the written consent of the registered proprietor

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

90 Subsequent transfer of reserve land

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

(2) The fee simple estate in the reserve land in a jointly vested property may be transferred to another person, but only in accordance with section 92.

(3) The fee simple estate in the reserve land that is all or part of any other property may only be transferred in accordance with section 91 or 92.

(4) In this section and sections 91 and 92, **reserve land** means the land that remains a reserve as described in subsection (1).

91 Transfer 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.

92 Transfer 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.

93 Reserve land not to be mortgaged

The owners of a reserve property must not mortgage, or give a security interest in, any part of the property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.

94 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.

95 Names of Crown protected areas discontinued

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

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

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

Subpart 7—Ngā pae maunga: cultural property jointly vested in fee simple to be administered as reserve

96 Interpretation

In this subpart, unless the context otherwise requires,—

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

(a) Ōtanewainuku:

(b) Pūwhenua

Ngā Hapū o Ngāti Ranginui Settlement Trust means the trust of that name established by a trust deed dated 21 June 2012

Te Tāwharau o Ngāti Pūkenga Trust means the trust of that name established by a trust deed dated 24 March 2013

vesting date means the date specified under section 97(1).

97 Application of this subpart

(1) This subpart takes effect on and from a date specified by Order in Council made on the recommendation of the Minister of Conservation.

(2) The Minister must not make a recommendation unless and until—

(a) legislation is enacted to settle the historical claims of all the iwi described in subsection (3); and

(b) that legislation, in each case, provides for the vesting, on a date specified by Order in Council, of the fee simple estate in Ōtanewainuku and Pūwhenua as undivided equal shares in the persons described in sections 98(2) and 99(2) as tenants in common.

(3) The iwi are—

(a) Ngāi Te Rangi:

(b) Ngāti Ranginui:

(c) Ngāti Rangiwewehi:

(d) Ngāti Pūkenga:

(e) Waitaha.

(4) An order under this section is 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 97(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

98 Ōtanewainuku

(1) Ōtanewainuku ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Ōtanewainuku vests as undivided equal shares in the following as tenants in common:

(a) the trustees of the Tapuika Iwi Authority Trust; and

(b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

(c) the entity to be established to represent the members of Ngāi Te Rangi for the purpose of this vesting; and

(d) the trustees of Te Kapu o Waitaha; and

(e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.

(3) Ōtanewainuku is declared a reserve and classified as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named the Ōtanewainuku Scenic Reserve.

(5) The joint management body established by section 100 is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were the trustees) under section 26 of that Act.

(6) Subsections (1) to (5) do not take effect until the persons described in subsection (2) have provided the Crown with a registrable easement in gross for a right of way over Ōtanewainuku on the terms and conditions set out in clause 7.2 of the documents schedule.

(7) 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 that Act.

99 Pūwhenua

(1) Pūwhenua ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Pūwhenua vests as undivided equal shares in the following as tenants in common:

(a) the trustees of the Tapuika Iwi Authority Trust; and

(b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

(c) the entity to be established to represent the members of Ngāi Te Rangi for the purpose of this vesting; and

(d) the trustees of Te Kapu o Waitaha; and

(e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.

(3) Pūwhenua is declared a reserve and classified as a scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named the Pūwhenua Scenic Reserve.

(5) The joint management body established by section 100 is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

100 Joint management body for Ōtanewainuku and Pūwhenua Scenic Reserves

(1) A joint management body is established for Ōtanewainuku Scenic Reserve and Pūwhenua Scenic Reserve.

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

(a) the trustees of the Tapuika Iwi Authority Trust; and

(b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

(c) the entity to be established to represent the members of Ngāi Te Rangi for the purpose of the vesting of Ōtanewainuku and Pūwhenua; and

(d) the trustees of Te Kapu o Waitaha; and

(e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.

(3) Each appointer may appoint 1 member to the joint management body.

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

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

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

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

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

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

(8) However, the first meeting of the body must be held no later than 2 months after the vesting date.

101 Restriction on transfer of joint cultural redress property

(1) The registered proprietors of an undivided share in the fee simple estate in a joint cultural redress property must not transfer the undivided share.

(2) However, the registered proprietors may transfer the undivided share if—

(a) the transferors of the share 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 share is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that paragraphs (a) and (b) apply.

General provisions applying to vesting of joint cultural redress properties

102 Properties vest subject to or together with interests

Each joint cultural redress property vests under this subpart subject to or together with any interests listed for the property in the third column of the table in Schedule 3 or granted in relation to the property before the vesting date.

103 Interests in land for joint cultural redress properties

(1) This section applies to a joint cultural redress property while all or part of the property remains a reserve under the Reserves Act 1977 (the **reserve land**).

(2) If the property is affected by an interest that is an interest in land listed for the property in the third column of the table in Schedule 3 or that is granted in relation to the property before the vesting date, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

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

(4) However, subsections (2) and (3) do not affect the registration of the easement referred to in section 98(6).

104 Interests that are not interests in land

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

(2) The interest applies as if the owners of the joint cultural redress property were the grantor of the interest in respect of the property, except to the extent that subsection (3) applies.

(3) If all or part of the joint cultural redress property is reserve land to which section 103 applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

(4) The interest applies—

(a) until the interest expires or is terminated; and

(b) with any other necessary modifications; and

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

105 Registration of ownership

(1) This section applies in relation to the fee simple estate in a joint cultural redress property vested under this subpart.

(2) The Registrar-General must, in accordance with an application received from an authorised person,—

(a) create a computer freehold register for each undivided one-sixth share of the fee simple estate in the property in the name of each of—

(i) the trustees of the Tapuika Iwi Authority Trust; and

(ii) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

(iii) the entity established to represent the members of Ngāi Te Rangi for the purpose of the vesting of Ōtanewainuku and Pūwhenua; and

(iv) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(v) the trustees of Te Kapu o Waitaha; and

(vi) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and

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

(3) Subsection (2) is subject to the completion of any survey necessary to create a computer freehold register.

