

Ngāruahine Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

This Bill gives effect to the deed of settlement signed on 9 August 2014 in which the Crown and Ngāruahine agreed to the final settlement of the historical Treaty of Waitangi claims of Ngāruahine. Legislation is necessary to give effect to certain aspects of the settlement. Other aspects of the settlement are provided for only in the deed of settlement.

Part 1—

- sets out the purpose of the Bill and deals with other matters of general application; and
- defines Ngāruahine, historical claim, and other essential elements; and
- records the acknowledgements and apology offered by the Crown to Ngāruahine; and
- gives effect to the agreement between the Crown and Ngāruahine to a final settlement of the raupatu historical Treaty of Waitangi claims of Ngāruahine; and
- removes the jurisdiction of judicial bodies in respect of the Ngāruahine historical claims and the redress provided under the deed of settlement or the Bill; and
- deals with related issues, including a consequential amendment to the Treaty of Waitangi Act 1975 and the removal of certain resumptive memorials.

Part 2 sets out the cultural redress provided to Ngāruahine, including—

- provision for conservation, fisheries, and taonga tūturu protocols; and
- provision for statutory acknowledgement and deeds of recognition; and
- Whāriki o Ngāruahine (an overlay classification); and

- acknowledgment of the Ngāruahine statement of values and protection principles through the Whāriki o Ngāruahine; and
- cultural redress properties and their vesting and administration provisions; and
- provision for Ngāruahine to prepare a Kaitiaki plan for relevant local authorities and relevant departments; and
- provision for Ngāruahine to purchase Te Ngutu o Te Manu site B and Kaipī Street property from the South Taranaki District Council; and
- provision for Ngāruahine to contribute to the decision making of the Taranaki Regional Council.

Part 3 of the Bill makes provision for certain commercial redress to be provided for the benefit of Ngāruahine in relation to—

- commercial redress and deferred selection properties that are to be transferred to the trustees; and
- a right of first refusal (**RFR**) over RFR land.

Departmental disclosure statement

The Office of Treaty Settlements is required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2015&no=45>.

Clause by clause analysis

Clause 1 states the Title of the Bill.

Clause 2 specifies the Bill's commencement date.

Part 1

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

Preliminary matters

Clauses 3, 4, and 5 respectively set out the purpose of this Bill, state that provisions take effect on the settlement date, and provide for the Bill to bind the Crown.

Clause 6 sets out the outline of the Bill.

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

Clauses 7 to 10 summarise the historical account and provide for and set out the Crown's acknowledgements and apology.

Interpretation provisions

Clause 11 states the general interpretation provision, and *clause 12* defines key terms used in the Bill.

Clause 13 defines Ngāruahine.

Clause 14 defines the historical claims that are settled by the Bill.

Historical claims settled and jurisdiction of courts, etc, removed

Clause 15 settles the historical claims and removes the jurisdiction of courts, tribunals, and other judicial bodies over the historical claims, the deed of settlement, the Bill, and the settlement redress, other than as to the interpretation or implementation of the deed and Bill.

Amendment to Treaty of Waitangi Act 1975

Clause 16 amends the Treaty of Waitangi Act 1975 to remove the jurisdiction of the Waitangi Tribunal as provided in *clause 15*.

Resumptive memorials no longer to apply

Clauses 17 and 18 provide that certain enactments do not apply to certain land to be vested or transferred under the Bill.

Miscellaneous matters

Clause 19 provides an exception to the rule against perpetuities, and *clause 20* obliges the chief executive of the Ministry of Justice to ensure that the deed of settlement is publicly available.

Part 2

Cultural redress

Subpart 1—Protocols

Clauses 21 to 27 make provision for 3 protocols: a conservation protocol, a fisheries protocol, and a taonga tūturu protocol.

Subpart 2—Statutory acknowledgement and deeds of recognition

Clauses 28 to 40 provide for a statutory acknowledgement to apply over specified statutory areas, deeds of recognition over specified statutory areas, and further provisions applying.

Clause 41 amends Schedule 11 of the Resource Management Act 1991 to include the Bill.

Subpart 3—Whāriki o Ngāruahine

Clauses 42 to 56 define the areas declared to be subject to Whāriki o Ngāruahine and set out the Crown's acknowledgement of the statements of values applying to Whāriki

o Ngāruahine areas. These provisions also set out the purpose of Whāriki o Ngāruahine and the obligation on the Director-General of Conservation and the Minister of Conservation.

Subpart 4—Vesting of cultural redress properties

Clause 57 defines the cultural redress properties.

Properties vested in fee simple to be administered as reserves

Clauses 58 to 60 provide for the vesting of the fee simple estate in 3 properties in the trustees. Each property is declared a reserve and classified as a historic reserve subject to the Reserves Act 1977.

Property vested in fee simple

Clause 61 makes provision for the vesting in fee simple of Te Poho o Taranaki, if, on the settlement date, there is an unconditional agreement for sale and purchase between the Crown and the registered proprietor of specified land.

General provisions applying to vesting of cultural redress properties

Clauses 62 to 68 set out the technical provisions required to facilitate the vesting of the cultural redress properties.

Further provisions applying to reserve properties

Clauses 69 to 74 set out the technical provisions required in relation to properties which, after being vested in the trustees, are declared to be reserves and classified, thus becoming subject to the Reserves Act 1977.

Subpart 5—Kaitiaki plan

Clauses 75 to 80 define the kaitiaki area, provide that the trustees may prepare a kaitiaki plan, and set out the purpose and effect of a plan. These provisions also set out the obligations on a relevant local authority and a relevant department.

Subpart 6—Te Ngutu o Te Manu site B and Kaipī Street property

Clauses 81 to 83 set out provisions to facilitate the purchase of 2 properties from the South Taranaki District Council.

Subpart 7—Regional council representation

Clauses 84 to 88 make provision for the iwi of Taranaki to contribute to the decision-making processes of the Taranaki Regional Council.

Part 3

Commercial redress

Clause 89 sets out definitions applying to *Part 3*.

Subpart 1 (clauses 90 to 95) empowers the transfer of deferred selection properties to the trustees and provides the machinery provisions for registration and treatment under certain other legislation.

Subpart 2 (clauses 96 to 126) sets out the requirements for the right of first refusal (**RFR**) applying for the benefit of the trustees. This redress also involves overlapping interests with Taranaki Iwi.

There are 4 schedules, as follows:

- *Schedule 1* sets out the statutory areas subject to statutory acknowledgement and the areas subject also to deeds of recognition:
- *Schedule 2* defines the Whāriki o Ngāruahine areas:
- *Schedule 3* provides the legal descriptions for the cultural redress properties:
- *Schedule 4* sets out the requirements for notices relating to the RFR land.

Hon Christopher Finlayson

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Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāruahine Claims Settlement Act **2015**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

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

Preliminary matters 10

3 Purpose

The purpose of this Act is—

- (a) to record the acknowledgements and apology given by the Crown to Ngāruahine in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāruahine. 15

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— 20
 - (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

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- (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 10
 - (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and
 - (c) specifies that the Act binds the Crown; and
 - (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāruahine, as recorded in the deed of settlement; and 15
 - (e) defines terms used in this Act, including key terms such as Ngāruahine and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for— 20
 - (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 25
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and
 - (v) access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, including—
 - (a) cultural redress that does not involve the vesting of land, namely,— 30
 - (i) in **subpart 1**, protocols for conservation, fisheries, and taonga tū-turu on the terms set out in the documents schedule; and
 - (ii) in **subpart 2**, a statutory acknowledgement by the Crown of the statements made by Ngāruahine of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for the specified areas; and 35

- (iii) in **subpart 3**, Whāriki o Ngāruahine applying to certain areas of land; and
- (iv) in **subpart 5**, provision for the trustees to prepare and lodge a kaitiaki plan with relevant local authorities and relevant departments; and 5
- (v) in **subpart 7**, provision for the iwi of Taranaki to contribute to the decision-making processes of the Taranaki Regional Council; and
- (b) in **subpart 4**, cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and 10
- (c) in **subpart 6**, cultural redress linked to clause 5.14 of the deed of settlement.
- (4) **Part 3** provides for commercial redress, including—
 - (a) in **subpart 1**, the transfer of deferred selection properties; and
 - (b) in **subpart 2**, the right of first refusal (**RFR**) redress. 15
- (5) There are 4 schedules, as follows:
 - (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:
 - (b) **Schedule 2** describes Whāriki o Ngāruahine areas to which Whāriki o Ngāruahine applies: 20
 - (c) **Schedule 3** describes the cultural redress properties:
 - (d) **Schedule 4** sets out provisions that apply to notices given in relation to RFR land.
- Summary of historical account, acknowledgements, and apology of the Crown* 25
- 7 Summary of historical account, acknowledgements, and apology**
- (1) **Section 8** summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.
- (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Ngāruahine in the deed of settlement. 30
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.
- 8 Summary of historical account**
- (1) Before 1860, Ngāruahine were prosperous and economically successful, and retained ownership of their lands and resources after consistently opposing the sale of land in their rohe to Europeans. In the late 1850s, some Ngāruahine provided assistance to northern Taranaki iwi who were resisting Crown efforts to acquire land. The Crown declared some Māori who were preventing surveys 35

elsewhere in Taranaki to be in rebellion and commenced hostilities against them in 1860. Some Ngāruahine entered the war on the side of the non-sellers. This phase of war ended in 1861.

