

Pare Hauraki Collective Redress Bill

Government Bill

Explanatory note

General policy statement

Legislation is required to give effect to some elements of the Pare Hauraki Collective Redress Deed, which was signed by the Pare Hauraki Collective and the Crown on 2 August 2018. This Bill gives effect to redress in the deed that requires legislation.

Pare Hauraki Collective

In 2009, the 12 Iwi of Hauraki with a combined population of approximately 10,000 formed the Pare Hauraki Collective for the purpose of negotiating a Treaty settlement. The 12 iwi are Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri.

The areas of interest of the Iwi of Hauraki extend from Mahurangi in the north to western Bay of Plenty and include the Hauraki Gulf / Tīkapa Moana islands.

Negotiations

On 1 October 2010, the Crown and the Pare Hauraki Collective signed the Pare Hauraki Collective Framework Agreement which outlined the process for further negotiations towards settlement of shared claims and included the potential elements of a collective settlement. On 22 July 2011, the Iwi of Hauraki all signed iwi-specific Agreement in Principle Equivalents, which expanded upon the Framework Agreement and included iwi-specific offers to negotiate further redress.

On 22 December 2016, the Crown and the Pare Hauraki Collective initialled the Pare Hauraki Collective Redress Deed (the **collective deed**). It was ratified in April 2017 and on 2 August 2018, the Crown and members of the Pare Hauraki Collective signed the collective deed.

Key elements of Pare Hauraki Collective redress package

The collective deed includes both cultural redress and commercial redress. It does not include financial redress, which each of the 12 Iwi of Hauraki will receive through their iwi-specific settlements. The collective deed and legislation will not settle any claims. The full and final settlement of historical Treaty of Waitangi claims of the Iwi of Hauraki will be made through iwi-specific settlements.

The cultural redress in the collective deed includes 2 1,000 hectare vestings at Moe-hau and Te Aroha maunga, participation on a number of co-governance and co-management arrangements over various natural resources, te reo revitalisation, and changes to place names.

The commercial redress in the collective deed includes the purchase of Crown Forest Land with the associated accumulated rentals and New Zealand units. The collective deed also includes the transfer of 41 properties held in the Treaty Settlements Landbank that will on-transfer to specified Iwi of Hauraki. The Iwi of Hauraki will have a right of first refusal to purchase certain Crown properties if those properties become surplus to requirements. The Iwi of Hauraki will take ownership of any Crown owned minerals found in land transferred to them as part of their Treaty settlements (not including petroleum, gold, silver, and uranium). The Iwi of Hauraki will have the right to elect to purchase specified Crown-owned properties within 5 years after the settlement date.

The collective deed does not provide for cultural redress in relation to harbours. Harbours redress will be developed in separate negotiations as soon as practicable. The deed acknowledges the Iwi of Hauraki and the Tauranga Moana Iwi Collective have agreed to discuss through a tikanga-based process how Tauranga Moana is to be protected and enhanced. The Tauranga Moana Framework will be provided for in separate legislation if agreement is reached between the Tauranga Moana Iwi Collective, the Hauraki Collective, and the Crown on certain items.

Departmental disclosure statement

The Office for Māori Crown Relations—Te Arawhiti 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=2022&no=220>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause, providing for the Bill to come into force on the day after the date on which it receives the Royal assent, except in relation to the naming of Great Barrier Island (Aotea). An Order in Council made on the recommen-

dition of the Minister for Treaty of Waitangi Negotiations are required to bring that part of *subpart 4 of Part 2* into force.

Part 1

Preliminary matters, interpretation provisions, and miscellaneous matters

Clauses 3 to 7 set out the purpose of the Bill, background to the Bill, when its provisions take effect, the fact that the Bill will bind the Crown when enacted, and an outline of the Bill. *Clauses 8 to 18* set out the definitions of key terms in the Bill and provide for the legal effect of the Bill in relation to the cancelling of the resumptive memorials, deal with the application of certain provisions of the Waikato Raupatu Claims Settlement Act 1995, Te Ture Wheua Maori Act 1993, and the Maori Fisheries Act 2004. In addition, provision is made for access to the Pare Hauraki collective deed and the use of electronic transmission.

Part 2

Cultural redress

Subpart 1 (clauses 19 to 27) and *Schedule 1* set out the redress relating to Moehau Tūpuna Maunga Reserve, including the establishment of the Moehau Tūpuna Maunga Board.

In *subpart 2 (clauses 28 to 47)*, the Bill provides for the vesting, in Pare Hauraki Cultural Redress Limited, of the Moehau Tūpuna Maunga and Te Aroha Tūpuna Maunga. *Schedule 2* sets out the legal descriptions of the land involved.

Subpart 3 (clauses 48 to 59) provides for the Crown's acknowledgement of the statement by the iwi of their association with the statutory area specified in *Schedule 3*.

Subpart 4 (clauses 60 to 63) provides for changing some a number of official geographic names, subject to provision for the naming of Great Barrier Island (Aotea) on a date to be appointed by the Governor-General by Order in Council (*see clause 2(1)*).

Subpart 5 (clauses 64 to 85) and *Schedule 4* provide for the establishment of a conservation framework for Pare Hauraki, including a review of the Waikato Conservation Management Strategy, the preparation of a conservation management plan for Pare Hauraki, and the transfer of decision making and review in relation to certain activities. In this context, *clause 82* draws attention to the relevance of section 4 of the Conservation Act 1987 and *clause 85* makes certain consequential amendments to that Act.

Subpart 6 (clauses 86 to 129) establishes the Waihou, Piako, and Coromandel Catchment Authority to provide for the co-governance, oversight, and direction of management of the taonga of those catchments. The Authority will have 7 members appointed by the trustee on behalf of the iwi, 1 member appointed by Te Mātāpuna (*see clause 104*), and 6 members appointed by the local authorities with jurisdiction in the area covered by this Bill. *Schedule 5* sets out the procedures applying to the Waihou,

Piako, and Coromandel Catchment Authority and the Upper Mangatangi and Mangatāwhiri Catchment Authority and provisions relating to a defined part of the plan that is to be prepared. *Schedule 6* provides details about the Commissioner Register and appointment of hearing commissioners, as required under *subparts 6 and 7 of Part 2*.

Subpart 7 (clauses 130 to 160) will establish the Upper Mangatangi and Mangatāwhiri Catchment Authority to provide for the co-governance, oversight, and direction of management of the taonga of those catchments, including by the preparation of a catchments plan.

Subpart 8 (clauses 161 to 183) sets out, as background to the redress relating to certain catchments, a statement of the significance of certain natural features to the Iwi of Hauraki. It also includes a description of the obligations of the Waikato River Authority to enable participation in relation to the management of certain subcatchments and provides for joint management agreements to be entered into with the Waikato Regional Council and the Waikato District Council.

Part 3

Commercial redress

Part 3 is in 5 subparts and includes defined terms for *subparts 1 to 3*.

Subpart 1 (clauses 185 to 197) provides for the Crown to transfer certain properties and sets out the transfer requirements, including those for commercial redress properties, deferred selection properties, and the Waihou River Conservation Area.

Subparts 2 and 3 (clauses 198 to 204) set out the arrangements for the transfer of licensed land (*subpart 2*) and for access to protected sites over licensed land (*subpart 3*).

Subpart 4 (clauses 205 to 221) makes provision, in relation to the land vested or transferred, for the interest in certain Crown owned minerals in or on that land to vest or transfer with the land. The minerals specified in section 10 of the Crown Minerals Act 1991 are excluded from the scope of that provision. The subpart sets out the technical requirements relating to registration, calculation of, the amount payable by the Crown, and amendments to be made to the Crown Minerals Act 1991

Subpart 5 (clauses 222 to 254) sets out the scheme that grants rights of first refusal over certain land and provides for the operation of that scheme. *Subpart 6 (clauses 255 to 268)* provides for a second right of refusal, which applies to specified Crown land within the meaning of section 7 of the Waikato Raupatu Claims Settlement Act 1995 that is available, but no longer required as redress under that Act.

Part 4

Amendments to other Acts

Amendments to Ngāti Pūkenga Claims Settlement Act 2017 and Ngāi Tai ki Tamaki Claims Settlement Act 2018

Clauses 269 and 270 amend provisions of the Ngāti Pūkenga Claims Settlement Act 2017 and the Ngāi Tai ki Tāmaki Claims Settlement Act 2018, respectively, to provide that the minerals redress applies in relation to certain land vested or transferred under those Acts. Consequential amendments to the Crown Minerals Act 1991 are also included.

Hon Andrew Little

Pare Hauraki Collective Redress Bill

Government Bill

Contents

	Page
1 Title	11
2 Commencement	12
Part 1	
Preliminary provisions	
<i>Preliminary matters</i>	
3 Purpose	12
4 Background	12
5 Provisions to take effect on settlement date	13
6 Act binds the Crown	13
7 Outline	13
<i>Interpretation provisions</i>	
8 Interpretation of Act generally	15
9 Interpretation	15
10 Meaning of Iwi of Hauraki	19
<i>Resumptive memorials no longer apply</i>	
11 Certain enactments do not apply	20
12 Resumptive memorials to be cancelled	20
13 Certain provisions of Waikato Raupatu Claims Settlement Act 1995 no longer apply	21
<i>Miscellaneous matters</i>	
14 Rule against perpetuities does not apply	22
15 Application of Te Ture Whenua Maori Act 1993	22
16 Application of Maori Fisheries Act 2004	23
17 Access to Pare Hauraki collective deed	24

18	Use of electronic transmission	24
Part 2		
Cultural redress		
Subpart 1—Moehau Tūpuna Maunga Reserve		
19	Interpretation	24
20	Moehau Area	25
21	Moehau Tūpuna Maunga Reserve	25
22	Resource consents	26
23	Establishment of Moehau Tūpuna Maunga Board	26
24	Functions and powers of Board	27
25	Crown improvements	27
26	Interests	27
27	Name of Crown protected area discontinued	28
Subpart 2—Vesting of cultural redress properties (tūpuna maunga)		
28	Interpretation	28
<i>Moehau Tūpuna Maunga</i>		
29	Vesting of Moehau Tūpuna Maunga	28
30	Application of Crown Minerals Act 1991 to Moehau Tūpuna Maunga	29
31	When Moehau Tūpuna Maunga may be treated as no longer included in Schedule 4 of Crown Minerals Act 1991	29
<i>Te Aroha Tūpuna Maunga</i>		
32	Vesting of Te Aroha Tūpuna Maunga	30
33	Interests other than interests in land	30
34	Name of Crown protected area discontinued	31
<i>Limitation of liability</i>		
35	Limitation of liability under Resource Management Act 1991	31
<i>General provisions applying to vesting of cultural redress properties (tūpuna maunga)</i>		
36	Properties vest subject to or together with interests	32
37	Registration of ownership	32
38	Recording of iwi interests	32
39	Application of Part 4A of Conservation Act 1987	32
40	Matters to be recorded on record of title	33
41	Application of other enactments	33
42	Application of other enactments to reserve properties	34
43	Subsequent transfer of reserve land	34
44	Transfer of reserve land to new administering body	34
45	Transfer of reserve land if trustee changes	35
46	Reserve land not to be mortgaged	35
47	Saving of bylaws, etc, in relation to reserve properties	35

Subpart 3—Statutory acknowledgement		
48	Interpretation	35
49	Statutory acknowledgement by the Crown	36
50	Purposes of statutory acknowledgement	36
51	Relevant consent authorities to have regard to statutory acknowledgement	36
52	Environment Court to have regard to statutory acknowledgement	37
53	Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement	37
54	Recording statutory acknowledgement on statutory plans	37
55	Provision of summary or notice to trustee and governance entities	38
56	Use of statutory acknowledgement	39
<i>General provisions relating to statutory acknowledgement</i>		
57	Exercise of powers and performance of functions and duties	39
58	Rights not affected	40
<i>Consequential amendment to Resource Management Act 1991</i>		
59	Amendment to Resource Management Act 1991	40
Subpart 4—Official geographic names		
60	Interpretation	40
61	Official geographic names	40
62	Publication of official geographic names	40
63	Subsequent alteration of official geographic names	41
Subpart 5—Pare Hauraki conservation framework		
64	Interpretation	41
<i>Review of Waikato Conservation Management Strategy</i>		
65	Purpose and process of review and amendment of CMS	42
<i>Pare Hauraki conservation management plan</i>		
66	Pare Hauraki conservation management plan	43
67	Status, effect, and certain contents of Pare Hauraki conservation management plan	43
<i>Preparation of draft Pare Hauraki conservation management plan and draft Waikato CMS document</i>		
68	Draft document to be prepared	44
69	Notification of draft document	44
70	Submissions	45
71	Hearing	45
72	Revision of draft document	46
73	Consideration of draft CMP document by trustee and relevant Conservation Boards	46
74	Submission of draft plan to Conservation Authority and Minister	46

Pare Hauraki Collective Redress Bill

75	Approval of draft plan	47
76	Referral to Conservation Authority in case of disagreement	47
77	Mediation process	47
78	Conditions of mediation	48
79	Effect of approval of Pare Hauraki conservation management plan	48
	<i>Review and amendment of Pare Hauraki conservation management plan</i>	
80	Review procedure	49
81	Amendment procedure	49
	<i>Decision-making framework</i>	
82	Application of section 4 of Conservation Act 1987	49
	<i>Transfer of decision-making and review functions</i>	
83	Customary materials plan	50
84	Wāhi tapu framework	50
	<i>Amendments to Conservation Act 1987</i>	
85	Amendments to Conservation Act 1987	50
	Subpart 6—Waihou, Piako, and Coromandel catchments	
86	Interpretation	51
	<i>Waihou, Piako, and Coromandel Catchment Authority</i>	
87	Establishment of Waihou, Piako, and Coromandel Catchment Authority	52
88	Purpose of Authority	52
89	Functions of Authority	52
90	Capacity	53
91	Members of Authority	53
92	Co-chairpersons of Authority	54
93	Quorum for meetings	54
94	Term of office	54
95	Duties of members of Authority	54
96	Validity of Authority's acts	55
97	Resignation or removal of members	55
98	Subcommittees	55
99	Delegation	55
100	Authority's administration and procedure	56
	<i>Te Mātāpuna o ngā awa o Waihou Piako</i>	
101	Establishment of Te Mātāpuna o ngā awa o Waihou Piako	56
102	Purpose of Te Mātāpuna	56
103	Functions	56
104	Membership	56
105	Appointment of co-chairpersons	57