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

(a) 24 months after the vesting date; or

(b) any later date that may be agreed in writing by the Crown and the persons in whose names the register is to be created.

(5) In this section, **authorised person** means a person authorised by the Director-General.

106 Application of Part 4A of Conservation Act 1987

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

(2) If the reservation of a joint cultural redress property under section 98(3) or 99(3) is revoked in relation to all or part of the property, the vesting is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.

107 Recording application of Part 4A of Conservation Act 1987 and sections of this subpart

(1) The Registrar-General must record on a computer freehold register for a joint cultural redress property that—

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

(b) the land is subject to sections 101, 103(3), and 106(2).

(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 under section 98(3) or 99(3) 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; and

(ii) the property is subject to sections 101, 103(3), and 106(2); 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).

108 Application of other enactments to joint cultural redress properties

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

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

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

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

109 Application of Reserves Act 1977 to joint cultural redress properties

(1) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a joint cultural redress property, despite sections 48A(6), 114(5), and 115(6) of that Act.

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

(3) If the reservation under section 98(3) or 99(3) of a joint cultural redress property as a reserve is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25.

110 Joint cultural redress property that is reserve must not be mortgaged

The registered proprietors of a joint cultural redress property must not mortgage, or give a security interest in, any part of the property that remains a reserve under the Reserves Act 1977 after the property has vested under section 98 or 99.

111 Saving of bylaws, etc, in relation to joint cultural redress property

(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 joint cultural redress property before the property vested under section 98 or 99.

(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.

112 Scenic reserve not to become Crown protected area

(1) A joint cultural redress property is not a Crown protected area.

(2) The Minister must not change the name of a joint cultural redress property under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the property, and section 16(10A) of that Act does not apply to the proposed change.

(3) In this section, **Crown protected area** has the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Part 3
Kaituna River

113 Interpretation

In this Part,—

appointing organisation means an organisation that appoints a member of the Kaituna River Authority under section 118

Authority means Te Maru o Kaituna/the Kaituna River Authority

iwi means each iwi represented by an iwi appointing organisation

iwi appointing organisation means—

(a) the Te Tāhuhu o Tawakeheimoa Trust:

(b) the Tapuika Iwi Authority Trust:

(c) Te Kapu o Waitaha:

(d) the Te Pumautanga o Te Arawa Trust

joint committee means a joint committee within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002

Kaituna River or **river** means the Kaituna River, including its tributaries within the catchment areas shown on deed plan OTS-209-79

Kaituna River document means the document approved under section 127

local authority means the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council, or the Western Bay of Plenty District Council

Te Pumautanga o Te Arawa trust has the meaning given in section 10 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.

Te Maru o Kaituna/Kaituna River Authority

114 Establishment of Te Maru o Kaituna/Kaituna River Authority

(1) This section establishes Te Maru o Kaituna/the Kaituna River Authority.

(2) Despite the composition of the Authority as described in section 118, the Authority is a joint committee of the Bay of Plenty Regional Council, the Rotorua District Council, the Tauranga City Council, and the Western Bay of Plenty District Council.

(3) Despite Schedule 7 of the Local Government Act 2002, the Authority—

(a) is a permanent joint committee; and

(b) must not be discharged unless all of the appointing organisations agree to the discharge.

115 Purpose of Authority

(1) The purpose of the Authority is the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Kaituna River.

(2) In seeking to achieve its purpose, the Authority may have regard to the social and economic well-being of people and communities.

116 Functions of Authority

(1) The principal function of the Authority is to achieve its purpose.

(2) In seeking to achieve its purpose, the other functions of the Authority are—

(a) to prepare and approve the Kaituna River document in accordance with sections 125 and 127:

(b) to monitor the implementation and effectiveness of the Kaituna River document:

(c) to support the integrated and collaborative management of the river:

(d) to work with the local authorities and Crown agencies that exercise functions in relation to the Kaituna River—

(i) to monitor the state of the river environment:

(ii) to monitor the effectiveness of the management of the river:

(iii) to engage with iwi in relation to their interests in the river and to consult them on how to manage the river:

(e) to provide advice and recommendations to local authorities—

(i) relating to projects, action, or research designed to restore, protect, or enhance the health and well-being of the river:

(ii) on the appointment of commissioners to hear and decide applications for resource consents under the Resource Management Act 1991 that affect the river:

(f) to facilitate the participation of iwi in the management of the river:

(g) to monitor the extent to which the purpose of the Authority is being achieved, including the implementation and effectiveness of the Kaituna River document:

(h) to gather information, to disseminate information, and to hold meetings:

(i) to take any other action that the Authority considers is appropriate to achieve its purpose.

(3) The Authority may seek to obtain funds to enable it to perform its functions.

(4) To avoid doubt, except as provided for in subsection (2)(a), the Authority has discretion to determine in any particular circumstances—

(a) whether to perform any function specified in subsection (2); and

(b) how, and to what extent, any function specified in subsection (2) is performed.

117 Capacity

The Authority has full capacity to carry out its functions under this Part.

118 Members of Authority

(1) As at the settlement date, the Authority consists of 8 members, as follows:

(a) 1 member appointed by the Tapuika Iwi Authority Trust; and

(b) 1 member jointly appointed by the Tapuika Iwi Authority Trust and Te Kapu o Waitaha; and

(c) 1 member appointed by the Te Pumautanga o Te Arawa Trust; and

(d) 1 member appointed by the Te Tāhuhu o Tawakeheimoa Trust; and

(e) 1 member appointed by the Bay of Plenty Regional Council; and

(f) 1 member appointed by the Rotorua District Council; and

(g) 1 member appointed by the Tauranga City Council; and

(h) 1 member appointed by the Western Bay of Plenty District Council.

(2) A member appointed by a local authority must be a member or the mayor of that local authority.