- (2) Following the occupation of the Tataraimaka block by Crown troops, conflict in Taranaki resumed in 1863, and Ngāruahine people again travelled north to engage with Crown forces. In 1865, the Crown proclaimed 1.2 million acres of Taranaki land confiscated, including all of the Ngāruahine rohe. The confiscations were indiscriminate, depriving both “loyal” and “rebel” Māori of their lands. 5
- (3) War continued, and in early 1866 Crown forces entered the Ngāruahine rohe and used scorched earth tactics which devastated several Ngāruahine villages, along with associated food stores, livestock, and crops. As a result of the Crown’s military campaigns, Ngāruahine people were forced to abandon their former homes and food-gathering sites, suffering severe hardship. Some Ngāruahine people were taken prisoner during the war, and a number lost their lives. 10
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- (4) The process that was established to compensate “loyal” Māori for the confiscation of their land began in the mid 1860s, before fighting had ceased in southern Taranaki. This made it difficult for Ngāruahine people to participate in hearings. By 1880 none of the Compensation Court awards to Ngāruahine people had been implemented. 20
- (5) In the late 1860s, Ngāruahine and other southern Taranaki iwi resisted the extension of European settlement onto their lands, and in 1868 the Ngāruahine leader Tītokowaru took up arms. After a series of victories against Crown forces, Tītokowaru eventually lost his support for reasons that remain unclear, and was pursued by Crown forces into the Taranaki interior. Government Ministers offered a bounty for Tītokowaru dead or alive, and for his followers alive. Crown forces later took the heads of some followers, including at least 1 Ngāruahine chief. 25
- (6) In the early 1870s many Ngāruahine returned to their lands on the Waimate Plains. Through the 1870s, the Crown attempted to secure nominally confiscated Ngāruahine land for European settlement by making formal and informal payments to Māori, and by promising to provide reserves and protect significant Ngāruahine sites. These promises were not fulfilled, and by the late 1870s many Ngāruahine people were uncertain about the status of their lands. 30
- (7) By this time, many Ngāruahine had relocated to Parihaka in central Taranaki and were supporting its leaders Te Whiti and Tohu and their movement for Māori peace and independence. Between 1879 and 1880, Ngāruahine people participated in campaigns of peaceful resistance initiated at Parihaka, and some were arrested and exiled to South Island prisons where they were detained in harsh conditions for at least 17 months without trial. In November 1881, more than 1 500 Crown troops invaded and dismantled Parihaka, and Ngāruahine people were then displaced from the settlement. 35
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- (8) In the early 1880s, the West Coast Commissions investigated Māori grievances, including the failure to implement compensation awards. Although approximately 26 000 acres were eventually returned to Ngāruahine as reserves, the Crown retained over 145 000 acres of Ngāruahine land and then on-sold it to settlers. Almost all of the Ngāruahine land returned was under non-customary individualised title, and much of it was located in bush. Reserves were not returned to Māori outright, but were placed under the control of the Public Trustee, who then sold or leased in perpetuity large areas to European farmers. By 1904 observers reported that Taranaki Māori people felt demoralised and helpless because they had lost control over their lands. 5 10
- (9) In 1963, the titles of all remaining Taranaki reserves were amalgamated, leaving owners without specific interests in customary land. Today, less than 5 per cent of the area that was reserved for Māori is in Māori freehold ownership, and approximately 50 000 acres remain under the perpetual leasing system. Apart from marae, the only lands now held by Ngāruahine as an iwi are some Tauranga waka reserves situated on the coast. 15
- (10) During the 20th century, Crown efforts to address Taranaki Māori grievances failed to do so. Some inquiries were limited in their scope, and others provided for compensation payments that were not discussed with Ngāruahine and other Taranaki Māori. The Taranaki Maori Claims Settlement Act 1944 stated that the sums were a full settlement of claims relating to the confiscations and Parihaka. There is no evidence that Ngāruahine or other iwi agreed to this. 20

9 Acknowledgements

- (1) The Crown acknowledges that recognition of the historical grievances of Ngāruahine is long overdue. The Crown hereby recognises the legitimacy of the grievances of Ngāruahine and makes the following acknowledgements. 25
- (2) The Crown acknowledges that, prior to 1865, Ngāruahine had retained ownership and control over their lands and were participating successfully in the trading economy.
- (3) The Crown acknowledges that— 30
- (a) the cumulative effect of the Crown’s actions in purchasing land in Taranaki created tensions that led to the outbreak of war; and
 - (b) it conducted a bush scouring campaign and used scorched earth tactics in southern Taranaki during 1865 and 1866 to reduce the ability of Māori, including Ngāruahine, to fight; and 35
 - (c) these campaigns resulted in the devastation of a number of important Ngāruahine kainga, including Māwhitiwhiti and Ahipaipa, and forced Ngāruahine to flee their settlements and caused severe hardship for Ngāruahine; and
 - (d) Ngāruahine suffered loss of life during the Taranaki wars; and 40

- (e) the Taranaki wars constituted an injustice and were in breach of the Treaty of Waitangi and its principles.
- (4) The Crown acknowledges that—
- (a) Ngāruahine as an iwi was not in rebellion, and was unfairly treated as being in rebellion when the Crown proclaimed all of its land confiscated in 1865; and 5
- (b) the confiscations deprived Ngāruahine of access to their wāhi tapu and sites of ancestral significance, traditional sources of food and other resources on that land, and had a devastating effect on the welfare, economy, culture, and social development of Ngāruahine; and 10
- (c) the confiscations were indiscriminate in extent and application, wrongful and unjust, and were in breach of the Treaty of Waitangi and its principles.
- (5) The Crown acknowledges that the prejudicial effects of the confiscations were compounded by the inadequacies of the compensation process, including— 15
- (a) holding Compensation Court hearings outside the Ngāruahine rohe at a time of significant upheaval, which restricted Ngāruahine participation; and
- (b) the failure to return land to Ngāruahine for more than 15 years after the confiscation. 20
- (6) The Crown acknowledges that—
- (a) ongoing tensions over its confiscation in southern Taranaki contributed to the outbreak of further armed conflict between the Ngāruahine leader Tītokowaru and the Crown in 1868 to 1869, and that this conflict caused further displacement and hardship for Ngāruahine; and 25
- (b) it offered bounties for the capture of Tītokowaru dead or alive, and for any of his followers alive; and
- (c) members of Crown forces took the heads of some of Tītokowaru’s followers, including that of at least 1 Ngāruahine chief.
- (7) The Crown acknowledges that by the late 1870s, its failure to enforce the confiscation in the Ngāruahine rohe, its failure to return or reserve land as promised, and its use of informal cash payments (takoha) to open land for settlement had left Ngāruahine uncertain about the status of their lands and without security about where they were to live. 30
- (8) The Crown acknowledges that— 35
- (a) it detained members of Ngāruahine and other Māori of Taranaki for their participation in the peaceful resistance campaign initiated at Parihaka in 1879 and 1880; and

- (b) legislation was enacted that “suspended the ordinary course of law”, and as a result most prisoners, including many Ngāruahine people, were detained without trial; and
- (c) the detention of those prisoners without trial for an unreasonably lengthy period assumed the character of indefinite detention; and 5
- (d) the imprisonment of Ngāruahine and other Māori of Taranaki in South Island gaols for political reasons inflicted unwarranted hardships on them and their whānau and hapū; and
- (e) the treatment of these political prisoners—
- (i) was wrongful, a breach of natural justice, and deprived them of basic human rights; and 10
- (ii) was a breach of the Treaty of Waitangi and its principles.
- (9) The Crown acknowledges that—
- (a) Ngāruahine provided material support to the Parihaka community, and that large numbers of Ngāruahine people were residing at Parihaka when Crown forces invaded the settlement in 1881; and 15
- (b) it inflicted serious damage on the prosperous Māori village of Parihaka and the people residing there, forcibly dispersed many of the inhabitants, and assaulted the human rights of the people; and
- (c) these actions caused great distress and were a complete denial of the Māori right to develop and sustain autonomous communities in a peaceful manner; and 20
- (d) its treatment of Ngāruahine people at Parihaka was unconscionable and unjust and that these actions constituted a breach of the Treaty of Waitangi and its principles. 25
- (10) The Crown acknowledges that—
- (a) the West Coast Commissions were inadequate in their scope and therefore did not fully address the injustices of the confiscations; and
- (b) the reserves created for Ngāruahine by the second West Coast Commission in the 1880s were— 30
- (i) smaller than those recommended by the first West Coast Commission; and
- (ii) mainly located in bush; and
- (iii) almost all returned under non-customary individualised title; and
- (iv) not sufficient for the present and future needs of Ngāruahine; and 35
- (c) the Crown’s actions with respect to the West Coast Settlement Reserves, considered cumulatively, including the imposition of a regime of perpetually renewable leases and the sale of large quantities of land by the Public and Māori Trustee—