Pare Hauraki Collective Redress Bill

	<i>Waihou, Piako, and Coromandel Catchments Plan</i>	
106	Purpose of Waihou, Piako, and Coromandel Catchments Plan	57
107	Responsibilities of Authority	58
108	Preparation of draft Waihou, Piako, and Coromandel Catchments Plan	58
109	Preparation of draft provisions for upper Waihou and Piako catchments	59
	<i>Notification, submissions, and approval of draft plan</i>	
110	Notification of draft plan	59
111	Submissions on draft plan	60
112	Consideration and approval of draft plan	60
113	Commencement and availability of approved plan	61
	<i>Review and amendments</i>	
114	Review of, and amendments to, plan	61
	<i>Power to incorporate plan in regional policy statement</i>	
115	Plan may form part of regional policy statement	61
116	Decision to incorporate plan may be made by Waikato Regional Council	61
117	Subsequent decisions to incorporate	62
118	Timing of incorporation	63
119	Inconsistencies between plan and Waikato regional policy statement	63
120	Amendment of Waikato regional policy statement	63
	<i>Effect on RMA planning documents if plan not incorporated in regional policy statement</i>	
121	Changes to planning documents	63
	<i>Effects if plan incorporated in regional policy statement</i>	
122	Effects on resource management and fisheries matters	64
123	Effect on decisions made under local government Acts	64
124	Compliance with obligations	64
125	Freshwater values and objectives	65
	<i>Commissioner Register</i>	
126	Register of hearing commissioners	65
127	Persons who may be included on Commissioner Register	65
128	Appointment of commissioners	65
129	Information on applications for resource consents	66
	Subpart 7—Upper Mangatangi and Mangatāwhiri Catchments	
130	Interpretation	66

Pare Hauraki Collective Redress Bill

<i>Upper Mangatangi and Mangatāwhiri Catchment Authority</i>		
131	Establishment of Upper Mangatangi and Mangatāwhiri Catchment Authority	67
132	Purpose of Upper Mangatangi and Mangatāwhiri Catchment Authority	67
133	Functions of Upper Mangatangi and Mangatāwhiri Catchment Authority	67
134	Capacity	68
135	Members of Authority	68
136	Term of office	69
137	Duties of members of Authority	69
138	Validity of Authority's acts	69
139	Chairperson of Authority	70
140	Resignation or removal of members	70
141	Quorum for meetings of Authority	70
<i>Administrative matters</i>		
142	Information on applications for resource consents	70
143	Administration and procedures of Authority	71
<i>Commissioner Register</i>		
144	Register of hearing commissioners	71
145	Alternative arrangement for appointment of commissioners	71
<i>Upper Mangatangi and Mangatāwhiri Catchments Plan</i>		
146	Purpose of Upper Mangatangi and Mangatāwhiri Catchments Plan	72
147	Preparation of draft Upper Mangatangi and Mangatāwhiri Catchments Plan	72
148	Notification of draft plan	73
149	Submissions on draft plan	74
150	Consideration and approval of draft plan	74
151	Commencement and availability of approved plan	74
152	Review of, and amendments to, plan	75
<i>Effect of plan on various statutory documents</i>		
153	Changes to RMA planning documents	75
154	Effect on fisheries matters	75
155	Effect on decisions made under local government Acts	76
156	Compliance with obligations	76
157	Freshwater values and objectives	76
<i>Independent review</i>		
158	Review of Authority	76
159	Terms of review	77
160	Determination on amalgamation	77

Pare Hauraki Collective Redress Bill

	Subpart 8—Lower Mangatangi Stream and Mangatāwhiri River and Whangamarino wetland catchments	
161	Interpretation	77
162	Background: Statement by Iwi of Hauraki of significance of certain natural features to Iwi	78
163	Iwi objectives and environmental plan	80
	<i>Obligations of Waikato River Authority under this subpart</i>	
164	Participation of trustee in certain decisions of Waikato River Authority	80
165	Review of vision and strategy	81
166	Appointment of hearing commissioners	81
167	Consultation on applications for clean-up funds	81
	<i>Joint management agreements</i>	
168	Joint management agreements with Waikato Regional Council and Waikato District Council	81
169	Scope	82
170	Legal framework for joint management agreement	82
171	Contents	82
172	Principles for development and operation of joint management agreement	83
173	Monitoring and enforcement	83
174	Preparation, review, change, or variation of planning documents	84
175	Activities relevant to resource consent process under this Act	85
176	Resource consent process	86
177	Process for finalising joint management agreement	86
178	Joint management agreement may be suspended	88
179	Waiver of rights	88
180	Joint management agreement may be extended	88
181	Review and amendment	89
182	Exercise of powers in certain circumstances	89
183	Other powers not affected	89

Part 3
Commercial redress

184	Interpretation	90
	Subpart 1—Transfer of commercial properties, commercial redress properties, and deferred selection properties	
185	The Crown may transfer properties	91
186	Minister of Conservation may grant easements	91
187	Records of title for commercial redress properties and deferred selection properties	92
188	Record of title for licensed land subject to single Crown forestry licence	92

Pare Hauraki Collective Redress Bill

189	Authorised person may grant covenant for later creation of record of title	93
190	Application of other enactments	93
	<i>Transfer of certain properties</i>	
191	Transfer of commercial redress property and deferred selection properties	94
192	Waihou River Conservation Area	94
193	Matters associated with transfer of Waihou River Conservation Area	95
194	If Waihou River Conservation Area ceases to be a soil conservation reserve	95
195	Conditions applying to certain deferred selection properties	96
196	Further application of Crown Minerals Act 1991	96
197	Exchange of land	97
	Subpart 2—Licensed land	
198	Licensed land ceases to be Crown forest land	98
199	Pare Hauraki Ngahere Limited Partnership is confirmed beneficiary and licensor of licensed land	98
200	Transfer of New Zealand units to Pare Hauraki Ngahere Limited Partnership	99
201	Effect of transfer of licensed land	99
	Subpart 3—Access to protected sites	
202	Right of access to protected sites	101
203	Right of access over licensed land	101
204	Right of access to be recorded on records of title	102
	Subpart 4—Vesting of certain Crown owned minerals and related matters	
205	Application and interpretation	102
	<i>Existing rights preserved</i>	
206	Certain existing rights preserved	104
	<i>Certain minerals vested or transferred under this subpart</i>	
207	Vested minerals no longer to be reserved to the Crown	104
208	Application of Crown Minerals Act 1991	105
	<i>Registration</i>	
209	Notation of mineral ownership on records of title (other than for properties referred to in section 210)	105
210	Notation of mineral ownership on record of title for early release commercial redress properties and commercial redress properties	106
	<i>Amounts payable in respect of vested minerals</i>	
211	Purpose and scope of arrangement for payments	106

Pare Hauraki Collective Redress Bill

212	Obligation to pay representative or actual amount	106
	<i>Calculation of amount payable</i>	
213	Calculation of representative amount	107
214	Calculation of representative amount if more than 1 permit area	107
215	Calculation of representative amount if relevant land held in shares	108
216	When actual amount may be paid	108
	<i>Application for payment of representative amount</i>	
217	Application requirements	109
218	Advice to be given to applicant	109
219	Other conditions applying to payments	110
	<i>Status of certain information</i>	
220	Confidentiality of information disclosed or received	110
	<i>Consequential amendments to Crown Minerals Act 1991</i>	
221	Amendments to Crown Minerals Act 1991	110
	Subpart 5—Right of first refusal over RFR land	
	<i>Interpretation</i>	
222	Interpretation	112
223	Meaning of RFR land	113
224	RFR land required for another Treaty of Waitangi settlement	115
	<i>Restrictions on disposal of RFR land</i>	
225	Restrictions on disposal of RFR land	116
	<i>Pare Hauraki Whenua Limited Partnership's right of first refusal</i>	
226	Requirements for offer	116
227	Expiry date of offer	117
228	Withdrawal of offer	117
229	Acceptance of offer	117
230	Formation of contract	117
	<i>Disposals to others but land remains RFR land</i>	
231	Disposal to the Crown or Crown bodies	118
232	Disposal of existing public works to local authorities	118
233	Disposal of reserves to administering bodies	119
	<i>Disposals to others where land may cease to be RFR land</i>	
234	Disposal in accordance with obligations under enactment or rule of law	119
235	Disposal in accordance with legal or equitable obligations	119
236	Disposal under certain legislation	119
237	Disposal of land held for public works	120
238	Disposal for reserve or conservation purposes	120
239	Disposal for charitable purposes	120

Pare Hauraki Collective Redress Bill

240	Disposal to tenants	120
241	Disposal by Health New Zealand	121
	<i>RFR landowner obligations</i>	
242	RFR landowner’s obligations subject to other matters	121
	<i>Notices about RFR land</i>	
243	Notice to LINZ of RFR land with record of title after settlement date	121
244	Notice to Pare Hauraki Whenua Limited Partnership of disposal of RFR land to others	122
245	Notice to LINZ of land ceasing to be RFR land	122
246	Notice to Pare Hauraki Whenua Limited Partnership if disposal of RFR land being considered	123
247	Notice requirements	124
	<i>Right of first refusal recorded on records of title</i>	
248	Right of first refusal to be recorded on records of title for RFR land	124
249	Removal of notations when land to be transferred or vested	125
250	Removal of notations when notice given under section 224	125
251	Removal of notations when RFR period ends	126
	<i>General provisions applying to right of first refusal</i>	
252	Waiver and variation	126
253	Disposal of Crown bodies not affected	126
254	Assignment of rights and obligations under this subpart	126
	Subpart 6—Second right of refusal over second right of refusal land	
	<i>Interpretation</i>	
255	Interpretation	127
256	Meaning of second right of refusal land	128
	<i>Pare Hauraki Whenua Limited Partnership’s right of refusal</i>	
257	Offer to Pare Hauraki Whenua Limited Partnership	128
258	Requirements for offer	129
259	Expiry date of offer	129
260	Acceptance of offer	129
261	Formation of contract	129
	<i>Notices about second right of refusal land</i>	
262	Notice to LINZ of record of title for second right of refusal land	130
263	Notice to LINZ of land ceasing to be second right of refusal land	130
264	Notice requirements	131
	<i>Right of second refusal to be recorded on records of title</i>	
265	Right of second right refusal land to be recorded on records of title	131

266	Removal of second right of refusal notations when land to be transferred	131
267	Removal of second right of refusal notations when notice given under section 263(5)	132
	<i>General provision applying to second right of refusal</i>	
268	Assignment of rights and obligations under this subpart	133
	Part 4	
	Amendments to other Acts	
	<i>Amendments to Ngāti Pūkenga Claims Settlement Act 2017</i>	
269	Ngāti Pūkenga Claims Settlement Act 2017 amended	133
	<i>Amendments to Ngāi Tai ki Tāmaki Claims Settlement Act 2018</i>	
270	Ngāi Tai ki Tāmaki Claims Settlement Act 2018 amended	142
	Schedule 1	151
	Moehau Tūpuna Maunga Board	
	Schedule 2	164
	Legal descriptions of cultural redress properties and Moehau Area	
	Schedule 3	166
	Statutory area	
	Schedule 4	167
	Pare Hauraki conservation framework	
	Schedule 5	173
	Procedures for Waihou, Piako, and Coromandel Catchment Authority and preparation of upper Waihou and Piako section of draft plan	
	Schedule 6	180
	Commissioner register and appointment of hearing commissioners	
	Schedule 7	182
	New Schedule 6 of Crown Minerals Act 1991 inserted	
	Schedule 8	183
	Notices in relation to RFR land	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Pare Hauraki Collective Redress Act **2022**.

2 Commencement

- (1) This Act comes into force on the day after the date on which it receives the Royal assent, except as provided in **subsection (2)**.
- (2) **Subpart 4 of Part 2**, to the extent that it applies to the name change for Great Barrier Island (Aotea), comes into force on a date appointed by the Governor-General by Order in Council made on the recommendation of the Minister for Treaty of Waitangi Negotiations. 5

Part 1 Preliminary provisions

Preliminary matters 10

3 Purpose

The purpose of this Act is to give effect to the Pare Hauraki collective deed that provides for the collective redress of the Iwi of Hauraki.

4 Background

- (1) The 12 Iwi of Hauraki are— 15
- (a) Hako; and
 - (b) Ngāi Tai ki Tāmaki; and
 - (c) Ngāti Hei; and
 - (d) Ngāti Maru; and
 - (e) Ngāti Paoa; and 20
 - (f) Ngāti Porou ki Hauraki; and
 - (g) Ngāti Pūkenga; and
 - (h) Ngāti Rāhiri Tumutumu; and
 - (i) Ngāti Tamaterā; and
 - (j) Ngāti Tara Tokanui; and 25
 - (k) Ngaati Whanaunga; and
 - (l) Te Patukirikiri.
- (2) Each of the Iwi of Hauraki has its own historical Treaty of Waitangi/Te Tiriti o Waitangi claims.
- (3) Negotiations between the Crown and the Iwi of Hauraki towards settlement of their historical Treaty claims began in 2009. 30
- (4) Throughout this period, the Crown has recognised the ongoing Treaty negotiations mandate for each of the Iwi of Hauraki.
- (5) The Iwi of Hauraki will receive collective Treaty redress for their shared interests, namely for certain tūpuna maunga, rivers and catchments, lands, minerals, 35

and other arrangements in Hauraki, Tīkapa Moana–Te Tai Tamahine/Te Tai Tamawahine, Tauranga Moana, and Waikato.