(3) In appointing a member to the Authority, the appointing organisation—

(a) must be satisfied that the person has the skills, knowledge, or experience—

(i) to participate effectively in the Authority; and

(ii) to contribute to the achievement of the purpose of the Authority; and

(b) must have regard to the skills of any members already appointed to the Authority to ensure that the membership reflects a balanced mix of skills, knowledge, and experience in relation to the Kaituna River.

(4) Each member is appointed for a term of 3 years and may be reappointed.

(5) Where there is a vacancy on the Authority, the person who appointed the person who has ceased to be a member must fill that vacancy as soon as is reasonably practicable.

(6) Clause 31(1) of Schedule 7 of the Local Government Act 2002 applies only to the appointment and discharge of the members appointed by the local authorities.

(7) Clauses 30(2), (3), (5), and (7) and 31(2) to (6) of Schedule 7 of the Local Government Act 2002 do not apply to the Authority.

(8) To avoid doubt, members of the Authority who are appointed under subsection (1)(a) to (d) are not, by virtue of that membership, members of a local authority.

119 Validity of acts

Nothing done by the Authority is invalid because of—

(a) a vacancy in the membership of the Authority at the time the thing was done; or

(b) the subsequent discovery of a defect in the appointment of a person as a member.

120 Resignation or removal of members

(1) A member may resign from the Authority by giving written advice to the organisation that appointed the member.

(2) The organisation that appointed a member may remove the member from the Authority by giving written advice to the member and the Authority.

121 Authority administration and procedure

The provisions set out in Schedule 5 apply to the Authority.

Kaituna River document

122 Purpose and scope of Kaituna River document

(1) The purpose of the Kaituna River document is—

(a) to promote the restoration, protection, and enhancement of the environmental, cultural, and spiritual well-being of the Kaituna River; and

(b) to the extent necessary to fulfil the purpose described in paragraph (a), to provide for the social and economic well-being of people and communities.

(2) The Kaituna River document may contain—

(a) a vision for the Kaituna River; and

(b) objectives for the Kaituna River; and

(c) desired outcomes for the Kaituna River.

(3) The Kaituna River document may also identify significant issues facing the Kaituna River.

(4) The Kaituna River document must not contain rules or other methods for achieving the purpose.

123 Effect on Resource Management Act 1991 planning documents

(1) In preparing or amending a regional policy statement, regional plan, or district plan, a local authority must recognise and provide for the vision, objectives, and desired outcomes of the Kaituna River document.

(2) The local authority must comply with subsection (1) each time that it prepares or changes its regional policy statement, regional plan, or district plan.

(3) Until the obligation under subsection (1) is complied with, where a local authority is considering an application for a resource consent to authorise an activity to be undertaken within the catchment of the Kaituna River, the local authority must have regard to the Kaituna River document.

(4) To avoid doubt,—

(a) the obligations under subsections (1) to (3) apply only to the extent that the contents of the Kaituna River document relate to the resource management issues of the region or district; and

(b) the obligations under subsection (1) apply only to the extent that recognising and providing for the vision, objectives, and desired outcomes of the Kaituna River document is the most appropriate way to achieve the purpose of the Resource Management Act 1991 in relation to the Kaituna River.

(5) In this section, a reference to a plan or a policy statement includes a reference to a proposed plan or a proposed policy statement.

124 Effect on local government matters

(1) This section applies when a local authority is making a decision under the Local Government Act 2002.

(2) The local authority must take into account the provisions of the Kaituna River document to the extent that those provisions are relevant to the decision.

Process for preparation and approval of first Kaituna River document

125 Preparation of draft of first Kaituna River document

(1) This section applies to the preparation of a draft of the first Kaituna River document.

(2) The Authority must commence the preparation of the document not later than 3 years after the settlement date.

(3) In preparing the draft document, the Authority must—

(a) have regard to any alternatives to the vision, objectives, and desired outcomes provided for in the document and the potential benefits and costs of the vision, objectives, and desired outcomes; and

(b) give persons who may be affected by the document the opportunity and adequate time to participate in the development of the draft; and

(c) have regard to the views of persons who may be affected by the document.

(4) The draft document must include—

(a) any of the contents of the Kaituna River and Ōngātoro/Maketu Estuary Strategy that the Authority considers are appropriate and consistent with the purpose of the document; and

(b) a proposed name for the document.

(5) In this section, **Kaituna River and Ōngātoro/Maketu Estuary Strategy** means the document of that name dated June 2009 and prepared by the local authorities and representatives of the Kaituna and Maketu communities.

126 Notification and submissions on draft Kaituna River document

(1) When the Authority has prepared the draft Kaituna River document, it—

(a) must give public notice of the document; and

(b) may give notice of the document by any other means that the Authority thinks appropriate; and

(c) must ensure that the document is available for public inspection.

(2) In the case of the first Kaituna River document, notification must be given within 12 months of the Authority starting to prepare the document.

(3) The public notice must—

(a) state that the draft Kaituna River document is available for inspection at the places and times specified in the notice; and

(b) state that interested persons or organisations may lodge submissions on the draft Kaituna River document—

(i) with the Authority; and

(ii) at the place specified in the notice; and

(iii) before the date specified in the notice; and

(c) set a date for the lodging of submissions that is at least 20 working days after the date of the publication of the notice.

(4) Any person or organisation may make a written or an electronic submission on the draft Kaituna River document in the manner described in the public notice.

127 Approval of Kaituna River document

(1) The Authority must consider submissions made under section 126(4), to the extent that those submissions are consistent with the purpose of the Kaituna River document.

(2) The Authority may hold a hearing at which any person who made a submission may be heard.

(3) The Authority must make decisions on the matters raised in the submissions and prepare a report that specifies how the submissions were dealt with.

(4) The Authority—

(a) may amend the Kaituna River document after considering submissions and completing a hearing (if a hearing is held); and

(b) must approve the document.

(5) The Kaituna River document takes effect on the date specified in the public notice given under section 128.

128 Notice of approval of Kaituna River document

(1) When the Authority has approved the Kaituna River document, it—

(a) must give public notice of the document; and

(b) may give notice of the document by any other means that the Authority thinks appropriate.