- (i) ultimately deprived Ngāruahine of the control and ownership of the lands reserved for them in Taranaki; and
- (ii) were in breach of the Treaty of Waitangi and its principles.
- (11) The Crown acknowledges that the lands and other resources confiscated from Ngāruahine have made a significant contribution to the wealth and development of New Zealand. 5
- (12) The Crown acknowledges that its nationalisation of petroleum resources in New Zealand in 1937 caused a great sense of grievance within Ngāruahine that is still held today.
- (13) The Crown acknowledges that environmental degradation of Ngāruahine lands, waterways, and coastal waters, including deforestation, freshwater and marine pollution, and the displacement of indigenous plants and animals from the effects of the dairy industry, resource extractive industries, and other causes, is a source of great distress for Ngāruahine. 10
- (14) The Crown recognises the efforts and struggles of Ngāruahine in pursuit of their claims for redress and compensation against the Crown for 140 years. 15
- (15) The Crown acknowledges that despite previous efforts made in the 20th century, including the Sim Commission and the Taranaki Maori Claims Settlement Act 1944, it has failed to deal with the grievances of Ngāruahine in an adequate and appropriate way. 20
- (16) The Crown acknowledges that its breaches of the Treaty of Waitangi and its principles during the 19th and 20th centuries have together significantly undermined the traditional systems of authority and economic capacity of the Ngāruahine iwi, and the physical, cultural, and spiritual well-being of its people. The Crown acknowledges that it has failed to protect the rangatiratanga of Ngāruahine, in breach of its obligations under Article Two of the Treaty of Waitangi. 25
- 10 Apology**
- (1) The Crown offers the following apology to the tūpuna, the descendants, the hapū, and the whānau of Ngāruahine. 30
- (2) The Crown regrets its actions that led to the outbreak of war in Taranaki. During those wars, Crown forces mounted numerous attacks against Ngāruahine kainga, and used scorched earth tactics that devastated Ngāruahine cultivations, livestock, and food-stores. These actions caused severe hardship, deprivation, exile, and death for many Ngāruahine people. For both its actions and their effects, the Crown unreservedly apologises. 35
- (3) The Crown is sorry for the immense prejudice it caused by confiscating land that had sustained Ngāruahine tūpuna for centuries. The raupatu was indiscriminate, unjust, and unconscionable. The Crown deeply regrets the serious damage its actions have caused to Ngāruahine and its people. 40

- (4) The Crown deeply regrets its unjust treatment of those Ngāruahine people it imprisoned for taking part in campaigns of peaceful resistance. The Crown sincerely apologises to those tūpuna it exiled hundreds of kilometres from their homes, to the whānau who grieved in their absence, to their descendants, and to Ngāruahine. 5
- (5) The Crown deeply regrets and unreservedly apologises for its unconscionable actions at Parihaka, and for the harm those actions caused to the community and those Ngāruahine people who resided there.
- (6) For generations, the Crown has failed to live up to its obligations to Ngāruahine under the Treaty of Waitangi. The effects of its actions over generations have damaged their autonomy, cultural and spiritual heritage, and ability to exercise customary rights and responsibilities. The Crown solemnly apologises to Ngāruahine for all its breaches of the Treaty of Waitangi and its principles. 10
- (7) The Crown hopes that this settlement and this apology will relieve the burden of grievance that Ngāruahine has carried for so many years, and will assist Ngāruahine to heal the wounds of the past. The Crown looks forward to building a relationship of mutual trust and co-operation with Ngāruahine founded on respect for the Treaty of Waitangi and its principles. 15

Interpretation provisions

- 11 Interpretation of Act generally** 20
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 25
- aquatic life** has the meaning given in section 2(1) of the Conservation Act 1987
- attachments** means the attachments to the deed of settlement
- Commissioner of Crown Lands** means the Commissioner of Crown Lands appointed under section 24AA of the Land Act 1948 30
- 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 35
- 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 5

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 10

cultural redress property has the meaning given in **section 57**

deed of recognition—

- (a) means a deed of recognition issued under **section 37** by—
 - (i) the Minister of Conservation and the Director-General; or
 - (ii) the Commissioner of Crown Lands; and 15
- (b) includes any amendments made under **section 37(4)**

deed of settlement—

- (a) means the deed of settlement dated **1 August 2014** 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 20
 - (ii) Daisy Noble, for and on behalf of Ngāruahine; and
 - (iii) the chairperson and 2 other trustees of Te Korowai o Ngāruahine, on behalf of all of the trustees of Te Korowai o Ngāruahine; and
- (b) includes— 25
 - (i) the schedules of, and attachments to, the deed; and
 - (ii) any amendments to the deed or its schedules and attachments

deferred selection property has the meaning given in **section 89**

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement 30

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

exclusive RFR area has the meaning given in **section 96**

exclusive RFR land has the meaning given in **section 96**

freshwater fisheries management plan has the meaning given in section 2(1) of the Conservation Act 1987 35

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	
iwi of Taranaki has the meaning given in section 84	
kaitiaki plan means the kaitiaki plan provided for by subpart 5 of Part 2	
LINZ means Land Information New Zealand	5
local authority has the meaning given in section 5(1) of the Local Government Act 2002	
member of Ngāruahine 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	10
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	15
relevant department has the meaning given in section 75	
relevant local authority has the meaning given in section 75	
representative entity means—	
(a) the trustees; and	20
(b) any person, including any trustee, acting for or on behalf of—	
(i) the collective group referred to in section 13(1)(a) ; or	
(ii) 1 or more members of Ngāruahine; or	
(iii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(c)	25
reserve has the meaning given in section 2(1) of the Reserves Act 1977	
reserve property has the meaning given in section 57	
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 2 of Part 3	30
RFR land has the meaning given in section 97	
settlement date means the date that is 40 working days after the date on which this Act comes into force	
shared RFR area has the meaning given in section 96	
statutory acknowledgement has the meaning given in section 28	35
Te Korowai o Ngāruahine means the trust of that name established by a trust deed dated 20 June 2013	

- tikanga** means customary values and practices
- trustees of Te Korowai o Ngāruahine** and **trustees** mean the trustees, acting in their capacity as trustees, of Te Korowai o Ngāruahine
- Whāriki o Ngāruahine** has the meaning given in **section 42**
- working day** means a day other than— 5
- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day:
 - (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:
 - (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year: 10
 - (d) the days observed as the anniversaries of the provinces of Taranaki and Wellington.
- 13 Meaning of Ngāruahine**
- (1) In this Act, **Ngāruahine**— 15
- (a) means the collective group composed of individuals who are descended from 1 or more Ngāruahine tupuna; and
 - (b) includes those individuals; and
 - (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including the following groups: 20
 - (i) Kanihi–Umutahi hapū:
 - (ii) Okahu–Inuawai hapū:
 - (iii) Ngāti Manuhiakai hapū:
 - (iv) Ngāti Tu hapū:
 - (v) Ngāti Haua hapū: 25
 - (vi) Ngāti Tamaahuroa–Titahi hapū.
- (2) In this section and **section 14**,—
- area of interest** means the area shown as the Ngāruahine area of interest in part 1 of the attachments
- customary rights** means rights exercised according to tikanga Māori, including— 30
- (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 35
 - (b) legal adoption

Ngāruahine tūpuna means an individual who—

- (a) exercised customary rights by virtue of being descended from—
 - (i) Turi Arikiniui; or
 - (ii) Rongorongō; or
 - (iii) a recognised tupuna of any of the groups referred to in **subsection (1)(c)(i) to (vi)**; and 5
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840.