- (6) The Iwi of Hauraki will also have their own iwi-specific Treaty settlements.
- (7) The Hauraki Collective Framework Agreement was signed on 1 October 2010.
- (8) The Agreement in Principle Equivalents for each of the Iwi of Hauraki were signed on 22 July 2011. 5
- (9) The Pare Hauraki Collective Redress Deed was initialled on 22 December 2016.
- (10) The Pare Hauraki Collective Redress Deed was signed, following successful ratification, on various dates in 2018 and 2019 (*see* definition of **Pare Hauraki collective deed** in **section 9**). 10
- (11) To implement the Pare Hauraki collective deed, legislation is required.

5 Provisions to take effect on settlement date

- (1) The provisions of this Act take effect on the settlement date unless stated otherwise. 15
- (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—
 - (a) the provision to have full effect on that date; or
 - (b) a power to be exercised under the provision on that date; or
 - (c) a duty to be performed under the provision on that date. 20

6 Act binds the Crown

This Act binds the Crown.

7 Outline

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the Pare Hauraki collective deed. 25
- (2) This Part—
 - (a) sets out the purpose of this Act and a background statement that lists the iwi comprising the Iwi of Hauraki and describes the events leading to the completion of the Pare Hauraki collective deed; and 30
 - (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) defines terms used in this Act; and
 - (e) provides for— 35
 - (i) the effect of the settlement on certain memorials; and

- (ii) the exclusion of the limit on the duration of a trust; and
- (iii) access to the Pare Hauraki collective deed.
- (3) **Part 2** provides for cultural redress, including,—
 - (a) in **subpart 1**, provisions for the joint governance and management of the Moehau Tūpuna Maunga Reserve (being part of the Moehau Ecological Area and part of the Coromandel Forest Park); and 5
 - (b) in **subpart 2**, provisions for cultural redress to vest the fee simple estate in 2 cultural redress properties, Moehau Tūpuna Maunga and Te Aroha Tūpuna Maunga, in the trustee of the Pare Hauraki Cultural Redress Trust; and 10
 - (c) in **subparts 3 and 4**, additional cultural redress as follows:
 - (i) a statutory acknowledgement by the Crown of the statement made by the Iwi of Hauraki of their spiritual, cultural, ancestral, customary, and historical association with the statutory area and the effect of that acknowledgement; and 15
 - (ii) the provision of official geographic names; and
 - (d) in **subpart 5**, the Pare Hauraki conservation framework; and
 - (e) in **subpart 6**, the Waihou, Piako, and Coromandel Catchment Authority and the regime set up for the Authority in relation to the Waihou, Piako, and Coromandel catchments; and 20
 - (f) in **subpart 7**, provisions relating to the Upper Mangatangi and Mangatāwhiri Catchments; and
 - (g) in **subpart 8**, arrangements for the participation of the Iwi of Hauraki in decision making relating to the lower Mangatangi Stream and Mangatāwhiri River and Whangamarino wetland catchments. 25
- (4) **Part 3** provides for commercial redress, including,—
 - (a) in **subpart 1**, the transfer of properties; and
 - (b) in **subpart 2**, the arrangements for licensed land; and
 - (c) in **subpart 3**, the right of access to protected sites; and
 - (d) in **subpart 4**, the vesting of certain Crown owned minerals and related matters; and 30
 - (e) in **subpart 5**, a right of first refusal; and
 - (f) in **subpart 6**, a second right of refusal.
- (5) **Part 3** also contains amendments to the Crown Minerals Act 1991, which are required to permit the vesting of certain minerals in the Iwi of Hauraki. 35
- (6) **Part 4** contains amendments to the Ngāti Pūkenga Claims Settlement Act 2017 and the Ngāi Tai ki Tāmaki Claims Settlement Act 2018.
- (7) There are 8 schedules, as follows:

- (a) **Schedule 1** sets out provisions applying to the Moehau Tūpuna Maunga Board:
- (b) **Schedule 2** describes the cultural redress properties and Moehau Area:
- (c) **Schedule 3** describes the statutory area to which the statutory acknowledgement relates: 5
- (d) **Schedule 4** sets out the provisions that apply to the Pare Hauraki conservation framework:
- (e) **Schedule 5** sets out provisions relevant to the administration of, and procedures for, the Waihou, Piako, and Coromandel Catchment Authority, Te Mātapuna o ngā awa o Waihou Piako, and the preparation of the Waihou, Piako, and Coromandel Catchments Plan: 10
- (f) **Schedule 6** sets out provisions relating to the register and appointment of hearing commissioners:
- (g) **Schedule 7** contains the new *Schedule 6* of the Crown Minerals Act 1991: 15
- (h) **Schedule 8** sets out provisions relating to the giving of notices in relation to RFR land.

Interpretation provisions

8 Interpretation of Act generally

It is the intention of Parliament that the provisions of this Act are interpreted in a manner that best furthers the agreements expressed in the Pare Hauraki collective deed. 20

9 Interpretation

In this Act, unless the context otherwise requires,—

accredited, in relation to a hearing commissioner, has the meaning given in section 2(1) of the Resource Management Act 1991 25

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

appointer means the person or body who makes an appointment

attachments means the attachments to the Pare Hauraki collective deed 30

commercial property has the meaning given in **section 184**

commercial redress property has the meaning given in **section 184**

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 35

conservation legislation means—

- (a) the Conservation Act 1987; and
- (b) the enactments listed in Schedule 1 of that Act

conservation management plan has the meaning given in section 2(1) of the Conservation Act 1987 5

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

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

cultural redress property has the meaning given in **section 28**

deferred selection property has the meaning given in **section 184** 10

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the Pare Hauraki collective deed

early release commercial redress property means a property described in part 3 of the property redress schedule 15

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

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

governance entity means the following:

- (a) the trustees of the Hako Tūpuna Trust: 20
- (b) the trustees of the Ngāi Tai ki Tāmaki Trust:
- (c) the trustees of the Hei o Wharekaho Settlement Trust:
- (d) the trustees of the Ngāti Maru Rūnanga Trust:
- (e) the trustees of the Ngāti Paoa Iwi Trust:
- (f) the trustees of the Ngāti Porou ki Hauraki Rūnanga Trust: 25
- (g) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust:
- (h) the trustees of the Ngāti Tumutumu Trust:
- (i) the trustees of the Ngāti Tamaterā Treaty Settlement Trust:
- (j) the trustees of the Ngāti Tara Tokanui Trust:
- (k) the trustees of the Ngaati Whanaunga Ruunanga Trust: 30
- (l) the trustees of the Te Patukirikiri Iwi Trust

Hako Tūpuna Trust means the trust of that name established by a trust deed dated 26 August 2014

Hauraki Gulf Marine Park means the park established under section 33 of the Hauraki Gulf Marine Park Act 2000 35

- hearing commissioner** means a person accredited under section 39A of the Resource Management Act 1991 to act as a hearing commissioner
- Hei o Wharekaho Settlement Trust** means the trust of that name established by a trust deed dated 17 August 2017
- interest** means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property 5
- Iwi of Hauraki** has the meaning given in **section 10**
- licensed land** has the meaning given in **section 184**
- LINZ** means Land Information New Zealand
- local authority** has the meaning given in section 5(1) of the Local Government Act 2002 10
- member** of an Iwi of Hauraki means an individual referred to in **section 10(b)**
- Ngāi Tai ki Tāmaki Trust** means the trust of that name established by a trust deed dated 2 May 2013 15
- Ngāti Maru Rūnanga Trust** means the trust of that name established by a trust deed dated 15 October 2013
- Ngāti Paoa Iwi Trust** means the trust of that name established by a trust deed dated 4 October 2013
- Ngāti Porou ki Hauraki Rūnanga Trust** means the trust of that name established by a trust deed 20
- Ngāti Tamaterā Treaty Settlement Trust** means the trust of that name established by a trust deed dated 22 October 2013
- Ngāti Tara Tokanui Trust** means the trust of that name established by a trust deed dated 1 February 2014 25
- Ngaati Whanaunga Ruunanga Trust** means the trust of that name established by a trust deed dated 16 May 2019
- Pare Hauraki collective deed** means the Pare Hauraki Collective Redress deed dated 2 August 2018 and signed as follows:—
- (a) on 2 August 2018 by the Honourable Andrew James Little, Minister for Treaty of Waitangi Negotiations, and the Honourable Grant Murray Robertson, Minister of Finance, for and on behalf of the Crown and by the mandated signatories for and on behalf of Ngāti Maru, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri; and 30
 - (b) on 13 September 2018 by the mandated signatories for and on behalf of Ngāti Hei; and 35
 - (c) on 15 February 2019 by the mandated signatories for and on behalf of Ngāti Paoa; and
 - (d) includes—

- (i) the schedules of, and attachments to, the Pare Hauraki collective deed; and
- (ii) any amendments to the Pare Hauraki collective deed or its schedules and attachments

Pare Hauraki Cultural Redress Trust and **Trust** mean the trust of that name established by the Iwi of Hauraki by a trust deed 5

Pare Hauraki Limited Partnerships means the Pare Hauraki Ngahere Limited Partnership and the Pare Hauraki Whenua Limited Partnership

Pare Hauraki Ngahere Limited Partnership means the limited partnership of that name registered under section 51 of the Limited Partnerships Act 2008 10

Pare Hauraki redress area means the area identified by that name in part 1 of the attachments

Pare Hauraki Whenua Limited Partnership means the limited partnership of that name registered under section 51 of the Limited Partnerships Act 2008

property redress schedule means the property redress schedule of the Pare Hauraki collective deed 15

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

regional council has the meaning given in section 2(1) of the Resource Management Act 1991 20

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

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

reserve property has the meaning given in **section 28**

resource consent has the meaning given in section 2(1) of the Resource Management Act 1991 25

RFR means the right of first refusal provided for by **subpart 5 of Part 3**

RFR area has the meaning given in **section 222**

RFR holder has the meaning given in **paragraph (b)** of the definition of that term in **section 254** 30

RFR land has the meaning given in **section 223**

settlement date means the date that is 60 working days after the date on which this Act comes into force

statutory acknowledgement has the meaning given in **section 48**

Te Patukirikiri Iwi Trust means the trust of that name established by a trust deed dated 24 October 2013 35

Te Puāwaitanga o Ngāti Hinerangi Iwi Trust means the trust of that name established by a trust deed dated 13 April 2019

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

tikanga means customary values and practices

trustee means Pare Hauraki Cultural Redress Limited, acting in its capacity as the trustee of the Pare Hauraki Cultural Redress Trust 5

Waikato River Authority means the Authority set up by section 22 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

waterway—

- (a) means any river, stream, lake, or other freshwater body; and
- (b) includes a tributary flowing into a freshwater body 10

working day means a day other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day:
- (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday: 15
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:
- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington. 20

10 Meaning of Iwi of Hauraki

In this Act, **Iwi of Hauraki**—

- (a) means the collective group comprising all of the following iwi:
 - (i) Hako; and
 - (ii) Ngāi Tai ki Tāmaki; and 25
 - (iii) Ngāti Hei; and
 - (iv) Ngāti Maru; and
 - (v) Ngāti Paoa; and
 - (vi) Ngāti Porou ki Hauraki; and
 - (vii) Ngāti Pūkenga; and 30
 - (viii) Ngāti Rāhiri Tumutumu; and
 - (ix) Ngāti Tamaterā; and
 - (x) Ngāti Tara Tokanui; and
 - (xi) Ngaati Whanaunga; and
 - (xii) Te Patukirikiri; and 35

- (b) includes the individuals who are members of 1 or more of the iwi listed in **paragraph (a)**; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.

Resumptive memorials no longer apply 5

11 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply—
 - (a) to a cultural redress property; or
 - (b) to a commercial property; or
 - (c) to a commercial redress property; or 10
 - (d) to a deferred selection property on and from the date of its transfer to the Pare Hauraki Whenua Limited Partnership; or
 - (e) to an early release commercial redress property; or
 - (f) to RFR land on and from the date of its disposal under a contract formed under **section 230**; or 15
 - (g) to all or part of the Koheroa Road property, as applicable, on and from the date of disposal if the land is disposed of under a contract formed under **section 261**; or
 - (h) for the benefit of the trustee or the Pare Hauraki Limited Partnerships.
- (2) The enactments are— 20
 - (a) Part 3 of the Crown Forest Assets Act 1989:
 - (b) sections 568 to 570 of the Education and Training Act 2020:
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986: 25
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.
- (3) In this section and **sections 12 and 13**, **Koheroa Road property** means 0.8075 hectares, more or less, being Lot 1 DP 92293. All record of title NA48D/901.

12 Resumptive memorials to be cancelled 30

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the record of title for, each allotment that—
 - (a) is all or part of—
 - (i) a cultural redress property: 35
 - (ii) a commercial property:

-
- (iii) a commercial redress property:
 - (iv) a deferred selection property:
 - (v) an early release commercial redress property:
 - (vi) RFR land disposed of under a contract formed under **section 230**: 5
 - (vii) the Koheroa Road property if it is disposed of under a contract formed under **section 261**; and
 - (b) is subject to a resumptive memorial recorded under an enactment listed in **section 11(2)**.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after— 10
- (a) the date of transfer of the property to the Pare Hauraki Whenua Limited Partnership, for a deferred selection property; or
 - (b) the settlement date, for a cultural redress property, commercial property, commercial redress property, or an early release commercial redress property; or 15
 - (c) the date of disposal of the land, for RFR land disposed of under a contract formed under **section 230**; or
 - (d) the date of disposal of the land, for all or part of the Koheroa Road property, as applicable, if the land is disposed of under a contract formed under **section 261**. 20
- (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— 25
- (a) register the certificate against each record of title identified in the certificate; and
 - (b) cancel each memorial recorded under an enactment listed in **section 11(2)** on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.
- 13 Certain provisions of Waikato Raupatu Claims Settlement Act 1995 no longer apply** 30
- (1) Despite section 14(5) to (7) of the Waikato Raupatu Claims Settlement Act 1995, **sections 11 and 12** of this Act apply to the following land:
- (a) Feisst Road/Bell Road, Maramarua:
 - (b) all or part of the Kaihere Road property, as applicable, if the land is disposed of under a contract formed under **section 230**: 35
 - (c) all or part of the Koheroa Road property, as applicable, if the land is disposed of under a contract formed under **section 261**.