(2) Each local authority must ensure that the document is available for public inspection at its office.

(3) When the Authority gives notice of its approval of the document under subsection (1), it must also make available its report of the decision and specify in the report how it dealt with submissions on the draft document.

(4) The public notice must specify—

(a) where and when the document is available for inspection; and

(b) the date on which the document takes effect.

Review and amendment of Kaituna River document

129 Review of and amendments to Kaituna River document

(1) The Authority may at any time review and, if necessary, amend the Kaituna River document or any component of the document.

(2) The Authority must start a review of the document not later than 10 years after—

(a) approval of the first Kaituna River document; or

(b) the completion of the previous review of the Kaituna River document.

(3) Sections 126 and 127, with all necessary modifications, apply to a review under subsection (1) or (2) as if the review of the document were the preparation of the draft Kaituna River document.

(4) If the Authority considers that, as a result of the review, the Kaituna River document should be amended in a material way, the amendment must be prepared and approved in accordance with sections 125(3), 126, and 127.

(5) If the Authority considers that the Kaituna River document should be amended in a way that is not material, the Authority—

(a) may approve the amendment; and

(b) give public notice of the amendment in accordance with section 128(1) and (4).

Vesting and gifting back of Lower Kaituna Wildlife Management Reserve

130 Notice appointing delayed joint vesting date for Lower Kaituna Wildlife Management Reserve

(1) The trustees and the Ngāti Whakaue entity may give written notice to the Minister of Conservation of the date on which the Lower Kaituna Wildlife Management Reserve is to vest jointly in the trustees and the Ngāti Whakaue entity.

(2) The trustees and the Ngāti Whakaue entity must give the Minister of Conservation at least 40 working days' notice of the proposed joint vesting date.

(3) The joint vesting date proposed in accordance with subsection (1) must be before 31 December 2016.

(4) The Minister of Conservation must publish a notice in the *Gazette*—

(a) specifying the joint vesting date; and

(b) stating that the fee simple estate in the Lower Kaituna Wildlife Management Reserve vests in the trustees and the Ngāti Whakaue entity on the joint vesting date.

(5) The notice must be published as early as practicable before the joint vesting date.

(6) In this section and sections 131 and 132,—

joint vesting date means the date proposed by the trustees and the Ngāti Whakaue entity in accordance with subsections (1) to (4)

Lower Kaituna Wildlife Management Reserve means the land described by that name in Schedule 4

Ngāti Whakaue entity means the entity established to represent the members of Ngāti Whakaue for the purpose of the vesting under this section.

131 Delayed vesting and gifting back of Lower Kaituna Wildlife Management Reserve

(1) The fee simple estate in the Lower Kaituna Wildlife Management Reserve vests in the trustees of the Tapuika Iwi Authority Trust and the Ngāti Whakaue entity on the joint vesting date.

(2) On the seventh day after the joint vesting date, the fee simple estate in the Lower Kaituna Wildlife Management Reserve vests in the Crown as a gifting back to the Crown by the trustees and the Ngāti Whakaue entity for the people of New Zealand.

(3) However, the following matters apply as if the joint vesting had not occurred:

(a) the Lower Kaituna Wildlife Management Reserve remains a wildlife management reserve under the Wildlife Act 1953; and

(b) any enactment, instrument, or interest that applied to the Lower Kaituna Wildlife Management Reserve immediately before the vesting date continues to apply to it; and

(c) the Crown retains all liability for the Lower Kaituna Wildlife Management Reserve.

(4) The vestings of the Lower Kaituna Wildlife Management Reserve 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.

132 Alternative vesting of Lower Kaituna Wildlife Management Reserve

(1) This section applies only if the Lower Kaituna Wildlife Management Reserve is not vested jointly in the trustees and the Ngāti Whakaue entity under section 131.

(2) The fee simple estate in the Lower Kaituna Wildlife Management Reserve vests solely in the trustees on 31 December 2016.

(3) On the seventh day after 31 December 2016, the fee simple estate in the Lower Kaituna Wildlife Management Reserve vests in the Crown as a gifting back to the Crown by the trustees for the people of New Zealand.

(4) However, the following matters apply as if the vesting under subsection (2) had not occurred:

(a) the Lower Kaituna Wildlife Management Reserve remains a wildlife management reserve under the Wildlife Act 1953; and

(b) any enactment, instrument, or interest that applied to the Lower Kaituna Wildlife Management Reserve immediately before 31 December 2016 continues to apply to it; and

(c) the Crown retains all liability for the Lower Kaituna Wildlife Management Reserve.

(5) The vestings of the Lower Kaituna Wildlife Management Reserve 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.

Part 4
Commercial redress

133 Interpretation

In this Part,—

commercial redress property means a property described in part 3 of the property redress schedule unless, in the case of Pūwhenua Forest, clause 6.8 of the deed of settlement applies

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

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

deferred selection property means the Pūwhenua Forest if—

(a) clause 6.8 of the deed of settlement applies; and

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

Kaharoa Forest means the unlicensed land described by that name in part 3 of the property redress schedule

land holding agency means the land holding agency specified for a commercial redress property in part 3 of the property redress schedule

Ngāti Ranginui settlement date means the settlement date for the Ngāti Ranginui claims, as provided for the deed of settlement signed by Ngāti Ranginui and the Crown on 21 June 2012

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

(a) is a wāhi tapu or 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

Pūwhenua Forest means the unlicensed land described by that name in part 3 of the property redress schedule

Pūwhenua Forestry Holdings Limited means the company incorporated under company number 4465700

right of access means the right conferred by section 145

Te Matai Forest (North) means the unlicensed land described by that name in part 3 of the property redress schedule

Te Matai Forest (South) means the unlicensed land described by that name in part 3 of the property redress schedule

Te Puke property means a property described as second right of purchase properties in part 5 of the property redress schedule

unlicensed land means the land described as unlicensed land in part 3 of the property redress schedule.