14 Meaning of historical claims

- (1) In this Act, **historical claims**— 10
 - (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 Ngāruahine or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 15
 - (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 20
 - (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. 25
- (3) The historical claims include—
 - (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāruahine or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
 - (i) Wai 132 (Ngāruahine Land (E Taha and others) claim): 30
 - (ii) Wai 138 (Te Whana Whānau Trust (T Whana and others) claim):
 - (iii) Wai 559 (the Okahu and others (John Hooker, Lawa Nuku) claim); and
 - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāruahine or a representative entity: 35

-
- (i) Wai 54 (Ngā Iwi o Taranaki (Makere Rangiata Love and others) claim):
 - (ii) Wai 131 (Taranaki Māori Trust Board (Hamiora Raumati and others) claim):
 - (iii) Wai 143 (Taranaki claims (Taranaki Consolidated Claims)): 5
 - (iv) Wai 552 (Araukuku Lands, Forest and Fisheries (L Turahui) claim):
 - (v) Wai 796 (Petroleum claim).
- (4) However, the historical claims do not include—
- (a) a claim that a member of Ngāruahine, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāruahine; or 10
 - (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**. 15
- (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** 20
- (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. 25
 - (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 30
 - (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. 35

*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 “Ngāruahine Claims Settlement Act **2015, section 15(4) and (5)**”. 5

*Resumptive memorials no longer to apply***17 Certain enactments do not apply**

- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to a cultural redress property; or
 - (b) to a deferred selection property that is not land in the exclusive RFR area or the shared RFR area, on and from the date of its transfer to the trustees; or 10
 - (c) to land in the exclusive RFR area or the shared RFR area; or
 - (d) for the benefit of Ngāruahine or a representative entity.
- (2) The enactments are— 15
- (a) Part 3 of the Crown Forest Assets Act 1989:
 - (b) sections 211 to 213 of the Education Act 1989:
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986: 20
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

18 Resumptive memorials to be cancelled

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the computer register for, each allotment that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)** and that— 25
- (a) is all or part of—
 - (i) a cultural redress property:
 - (ii) a deferred selection property (other than an allotment that is solely in the exclusive RFR area or the shared RFR area); or 30
 - (b) is solely within the exclusive RFR area or the shared RFR area.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—
- (a) the settlement date, for a cultural redress property or each allotment that is solely in the exclusive RFR area or the shared RFR area; or 35

- (b) the date of transfer of the property to the trustees, for a deferred selection property that is not land in the exclusive RFR area or the shared RFR area.
- (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— 5
 - (a) register the certificate against each computer register identified in the certificate; and
 - (b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a computer register identified in the certificate, but only in respect of each allotment described in the certificate. 10

Miscellaneous matters

19 Rule against perpetuities does not apply

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964— 15
 - (a) do not prescribe or restrict the period during which—
 - (i) Te Korowai o Ngāruahine 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. 20
- (2) However, if Te Korowai o Ngāruahine is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law. 25

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 30
- (b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

Part 2 Cultural redress

Subpart 1—Protocols

21 Interpretation

In this subpart,— 5

protocol—

- (a) means each of the following protocols issued under **section 22(1)(a)**:
- (i) the conservation protocol:
 - (ii) the fisheries protocol:
 - (iii) the taonga tūturu protocol; and 10

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

responsible Minister means,—

- (a) for the conservation protocol, the Minister of Conservation:
- (b) for the fisheries protocol, the Minister for Primary Industries:
- (c) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage. 15

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

- (1) Each responsible Minister—
- (a) must issue a protocol to the trustees on the terms set out in part 4 of the documents schedule; and 20
 - (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. 25
- (3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees.

23 Protocols subject to rights, functions, and duties

Protocols do not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability— 30
 - (i) to introduce legislation and change Government policy; and

- (ii) to interact with or consult a person the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
 - (b) the responsibilities of a responsible Minister or a department of State; or
 - (c) the legal rights of Ngāruahine or a representative entity. 5
- 24 Enforcement of protocols**
- (1) The Crown must comply with a protocol while it is in force.
 - (2) If the Crown fails to comply with a protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950.
 - (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol. 10
 - (4) To avoid doubt,—
 - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and 15
 - (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under **subsection (2)**.

Conservation

- 25 Conservation protocol**
- (1) The Director-General must note a summary of the terms of the conservation protocol in any conservation management strategy, conservation management plan, freshwater fisheries management plan, or national park management plan that affects the conservation protocol area. 20
 - (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and 25
 - (b) not an amendment to a strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
 - (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—
 - (a) rights relating to the common marine and coastal area; or 30
 - (b) an estate or interest in land held, managed, or administered under the conservation legislation; or
 - (c) an interest in, or rights relating to, flora or fauna managed or administered under the conservation legislation.
 - (4) In this section,— 35

common marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

conservation protocol area means the area shown on the map attached to the conservation protocol.

Fisheries

26 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. 5
- (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. 10
- (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: 15
- (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,— 20
- 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.

Taonga tūturu 25

27 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**— 30
- (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
 - (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 2—Statutory acknowledgement and deeds of recognition

28 Interpretation

In this subpart,—

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area 5

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

- (a) made by Ngāruahine 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 29** in respect of the statutory areas, on the terms set out in this subpart 10

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

statutory plan— 15

- (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 20

29 Statutory acknowledgement by the Crown

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

30 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 31 to 33**; and 25
- (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 34 and 35**; and 30
- (c) to enable the trustees and any member of Ngāruahine to cite the statutory acknowledgement as evidence of the association of Ngāruahine with a statutory area, in accordance with **section 36**. 35

- 31 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. 5
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.
- 32 Environment Court to have regard to statutory acknowledgement** 10
- (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. 15
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.
- 33 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement** 20
- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area. 25
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area— 30
- (a) in determining whether the trustees are persons directly affected by the decision; and
- (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application. 35
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

- 34 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— 5
- (a) a copy of **sections 29 to 33, 35, and 36**; 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— 10
- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991. 15
- 35 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: 20
- (a) if the application is received by the consent authority, a summary of the application; or
- (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice. 25
- (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— 30
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
- (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice. 35
- (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,— 5
- (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.
- 36 Use of statutory acknowledgement** 10
- (1) The trustees and any member of Ngāruahine may, as evidence of the association of Ngāruahine 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 15
- (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— 20
- (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. 25
- (4) To avoid doubt,—
- (a) neither the trustees nor members of Ngāruahine are precluded from stating that Ngāruahine has an association with a statutory area that is not described in the statutory acknowledgement; and 30
- (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Deeds of recognition

- 37 Issuing and amending deeds of recognition**
- (1) This section applies in respect of the statutory areas listed in **Part 2 of Schedule 1**. 35

- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3.1 of the documents schedule for the statutory areas administered by the Department of Conservation.
- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3.2 of the documents schedule for the statutory areas administered by the Commissioner. 5
- (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* 10
- 38 Application of statutory acknowledgement and deed of recognition to river or stream**
- (1) If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement—
- (a) applies only to— 15
- (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; and 20
- (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. 25
- (2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—
- (a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; and 30
- (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.
- 39 Exercise of powers and performance of functions and duties** 35
- (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 Ngāruahine with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 5
- (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. 10

40 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. 15
- (2) This section is subject to the other provisions of this subpart.

Consequential amendment to Resource Management Act 1991

41 Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991. 20
- (2) In Schedule 11, insert in its appropriate alphabetical order “Ngāruahine Claims Settlement Act **2015**”.

Subpart 3—Whāriki o Ngāruahine

42 Interpretation

In this subpart,— 25

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 a Whāriki o Ngāruahine area, means the principles set out for the area in part 1 of the documents schedule, or as those principles are amended under **section 45(3)** 30

specified actions, for a Whāriki o Ngāruahine area, means the actions set out for the area in part 1 of the documents schedule

statement of values, for a Whāriki o Ngāruahine area, means the statement— 35

- (a) made by Ngāruahine of their values relating to their cultural, historical, spiritual, and traditional association with the Whāriki o Ngāruahine area; and
- (b) set out in part 1 of the documents schedule

Whāriki o Ngāruahine means the application of this subpart to each Whāriki o Ngāruahine area 5

Whāriki o Ngāruahine area—

- (a) means an area that is declared under **section 43(1)** to be subject to Whāriki o Ngāruahine; but
- (b) does not include an area that is declared under **section 54(1)** to be no longer subject to Whāriki o Ngāruahine. 10

43 Declaration of Whāriki o Ngāruahine and the Crown’s acknowledgement

- (1) Each area described in **Schedule 2** is declared to be subject to Whāriki o Ngāruahine.
- (2) The Crown acknowledges the statements of values for Whāriki o Ngāruahine areas. 15

44 Purposes of Whāriki o Ngāruahine

The only purposes of Whāriki o Ngāruahine are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in **section 46**; and 20
- (b) to enable the taking of action under **sections 47 to 52**.

45 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 a Whāriki o Ngāruahine area from being harmed or diminished. 25
- (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 any amendments to the protection principles. 30

46 Obligations on New Zealand Conservation Authority and Conservation Boards

- (1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to a Whāriki o Ngāruahine area, the Authority or Board must have particular regard to— 35
 - (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 a Whāriki o Ngāruahine 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— 5
- (i) any matters in the implementation of the statement of values for the area; and
- (ii) any matters in the implementation of the protection principles for the area. 10
- (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 a Whāriki o Ngāruahine area, the Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns. 15
- 47 Noting of Whāriki o Ngāruahine in strategies and plans**
- (1) The application of Whāriki o Ngāruahine to a Whāriki o Ngāruahine area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.
- (2) The noting of Whāriki o Ngāruahine is— 20
- (a) for the purpose of public notice only; and
- (b) not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- 48 Notification in *Gazette*** 25
- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—
- (a) the declaration made by **section 43** that Whāriki o Ngāruahine applies to Whāriki o Ngāruahine areas; and
- (b) the protection principles for each Whāriki o Ngāruahine area. 30
- (2) Any amendment to the protection principles agreed under **section 45(3)** must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 49 or 50**. 35
- 49 Actions by Director-General**
- (1) The Director-General must take action in relation to the protection principles that relate to a Whāriki o Ngāruahine area, including the specified actions.

- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.
- (3) The Director-General must notify the trustees in writing of any action intended to be taken.
- 50 Amendment to strategies or plans** 5
- (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 a Whāriki o Ngāruahine area.
- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment. 10
- (3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.
- 51 Regulations** 15
- The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:
- (a) to provide for the implementation of objectives included in a strategy or plan under **section 50(1)**: 20
- (b) to regulate or prohibit activities or conduct by members of the public in relation to a Whāriki o Ngāruahine area:
- (c) to create offences for breaches of regulations made under **paragraph (b)**:
- (d) to prescribe the following fines: 25
- (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$5,000; and
- (ii) for a continuing offence, an additional amount not exceeding \$50 for every day on which the offence continues.
- 52 Bylaws** 30
- The Minister of Conservation may make bylaws for 1 or more of the following purposes:
- (a) to provide for the implementation of objectives included in a strategy or plan under **section 50(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to a Whāriki o Ngāruahine area: 35
- (c) to create offences for breaches of bylaws made under **paragraph (b)**:
- (d) to prescribe the following fines:

- (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$1,000; and
 - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day on which the offence continues.
- 53 Existing classification of Whāriki o Ngāruahine areas** 5
- (1) This section applies if Whāriki o Ngāruahine applies to any land in—
 - (a) a national park under the National Parks Act 1980; or
 - (b) a conservation area under the Conservation Act 1987; or
 - (c) a reserve under the Reserves Act 1977.
 - (2) Whāriki o Ngāruahine does not affect— 10
 - (a) the purpose of the national park, conservation area, or reserve; or
 - (b) the classification of the land as a national park, conservation area, or reserve.
- 54 Termination of Whāriki o Ngāruahine classification**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of a Whāriki o Ngāruahine area is no longer subject to Whāriki o Ngāruahine. 15
 - (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 Whāriki o Ngāruahine is no longer appropriate for the relevant area; or 20
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands. 25
 - (3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—
 - (a) **subsection (2)(c)** applies; or
 - (b) there is a change in the statutory management regime that applies to all or part of the Whāriki o Ngāruahine area. 30
- 55 Exercise of powers and performance of functions and duties**
- (1) Whāriki o Ngāruahine does not affect, and must not be taken into account by, any person exercising a power or performing a function or duty under an enactment or a bylaw.
 - (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the 35

values stated in the statement of values for a Whāriki o Ngāruahine area than that person would give if the area were not subject to Whāriki o Ngāruahine.

- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart.
- 56 Rights not affected** 5
- (1) Whāriki o Ngāruahine 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, a Whāriki o Ngāruahine area. 10
- (2) This section is subject to the other provisions of this subpart.

Subpart 4—Vesting of cultural redress properties

57 Interpretation

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 3**: 15

Properties vested in fee simple to be administered as reserves

- (a) Te Kohinga property:
- (b) Te Ngutu o te Manu site A:
- (c) Waipakari property: 20

Property vested in fee simple

- (d) Te Poho o Taranaki, if **section 61(1)** applies

reserve property means each of the properties named in **paragraphs (a) to (c)** of the definition of cultural redress property.

Properties vested in fee simple to be administered as reserves 25

58 Te Kohinga property

- (1) The reservation of the part of the Te Kohinga property that is a local purpose (esplanade) reserve subject to the Reserves Act 1977 is revoked.
- (2) The part of the Te Kohinga property referred to in **subsection (1)** vests in the Crown as Crown land subject to the Land Act 1948. 30
- (3) The part of the Te Kohinga property that is a conservation area subject to the Conservation Act 1987 ceases to be a conservation area.
- (4) The part of the Te Kohinga property shown as A on OTS-023–03 (subject to survey) vests in the Crown as Crown land subject to the Land Act 1948.
- (5) The fee simple estate in the Te Kohinga property vests in the trustees. 35

- (6) The Te Kohinga property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (7) The reserve is named Te Kohinga Historic Reserve.
- (8) **Subsections (1) to (7)** do not take effect until the trustees have provided a registrable easement in gross for a right to drain stormwater in favour of the South Taranaki District Council on the terms and conditions set out in part 7.1 of the documents schedule. 5
- (9) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and
- (b) is to be treated as having been granted in accordance with the Reserves Act 1977. 10
- 59 Te Ngutu o te Manu site A**
- (1) The reservation of Te Ngutu o te Manu site A as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Ngutu o te Manu site A vests in the trustees. 15
- (3) Te Ngutu o te Manu site A is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Te Ngutu o te Manu 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 to locate, access, and maintain the monument on the terms and conditions set out in part 7.2 of the documents schedule. 20
- 60 Waipakari property**
- (1) The reservation of the Waipakari property as a recreation reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in the Waipakari property vests in the trustees.
- (3) The Waipakari property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Waipakari Historic Reserve.
- Property vested in fee simple* 30
- 61 Te Poho o Taranaki**
- (1) This section takes effect only if, on the settlement date, there is an unconditional agreement for sale and purchase between the Crown and the registered proprietor of computer freehold register TNH2/862 relating to the areas A and B on OTS-023–02A (subject to survey). 35
- (2) The reservation of the area B on OTS-023–02A (subject to survey) as a reserve for an endowment for education subject to the Reserves Act 1977 is revoked.

- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under **subsection (2)**, of the reserve status of the area B on OTS-023–02A (subject to survey).
- (4) The area B on OTS-023–02A (subject to survey) ceases to be a conservation area subject to the Conservation Act 1987. 5
- (5) The area A on OTS-023–02A (subject to survey) vests in the Crown as Crown land subject to the Land Act 1948.
- (6) The fee simple estate in the area B on OTS-023–02A (subject to survey) vests in the registered proprietor of computer freehold register TNH2/862.
- (7) As soon as practicable after an order is produced for a computer freehold register, the Registrar-General must create 1 computer freehold register in the name of the registered proprietor of computer freehold register TNH2/862, comprising the following areas: 10
- (a) the fee simple estate in the area B; and
- (b) the balance of the land in computer register TNH2/862 (after the vesting by **subsection (5)**). 15
- (8) The fee simple estate in Te Poho o Taranaki vests in the trustees.
- (9) The vesting in **subsection (6)**—
- (a) does not limit section 10 or 11 of the Crown Minerals Act 1991 or affect other rights to subsurface minerals; and 20
- (b) 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.
- (10) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the vesting in **subsection (6)** or to any matter incidental to, or required for the purpose of, the vesting. 25

General provisions applying to vesting of cultural redress properties

62 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in **Schedule 3**. 30

63 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 **Schedule 3**, for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 35
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property.

- (3) The interest applies—
- (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and
 - (b) with any other necessary modifications; and 5
 - (c) despite any change in status of the land in the property.
- 64 Registration of ownership**
- (1) This section applies to a cultural redress property vested in the trustees under this subpart.
- (2) **Subsection (3)** applies to a cultural redress property, but only to the extent that the property is all of the land contained in a computer freehold register. 10
- (3) The Registrar-General must, on written application by an authorised person,—
- (a) register the trustees as the proprietors of the fee simple estate in the property; and
 - (b) record any entry on the computer freehold register and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement. 15
- (4) **Subsection (5)** applies to a cultural redress property, but only to the extent that **subsection (2)** does not apply to the property.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,— 20
- (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. 25
- (6) **Subsection (5)** is subject to the completion of any survey necessary to create a computer freehold register.
- (7) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—
- (a) 24 months after the settlement date; or 30
 - (b) any later date that may be agreed in writing by the Crown and the trustees.
- (8) In this section, **authorised person** means a person authorised by—
- (a) the Secretary for Justice, for Te Poho o Taranaki:
 - (b) the Director-General, for all other properties. 35

65 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 5
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.
- (3) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property. 10
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.

66 Matters to be recorded on computer freehold register

- (1) The Registrar-General must record on the computer freehold register,— 15
- (a) for a reserve property,—
- (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (ii) that the land is subject to **sections 65(3) and 70**; and
- (b) for Te Poho o Taranaki, if **section 61** takes effect, that the land is subject to Part 4A of the Conservation Act 1987. 20
- (2) A notification made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.
- (3) For a reserve property, if the reservation of the property under this subpart is revoked for— 25
- (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 30
- (ii) the property is subject to **sections 65(3) and 70**; 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)**. 35

67 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. 5
- (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. 10
- (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 15
 - (b) any matter incidental to, or required for the purpose of, the vesting.

68 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. 20
- (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. 25

*Further provisions applying to reserve properties***69 Application of other enactments to reserve properties**

- (1) The trustees are the administering body of a reserve property.
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property. 30
- (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.
- (4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act. 35

- (5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name.
- 70 Subsequent transfer of reserve land** 5
- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.
- (2) The fee simple estate in the reserve land may be transferred only in accordance with **section 71 or 72**. 10
- (3) In this section and **sections 71 to 73**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.
- 71 Transfer of reserve land to new administering body**
- (1) The registered 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**). 15
- (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. 20
- (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 25
- (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. 30
- (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. 35
- (6) A transfer that complies with this section need not comply with any other requirements.