(2) In this section,—

Feisst Road/Bell Road, Maramarua means the early release commercial redress property described by that name in part 3 of the property redress schedule

Kaihere Road property means 1.2203 hectares, more or less, being Lot 2 DPS 3885, Sections 6, 10, 12, and 13 Block II Kaihere Village, and Sections 11 and 20 Block III Kaihere Village. Part transfer B421688.2. South Auckland Land District. 5

Miscellaneous matters

14 Rule against perpetuities does not apply 10

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

- (a) do not prescribe or restrict the period during which—
 - (i) the Pare Hauraki Cultural Redress Trust may exist in law; or
 - (ii) the trustees may hold or deal with property or income derived from property; and 15
- (b) do not apply to a document entered into to give effect to the Pare Hauraki collective deed 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 the Pare Hauraki Cultural Redress Trust is or becomes a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

15 Application of Te Ture Whenua Maori Act 1993

(1) 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 any matter that arises from the application of Te Ture Whenua Maori Act 1993 if the matter relates to— 25

- (a) a cultural redress property, while the property remains in the ownership of the trustee or a subsidiary of the trustee; or 30
- (b) a property transferred to either of the Pare Hauraki Limited Partnerships under **section 185**, while the property remains in the ownership of that limited partnership or a subsidiary of that partnership; or
- (c) RFR land (other than land subject to an application under section 41(1)(e) of the Public Works Act 1981); or 35
- (d) land transferred to one of the following as a result of the contract formed under **section 230**, while the land remains in the ownership of the Limited Partnership, subsidiary, or person:

- (i) the Pare Hauraki Whenua Limited Partnership or a subsidiary of that Partnership;
- (ii) an RFR holder; or
- (e) land transferred to one of the following as a result of a contract formed under **section 261**, while the land remains in the ownership of the partnership, subsidiary, or person: 5
- (i) the Pare Hauraki Whenua Limited Partnership or a subsidiary of that Partnership;
- (ii) an RFR holder; or
- (f) any governance arrangement over land or a property described in **paragraphs (a) to (e)**; or 10
- (g) any decision made or other action taken by either of the Pare Hauraki Limited Partnerships (or a subsidiary of the relevant partnership) in relation to land or a property described in **paragraphs (b) to (d)** before the transfer of the land or property to that limited partnership or a subsidiary of that partnership. 15
- (2) In **subsection (1)**,—
- ownership** includes any interest less than full ownership, whether legal or equitable
- subsidiary** means a subsidiary entity wholly owned by the trustee or relevant Pare Hauraki Limited Partnership, as the case may be. 20
- 16 Application of Maori Fisheries Act 2004**
- Interpretation*
- (1) In this section,—
- iwi of Hauraki** means each of the iwi listed in note (1) of Schedule 3 of the Maori Fisheries Act 2004 25
- Pare Hauraki Fishing Trust** and **Trust** means the joint mandated iwi organisation of that name—
- (a) established for the iwi of Hauraki by trust deed on 8 July 2006; and
- (b) approved under the Maori Fisheries Act 2004 by Te Ohu Kai Moana Trustee Limited on 25 March 2009. 30
- Time is extended for withdrawal*
- (2) Despite section 20(5) of the Maori Fisheries Act 2004, 1 or more of the iwi of Hauraki may commence the process of withdrawal from the Trust at any time up to 12 months after the commencement of this Act. 35
- Process of withdrawal*
- (3) An iwi of Hauraki that wishes to withdraw from the Trust must do so in accordance with the process set out for withdrawal in the constitutional docu-

ments of the Trust, as required by section 20(2)(a) of the Maori Fisheries Act 2004.

17 Access to Pare Hauraki collective deed

The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the Pare Hauraki collective deed available— 5

- (a) for inspection free of charge, and for purchase at a reasonable price, at that Office in Wellington between 9 am and 5 pm on any working day; and
- (b) free of charge on an Internet site maintained by or on behalf of that Office. 10

18 Use of electronic transmission

- (1) A requirement in this Act for notice to be given includes a requirement that the notice be given by electronic means.
- (2) A notice that must be given in writing and signed may be given by electronic means, as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017 15

Part 2 Cultural redress

Subpart 1—Moehau Tūpuna Maunga Reserve

19 Interpretation 20

In this subpart,—

Board means the Moehau Tūpuna Maunga Board established by **section 23** to be the administering body for the Moehau Tūpuna Maunga Reserve

Crown improvements means the improvements that, immediately before the settlement date,— 25

- (a) were in or on the Moehau Tūpuna Maunga Reserve; and
- (b) were owned by the Crown

existing interest means—

- (a) any interest that affects the Moehau Area immediately before the settlement date; and 30
- (b) any interest listed for the Moehau Tūpuna Maunga in **Part 1 of Schedule 2**; and
- (c) any interest listed for Urarima in **Part 1 of Schedule 1 of the Ngāti Tamaterā Claims Settlement Act 2022**

- Moehau Area** means the Crown-owned land of that name described in **Part 2 of Schedule 2**
- Moehau Tūpuna Maunga** is the cultural redress property described in **section 28(a)**
- Reserve** means the Moehau Tūpuna Maunga Reserve 5
- Urarima** means the property described in paragraph (18) of the definition of **cultural redress property** in **section 22 of the Ngāti Tamaterā Claims Settlement Act 2022.**
- 20 Moehau Area**
- (1) The Moehau Area (being part of Moehau Ecological Area and part of Coromandel Forest Park) ceases to be the following under the Conservation Act 1987: 10
- (a) an ecological area; and
- (b) part of the Coromandel Forest Park; and
- (c) a conservation area. 15
- (2) To avoid doubt,—
- (a) the Crown continues to own the Moehau Area; and
- (b) the Moehau Area forms part of the Moehau Tūpuna Maunga Reserve (*see section 21*); and
- (c) the Moehau Area continues to form part of the Hauraki Gulf Marine Park. 20
- 21 Moehau Tūpuna Maunga Reserve**
- (1) The following land is declared a reserve (the **Reserve**) immediately after the vestings referred to in **paragraphs (b) and (c)**:
- (a) the Moehau Area; and 25
- (b) Moehau Tūpuna Maunga, which is vested in the trustee under **section 29**; and
- (c) Urarima, which is vested in the trustees of the Ngāti Tamaterā Treaty Settlement Trust under **section 42 of the Ngāti Tamaterā Claims Settlement Act 2022.** 30
- (2) The Reserve is classified as a government purpose (Pare Hauraki whenua kura and ecological sanctuary) reserve subject to section 22 of the Reserves Act 1977 for the purpose of—
- (a) protecting and enhancing the spiritual, cultural, ancestral, customary, and historical relationship between the Iwi of Hauraki and Moehau, a tūpuna maunga and taonga of the utmost significance to the Iwi of Hauraki, including— 35
- (i) the protection of wāhi tapu areas; and

- (ii) respecting and preserving mātauranga Māori, including informing decision making; and
 - (b) protecting the significant ecological values in the Reserve as a nationally significant site for indigenous species by—
 - (i) maintaining viable local and national populations of indigenous species; and
 - (ii) as far as possible, eradicating introduced plants and animals; and
 - (c) establishing and maintaining an effective and efficient integrated management regime in the Reserve.
- (3) The Reserve is named Moehau Tūpuna Maunga Reserve. 10
- (4) Despite **section 29(1)(b)** of this Act and **section 42(1)(b) of the Ngāti Tamaterā Claims Settlement Act 2022**, Moehau Tūpuna Maunga and Urarima are to be managed as if they were part of the Hauraki Gulf Marine Park.
- 22 Resource consents** 15

Despite anything in the Resource Management Act 1991, resource consents are not required under section 9(3) of that Act for an activity undertaken by the Board, the trustee, or the Director-General within the Reserve if the activity—

 - (a) is for the purpose of managing the Reserve under the Reserves Act 1977; and 20
 - (b) is consistent with the Reserves Act 1977, and with the operational plan and the management plan for the Reserve; and
 - (c) does not have a significant adverse effect beyond the boundary of the Reserve.
- 23 Establishment of Moehau Tūpuna Maunga Board** 25
 - (1) A joint governance body, called the Moehau Tūpuna Maunga Board, is established to be the administering body for the Reserve.
 - (2) The purpose of the Board is to achieve the purpose of the Reserve under—
 - (a) **section 21(2)**; and
 - (b) the Reserves Act 1977, to the extent that its functions under that Act are not inconsistent with this Act. 30
 - (3) The Reserves Act 1977 applies as if the Reserve were vested in the Board (as if the Board were trustees) under section 26 of that Act, except as set out in **Schedule 1**.
 - (4) **Schedule 1** provides for the membership and operational management of, and other matters relevant to, the Board. 35

24 Functions and powers of Board

- (1) The members of the Board must act in a manner that enables the Board to achieve its purpose.
- (2) In achieving its purpose, the Board must act in a manner that is consistent with tikanga Māori. 5
- (3) As the administering body of the Reserve, the Board must,—
- (a) despite section 41 of the Reserves Act 1977, approve a management plan for the Reserve (*see clauses 17 and 18 of Schedule 1*); and
 - (b) take any other action that it considers appropriate to achieve the purpose of the Board (*see section 23(2)*); and 10
 - (c) provide governance and direction for the Reserve.
- (4) The Board has the powers reasonably necessary for it—
- (a) to achieve its purpose provided for in **section 23(2)**; and
 - (b) to carry out its functions under this subpart.

25 Crown improvements 15

- (1) Crown improvements in or on the Reserve, irrespective of who owns the land on which the improvements are attached,—
- (a) remain vested in the Crown; and
 - (b) may remain on the land without charge by— 20
 - (i) the Board; or
 - (ii) the Board and the owners of the property, in the case of Moehau Tūpuna Maunga and Urarima; and
 - (c) may be used, occupied, accessed, maintained, removed, or demolished by the Director-General or the trustee in a manner that is consistent with— 25
 - (i) the management plan for the Reserve; and
 - (ii) the annual operational plan for the Reserve.
- (2) **Subsection (1)(c)** applies only to the extent that the use, occupation, access, maintenance, removal, or demolition of the improvements is not inconsistent with the terms of an existing interest (within the meaning of **section 19**). 30

26 Interests

- (1) **Subsections (2) to (4)** apply to all or the part of the Reserve that remains a reserve under the Reserves Act 1977 (the **reserve land**).
- (2) An existing interest continues to apply, with any modification necessary to reflect the change in administration of the Reserve, until the interest expires or is terminated. 35

- (3) If an existing interest has been granted by or to the Crown, the Crown is deemed to have been replaced by the Board as the grantor or grantee, as the case may be.
- (4) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the Board were the registered owner of the reserve land. 5
- (5) **Subsections (3) and (4)** continue to apply despite any subsequent transfer of Moehau Tūpuna Maunga under **section 45** or of Urarima under **section 93 of the Ngāti Tamaterā Claims Settlement Act 2022**.
- 27 Name of Crown protected area discontinued** 10
- (1) **Subsection (2)** applies to the land in the Reserve that, immediately before the settlement date, was all or part of a Crown protected area.
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, and the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa must amend the Gazetteer accordingly. 15
- (3) The Reserve is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.
- (4) The Reserve 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 Reserve, and section 16(10A) of that Act does not apply to the proposed name. 20
- (5) In this section, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.
- Subpart 2—Vesting of cultural redress properties (tūpuna maunga) 25
- 28 Interpretation**
- In this subpart,—
- cultural redress property** means each of the following properties, and each property means the land of that name described in **Part 1 of Schedule 2**:
- (a) Moehau Tūpuna Maunga: 30
- (b) Te Aroha Tūpuna Maunga
- reserve property** means each of the 2 cultural redress properties.
- Moehau Tūpuna Maunga*
- 29 Vesting of Moehau Tūpuna Maunga**
- (1) Moehau Tūpuna Maunga (being part of the Moehau Ecological Area and part of the Coromandel Forest Park)— 35
- (a) ceases to be the following under the Conservation Act 1987:

- (i) an ecological area; and
 - (ii) part of the Coromandel Forest Park; and
 - (iii) a conservation area; and
 - (b) accordingly, ceases to be part of the Hauraki Gulf Marine Park.
 - (2) The fee simple estate in Moehau Tūpuna Maunga vests in the trustee. 5
 - (3) To avoid doubt, Moehau Tūpuna Maunga forms part of the Moehau Tūpuna Maunga Reserve (*see* **section 21**).
 - (4) The improvements in or on Moehau Tūpuna Maunga do not vest in the trustee, despite the vesting under **subsection (2)**, and **section 25** applies to the improvements. 10
- 30 Application of Crown Minerals Act 1991 to Moehau Tūpuna Maunga**
- (1) Moehau Tūpuna Maunga must be protected as if the land were included in Schedule 4 of the Crown Minerals Act 1991 (land to which access restrictions apply).
 - (2) To the extent relevant, section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 applies to Moehau Tūpuna Maunga, but the rest of section 61 does not apply, except as provided for in **section 31(2)(b)** of this Act. 15
 - (3) Section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 must be applied in light of the following: 20
 - (a) because of the vesting under **section 29(2)**, Moehau Tūpuna Maunga is no longer owned by the Crown; and
 - (b) because of **section 207**, certain minerals are owned by the trustee.
 - (4) In section 61(1A) and (2) of the Crown Minerals Act 1991,—
 - (a) a reference to a Minister or Ministers or to the Crown (but not the reference to a Crown owned mineral) must be applied as a reference to the trustee: 25
 - (b) a reference to a Crown owned mineral must be applied as including a reference to the minerals owned by the trustee because of **section 207**.
- 31 When Moehau Tūpuna Maunga may be treated as no longer included in Schedule 4 of Crown Minerals Act 1991** 30
- (1) The Governor-General may, by Order in Council, declare that Moehau Tūpuna Maunga is no longer to be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991.
 - (2) The power conferred by **subsection (1)**— 35
 - (a) may be exercised only on the advice of the Minister of Energy and Resources and the Minister of Conservation, after those Ministers have

consulted the trustee, having regard to all the circumstances of the particular case; and

- (b) is subject to section 61(5), (6), (7), and (9) of the Crown Minerals Act 1991.