Section 133 **protected site** paragraph (a): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 133 **protected site** paragraph (b): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Subpart 1—Transfer of commercial redress properties

134 The Crown may transfer properties

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 (other than Te Matai Forest (South), Te Matai Forest (North), and Pūwhenua Forest) to the trustees; and

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

135 Transfer of Te Matai Forest (South) and Te Matai Forest (North)

(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 Te Matai Forest (South) as undivided half-shares to the following as tenants in common:

(i) the trustees; and

(ii) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(b) to transfer the fee simple estate in Te Matai Forest (North) to the trustees; and

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

(2) As soon as is reasonably practicable after the date on which Te Matai Forest (South) and Te Matai Forest (North) are transferred under subsection (1), 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).

136 Transfer of Pūwhenua Forest

(1) This section takes effect on the later of—

(a) the settlement date; and

(b) the Ngāti Ranginui settlement date.

(2) 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 Pūwhenua Forest to—

(i) Pūwhenua Forestry Holdings Limited; or

(ii) a joint entity provided for by clause 6.2.3 of the property redress schedule; or

(iii) the trustees; and

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

(3) As soon as is reasonably practicable after the date on which Pūwhenua Forest is transferred under subsection (2), 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).

Te Puke properties

137 Contingent authority to transfer Te Puke properties

(1) Subsection (2) applies to a Te Puke property that is available to be transferred to the trustees on or after the settlement date.

(2) The Crown (acting by and through the chief executive of the land holding agency) is authorised to do one or both of the following:

(a) transfer the fee simple estate in a Te Puke property to the trustees:

(b) sign a transfer instrument or other document, or do any other thing, to effect the transfer.

(3) As soon as is reasonably practicable after the date on which the transfer of the Te Puke property to the trustees is settled, the chief executive of the land holding agency must provide written notification of that date to the chief executive of LINZ for the purposes of section 18.

General matters

138 Transfer of share of fee simple estate in property

In this Part, a reference to the transfer of a commercial redress property or to the transfer of the fee simple estate in such property includes the transfer of an undivided share of the fee simple estate in the property.

139 Minister of Conservation may grant easements

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

140 Computer freehold registers for properties that are not shared redress

(1) This section applies to—

(a) each commercial redress property (other than Te Matai Forest (South)) or deferred selection property that is to be transferred under sections 134 to 136; and

(b) each Te Puke property that is to be transferred under section 137.

(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 section 141, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

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

(1) For the purposes of section 140, the authorised person may grant a covenant for the later creation of a computer freehold register for any commercial redress property, deferred selection property, or a Te Puke property that is to be transferred under section 137.

(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.

142 Application of other enactments

(1) This section applies to the transfer of the fee simple estate in a commercial redress property, deferred selection property, or a Te Puke property transferred under section 137.

(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 134 or 137, 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—Unlicensed land

143 Unlicensed land

(1) Kaharoa Forest ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets.

(2) Pūwhenua Forest, Te Matai Forest (South), and Te Matai Forest (North) cease to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets on the date on which the Crown transfers the land.

144 Management of marginal strip

(1) After the transfer of any unlicensed land under this Part, any lessee of that land under a lease specified in relation to the land in part 3 of the property redress schedule is to be treated as if the lessee had been appointed under section 24H(1) of the Conservation Act 1987 to be the manager of any marginal strip within the land.

(2) Subsection (1) takes effect on and from the date of the transfer of the properties under sections 134 to 136.

(3) The lessee may do 1 or more of the following things in relation to a marginal strip:

(a) exercise the powers of a manager under section 24H of the Conservation Act 1987:

(b) establish, develop, grow, replant, manage, and maintain a forest on the marginal strip as if the marginal strip were subject to the lease:

(c) exercise the lessee's rights under the lease as if the marginal strip were subject to the lease.

Subpart 3—Access to protected sites

145 Right of access to protected sites

(1) The owner of the land on which a protected site is situated and any person holding an interest in, or right of occupancy of, 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) Subsection (1) takes effect, on and from the date of its transfer,—

(a) in relation to Te Matai Forest (South) and Te Matai Forest (North), to the entities named in section 135(1)(a) and (b); and

(b) in relation to Pūwhenua Forest, to the entities named in section 136(2)(a); and

(c) in relation to Kaharoa Forest, to the trustees.

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

(4) 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.

146 Right of access over unlicensed land

(1) A right of access over unlicensed land is subject to the terms of any lease,—

(a) in relation to Kaharoa,—

(i) granted before the settlement date; or

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

(b) in relation to Pūwhenua Forest, Te Matai Forest (North), or Te Matai Forest (South),—

(i) granted before the date on which the land is transferred; or

(ii) granted on or after that date under a right of renewal in a lease granted before that date.

(2) However, subsection (1) does not apply if the lessee has agreed that the right of access may be exercised.

(3) An amendment to a lease 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.

147 Right of access to be recorded on computer freehold registers

(1) This section applies to the transfer under sections 134 to 136 of any unlicensed 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

148 Interpretation

In this subpart and Schedule 6,—

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 wholly 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 151(2)(a) and 152

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 151, to dispose of RFR land to the trustees

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

RFR land has the meaning given in section 149

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 157(1); but

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

(i) on the settlement date; or

(ii) after the settlement date, under section 158(1)

RFR period means, for the RFR land, the period of 171 years from the settlement date.

149 Meaning of RFR land

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

(a) the land described in the attachments if, on the settlement date, the land is—

(i) vested in the Crown; or

(ii) held in fee simple by the Crown or the New Zealand Transport Agency; or

(iii) a reserve vested in an administering body that derived title from the Crown:

(b) any land obtained in exchange for a disposal of RFR land under section 162(1)(c) or 163.

(2) However, 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 155); or

(ii) any other person (including the Crown or a Crown body) under section 150(c); 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 156 to 165 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 166(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

(c) the RFR period for the land ends; or

(d) in accordance with a waiver or variation given under section 174.