- 72 Transfer of reserve land to trustees of existing administering body if trustees change** 5
- 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. 10
- 73 Reserve land not to be mortgaged**
- The owners of reserve land must not mortgage, or give a security interest in, the reserve land.
- 74 Saving of bylaws, etc, in relation to reserve properties** 15
- (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. 20
 - (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.
- Subpart 5—Kaitiaki plan
- 75 Interpretation** 25
- In this subpart,—
- kaitiaki area** means the areas with the general location (but not the precise boundaries) indicated in OTS-023–01 and OTS-023–56
- kaitiaki plan** means a plan prepared by the trustees of Te Korowai o Ngāruahine for the purpose set out in **section 76**
- relevant department** means a department (as defined in section 27A of the State Sector Act 1988) that has a role in the management of land and natural resources 30
- relevant local authority**, for a kaitiaki area, means a local authority with jurisdiction within the kaitiaki area.
- 76 Purpose of kaitiaki plan** 35
- The purpose of a kaitiaki plan is to identify—

- (a) the values and principles of Ngāruahine in relation to the kaitiaki area; and
- (b) the resource management issues of significance to Ngāruahine in relation to the kaitiaki area.

77	Kaitiaki plan may be lodged with relevant local authority	5
	The trustees may from time to time prepare a kaitiaki plan and lodge it with the relevant local authority.	
78	Effect of kaitiaki plan	
(1)	This section applies when a relevant local authority is preparing or reviewing a policy statement or a plan under the Resource Management Act 1991.	10
(2)	The relevant local authority must take into account any kaitiaki plan lodged with it, to the extent that the plan's content has a bearing on the resource management issues of the kaitiaki area within the relevant local authority's jurisdiction.	
(3)	The relevant local authority must include in the policy statement or the plan a statement of the resource management issues of significance to Ngāruahine as set out in the kaitiaki plan.	15
(4)	The relevant local authority must refer to the kaitiaki plan to the extent that it is relevant in the evaluation of a proposed statement or a proposed plan under section 32 of the Resource Management Act 1991.	20
79	Kaitiaki plan may be lodged with relevant department	
(1)	The trustees may from time to time prepare a kaitiaki plan and lodge it with a relevant department.	
(2)	The relevant department with which a kaitiaki plan is lodged must have regard to the plan when exercising any of its powers or performing any of its functions that relate to the purpose of the kaitiaki plan (as set out in section 76) within the kaitiaki area.	25
80	Limitation of rights	
	A kaitiaki plan does not have the effect of granting or creating rights under the Marine and Coastal Area (Takutai Moana) Act 2011.	30
Subpart 6—Te Ngutu o Te Manu site B and Kaipī Street property		
81	Interpretation	
	In this subpart,—	
	Kaipī Street property means the land shown on deed plan OTS-023–62	
	Te Ngutu o Te Manu site B means the land shown on deed plan OTS-023–63 (subject to survey).	35

82 Te Ngutu o Te Manu site B

- (1) This section takes effect only if the trustees are or become a party to the unconditional agreement for sale and purchase, as contemplated by clause 5.14 of the deed of settlement, with the South Taranaki District Council, for Te Ngutu o Te Manu site B. 5
- (2) Immediately before the transfer of Te Ngutu o Te Manu site B to the trustees, the reservation of Te Ngutu o Te Manu site B as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of Te Ngutu o Te Manu site B. 10

83 Kaipi Street property

Despite section 345(1) of the Local Government Act 1974, the trustees and the South Taranaki District Council may enter into an unconditional agreement for sale and purchase of the Kaipi Street property, as contemplated by clause 5.14 of the deed of settlement. 15

Subpart 7—Regional council representation

84 Interpretation

In this subpart,—

committee means either or both of the following committees of the Council:

- (a) the committee responsible for policy and planning functions: 20
- (b) the committee responsible for regulatory functions

Council means Taranaki Regional Council

iwi of Taranaki means—

- (a) Ngāti Tama; and
- (b) Ngāti Mutunga; and 25
- (c) Ngāti Ruanui; and
- (d) Ngā Rauru Kītahi; and
- (e) Taranaki Iwi; and
- (f) Ngāti Maru; and
- (g) Ngāruahine; and 30
- (h) Te Atiawa.

85 Purpose and objectives

- (1) The purpose of this subpart is to provide an effective mechanism for the iwi of Taranaki to contribute to the decision-making processes of the Council.
- (2) The objectives of this subpart are to encourage and enable the iwi of Taranaki— 35

- (a) to participate directly in the decision-making processes of the Council; and
- (b) to contribute directly to a wide range of the Council’s policy, regulatory, and advocacy functions; and
- (c) to have an effective and workable representation that is cost-effective for the Council and of benefit to both the Council and the iwi of Taranaki. 5

86 Iwi representation on Council committee

- (1) The iwi of Taranaki may nominate—
 - (a) 3 iwi members for appointment to the committee of the Council that is responsible for policy and planning functions; and 10
 - (b) 3 iwi members for appointment to the committee of the Council that is responsible for regulatory functions.
- (2) The Council must appoint the members nominated under **subsection (1)** to the appropriate committee.
- (3) The members appointed under **subsection (2)**— 15
 - (a) have the same status as members appointed by the Council under clause 31 of Schedule 7 of the Local Government Act 2002; and
 - (b) are entitled to the same remuneration and expenses as are payable to the other members of the committee to which they are appointed.

87 Members to act in interests of committee 20

Committee members who are appointed under **section 86(2)** must act in the interests of the committee to which they are appointed while also presenting the perspectives of the iwi of Taranaki to the committee.

88 Change in committee structure

- (1) This subpart does not prevent the Council from adopting a different structure for a committee, including a structure that may result in a committee being discontinued, or some or all of the functions of a committee being removed, modified, or carried out by a new or an existing committee. 25
- (2) However,—
 - (a) before making any change to the structure of a committee, the Council must consult the iwi of Taranaki; and 30
 - (b) the Council must ensure that any changes to the structure of a committee do not diminish the nature of the representation of the iwi of Taranaki that is set out in the deed of settlement.
- (3) Any dispute about the effect of a change to the structure of a committee on the representation of the iwi of Taranaki must be referred to— 35
 - (a) the chief executive of Te Korowai o Ngāruahine; and

- (b) the chief executive of the governance entity for any of the iwi of Taranaki that are participating in the arrangements; and
 - (c) the chief executive of the Council.
- (4) The chief executives must work towards the resolution of the dispute in a manner that reflects the purpose and objectives set out in **section 85**. 5

Part 3 Commercial redress

89 Interpretation

In **this Part**,—

deferred selection property means a property described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied 10

Kaipī Street Conservation Area means the land of that name described in part 3 of the property redress schedule

land holding agency means the land holding agency specified, for a deferred selection property, in part 3 of the property redress schedule. 15

Subpart 1—Transfer of deferred selection properties

90 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— 20

- (a) to transfer the fee simple estate in a deferred selection property to the trustees; and
- (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.

91 Transfer of Kaipī Street Conservation Area if it becomes deferred selection property 25

- (1) This section takes effect only if the Kaipī Street Conservation Area becomes a deferred selection property.
- (2) The Kaipī Street Conservation Area ceases to be a conservation area under the Conservation Act 1987 immediately before the transfer of the fee simple estate in that area under **section 90**. 30

92 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 deferred selection property. 35

- (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 5
 - (c) registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.
- 93 Computer freehold registers for deferred selection properties**
- (1) This section applies to a deferred selection property that is to be transferred to the trustees (but to no other person or entity) under **section 90**. 10
 - (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,— 15
 - (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 20
 - (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 94**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 25
- 94 Authorised person may grant covenant for later creation of computer freehold register**
- (1) For the purpose of **section 93**, the authorised person may grant a covenant for the later creation of a computer freehold register for any deferred selection property. 30
 - (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.
- 95 Application of other enactments** 35
- (1) This section applies to the transfer to the trustees of the fee simple estate in a deferred selection property.

- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (3) The transfer does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or 5
 - (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. 10
- (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 90**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 15
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.