Te Aroha Tūpuna Maunga

5

32 Vesting of Te Aroha Tūpuna Maunga

- (1) Te Aroha Tūpuna Maunga (being part of the Kaimai Mamaku Conservation Park) ceases to be part of that park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Aroha Tūpuna Maunga vests in the trustee. 10
- (3) Te Aroha Tūpuna Maunga is declared a reserve and classified as a local purpose (Pare Hauraki whenua kura) reserve subject to section 23 of the Reserves Act 1977 for the purpose of protecting and managing—
- (a) the relationship between the Iwi of Hauraki and Te Aroha, a tūpuna maunga and taonga of the utmost spiritual, cultural, ancestral, customary, and historical significance to the Iwi of Hauraki; and 15
- (b) the scenic, recreational, and ecological values of Te Aroha Tupunga Maunga.
- (4) The reserve is named Te Aroha Tūpuna Maunga Reserve.
- (5) The trustee is the administering body of the Te Aroha Tūpuna Maunga Reserve. 20
- (6) The trustee must, in accordance with section 41 of the Reserves Act 1977, prepare a management plan for the reserve.
- (7) Despite section 41(1) of the Reserves Act 1977, the trustee is responsible for approving the management plan. 25
- (8) **Subsections (1) to (7)** do not take effect until the trustee has provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 6.1 of the documents schedule.
- (9) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and 30
- (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

33 Interests other than interests in land

- (1) This section applies to the interests (other than interests in land) that are listed for Te Aroha Tūpuna Maunga in **Part 1 of Schedule 2** and for which there is a grantor, whether or not the interest also applies to land outside Te Aroha Tūpuna Maunga. 35
- (2) The interests apply—

- (a) until the interests expire or are terminated, but any subsequent transfer of Te Aroha Tūpuna Maunga must be ignored in determining whether the interests expire or are or may be terminated; and
- (b) as if the owners of Te Aroha Tūpuna Maunga were the grantor of the interests; and 5
- (c) with any other modifications necessary as a result of the vesting; and
- (d) despite any change in status of the land in the property.

34 Name of Crown protected area discontinued

- (1) **Subsection (2)** applies to the land in Te Aroha Tūpuna Maunga that, immediately before the settlement date, was part of a Crown protected area. 10
- (2) The official geographic name of the Crown protected area is discontinued for the land of Te Aroha Tūpuna Maunga, and the Board must amend the Gazetteer accordingly.
- (3) Te Aroha Tūpuna Maunga is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act. 15
- (4) Te Aroha Tūpuna Maunga 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. 20
- (5) 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.

Limitation of liability

- 35 **Limitation of liability under Resource Management Act 1991** 25
- (1) No enforcement order may be made by the Environment Court requiring the trustee to act under section 314(1)(da) of the Resource Management Act 1991 to avoid, remedy, or mitigate any actual or likely adverse effect on the environment relating to either or both of the cultural redress properties.
- (2) **Subsection (1)** applies only to the extent that the effect— 30
 - (a) is caused by or results from 1 or more activities or events that were carried out or occurred at any time before the vesting of the relevant property under this subpart; and
 - (b) is not identified in the disclosure information provided by the Crown to the trustee, as described in paragraph 1.1.1 of part 1 of the property redress schedule. 35
- (3) In this section, **enforcement order** and **environment** have the meanings given in section 2(1) of the Resource Management Act 1991.

*General provisions applying to vesting of cultural redress properties
(tūpuna maunga)*

36 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 **Part 1 of Schedule 2**. 5

37 Registration of ownership

- (1) This section applies to a cultural redress property vested in the trustee under this subpart.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,— 10
 - (a) create a record of title for the fee simple estate in the property in the name of the trustee; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application. 15
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title.
- (4) A record of title must be created under this section as soon as is reasonably practicable after the settlement date, but not later than— 20
 - (a) 24 months after the settlement date; or
 - (b) any later date that is agreed in writing by the Crown and the trustee.
- (5) In this section, **authorised person** means a person authorised by the Director-General.

38 Recording of iwi interests

- (1) The Registrar-General must record on the record of title for each of the following properties that the iwi with an interest identified in part 3 of the attachments has spiritual, cultural, ancestral, customary, and historical interests in the property: 25
 - (a) Moehau Tūpuna Maunga; and
 - (b) Te Aroha Tūpuna Maunga. 30
- (2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Moehau Tūpuna Maunga or Te Aroha Tūpuna Maunga.

39 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property in the trustee under this subpart is a disposition for the purposes of Part 4A of the Conserva- 35

tion Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.
- (3) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property. 5
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.
- 40 Matters to be recorded on record of title** 10
- (1) The Registrar-General must record on the record of title for a reserve property—
- (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (b) that the land is subject to— 15
- (i) **sections 39(3) and 43**; and
- (ii) **section 26(4)**, in the case of Moehau Tūpuna Maunga.
- (2) A notation made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act. 20
- (3) For a reserve property, if the reservation of the property under this subpart is revoked for—
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that— 25
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to **sections 26(4), 39(3), and 43**, as the case requires; or
- (b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on the record of title for the part of the property that remains a reserve. 30
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)(a)**.
- 41 Application of other enactments** 35
- (1) The Crown Minerals Act 1991 applies, subject to **sections 30 and 31 and subpart 4 of Part 3**, in relation to the vesting of the fee simple estate in a cultural redress property under this subpart.

- (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 Pare Hauraki collective deed in relation to a cultural redress property.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— 5
- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
- (b) any matter incidental to, or required for the purpose of, the vesting.
- 42 Application of other enactments to reserve properties** 10
- (1) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.
- (2) 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. 15
- 43 Subsequent transfer of reserve land**
- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustee under this subpart.
- (2) The fee simple estate in the Moehau Tūpuna Maunga reserve land may be transferred only in accordance with **section 45**. 20
- (3) The fee simple estate in the Te Aroha Tūpuna Maunga reserve land may be transferred only in accordance with **section 44 or 45**.
- (4) In this section and **sections 44 to 46**, **reserve land** means the land that remains a reserve as described in **subsection (1)**. 25
- 44 Transfer of reserve land to new administering body**
- (1) The registered owner of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).
- (2) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the new owners are able to— 30
- (a) comply with the requirements of the Reserves Act 1977; and
- (b) perform the duties of an administering body under that Act.
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of the fee simple estate in the reserve land. 35
- (4) The required documents are—
- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to

- hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and
- (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
- (c) any other document required for the registration of the transfer instrument. 5
- (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. 10
- (6) A transfer that complies with this section need not comply with any other requirements.

45 Transfer of reserve land if trustee changes

The registered owner of the reserve land may transfer the fee simple estate in the reserve land if— 15

- (a) the transferor of the reserve land is or was the trustee of a trust; and
- (b) the transferee is the trustee 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 transferee, or the transferee's lawyer, verifying that **paragraphs (a) and (b)** apply. 20

46 Reserve land not to be mortgaged

The owners of reserve land must not mortgage, or give a security interest in, the reserve land. 25

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

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that the Minister of Conservation made or imposed under the Conservation Act 1987 in relation to a reserve property before the property was vested in the trustee under this subpart. 30
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987.

Subpart 3—Statutory acknowledgement

48 Interpretation

In this subpart,— 35

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

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

- (a) made by the Iwi of Hauraki of their particular spiritual, cultural, ancestral, customary, and historical association with the statutory area; and 5
- (b) set out in part 1 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in **section 49** in respect of the statutory area, on the terms set out in this sub-part

statutory area means the area described in **Schedule 3**, the general location of which is indicated on the deed plan for that area 10

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and 15
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

49 Statutory acknowledgement by the Crown

The Crown acknowledges the statement of association for the statutory area.

50 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are— 20

- (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 51 to 53**; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustee, in accordance with **sections 54 and 55**; and 25
- (c) to enable the trustee, each governance entity, and any member of an Iwi of Hauraki to cite the statutory acknowledgement as evidence of the association of the Iwi of Hauraki with the statutory area, in accordance with **section 56**. 30

51 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 the statutory area. 35
- (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 trustee is an affected person in relation to the activity.

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

52 Environment Court to have regard to statutory acknowledgement 5

- (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 the 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 trustee is a person with an interest in the proceedings greater than that of the general public. 10
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.

53 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement 15

- (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. 20
- (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— 25
- (a) in determining whether the trustee is a person 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. 30
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

54 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 the statutory area. 35
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 49 to 53, 55, and 56**; and

- (b) descriptions of the statutory area wholly or partly covered by the plan; and
- (c) the statement of association for the 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— 5
- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
- 55 Provision of summary or notice to trustee and governance entities** 10
- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustee and each governance entity for each resource consent application for an activity within, adjacent to, or directly affecting the statutory area:
- (a) if the application is received by the consent authority, a summary of the application; or 15
- (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under **subsection (1)(a)** must be the same as would be given to an affected person by limited notification under section 95B(4) of the Resource Management Act 1991 or as may be agreed between the trustee, each governance entity, and the relevant consent authority. 20
- (3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but 25
- (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. 30
- (5) The trustee and each governance entity 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 35
- (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—

- (a) under section 95 of the Resource Management Act 1991, whether to notify an application:
- (b) under section 95E of that Act, whether the trustee is an affected person in relation to an activity.
- 56 Use of statutory acknowledgement** 5
- (1) The trustee, each governance entity, and any member of an Iwi of Hauraki may, as evidence of the association of the Iwi of Hauraki with the 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— 10
- (a) the relevant consent authorities; or
- (b) the Environment Court; or
- (c) Heritage New Zealand Pouhere Taonga; or
- (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991. 15
- (2) The content of the statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) the bodies referred to in **subsection (1)**; or
- (b) parties to proceedings before those bodies; or
- (c) any other person who is entitled to participate in those proceedings. 20
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
- (a) the trustee, each governance entity, and the members of the Iwi of Hauraki are not precluded from stating that the Iwi of Hauraki has an association with the statutory area that is not described in the statutory acknowledgement; and 25
- (b) the content and existence of the statutory acknowledgement do not limit any statement made.
- General provisions relating to statutory acknowledgement* 30
- 57 Exercise of powers and performance of functions and duties**
- (1) The statutory acknowledgement does 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 an Iwi of Hauraki with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area. 35

- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart.
- 58 Rights not affected**
- (1) The statutory acknowledgement—
- (a) does not affect the lawful rights or interests of a person who is not a party to the Pare Hauraki collective deed; and 5
- (b) does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the statutory area.
- (2) This section is subject to the other provisions of this subpart.
- Consequential amendment to Resource Management Act 1991* 10
- 59 Amendment to Resource Management Act 1991**
- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order:
Pare Hauraki Collective Redress Act **2022**
- Subpart 4—Official geographic names 15
- 60 Interpretation**
- In this subpart,—
- Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008
- Board** has the meaning given in section 4 of the Act 20
- official geographic name** has the meaning given in section 4 of the Act.
- 61 Official geographic names**
- (1) A name specified in the third column of the table in clause 13.1 of the Pare Hauraki collective deed is the official geographic name of the feature described in the fourth and fifth columns of that table (*but see section 2(2)* as to the name change for Great Barrier Island (Aotea)). 25
- (2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.
- 62 Publication of official geographic names** 30
- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 61**.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date. 35

63 Subsequent alteration of official geographic names

- (1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—
- (a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but
 - (b) must have the written consent of the trustee. 5
- (2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the Act.

Subpart 5—Pare Hauraki conservation framework

64 Interpretation

In this subpart and **Schedule 4**,— 10

Conservation Authority and **Authority** mean the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987

conservation land means land administered by the Department of Conservation under the conservation legislation

conservation protected area means, for the purposes of the customary materials plan for customary taking, an area above the line of mean high-water springs that is— 15

- (a) a conservation area under the Conservation Act 1987; or
- (b) a reserve administered by the Department of Conservation under the Reserves Act 1977; or 20
- (c) a wildlife refuge, wildlife sanctuary, or wildlife management reserve under the Wildlife Act 1953

customary materials plan means the plan provided for by **section 83 and Part 2 of Schedule 4**

customary taking means the taking and use of parts of plants for customary purposes 25

dead protected animal—

- (a) means the dead body or part of the dead body of an animal protected under the conservation legislation; but
- (b) does not include the dead body or part of the dead body of a marine mammal 30

draft CMP document or **draft plan** means the draft Pare Hauraki conservation management plan required by **section 68**

draft CMS document means a draft document setting out changes proposed to be made to the Waikato Conservation Management Strategy as a consequence of the review of that strategy under **section 65** 35

flora means any member of the plant whānau, and includes any alga, bacterium, or fungus, and any plant, seed, or spore from any plant	
flora material means parts of plants taken in accordance with the customary materials plan	
Minister means the Minister of Conservation	5
Pare Hauraki conservation region —	
(a) means the land administered by the Department of Conservation, as shown in part 4 of the attachments; and	
(b) includes—	
(i) any additional land, if its inclusion is agreed by the Crown and the Iwi of Hauraki; and	10
(ii) if the conservation legislation applies to land or resources not within the area specified in paragraph (a) or this paragraph, that land and those resources, but only for the purposes of the Pare Hauraki conservation management plan and the Waikato Conservation Management Strategy; and	15
(iii) the common marine and coastal area adjacent to the land referred to in paragraph (a) or this paragraph, but only for the purposes of the Pare Hauraki conservation management plan and the Waikato Conservation Management Strategy	20
parties means—	
(a) the trustee; and	
(b) the Director-General	
relevant Conservation Boards means a Board established under section 6L of the Conservation Act 1987 that has jurisdiction under that Act in relation to 1 or more areas referred to in section 66 of this Act	25
wāhi tapu framework means the framework provided for by section 84	
wāhi tapu management plan means the management plan provided for in Part 3 of Schedule 4 .	
<i>Review of Waikato Conservation Management Strategy</i>	30
65 Purpose and process of review and amendment of CMS	
(1) Not later than 6 months after the settlement date, there must be a review of the Waikato Conservation Management Strategy (the Waikato CMS review) to achieve the purposes in subsection (2) , to the extent that the strategy relates to the area shaded and edged in red on the map in part 16 of the attachments.	35
(2) The purpose of the Waikato CMS review is—	

- (a) to ensure that Pare Hauraki values and interests are identified and provided for (including the facilitation of the exercise of kaitiakitanga over public conservation lands and water); and
- (b) to incorporate Pare Hauraki values; and
- (c) to ensure that the Waikato Conservation Management Strategy— 5
- (i) refers to the wāhi tapu framework required by **section 84**; and
- (ii) reflects the relationship between the Iwi of Hauraki and the wāhi tapu described in the framework; and
- (iii) reflects the importance of protecting those wāhi tapu; and
- (iv) acknowledges the role of the wāhi tapu management plan; and 10
- (d) to take into account any relevant matters in the Pare Hauraki collective deed.
- (3) The amendments proposed by the review must be incorporated in a draft CMS document.
- (4) At the same time as steps are taken in relation to the draft CMP, the following steps must be taken in relation to the draft CMS document, in the manner set out in **sections 68 to 72**: 15
- (a) the amendments are prepared and notified; and
- (b) submissions may be made and heard; and
- (c) a summary of the submissions is prepared; and 20
- (d) any revision of the draft CMS document is then made; and
- (e) when the revisions have been made, the process set out in section 17F(k) to (p) of the Conservation Act 1987 applies to the draft CMS document.