Restrictions on disposal of RFR land

150 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 156 to 165; or

(b) under any matter referred to in section 166(1); or

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

(i) made in accordance with section 151; 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 153; and

(iv) not accepted under section 154; or

(d) in accordance with a waiver or variation given under section 174.

Trustees' right of first refusal

151 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 for the trustees to give notices to the RFR landowner in relation to the offer.

152 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.

153 Withdrawal of offer

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

154 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.

155 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 other than the trustees (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

156 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 156(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

157 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.

158 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

159 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.

160 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.

161 Disposal by the Crown under certain legislation

The Crown may dispose of RFR land in accordance with—

(a) section 54(1)(d) of the Land Act 1948; or

(b) section 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.

162 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.

163 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.

164 Disposal for charitable purposes

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

165 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 of 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

166 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, that—

(i) prevents or limits an RFR landowner's disposal of RFR land to the trustees; and

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

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

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

Notices about RFR land

167 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.

168 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 of 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 150; and

(f) if the disposal is to be made under section 150(c), a copy of any written contract for the disposal.

169 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 155); or

(ii) any other person (including the Crown or a Crown body) under section 150(c); 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 159 to 165; or

(ii) under any matter referred to in section 166(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 174.

(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.

170 Notice requirements

Schedule 6 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

171 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 and 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 167 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 149; and

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

172 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 169, 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 remove any notification recorded under section 171 from the computer register identified in the certificate immediately before registering the transfer or vesting described in the certificate.

173 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 in respect of any RFR land, issue to the Registrar-General a certificate that includes—

(a) the reference for each computer register for that RFR land that still has a notification recorded under section 171; 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 171 from any computer register identified in the certificate.

General provisions applying to right of first refusal

174 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.

175 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.

176 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—

(a) stating that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specifying the date of the assignment; and

(c) specifying the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specifying the street address, postal address, or fax number for notices to the assignees.

(3) This subpart and Schedule 6 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 of Tapuika

ss 32, 41, 47

Part 1
Areas subject to statutory acknowledgement

Statutory area	**Location**
Waihi Estuary Wildlife Management Reserve	As shown on OTS-209-15
Part Taumata Scenic Reserve (Ngatokaturua)	As shown on OTS-209-16
Kiwi Stream Conservation Area	As shown on OTS-209-17
Maketū Conservation Area	As shown on OTS-209-19
Maketu Wildlife Management Reserve	As shown on OTS-209-14
Part Whataroa Road Conservation Area (Kaiakatia)	As shown on OTS-209-20
Otanewainuku Conservation Forest	As shown on OTS-209-77
Pokopoko Stream Scenic Reserve	As shown on OTS-209-73
Part Ruato Stream Conservation Area	As shown on OTS-209-21
Mangorewa Scenic Reserve	As shown on OTS-209-22
Part Mangorewa Ecological Area	As shown on OTS-209-23
Marginal strips within the Tapuika area of interest	As shown on OTS-209-25
Statutory areas that are watercourses	**Location**
Kaituna River	As shown on OTS-209-26
Kaokaonui Stream	As shown on OTS-209-70
Mangatoi Stream	As shown on OTS-209-69
Mangorewa River	As shown on OTS-209-28
Waiari Stream	As shown on OTS-209-29
Ohineangaanga Stream	As shown on OTS-209-76
Onaia Stream	As shown on OTS-209-71
Pokopoko Stream	As shown on OTS-209-60
Te Rerenga Stream	As shown on OTS-209-62
Kiwi Stream	As shown on OTS-209-63
Ruato Stream	As shown on OTS-209-64
Raparapahoe Stream	As shown on OTS-209-75
Whataroa Stream	As shown on OTS-209-65
Ohaupara Stream	As shown on OTS-209-66
Statutory area (coastal)	**Location**
Coastal marine area from Little Waihi to Wairakei	As shown on OTS-209-74

Part 2
Areas also subject to deed of recognition

Statutory area	**Location**
Part Taumata Scenic Reserve (Ngatokaturua)	As shown on OTS-209-16
Kiwi Stream Conservation Area	As shown on OTS-209-17

Maketū Conservation Area	As shown on OTS-209-19
Part Whataroa Road Conservation Area (Kaiakatia)	As shown on OTS-209-20
Part Ruato Stream Conservation Area	As shown on OTS-209-21
Mangorewa Scenic Reserve	As shown on OTS-209-22
Part Mangorewa Ecological Area	As shown on OTS-209-23
Marginal strips within the Tapuika area of interest	As shown on OTS-209-25

Statutory area that is watercourse	**Location**
Kaituna River	As shown on OTS-209-26

Part 3
Whenua Rāhui area

Whenua Rāhui area	**Location**
Opoutihi	As shown on OTS-209-13

Schedule 2
Cultural redress properties of Tapuika

ss 65, 81–83

Properties vested in fee simple

Name of property	Description	Interests
Otukawa	1.8181 hectares, more or less, being Lot 1 DPS 61269 and Lot 1 DPS 88613. All Computer Freehold Register SA70A/529.	Subject to section 25A(2) New Zealand Railways Corporation Restructuring Act 1990. Subject to an unregistered lease to Able Ventures Ltd (dated 1/7/2006).
Otahu Pā	15.1757 hectares, more or less, being Section 7 Block XI Maketu Survey District. All *Gazette* 1900 page 105.	Subject to an unregistered licence to occupy (dated 1/9/2009) to G J Oliver and N J Oliver.
Te Riu o Hua	1.4 hectares, approximately, being Part Section 21 Block VIII Otanewainuku Survey District. Part Crown land. Subject to survey. As shown on OTS-209-67.	Subject to an unregistered grazing permit with concession number 04-01-50 to Larry's Holdings Ltd.