Subpart 2—Right of first refusal over RFR land

96 Interpretation

In this subpart and **Schedule 4**,— 20

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 25

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 30
- (c) the New Zealand Railways Corporation; and
- (d) a company or body that is wholly owned or controlled by 1 or more of the following:
 - (i) the Crown;
 - (ii) a Crown entity: 35
 - (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 5
 - (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 10
 - (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
- exclusive RFR area** means the area shown on OTS-023–57 15
- exclusive RFR land** means the land that is within the exclusive RFR area that, on the settlement date, is—
- (a) vested in the Crown; or
 - (b) held in fee simple by the Crown; or
 - (c) a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown 20
- expiry date**, in relation to an offer, means its expiry date under **sections 100(2)(a) and 101**
- notice** means a notice given under this subpart 25
- offer** means an offer by an RFR landowner, made in accordance with **section 100**, to dispose of RFR land to the trustees of any offer trust
- offer trust** means the trust specified for each of the following types of RFR land (or land obtained in exchange for the disposal of that land):
- (a) for exclusive RFR land, the trustees of Te Korowai o Ngāruahine: 30
 - (b) for shared RFR land, the trustees of Te Korowai o Ngāruahine and the trustees of Te Kāhui o Taranaki
- public work** has the meaning given in section 2 of the Public Works Act 1981
- recipient trust** means the trust specified for each of the following types of RFR land (or land obtained in exchange for the disposal of that land): 35
- (a) for exclusive RFR land, Te Korowai o Ngāruahine:
 - (b) for shared RFR land, the offer trust whose trustees accept an offer to dispose of the land under **section 103**

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

RFR landowner, in relation to RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and 5
- (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 106(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested— 10
 - (i) on the settlement date; or
 - (ii) after the settlement date, under **section 107(1)**

RFR period means,—

- (a) for exclusive RFR land, the period of 172 years on and from the settlement date: 15
- (b) for shared RFR land, the period of 172 years on and from the settlement date

shared RFR area means an area shown on OTS-023–58

shared RFR land means the land that is within the shared RFR area that, on the settlement date, is— 20

- (a) vested in the Crown; or
- (b) held in fee simple by the Crown; or
- (c) a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown 25

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

Taranaki Iwi—

- (a) means the collective group composed of individuals who are descended from an ancestor of Taranaki Iwi; and 30
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals

Te Kāhui o Taranaki means the trust of that name established by a trust deed dated 28 June 2013. 35

97 Meaning of RFR land

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

- (a) exclusive RFR land; and
 - (b) shared RFR land; and
 - (c) any land obtained in exchange for a disposal of RFR land under **section 111(1)(c)** or **112**.
- (2) Land ceases to be RFR land if— 5
- (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees of a recipient trust or their nominee (for example, under **section 90** in the case of a deferred selection property or under a contract formed under **section 104**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 99(d)**; or 10
 - (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 108 to 114** (which relate to permitted disposals of RFR land); or 15
 - (ii) under any matter referred to in **section 115(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or
 - (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 124**; or 20
 - (d) the RFR period for the land ends.

98 Taranaki Iwi participation under this subpart

The trustees of Te Kāhui o Taranaki are eligible to participate as an offer trust under this subpart only on and from the settlement date defined in the legislation that settles the historical claims of Taranaki Iwi. 25

Restrictions on disposal of RFR land

99 Restrictions on disposal of RFR land

An RFR landowner must not dispose of RFR land to a person other than the trustees of a recipient trust or their nominee unless the land is disposed of— 30

- (a) under any of **sections 105 to 114**; or
- (b) under any matter referred to in **section 115(1)**; or
- (c) in accordance with a waiver or variation given under **section 124**; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust if the offer to those trustees was— 35
 - (i) made in accordance with **section 100**; 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 102**; and
- (iv) not accepted under **section 103**.

Trustees' right of first refusal

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100 Requirements for offer

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of the 1 or more offer trusts.
- (2) The notice must include—
 - (a) the terms of the offer, including its expiry date; and 10
 - (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 statement that identifies the RFR land as exclusive RFR land or shared RFR land; and
 - (d) a street address for the land (if applicable); and 15
 - (e) a street address, postal address, and fax number or electronic address for the trustees of an offer trust to give notices to the RFR landowner in relation to the offer.

101 Expiry date of offer

- (1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the trustees of the 1 or more offer trusts receive notice of the offer. 20
- (2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which the trustees of the 1 or more offer trusts receive notice of the offer if— 25
 - (a) the trustees of the 1 or more offer trusts 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. 30
- (3) For an offer of shared RFR land, if the RFR landowner has received notices of acceptance from the trustees of the 2 offer trusts at the expiry date specified in the notice given under **section 100**, the expiry date is extended for the trustees of those 2 offer trusts to the date that is the 20th working day after the date on which the trustees receive the RFR landowner's notice given under **section 103(4)**. 35

102 Withdrawal of offer

The RFR landowner may, by notice to the trustees of the 1 or more offer trusts, withdraw an offer at any time before it is accepted.

103 Acceptance of offer

- (1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if— 5
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) The trustees of an offer trust must accept all the RFR land offered, unless the offer permits them to accept less. 10
- (3) In the case of an offer of shared RFR land, the offer is accepted if, at the end of the expiry date, the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust.
- (4) In the case of an offer of shared RFR land, if the RFR landowner has received, at the expiry date specified in the notice of offer given under **section 100**, notices of acceptance from the trustees of the 2 offer trusts, the RFR landowner has 10 working days in which to give notice to the trustees of those 2 offer trusts— 15
 - (a) specifying the offer trusts from whose trustees acceptance notices have been received; and 20
 - (b) stating that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th working day after the day on which the RFR landowner's notice is received under this subsection.

104 Formation of contract

- (1) If the trustees of an offer trust accept under **section 103** an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and those trustees on the terms in the offer, including the terms set out in this section. 25
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees of the recipient trust. 30
- (3) Under the contract, the trustees of the recipient trust may nominate any person other than those trustees (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees of the recipient trust may nominate a nominee only if—
 - (a) the nominee is lawfully able to hold the RFR land; and
 - (b) the trustees of the recipient trust give notice to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle. 35
- (5) The notice must specify—

- (a) the full name of the nominee; and
 - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.
- (6) If the trustees of the recipient trust nominate a nominee, those trustees remain liable for the obligations of the transferee under the contract. 5

Disposals to others but land remains RFR land

105 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. 10
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

106 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. 15
- (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. 20

107 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— 25
- (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 30
 - (b) subject to the obligations of an RFR landowner under this subpart.

Disposals to others where land may cease to be RFR land

108 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. 35

109 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 5
 - (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. 10

110 Disposal under certain legislation

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

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or 15
- (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. 20

111 Disposal of land held for public works

- (1) An RFR landowner may dispose of RFR land in accordance with— 25
 - (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 30
 - (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(e) of the Public Works Act 1981. 35

112 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.

113 Disposal for charitable purposes

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

114 Disposal to tenants

The Crown may dispose of RFR land—

- (a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or 10
- (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 15
- (c) under section 93(4) of the Land Act 1948.

*RFR landowner obligations***115 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— 20
 - (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— 25
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land. 30
- (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***116 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. 5
- (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. 10
- (4) The notice must include the legal description of the land and the reference for the computer register.

117 Notice to trustees of offer trusts of disposal of RFR land to others

- (1) An RFR landowner must give the trustees of the 1 or more offer trusts notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee. 15
- (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 20
 - (b) the reference for any computer register for the land; and
 - (c) the street address for the land (if applicable); and
 - (d) the name of the person to whom the land is being disposed of; and
 - (e) an explanation of how the disposal complies with **section 99**; and
 - (f) if the disposal is to be made under **section 99(d)**, a copy of any written contract for the disposal. 25

118 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— 30
 - (i) the trustees of a recipient trust or their nominee (for example, under **section 90** in the case of a deferred selection property or under a contract formed under **section 104**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 99(d)**; or 35

- (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 108 to 114**; or
 - (ii) under any matter referred to in **section 115(1)**; or
- (c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 124**. 5
- (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. 10
- (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.
- 119 Notice to governance entities if disposal of certain RFR land being considered** 15
- (1) This section applies if an RFR landowner is considering whether to dispose of shared RFR land in a way that may require an offer under this subpart.
- (2) The RFR landowner must give notice to the relevant governance entity that, if the landowner decides to dispose of the land, the landowner may be required to offer the land to the relevant governance entity under this subpart. 20
- (3) The notice must be given immediately before the RFR landowner commences the processes under one of the following, as relevant:
- (a) section 52 of the Land Act 1948; or
 - (b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990; or 25
 - (c) section 40 of the Public Works Act 1981 (providing that the tests in section 40(1) of that Act are met); or
 - (d) any other enactment that regulates or applies to the disposal of the land.
- (4) The notice must— 30
- (a) specify the legal description of the land; and
 - (b) identify any computer register that contains the land; and
 - (c) specify the street address for the land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate the land. 35
- (5) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—

- (a) section 207(4) of the Education Act 1989 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education Act 1989); or
- (b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or 5
- (c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment.
- (6) In this section, **dispose of** means to transfer the fee simple estate in the land. 10
- 120 Notice requirements**
- Schedule 4** applies to notices given under this subpart by or to—
- (a) an RFR landowner; or
- (b) the trustees of an offer trust or the trustees of a recipient trust.
- Right of first refusal recorded on computer registers* 15
- 121 Right of first refusal to be recorded on computer registers for RFR land**
- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers for,—
- (a) the RFR land for which there is a computer register on the settlement date; and 20
- (b) the RFR land for which a computer register is first created after the settlement date; and
- (c) land for which there is a computer register that becomes RFR land after the settlement date. 25
- (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 116** that a computer register has been created for the RFR land or that the land has become RFR land, for any other land. 30
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate. 35

- (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 97**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land). 5

122 Removal of notifications when land to be transferred or vested

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 118**, issue to the Registrar-General a certificate that includes— 10
- (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 of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate. 15
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under **section 121** for the land described in the certificate. 20

123 Removal of notifications when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes— 25
- (a) the reference for each computer register for that RFR land that still has a notification recorded under **section 121**; and
 - (b) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate. 30
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under **section 121** from any computer register identified in the certificate. 35

*General provisions applying to right of first refusal***124 Waiver and variation**

- (1) The trustees of the 1 or more offer trusts may, by notice to an RFR landowner, waive any or all of the rights they have in relation to the landowner under this subpart. 5
- (2) The trustees of the 1 or more offer trusts 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. 10

125 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

126 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if the RFR holder— 15
- (a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and
- (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give notices to each RFR landowner that— 20
- (a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and
- (b) specify the date of the assignment; and
- (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and 25
- (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and **Schedule 4** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with any necessary modifications. 30
- (4) In this section,—
- constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder
- RFR holder** means the 1 or more persons who have the rights and obligations of the trustees of an offer trust under this subpart, because— 35
- (a) they are the trustees of 1 or more offer trusts; or

- (b) they have previously been assigned those rights and obligations under this section.