Pare Hauraki conservation management plan

- 66 Pare Hauraki conservation management plan** 25
- The Pare Hauraki conservation management plan covers the following areas:
- (a) the motu of Tīkapa Moana - Te Tai Tamahine/Te Tai Tamawahine; and
- (b) Te Tara o te Ika a Māui (Coromandel Peninsula); and
- (c) Kopuatai, Torehape, and Pūkorokoro (Miranda) wetlands.
- 67 Status, effect, and certain contents of Pare Hauraki conservation management plan** 30
- (1) The Pare Hauraki conservation management plan—
- (a) is a conservation management plan for the purposes of section 17E of the Conservation Act 1987; and
- (b) has the same effect as if it were a conservation management plan prepared and approved under that Act. 35

- (2) Sections 17F, 17G, 17H, and 17I of the Conservation Act 1987 do not apply to the preparation, approval, review, or amendment of the Pare Hauraki conservation management plan, but in all other respects the provisions of the Conservation Act 1987 apply to the Pare Hauraki conservation management plan.
- (3) The Pare Hauraki conservation management plan must— 5
- (a) refer to the wāhi tapu framework required by **section 84**; and
 - (b) reflect the relationship between the Iwi of Hauraki and the wāhi tapu described in the framework; and
 - (c) reflect the importance of protecting those wāhi tapu being protected; and
 - (d) acknowledge the role of the wāhi tapu management plan. 10

Preparation of draft Pare Hauraki conservation management plan and draft Waikato CMS document

68 Draft document to be prepared

- (1) Not later than 6 months after the settlement date, the Director-General must commence preparation of a draft CMP document and a draft CMS document in consultation with— 15
- (a) the trustee; and
 - (b) the relevant Conservation Boards; and
 - (c) any other persons or organisations as the Director-General considers practicable and appropriate. 20
- (2) The Director-General and the trustee may agree a later date to commence preparation of the draft CMP document or the draft CMS document.
- (3) In addition to the matters prescribed for a conservation management plan by section 17E of the Conservation Act 1987, the draft CMP document must include the matters prescribed by **section 67(3)**. 25

69 Notification of draft document

- (1) As soon as practicable after the date on which preparation of the draft CMP document or the draft CMS document commences under **section 68**, but not later than 12 months after that date or any later date agreed by the trustee and the Director-General, the Director-General must— 30
- (a) notify the draft CMP document or the draft CMS document (as the case requires) in accordance with section 49(1) of the Conservation Act 1987 as if the Director-General were the Minister for the purposes of that section; and
 - (b) give notice of the draft CMP document or the draft CMS document, as the case requires, to the relevant local authorities, and each of the Iwi of Hauraki. 35
- (2) The notice must—

- (a) state that the draft CMP document or the draft CMS document is available for inspection at the places and times specified in the notice; and
- (b) invite submissions from the public, to be lodged with the Director-General before the date specified in the notice, which must not be less than 2 months after the date of the notice. 5
- (3) The draft CMP document or the draft CMS document must continue to be available for public inspection after the date on which it is notified, during normal office hours at the places and times specified in the notice, to encourage public participation in the development of the draft CMP document or the draft CMS document (as the case requires). 10
- (4) The Director-General may, after consulting the trustee and the relevant Conservation Boards, seek views on the draft CMP document or the draft CMS document from any person or organisation as the Director-General considers appropriate.
- 70 Submissions** 15
- (1) Any person may, before the date specified in the notice given under **section 69(2)(b)**, lodge a submission on the draft CMP document or the draft CMS document with the Director-General, stating whether the person wishes to be heard in support of the submission.
- (2) The Director-General must provide a copy of any submission to the trustee within 5 working days of receiving the submission. 20
- 71 Hearing**
- (1) Persons wishing to be heard must be given a reasonable opportunity to appear before a meeting of representatives of—
- (a) the trustee; and 25
- (b) the Director-General; and
- (c) the relevant Conservation Boards.
- (2) The representatives referred to in **subsection (1)** may hear from any other person or organisation whose views on the draft CMP document or the draft CMS document were sought under **section 69(4)**. 30
- (3) The hearing of submissions on the draft CMP document and the draft CMS document may be combined or held separately but must be concluded not later than 2 months after the date specified in the notice given under **section 69(2)(b)**, unless otherwise agreed by the Director-General, the trustee, and the relevant Conservation Boards. 35
- (4) Not later than 1 month after the conclusion of the hearing, the Director-General must prepare a summary of the submissions on the draft CMP document or the draft CMS document (as the case requires) and any other views on it made known to the Director-General under **section 69(4)** and provide it to—

- (a) the trustee; and
- (b) the relevant Conservation Boards.

72 Revision of draft document

- (1) The Director-General must, after considering the submissions heard and other views received under **section 69(4)**, and after consulting with representatives of the trustee and the relevant Conservation Boards,— 5
- (a) revise the draft CMP document or the draft CMS document as the Director-General considers appropriate; and
 - (b) not later than 4 months after the hearing of submissions is concluded, provide to the trustee and the relevant Conservation Boards, the draft CMP document or the draft CMS document as revised. 10
- (2) The revised draft CMP document received under **subsection (1)(b)** must be dealt with in accordance with **sections 73 to 79** and with section 17F(k) to (p) of the Conservation Act 1987.

73 Consideration of draft CMP document by trustee and relevant Conservation Boards 15

- (1) After considering the draft CMP document and the summary of submissions received under **section 72(1)(b)**, the trustee and the relevant Conservation Boards may request the Director-General to further revise the draft document.
- (2) If the Director-General receives a request under **subsection (1)**, the Director-General must revise the draft CMP document in accordance with the request and not later than 2 months after receiving the request, send the revised draft to the trustee and the relevant Conservation Boards. 20

74 Submission of draft plan to Conservation Authority and Minister

- (1) The trustee and the relevant Conservation Boards, on receiving a revised draft CMP document (the **draft plan**) under **section 73(2)**, must refer the revised draft plan or the draft plan (if it was not revised) and the summary of submissions relating to that draft document to— 25
- (a) the Conservation Authority, for the Authority's comments on matters relating to the national public conservation interest; and 30
 - (b) the Minister, for the Minister's comments.
- (2) **Subsection (1)** also applies if a further revised draft plan is requested.
- (3) The Conservation Authority and the Minister must provide any comments on the draft plan to the trustee and the relevant Conservation Boards not later than 4 months after receiving the draft plan for comments. 35

75 Approval of draft plan

If comments are received from the Conservation Authority and the Minister, the trustee and the relevant Conservation Boards must, not later than 2 months after receiving those comments,—

- (a) make any amendments that they consider appropriate and approve the draft plan; or 5
- (b) refer any matter of disagreement in relation to the draft plan to the Conservation Authority for determination.

76 Referral to Conservation Authority in case of disagreement

- (1) If the trustee and the relevant Conservation Boards refer any matter of disagreement to the Conservation Authority under **section 74(1)**, the trustee and the relevant Conservation Boards must also provide to the Authority— 10

- (a) a written statement of the matters of disagreement; and
- (b) the reasons for the disagreement.

- (2) The Conservation Authority, not later than 3 months after matters of disagreement have been referred to it, must— 15

- (a) make a recommendation on the matters of disagreement; and
- (b) notify that recommendation to the trustee and the relevant Conservation Boards.

- (3) After receiving and considering the recommendation of the Conservation Authority under **subsection (2)**, the trustee and the relevant Conservation Boards must seek to resolve any matters of disagreement. 20

- (4) If the trustee and the relevant Conservation Boards have not resolved any matters of disagreement within 2 months of receiving the recommendation from the Conservation Authority, the recommendation of the Conservation Authority becomes binding on the trustee and the relevant Conservation Boards. 25

- (5) If the trustee and the relevant Conservation Boards have referred any matter of disagreement to the Conservation Authority under **subsection (1)**, the trustee and the relevant Conservation Boards must approve the draft plan not later than 4 months after receiving the recommendation of the Conservation Authority under **subsection (2)**. 30

77 Mediation process

- (1) At any time during the process set out in **section 76**, the trustee, any of the relevant Conservation Boards, or the Director-General may refer any matter of disagreement to a mediator. 35

- (2) Not later than 3 months after the settlement date, the trustee, the relevant Conservation Boards, and the Director-General—

- (a) must agree on a mediator to be used in the event of referral to mediation under **section 78**; and

- (b) may agree to change the mediator from time to time.
- (3) If a matter of disagreement arises, the relevant parties in dispute must seek to resolve that matter in a co-operative, open-minded, and timely manner before resorting to the mediation process.
- (4) In this section and **section 78**, the parties are— 5
- (a) the trustee; and
- (b) the relevant Conservation Boards; and
- (c) the Director-General.
- 78 Conditions of mediation**
- (1) If the trustee, any of the relevant Conservation Boards, or the Director-General 10 considers that it is necessary to resort to the mediation process, that party must give notice in writing of that referral to the other parties.
- (2) All parties referred to in **subsection (1)** must participate in a mediation process in a co-operative, open-minded, and timely manner.
- (3) The parties participating in a mediation process must have particular regard to 15 the purpose of the plan, redress provided under the Pare Hauraki collective deed, and the conservation purpose for which the relevant areas are held.
- (4) If a matter of disagreement is referred to mediation, the mediation process must be completed not later than 3 months after the date on which notice of referral is given under this section. 20
- (5) While the resolution of any matter of disagreement remains unresolved, the parties must use their best endeavours to continue with the process for the preparation and approval of the plan.
- (6) The parties to the mediation process must bear their own costs in relation to the resolution of any matter of disagreement, and the costs of the mediator (and 25 associated costs) must be shared equally between the parties.
- (7) The period of time taken for a mediation process under this section—
- (a) is not counted for the purposes of time frames specified for the preparation and approval of the plan; but
- (b) must not exceed 3 months. 30

79 Effect of approval of Pare Hauraki conservation management plan

On and after the day that the draft plan is approved under **section 75(a) or 76(5)**, the Pare Hauraki conservation management plan applies, with any necessary modification, in the areas identified in **section 66**.

*Review and amendment of Pare Hauraki conservation management plan***80 Review procedure**

- (1) The Director-General may initiate a review of the whole or a part of the Pare Hauraki conservation management plan at any time, after consulting the trustee and the relevant Conservation Boards. 5
- (2) The trustee or a relevant Conservation Board may, at any time, request the Director-General to initiate a review of the whole or any part of the Pare Hauraki conservation management plan.
- (3) Every review must be carried out in accordance with the process set out in **sections 68 to 79**, with the necessary modifications, as if those provisions related to the review procedure. 10
- (4) The Director-General must commence a review of the whole of the Pare Hauraki conservation management plan not later than 10 years after the date of its initial or most recent approval under **section 75(a) or 76(5)** (whichever is the later), unless the Minister, after consulting the trustee and the relevant Conservation Boards, extends the period within which the review must be commenced. 15

81 Amendment procedure

- (1) The Director-General may, at any time after consulting the trustee and the Conservation Boards, initiate amendments to the whole or a part of the Pare Hauraki conservation management plan. 20
- (2) Unless **subsection (3)** applies, amendments must be made in accordance with the process set out in **sections 68 to 79**, with any necessary modifications, as if those provisions related to the amendment procedure.
- (3) If the Director-General, the trustee, and the relevant Conservation Boards consider that the proposed amendments would not materially affect the policies, objectives, or outcomes of the Pare Hauraki conservation management plan or the public interest in the area concerned,— 25
 - (a) the Director-General must send the proposed amendments to the trustee and the relevant Conservation Boards; and 30
 - (b) the proposed amendments must be dealt with in accordance with **section 75** as if that provision related to the amendment procedure.

*Decision-making framework***82 Application of section 4 of Conservation Act 1987**

When a decision relating to the Pare Hauraki conservation region must be made under the conservation legislation that applies in the Pare Hauraki conservation region, the decision maker must,— 35

- (a) give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi as required by section 4 of the Conservation Act 1987; and
- (b) comply with **Part 1 of Schedule 4**, which provides for a transparent decision-making framework for conservation matters in the Pare Hauraki conservation region.

5

Transfer of decision-making and review functions

83 Customary materials plan

- (1) The parties must jointly prepare and agree a customary materials plan that covers—
 - (a) the customary taking of flora material from conservation protected areas within the Pare Hauraki conservation region; and
 - (b) the possession of dead protected animals found within the Pare Hauraki conservation region.
- (2) The first customary materials plan must be agreed not later than 12 months after the settlement date or by a later date as may be agreed between the trustee and the Director-General.
- (3) **Part 2 of Schedule 4** provides for the contents of the customary materials plan and the process by which it is to be prepared.