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Omawake Pā	5.0 hectares, approximately, being Part Sections 10, 19, and 21 Block VIII Otanewainuku Survey District. Part Crown land, part *Gazette* notice S482850 and part *Gazette* notice H301888. Subject to survey. As shown on OTS-209-10.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to a guiding permit to Black Sheep Touring Ltd with concession number PAC 10-06-229 (dated 1/10/2012). Subject to an easement in gross referred to in section 69.
Te Kainga Onaumoko	5.0 hectares, approximately, being Part Section 13 Block XVI Otanewainuku Survey District. Part *Gazette* 1920 page 2116 amended by part *Gazette* 1967 page 1064. Subject to survey. As shown on OTS-209-06.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to an unregistered lease to OTPP New Zealand Forest Investments Ltd (dated 19/9/1978).
Te Manga o Ngakohua	3.0 hectares, approximately, being Part Section 7 Block XV Otanewainuku Survey District and Part Section 11 SO 331223. Part Computer Freehold Register 298730. Subject to survey. As shown on OTS-209-09.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to silage making with concession number PAC 04-01-52 (dated 4/8/2010).
Te Paieka	1.0 hectares, approximately, being Part Section 13 Block III	Historic reserve subject to section 18 of the Reserves Act 1977.

	Rotorua Survey District. Part *Gazette* 1983 page 866. Subject to survey. As shown on OTS-209-08.	
Te Pehu Pā	34.64 hectares, approximately, being Part Section 1 Block XIV Maketu Survey District. Part *Gazette* 1985 page 251. Subject to survey. 3.37 hectares, approximately, being Crown land (SO 56416). Subject to survey. 0.25 hectares, approximately, being part Crown land (SO 15719). Subject to survey. As shown on OTS-209-03.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to Memorandum of Understanding with the Kaharoa Kokako Trust (dated 21/7/2009).
Te Weta Pā	1.2 hectares, approximately, being Part Section 1 Block XIV Maketu Survey District. Part *Gazette* 1985 page 251. Subject to survey. As shown on OTS-209-68.	Subject to a memorandum of understanding with the Kaharoa Kokako Trust (dated 21/7/2009).
Te Whaititiri Pā	5.0 hectares, approximately, being Part Section 8 Block IV Rotorua Survey District. Part *Gazette* 1920 page 2116 amended by part *Gazette* 1967 page 1064. Subject to survey. As shown on OTS-209-07.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to an unregistered lease to OTPP New Zealand Forest Investments Ltd (dated 19/9/1978).
Wai Paepae	103.3350 hectares, more or less, being Part Section 6 Block II Rotoiti Survey District. All Computer Freehold Register 555659.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Together with the easement right of way referred to in section 78.
Waiari Stream site	28.8 hectares, approximately, being Parts Te Puke. Part *Gazette* 1879 page 781. Subject to survey. As shown on deed plan OTS-209-78.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Property jointly vested in fee simple

Name of property	Description	Interests
Te Taita	6.0 hectares, approximately, being Part Section 21 Block IV Rotorua Survey District. Part *Gazette* 1920 page 2116 amended by *Gazette* 1967 page 1064. Subject to survey. As shown on OTS-209-27.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered lease to OTPP New Zealand Forest Investments Ltd (dated 19/9/1978).

Schedule 3
Ngā pae maunga: joint cultural redress properties

ss 96, 102–104

Name of property	Description	Interests
Ōtanewainuku	35.5 hectares, approximately, being Part Section 3 Block XVI Otanewainuku Survey District. Part *Gazette* 1947 page 481. Subject to survey. 52.5 hectares, approximately, being Part Section 4 Block XVI Otanewainuku Survey District. Part *Gazette* 1920 page 2119. Subject to survey. 27.0 hectares, approximately, being Part Te Puke Block. Part *Gazette* 1879 page 781. Subject to survey. 5.0 hectares, approximately, being Part Waitaha 1. Part *Gazette* 1884 page 238. As shown on deed plan OTS-209-82.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered guiding permit with concession number PAC 04-06-40 to Golden Fern Trust (dated 22/9/2010). Subject to an unregistered guiding permit with concession number PAC 10-06-229 to Black Sheep Touring Company Limited (dated 1/10/2012). Subject to the right of way easement in gross referred to in section 98. Subject to a memorandum of understanding with the Otanewainuku Kiwi Trust (dated 21/5/2009).
Pūwhenua	52.0 hectares, approximately, being Part Lot 4 DPS 85782. Part computer freehold register SA68A/371. Subject to survey. 15.5 hectares, approximately, being Part Section 5 Block XIV Otanewainuku Survey District. Part *Gazette* 1940 page 1059. Subject to survey. As shown on deed plan OTS-209-83.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Schedule 4
Lower Kaituna River Wildlife Management Reserve

s 130

Legal description

Name of property	Description
Lower Kaituna River Wildlife Management Reserve	1.4300 hectares, more or less, being Part Lot 2 DP 10176. All *Gazette* Notice H901536. 12.4000 hectares, more or less, being Lot 1 DPS 37343. All Transfer H639094.3. 176.0605 hectares, approximately, being Part Lot 1 DP 10524, Part Lot 2 DP 10941, Part Lot 1 DP 18072 and Section 2 SO 433774. Part Transfer H368818. 19.3960 hectares, more or less, being Part Tumu Kaituna 8B3A, 8B4A, 11B3A, 11B3B, 11B4, and 12. All *Gazette* Notice H716205. 18.8320 hectares, more or less, being Crown land, Parts Old Riverbed and Part Section 7 Block V Te Tumu Survey District. All *Gazette* Notice H828388. 0.7880 hectares, more or less, being Part Tumu Kaituna 11B3A. All *Gazette* Notice B100094. As shown on deed plan OTS-209-80.

Schedule 5
Administration and procedure of Kaituna River Authority

s 121

1 Chairperson and deputy chairperson

(1) The Authority must appoint 1 of its members as the chairperson.

(2) Despite subclause (1), the members of the Authority appointed by the Tapuika Iwi Authority Trust must appoint a member of the Authority as the first chairperson at the first meeting of the Authority.

(3) The term of office of a chairperson is 3 years, unless the chairperson resigns or is removed by the Authority during that term.

(4) The chairperson of the Authority may be reappointed or removed by the Authority.