Schedule 1 Statutory areas

ss 28, 37

Part 1

Areas subject only to statutory acknowledgement

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Statutory area	Location
Inaha Stream and tributaries	As shown on OTS-023-35
Kahouri Stream and tributaries	As shown on OTS-023-36
Kapuni Stream and tributaries	As shown on OTS-023-37
Kapuni Stream-Ohawe Marginal Strip	As shown on OTS-023-06
Kaupokonui-a-Turi (being Kaupokonui Recreation Reserve)	As shown on OTS-023-08
Kaupokonui-Manaia Marginal Strip	As shown on OTS-023-07
Konini Stream and tributaries	As shown on OTS-023-38
Mangarangi Stream and tributaries	As shown on OTS-023-39
Mangatoki Stream and tributaries	As shown on OTS-023-40
Mangatoromiro Stream and tributaries	As shown on OTS-023-41
Motumate Stream and tributaries	As shown on OTS-023-42
Ngāruahine Coastal Marine Area	As shown on OTS-023-56
Oeo-Kaupokonui Marginal Strip	As shown on OTS-023-09
Ohawe-Hawera Marginal Strip	As shown on OTS-023-10
Opuhi Stream and tributaries	As shown on OTS-023-43
Piakau Stream and tributaries	As shown on OTS-023-44
Tawhiti Stream and tributaries	As shown on OTS-023-45
Te Popo Stream and tributaries	As shown on OTS-023-46
Tuikonga Stream and tributaries	As shown on OTS-023-47
Wahamoko Stream and tributaries	As shown on OTS-023-48
Waihi Stream (Hawera) and tributaries	As shown on OTS-023-49
Waihi Stream (Oeo) and tributaries	As shown on OTS-023-50
Waikaretu Stream and tributaries	As shown on OTS-023-51
Waimate Stream and tributaries	As shown on OTS-023-52
Waingongoro River No 4 Marginal Strip	As shown on OTS-023-11
Waiokura Stream and tributaries	As shown on OTS-023-53
Waipaepaeiti Stream and tributaries	As shown on OTS-023-54
Waipuku Stream and tributaries	As shown on OTS-023-55

Part 2

Areas subject both to statutory acknowledgement and to deeds of recognition

Statutory area	Location
Awatuna Stream and tributaries	As shown on OTS-023-18
Kaupokonui Stream and tributaries	As shown on OTS-023-19
Kaupokonui Stream Marginal Strip	As shown on OTS-023-12

Statutory area	Location
Manganui River and tributaries	As shown on OTS-023-20
Mangatawa Stream and tributaries	As shown on OTS-023-21
Mangawhero Stream and tributaries	As shown on OTS-023-22
Mangawhero Stream Marginal Strip	As shown on OTS-023-13
Oeo Stream and tributaries	As shown on OTS-023-23
Omiti Stream and tributaries	As shown on OTS-023-24
Otakeho Stream and tributaries	As shown on OTS-023-25
Ouri Stream and tributaries	As shown on OTS-023-26
Ouri Stream Marginal Strip	As shown on OTS-023-14
Paetahi Stream and tributaries	As shown on OTS-023-27
Patea River and tributaries	As shown on OTS-023-28
Punehu Stream and tributaries	As shown on OTS-023-29
Raoa Stream and tributaries (being Rawa Stream and tributaries)	As shown on OTS-023-30
Taikatu Stream and tributaries	As shown on OTS-023-31
Taungatara Stream and tributaries	As shown on OTS-023-32
Waingongoro River and tributaries	As shown on OTS-023-33
Waingongoro River No 1 Marginal Strip	As shown on OTS-023-15
Waingongoro River No 2 Marginal Strip	As shown on OTS-023-16
Waingongoro Stream Marginal Strip	As shown on OTS-023-17
Waipaepaenui Stream and tributaries	As shown on OTS-023-34

Schedule 2

Whāriki o Ngāruahine areas

s 43

Whāriki o Ngāruahine area	Location	Description
Kapuni Stream-Ohawe Marginal Strip	As shown on OTS-023-06	<i>Taranaki Land District—South Taranaki District</i> Crown land Block VII Waimate Survey District (SO 375)
Kaupokonui-a-Turi (being Kaupokonui Recreation Reserve)	As shown on OTS-023-08	<i>Taranaki Land District—South Taranaki District</i> Section 84 Block VI Waimate Survey District. All <i>Gazette</i> notice 292809.3
Kaupokonui-Manaia Marginal Strip	As shown on OTS-023-07	<i>Taranaki Land District—South Taranaki District</i> Crown land (SO 407)
Oeo-Kaupokonui Marginal Strip	As shown on OTS-023-09	<i>Taranaki Land District—South Taranaki District</i> Crown land (SO 406)
Ohawe-Hawera Marginal Strip	As shown on OTS-023-10	<i>Taranaki Land District—South Taranaki District</i> Crown land
Waingongoro River No 4 Marginal Strip	As shown on OTS-023-11	<i>Taranaki Land District—South Taranaki District</i> River Bank Reserve Block VIII Waimate Survey District (SO 8730)

Schedule 3

Cultural redress properties

ss 57, 62, 63

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Te Kohinga property	<i>Taranaki Land District—South Taranaki District</i> 0.246 hectares, approximately, being Lot 13 DP 12681. 0.056 hectares, approximately, being Crown Land (SO 10627). 0.2 hectares, approximately, being Crown Land. Subject to survey.	Subject to being a historic reserve as referred to in section 58(6) . Subject to a right to drain storm-water as referred to in section 58(8) .
Te Ngutu o te Manu site A	As shown on OTS-023-03 <i>Taranaki Land District—South Taranaki District</i> 4.0 hectares, approximately, being Part Section 40 Block XVI Kaupokonui Survey District. Part computer freehold register TNK4/210. Subject to survey.	Subject to being a historic reserve as referred to in section 59(3) . Subject to a right to locate, access, and maintain the monument as referred to in section 59(5) .
Waipakari property	As shown on OTS-023-04 <i>Taranaki Land District—South Taranaki District</i> 1.4544 hectares, more or less, being Sections 317, 318, 319, and 320 Town of Ohawe. All <i>Gazette</i> Notice W8826. As shown on OTS-023-05	Subject to being a historic reserve as referred to in section 60(3) .

Property vested in fee simple

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Name of property	Description	Interests
Te Poho o Taranaki	<i>Taranaki Land District—Stratford District</i> 0.8233 hectares, approximately, being Part Section 6 Block VII Kaupokonui Survey District. Part computer freehold register TNH2/862. Subject to survey. As shown on OTS-023-02	Subject to section 59 Land Act 1948.

Schedule 4

Notices relating to RFR land

ss 96, 120, 126

1 Requirements for giving notice

A notice by or to an RFR landowner, or the trustees of an offer trust or a recipient trust, under **subpart 2 of Part 3** must be— 5

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, for a notice given by the trustees of an offer trust or a recipient trust; and 10
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—
 - (i) for a notice to the trustees of an offer trust or a recipient trust, specified for those trustees in accordance with the deed of settlement, or in a later notice given by those trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of those trustees; or 15
 - (ii) for a notice to the RFR landowner, specified by the RFR landowner in an offer made under **section 100**, or in a later notice given to those trustees of an offer trust or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and 20
- (c) for a notice given under **section 116 or 118**, sent to the chief executive of LINZ, at the Wellington office of LINZ; and
- (d) given by— 25
 - (i) delivering it by hand to the recipient's street address; or
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number; or
 - (iv) sending it by electronic means such as email.

2 Use of electronic transmission 30

Despite **clause 1**, a notice given in accordance with **clause (1)(a)** may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 22(1)(a) and (b) of the Electronic Transactions Act 2002.

3 Time when notice received 35

- (1) A notice is to be treated as having been received—
 - (a) at the time of delivery, if delivered by hand; or

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

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