10

15

84 Wāhi tapu framework

- (1) The parties must work together to develop a wāhi tapu framework for the management of wāhi tapu, including, if appropriate, management by the Iwi of Hauraki associated with the wāhi tapu.
- (2) **Part 3 of Schedule 4** provides for the contents of the wāhi tapu framework and the process by which it is to be prepared.

20

Amendments to Conservation Act 1987

25

85 Amendments to Conservation Act 1987

- (1) This section amends the Conservation Act 1987.
- (2) In section 6P(2), after “(4A),”, insert “**(4AB), (4AC),**”.
- (3) After section 6P(4A), insert:
 - (4AB) The Board whose area of jurisdiction covers all or a significant proportion of the Pare Hauraki conservation region must comprise—
 - (a) not more than 11 members appointed under subsection (2); and
 - (b) 1 member appointed by the Minister on the recommendation of the trustee of the Pare Hauraki Cultural Redress Trust (the **trustee**).
 - (4AC) If there are 2 or more Boards each of whose jurisdiction covers a significant proportion of the Pare Hauraki conservation region,—

30

35

- (a) the Board with jurisdiction over the largest part of the Pare Hauraki conservation region must comprise—
- (i) no more than 11 members appointed under subsection (2); and
 - (ii) 1 member appointed by the Minister on the recommendation of the trustee: 5
- (b) the other Board or Boards may comprise—
- (i) not more than 12 members appointed under subsection (2); or
 - (ii) not more than 11 members appointed under subsection (2) and 1 member appointed by the Minister, after the Minister has considered the recommendation of the trustee. 10
- (4) In section 6P(4B), replace “subsection (4A)” with “subsections (4A) to **(4AC)**”.

Subpart 6—Waihou, Piako, and Coromandel catchments

86 Interpretation

In this subpart and **Schedules 5 and 6**,— 15

Authority means the Waihou, Piako, and Coromandel Catchment Authority established by **section 87**

Commissioner Register means the register of hearings commissioners required by **section 126**

draft plan has the meaning given in **section 106(1)** 20

draft provisions has the meaning given in **section 109(1)**

Ngāti Hauā Iwi Trust has the meaning given in section 12 of the Ngāti Hauā Claims Settlement Act 2014

plan—

(a) means the Waihou, Piako, and Coromandel Catchments Plan; and 25

(b) includes part of the plan

planning document prepared under the Resource Management Act 1991 means a regional policy statement, regional plan, or district plan

Raukawa Settlement Trust has the meaning given in section 12 of the Raukawa Claims Settlement Act 2014 30

Te Mātāpuna o ngā awa o Waihou Piako and **Te Mātāpuna** mean the sub-committee of the Authority established by **section 101**

Waihou, Piako, and Coromandel catchments and **catchments** mean the waterways of those catchments, as shown in part 15 of the attachments.

*Waihou, Piako, and Coromandel Catchment Authority***87 Establishment of Waihou, Piako, and Coromandel Catchment Authority**

- (1) This section establishes the Waihou, Piako, and Coromandel Catchment Authority.
- (2) Despite the composition of the Authority, as described in **section 91**, the Authority is not a committee or joint committee of any council or councils. 5
- (3) The provisions of Schedule 7 of the Local Government Act 2002 do not apply to the Authority.
- (4) However, nothing in this subpart affects the responsibility of local authorities for final decision making under the relevant enactments. 10
- (5) The Local Government Official Information and Meetings Act 1987 applies to the Authority, to the extent that that Act is not inconsistent with the provisions of this subpart.

88 Purpose of Authority

The purpose of the Authority is to provide co-governance, oversight, and direction for the taonga comprising the waterways of the Waihou, Piako, and Coromandel catchments in order to promote— 15

- (a) a co-ordinated and inter-generational approach; and
- (b) the statement of the Pare Hauraki World View and Programme for a Culture of Natural Resource Partnership set out in part 4 of the Pare Hauraki collective deed; and 20
- (c) the values of Ngāti Hauā; and
- (d) the values of Ngāti Hinerangi; and
- (e) the values of Raukawa; and
- (f) community aspirations for the Waihou, Piako, and Coromandel catchments. 25

89 Functions of Authority

- (1) The principal function of the Authority is to achieve its purpose.
- (2) In seeking to achieve the purpose of the Authority, the Authority must— 30
- (a) promote the integrated and co-ordinated management of the waterways of the catchments; and
- (b) prepare and approve the plan for the waterways of the catchments; and
- (c) maintain a register of accredited hearing commissioners; and
- (d) engage with, seek advice from, and provide advice to—
- (i) the local authorities and government departments regarding the health and well-being of the waterways of the catchments; and 35

- (ii) iwi with interests in the waterways of the catchments, regarding the health and well-being of these waterways; and
- (e) provide oversight of the monitoring of activities in, and the state of the waterways of, the catchments and the extent to which the purpose of the Authority is being achieved, including through the implementation and effectiveness of the plan; and 5
- (f) engage with stakeholders, including liaising with the community in relation to the waterways of the catchments; and
- (g) take any other action that the Authority considers appropriate to achieve its purpose. 10
- (3) The Authority may seek to obtain funds to enable it to perform its functions.
- (4) The Authority has discretion to determine, in any particular circumstances,—
- (a) whether to perform any function specified in **subsection (2)(d) to (g)**; and
- (b) how and to what extent it performs any function in **subsection (2)(d) to (g)**. 15
- (5) The Authority must operate in a manner that recognises and respects that different iwi have interests in different parts of the catchments.
- 90 Capacity**
- The Authority has full capacity and all the powers reasonably necessary to carry out its functions under this subpart. 20
- 91 Members of Authority**
- (1) The Authority must consist of—
- (a) 6 members appointed by the trustee; and
- (b) 1 member appointed by Te Mātāpuna in accordance with **section 104(2)**, to represent that subcommittee on the Authority; and 25
- (c) 2 members appointed by the Waikato Regional Council; and
- (d) 2 members appointed by the Thames–Coromandel District Council; and
- (e) 1 member appointed by the Hauraki District Council; and
- (f) 1 member appointed by the Matamata–Piako District Council; and 30
- (g) 1 member appointed by the South Waikato District Council.
- (2) In appointing a member to the Authority, the appointer must be satisfied that the person has the mana, skills, knowledge, and experience to—
- (a) participate effectively in the Authority; and
- (b) contribute to the achievement of the purpose of the Authority. 35
- (3) The member appointed under **subsection (1)(b)** must act in the interests of the Authority rather than in the interests of the appointer.

92 Co-chairpersons of Authority

- (1) At the first meeting of the Authority, the members must appoint 2 members to be co-chairpersons of the Authority, as follows:
- (a) one co-chairperson must be a member appointed by the members appointed under **section 91(1)(a) and (b)**; and 5
 - (b) one co-chairperson must be a member appointed by the members appointed under **section 91(1)(c) to (g)**.
- (2) The co-chairpersons—
- (a) are each appointed for a term that is the same as the duration of their membership, unless an appointee resigns as a member of the Authority or is removed as a member of the Authority during that term; and 10
 - (b) may be reappointed.

93 Quorum for meetings

The quorum for a meeting of the Authority is not less than 8 members, comprising— 15

- (a) at least 4 of the members appointed under **section 91(1)(a) and (b)**; and
- (b) at least 4 of the members appointed under **section 91(1)(c) to (g)**; and
- (c) 1 of the co-chairpersons as one of those 8 members.

94 Term of office 20

- (1) The term of each initial member of the Authority commences on the settlement date and expires at the close of the 59th day after polling day for the next triennial general election of members under section 10(2) of the Local Electoral Act 2001.
- (2) The term of each member of the Authority (other than an initial member) commences on the 60th day after the polling day for the most recent triennial general election of members and expires at the close of the 59th day after polling day for the next triennial general election of members. 25
- (3) Each member may be reappointed.
- (4) When there is a vacancy on the Authority, the relevant appointer who has ceased to be a member must fill that vacancy as soon as is reasonably practicable. 30

95 Duties of members of Authority

The members of the Authority must—

- (a) act in a manner so as to achieve the purpose of the Authority; and 35
- (b) subject to **paragraph (a)**, comply with any terms of appointment issued by the relevant appointer.

96 Validity of Authority's acts

Nothing done by the Authority is invalid because of—

- (a) a vacancy in the membership of the Authority at the time the thing was done; or
- (b) the subsequent discovery of a defect in the appointment of a person as a member. 5

97 Resignation or removal of members

- (1) A member may resign from the Authority by giving written notice to the relevant appointer and the Authority.
- (2) The relevant appointer may, if it is a local authority, remove a member by written notice to that person and to the Authority. 10

98 Subcommittees

- (1) The Authority may appoint 1 or more subcommittees.
- (2) A subcommittee—
 - (a) is subject to the direction and control of the Authority; and 15
 - (b) must carry out the directions of the Authority.
- (3) The Authority must consider whether to appoint subcommittees for matters relating to—
 - (a) the waterways of the Coromandel catchment; and
 - (b) the waterways of the Waihou and Piako catchments. 20

99 Delegation

- (1) The Authority may delegate any of its functions, either generally or specifically, and subject to any conditions, to a subcommittee of the Authority.
- (2) However, the Authority must not delegate—
 - (a) the final approval or any amendment of the plan; or 25
 - (b) the power of delegation.
- (3) Unless the terms of delegation require otherwise, a delegate to whom a function is delegated may perform the function in the same manner, subject to the same restrictions, and with the same effect, as if the delegate were the Authority. 30
- (4) A delegate who purports to perform a function or exercise a power under a delegation—
 - (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
 - (b) must produce evidence of the delegate's authority to do so, if reasonably requested to do so. 35

- (5) No delegation—
- (a) affects or prevents the performance or exercise of any function or power by the Authority; or
 - (b) affects the responsibility of the Authority for the actions of any delegate acting under the delegation; or 5
 - (c) is affected by any change in the membership of the Authority or of any committee.
- (6) A delegation may be revoked at will by the Authority by—
- (a) written notice to the delegate; or
 - (b) any other method provided for in the delegation. 10
- 100 Authority’s administration and procedure**
- Part 1 of Schedule 5** applies to the Authority.
- Te Mātāpuna o ngā awa o Waihou Piako*
- 101 Establishment of Te Mātāpuna o ngā awa o Waihou Piako**
- This section establishes Te Mātāpuna o ngā awa o Waihou Piako. 15
- 102 Purpose of Te Mātāpuna**
- The purpose of Te Mātāpuna is to perform the functions set out in **section 103** in relation to the upper Waihou and Piako catchments.
- 103 Functions**
- The functions of Te Mātāpuna are to— 20
- (a) draft the provisions of the upper Waihou and Piako section of the plan for the approval of the Authority; and
 - (b) nominate hearings commissioners for the upper Waihou and Piako section of the Commissioner Register; and
 - (c) recommend to the Authority any public engagement to be undertaken on issues relating to the upper Waihou and Piako catchments; and 25
 - (d) participate in community and agency engagement on issues relating to the upper Waihou and Piako catchments; and
 - (e) recommend monitoring measures to the Authority for the upper Waihou and Piako catchments as part of any catchment-wide monitoring. 30
- 104 Membership**
- (1) Te Mātāpuna consists of—
- (a) 1 member appointed by the trustee; and
 - (b) 1 member appointed by the trustees of the Ngāti Hauā Iwi Trust; and

- (c) 1 member appointed by the trustees of the Te Puāwaitanga o Ngāti Hinerangi Iwi Trust; and
 - (d) 1 member appointed by the trustees of the Raukawa Settlement Trust; and
 - (e) 1 member appointed by the Hauraki District Council; and 5
 - (f) 1 member appointed by the Matamata–Piako District Council; and
 - (g) 1 member appointed by the Waikato Regional Council; and
 - (h) 1 member appointed by the South Waikato District Council.
- (2) The members of Te Mātāpuna appointed under **subsection (1)(b), (c), and (d)** must jointly appoint the member of the Authority required by **section 91(1)(b)**. 10

105 Appointment of co-chairpersons

- (1) At the first meeting of Te Mātāpuna, 2 members must be appointed to be co-chairpersons of Te Mātāpuna as follows:
- (a) 1 person must be appointed by the 4 iwi members of Te Mātāpuna; and 15
 - (b) 1 person must be appointed by the 4 local authority members of Te Mātāpuna.
- (2) The co-chairpersons are appointed for a term of 3 years, unless—
- (a) an appointee resigns; or
 - (b) in the case of the person appointed under **subsection (1)(b)**, the person 20 is discharged as a member during that term.
- (3) A co-chairperson may be reappointed.