(5) The Authority must appoint a deputy chairperson and that appointment is subject to the same conditions as set out in subclauses (3) and (4).

(6) The Authority may appoint subcommittees that the Authority considers appropriate, and clause 30(4) of Schedule 7 of the Local Government Act 2002 applies, except that a reference in that clause to a committee is to be read as a reference to the Authority.

(7) Clause 26(3) and (4) of Schedule 7 of the Local Government Act 2002 do not apply to the Authority.

2 Standing orders

(1) The Authority must, at its first meeting, adopt a set of standing orders for the operation of the Authority.

(2) The standing orders of the Authority—

(a) must not contravene this schedule, the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act; and

(b) must respect tikanga Māori.

(3) Members of the Authority must comply with the standing orders of the Authority.

(4) Clause 27 of Schedule 7 of the Local Government Act 2002 does not apply to the Authority.

3 Meetings of Authority

(1) Clauses 19, 20, and 22 of Schedule 7 of the Local Government Act 2002 apply to the Authority, subject to—

(a) all references to a local authority being read as references to the Authority; and

(b) the reference in clause 19(5) to the chief executive being read as a reference to the chair of the Authority.

(2) At the first meeting of the Authority, the Authority must adopt a schedule of meetings that it considers will enable it to discharge its functions.

(3) The Authority must review the schedule from time to time to ensure that the Authority meets often enough to discharge its functions.

(4) The quorum for a meeting of the Authority is—

(a) the chairperson or deputy chairperson; and

(b) 2 members appointed by the iwi appointing organisations; and

(c) 2 members appointed by the local authority appointing organisations.

(5) Clauses 23(3) and 30(9)(b) of Schedule 7 of the Local Government Act 2002 do not apply to the Authority.

4 Decision making

(1) The Authority must make its decisions by a vote at a meeting.

(2) However, the members of the Authority must approach decision making in a manner that—

(a) seeks to achieve consensus; and

(b) is consistent with, and reflects, the purpose of the Authority; and

(c) acknowledges as appropriate the interests of iwi in particular parts of the Kaituna River and its catchment.

(3) If the chairperson (or deputy chairperson) considers that the meeting is unlikely to achieve a consensus on a matter, the decision on the matter may be made only by a 70% majority of those members present and voting at the meeting.

(4) The chairperson and deputy chairperson of the Authority may vote on any matter but do not have a casting vote.

(5) Clause 24 of Schedule 7 of the Local Government Act 2002 does not apply to the Authority.

5 Declaration of interest

(1) A member of the Authority who is interested in a matter relating to the Authority must disclose details of the interest to the Authority.

(2) For the purposes of subclause (1), a member is **interested in a matter** if he or she—

(a) may derive a financial benefit from the matter; or

(b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or

(c) may have a financial interest in a person to whom the matter relates; or

(d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or

(e) is otherwise directly or indirectly interested in the matter.

(3) However, a person is not interested in a matter if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities as a member of the Authority.

(4) To avoid doubt, the affiliation of a member of the Authority with an iwi or a hapū that has customary interests over the river is not an interest that must be disclosed under subclause (1) or recorded under clause 6.

(5) In this section, **matter** means—

(a) the performance of the Authority's functions or the exercise of its powers; or

(b) an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the Authority.

6 Interests register

The Authority must—

(a) keep a register of interests; and

(b) record any interests disclosed to it.

7 Conflict of interest

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

(a) the member is also a member of a local authority; or

(b) the member is a member of a relevant iwi or a hapū; or

(c) the economic, social, cultural, and spiritual values of any iwi or hapū and their relationships with the Authority are advanced by or reflected in—

(i) the subject matter under consideration; or

(ii) any decision by or recommendation of the Authority; or

(iii) participation in the matter by the member.

8 Application of other statutory provisions

Despite clause 19(2) of Schedule 7 of the Local Government Act 2002, the members of the Authority appointed by iwi—

(a) have the right to attend any meeting of the Authority; but

(b) do not have the right to attend meetings of the local authorities by reason merely of their membership of the Authority.

9 Administrative and technical support of Authority

(1) The Bay of Plenty Regional Council is responsible for the administrative support of the Authority.

(2) The administrative support referred to in subclause (1) includes the provision of those services required for the Authority to carry out its functions, including under this Act, the Local Government Act 2002, or any other Act that applies to the conduct of the Authority.

(3) The Bay of Plenty Regional Council must, on behalf of the Authority,—

(a) hold any funds belonging to the Authority; and

(b) account for the funds in a separate and identifiable manner; and

(c) spend the funds in accordance with any direction given by the Authority.

(4) All appointing organisations must provide technical support to the Authority to the extent that it is reasonably practicable to do so.

10 Reporting of Authority's activities

(1) The Authority must report to the appointing organisations after the end of each financial year.

(2) The report must—

(a) describe the activities of the Authority for the financial year it covers; and

(b) explain how the activities relate to the Authority's purpose and functions.

11 Review of Authority's performance

(1) The appointing organisations must review the performance of the Authority not later than 1 year after the Kaituna River document is approved for the first time.

(2) The review must include the extent to which—

(a) the Authority is achieving its purpose; and

(b) the Authority is undertaking its functions effectively.

(3) The appointing organisations, by agreement, may review the performance of the Authority at any other time.

(4) The appointing organisations may make recommendations to the Authority as a consequence of the review.

Schedule 6
Notices in relation to RFR land of Tapuika

ss 148, 170, 176(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under subpart 4 of Part 4 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 email address,—

(i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement; or

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 151, specified in a later notice given to the trustees, or identified by the trustees as the current address or fax number of the RFR landowner; or

(iii) for a notice under section 167 or 169 given to the chief executive of LINZ in the Wellington office of LINZ; and

(c) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

2 Limitation on use of electronic transmission

Despite clause 1, notices given under sections 151, 154, 155, and 174 must not be given by electronic means other than by fax.

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 second 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 Tapuika Claims Settlement Act 2014 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

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

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