Waihou, Piako, and Coromandel Catchments Plan

106 Purpose of Waihou, Piako, and Coromandel Catchments Plan

- (1) The Authority must prepare, approve, and review a draft Waihou, Piako, and Coromandel Catchments Plan (**draft plan**) in accordance with this subpart and **Part 2 of Schedule 5**. 25
- (2) The purpose of the plan is to—
- (a) identify the issues, vision, objectives, and desired outcomes for the waterways of the catchments; and 30
 - (b) provide direction to decision makers when decisions are to be made in relation to the waterways of the catchments; and
 - (c) express the Authority’s aspirations for the health and well-being of the waterways of the catchments.
- (3) The plan may also include other matters that the Authority considers relevant 35 to the purpose of that plan to address—

-
- (a) kaitiakitanga and mātauranga Māori; and
- (b) mahinga kai and cultural activities; and
- (c) water quality; and
- (d) water quantity; and
- (e) the effects of land-based activities on the waterways; and 5
- (f) environmental health and biodiversity; and
- (g) gravel extraction.
- (4) For the purposes of the Resource Management Act 1991, the plan must not contain rules (as defined in section 2(1) of that Act) or methods (as provided for in that Act). 10
- (5) The Authority may prepare and approve the draft plan in stages and in parts, including dealing with different geographical areas at different stages.
- (6) To avoid doubt, Schedule 1 of the Resource Management Act 1991 does not apply to this subpart.
- 107 Responsibilities of Authority** 15
- The Authority is responsible for—
- (a) the integration of all parts of the draft plan; and
- (b) the public notification of the draft plan; and
- (c) the final approval of the plan.
- 108 Preparation of draft Waihou, Piako, and Coromandel Catchments Plan** 20
- (1) The Authority must begin to prepare a draft plan not later than 3 months after the first meeting of the Authority.
- (2) At any time during the preparation and approval stages of the draft plan, the Authority may request reports or advice from local authorities or government departments to assist in the preparation or approval of the plan, and the relevant body must comply with the request if it is reasonably practicable to do so. 25
- Process matters*
- (3) In preparing the draft plan, the Authority—
- (a) must meet to discuss the process for preparing the draft plan; and
- (b) must consult and seek comment on the preparation of the draft plan from appropriate persons and organisations. 30
- Contents*
- (4) The Authority must ensure that the draft plan is consistent with the purpose of the plan (*see section 106(2)*).
- (5) In preparing the draft plan, the Authority must— 35

- (a) consider and document the possible alternatives to, and potential benefits and costs of, the matters being provided for in the draft plan; and
 - (b) consider any other relevant statutory or non-statutory documents relevant to the waterways of the catchments.
- (6) Compliance with the obligations under **subsection (5)** requires a level of detail that is no more than proportionate to the contents and nature of the draft plan. 5

109 Preparation of draft provisions for upper Waihou and Piako catchments

- (1) Te Mātāpuna must prepare draft provisions for the part of the plan relating to the upper Waihou and Piako catchments (**draft provisions**). 10
- (2) The area for which the draft provisions are prepared must be determined as required by **clause 20(1)(c) of Schedule 5**.
- (3) **Part 2 of Schedule 5** applies to the preparation of the draft provisions for the upper Waihou and Piako catchments and the incorporation by the Authority of the approved provisions into the draft plan. 15

Notification, submissions, and approval of draft plan

110 Notification of draft plan

- (1) The part of the draft plan applying to the Waihou and Piako catchments must—
- (a) be publicly notified not later than 19 months after the date of the first meeting of the Authority; and 20
 - (b) be approved not later than 3 years after the date of the first meeting of the Authority.
- (2) The part of the draft plan applying to the Coromandel catchment must—
- (a) be notified not later than 3 years after the date of the first meeting of the Authority; and 25
 - (b) be approved not later than 5 years after the date of the first meeting of the Authority.
- (3) When the Authority has prepared the draft plan in whole or in part, including incorporating into the draft plan the approved draft provisions, the Authority—
- (a) must give public notice of the draft plan (in whole or in part); and 30
 - (b) may notify it by any other means that the Authority considers appropriate; and
 - (c) must ensure that the draft plan and any other documents that the Authority considers relevant are available for public inspection.
- (4) The public notice given under **subsection (1)(a)** must— 35
- (a) state that the draft plan is available for public inspection at the places and times specified in the notice; and

- (b) state that persons or organisations may lodge submissions on the draft plan—
 - (i) with the Authority; and
 - (ii) at the place specified in the notice; and
 - (iii) before the date specified in the notice, which must be at least 60 working days after the date of the publication of the notice; and
- (c) state that persons or organisations may include in a submission, in particular, comments on the potential for the draft plan to be directly incorporated (in whole or in part) into the Waikato regional policy statement; and
- (d) invite persons and organisations to state in their submission whether they wish to be heard in person in support of their submission.

111 Submissions on draft plan

- (1) Any person or organisation may make a written (including electronic) submission on the draft plan in the manner described in the public notice.
- (2) The Authority must prepare and make publicly available before the hearing of submissions a summary of submissions.
- (3) If a person or an organisation requests to be heard in support of a submission, the Authority—
 - (a) must give at least 30 working days' notice to the person or organisation of the date and time of the hearing; and
 - (b) must hold a hearing for that purpose; and
 - (c) must appoint a hearing panel that may be a subcommittee of the Authority.

112 Consideration and approval of draft plan

- (1) Before the Authority approves the draft plan under this section, the Authority must consider any written or oral submissions, to the extent that those submissions relate to matters that are within the scope of the draft plan, and the Authority may amend that draft plan.
- (2) The Authority must approve the draft plan and give public notice of the plan as approved.
- (3) The Authority may also give notice of the approved plan by any other means it considers appropriate.
- (4) The public notice must state—
 - (a) the date on which the plan as approved comes into force; and
 - (b) when and where the plan is available for public inspection.
- (5) At the same time as it gives public notice under this section, the Authority must make its report on how it considered and dealt with the submissions.

- (6) The Authority’s decision to approve the plan is not a decision for the purpose of clause 14 of Schedule 1 of the Resource Management Act 1991 (appeals to Environment Court).

113 Commencement and availability of approved plan

The approved plan— 5

- (a) comes into force on the date specified in the public notice; and
- (b) must be available for public inspection at the local offices of the relevant local authorities and government departments.

Review and amendments

114 Review of, and amendments to, plan 10

- (1) The Authority must commence a review of the plan—
 - (a) not later than 10 years after the approval of the first plan; and
 - (b) not later than 10 years after the completion of the previous review of the plan.
- (2) If the Authority considers, as a result of a review, that the plan should be amended in a material manner, the amendment must be prepared and approved in accordance with **sections 106 to 112** (with any necessary modifications). 15
- (3) If the Authority considers that the plan should be amended in a manner that is of minor effect, **section 112(2) to (6)** applies.

Power to incorporate plan in regional policy statement 20

115 Plan may form part of regional policy statement

The Authority may specify in the plan that the plan (either in whole or in specified parts) may be incorporated into the Waikato regional policy statement.

116 Decision to incorporate plan may be made by Waikato Regional Council

- (1) The Waikato Regional Council may, in its discretion, and at any time after the approval of the plan, determine that the plan (in whole or in part) is to be directly incorporated into the Waikato regional policy statement. 25
- (2) Before making a determination, the Waikato Regional Council may refer particular parts of the plan to the Authority for reconsideration, giving its reasons for doing so. 30
- (3) If a reference is made under **subsection (2)**, the Authority—
 - (a) must consider the referred matter; and
 - (b) may, in its discretion,—
 - (i) propose amendments to the plan to the Waikato Regional Council; 35
 - or

- (ii) advise the Council that further amendments are not required.
- (4) If the Authority proposes amendments under **subsection (3)(b)(i)**, the provisions of this subpart (to the extent that they relate to notification and submissions) do not apply, but the Authority must give public notice of the amended plan in accordance with **section 110(3) and (4)**, once the amendments are made. 5
- (5) In considering whether to make a determination, the Waikato Regional Council must consider—
- (a) whether the plan, or the specified parts of the plan, is in a suitable form for direct incorporation into the Waikato regional policy statement; and 10
- (b) the purpose of the Resource Management Act 1991; and
- (c) the purpose of the plan; and
- (d) any submissions made on the draft plan in relation to direct incorporation.
- (6) The determination under **subsection (1)**— 15
- (a) may provide for direct incorporation of the plan (or parts of the plan), but only if incorporation is specified in the plan under **section 115**; and
- (b) may relate only to those parts of the plan that are relevant to the Resource Management Act 1991; and
- (c) does not require the Waikato Regional Council to initiate a review, variation, or change to a planning document under the Resource Management Act 1991; and 20
- (d) must be made by the full Waikato Regional Council rather than a committee of that council.
- (7) The Waikato Regional Council— 25
- (a) may determine that the plan directly incorporated under **subsection (1)** ceases to be directly incorporated in whole or in part in the regional policy statement whenever—
- (i) a new plan is approved; or
- (ii) a review of the Waikato regional policy statement is commenced; 30
but
- (b) must give public notice of that within 5 working days of taking that action.

117 Subsequent decisions to incorporate

The Waikato Regional Council must consider, and may make a new determination, whether to directly incorporate all or part of the plan into the Waikato regional policy statement on each occasion when— 35

- (a) a new plan is approved; or

- (b) a review of the Waikato regional policy statement is commenced.

118 Timing of incorporation

If a determination is made under **section 116 or 117** that the whole or any specified part of the plan is to be directly incorporated into the Waikato regional policy statement, the Waikato Regional Council must, as soon as practicable after the determination is made,—

- (a) provide for the direct incorporation of the plan into the Waikato regional policy statement; and
- (b) give public notice of the incorporation within 5 working days.

119 Inconsistencies between plan and Waikato regional policy statement 10

- (1) From the date of direct incorporation, to the extent that a provision in the plan is inconsistent with an existing provision in the Waikato regional policy statement, the provision in the plan prevails.
- (2) Despite **subsection (1)**, if any provision of the Waikato regional policy statement containing the plan (in whole or in part) is inconsistent with any other provision in the regional policy statement that was included to implement an obligation on a local authority under section 55 of the Resource Management Act 1991, the latter provision prevails. 15

120 Amendment of Waikato regional policy statement

- (1) If any provision of the Waikato regional policy statement contains part of the plan, the provision may not be amended (including under the processes set out in Schedule 1 of the Resource Management Act 1991) unless the amendment is necessary to give effect to an obligation on a local authority under section 55 of the Resource Management Act 1991. 20
- (2) If there is a conflict of the type referred to in **section 119(2)**, the Waikato Regional Council must, after consulting with the Authority, amend the Waikato regional policy statement to remove that conflict. 25

Effect on RMA planning documents if plan not incorporated in regional policy statement

121 Changes to planning documents 30

- (1) This section applies if the plan is not incorporated into the Waikato regional policy statement under **section 116**.
- (2) In preparing, reviewing, varying, or changing a relevant planning document prepared under the Resource Management Act 1991, a local authority must recognise and provide for the vision, objectives, and desired outcomes in the plan. 35
- (3) The obligation under **subsection (2)**—

- (a) applies each time a local authority prepares, reviews, varies, or changes a relevant planning document prepared under the Resource Management Act 1991; but
- (b) does not require a local authority to initiate a review, variation, or change to a relevant planning document prepared under the Resource Management Act 1991. 5
- (4) However, when next there is a review, variation, or change initiated by the local authority, the obligation under **subsection (2)** applies.
- (5) **Subsection (6)** applies until— 10
- (a) the plan forms part of the Waikato regional policy statement; or
- (b) a local authority complies with its obligation under **subsection (2)**.
- (6) If a consent authority is processing or making a decision on an application for resource consent in relation to the waterways of the Waihou, Piako, and Coromandel catchments, that consent authority must have regard to the plan.
- (7) To avoid doubt, the requirements and procedures in Part 5 and Schedule 1 of the Resource Management Act 1991 apply to a local authority carrying out its obligations under **subsection (2)**. 15

Effects if plan incorporated in regional policy statement

122 Effects on resource management and fisheries matters

- (1) The plan affects the content of planning documents prepared under the Resource Management Act 1991 if the plan is incorporated into the regional policy statement under **sections 116 and 117**. 20
- (2) The requirement under section 11 of the Fisheries Act 1996 that the Minister of Fisheries have regard to regional policy statements and regional plans under the Resource Management Act 1991 before setting or varying any sustainability measures is not limited by the incorporation of the plan into the regional policy statement under this subpart. 25

123 Effect on decisions made under local government Acts

A local authority must have particular regard to the plan when making any decision under the Local Government Act 2002 or the Local Government Act 1974 in relation to the waterways of the Waihou, Piako, and Coromandel catchments. 30

124 Compliance with obligations

- (1) The obligations imposed on any person or organisation under this section and **sections 115 to 123** apply if the performance and exercise of those functions, duties, and powers relate to the waterways of the Waihou, Piako, and Coromandel catchments. 35
- (2) However, **subsection (1)** applies only—

- (a) to the extent that the plan is relevant to the matters covered by the relevant legislation; and
- (b) in a manner that is consistent with the purpose of the relevant legislation.

125 Freshwater values and objectives

The contents of the plan do not predetermine the freshwater values and objectives that are to be set by local authorities and communities under the National Policy Statement for Freshwater Management 2014. 5

Commissioner Register

126 Register of hearing commissioners

- (1) A register of hearing commissioners, to be called the Commissioner Register, must be developed and agreed by the Authority, in consultation with Te Mātāpuna o ngā Waihou Piako. 10
- (2) The purpose of the register is to provide a register of persons qualified to hear and determine certain applications under the Resource Management Act 1991 for resource consents relating to the waterways in the catchments. 15
- (3) The Authority must maintain the register.

127 Persons who may be included on Commissioner Register

- (1) The following entities may nominate hearing commissioners to be included on the Commissioner Register:
 - (a) the trustee: 20
 - (b) the trustees of the Ngāti Hauā Iwi Trust:
 - (c) the trustees of the Te Puāwaitanga o Ngāti Hinerangi Iwi Trust:
 - (d) the trustees of the Raukawa Settlement Trust.
- (2) The Commissioner Register must include persons who have—
 - (a) skills, knowledge, and experience in a range of disciplines, including tikanga Māori; and 25
 - (b) knowledge of the waterways of the catchments.
- (3) Further provisions relating to the Commissioner Register, as set out in **Schedule 6**, apply under this subpart.

128 Appointment of commissioners 30

The Authority and a local authority with jurisdiction in the catchments may agree in writing that, for the period specified in the agreement,—

- (a) **clauses 5 and 6 of Schedule 6** do not apply; but
- (b) for the period specified in the agreement, an alternative arrangement, as set out in the agreement, applies for the appointment of commissioners. 35

129 Information on applications for resource consents

- (1) Local authorities that receive resource consent applications relating to the catchments (the **relevant local authorities**) must provide to the Authority, the trustee, and the governance entities of Ngāti Hauā, Ngāti Hinerangi, and Raukawa an electronic summary and, if requested, a copy of applications for resource consent for activities that— 5
- (a) are within (in whole or in part) the waterways of the catchments; and
 - (b) may affect the waterways in those catchments.
- (2) In order to facilitate an efficient process for the provision of that information, the Authority must provide to the relevant local authorities guidelines on the nature of the information to be provided under **subsection (1)**, including— 10
- (a) the form of the electronic summary or copy to be provided; and
 - (b) whether there are certain types of applications for which a summary or copy does not have to be provided; and
 - (c) the timing of the provision of a summary or copy of applications to the Authority; and 15
 - (d) whether the requirements in **subsection (1)** can be satisfied through another agreed approach.
- (3) The purpose of **subsection (1)** is to provide the specified information to the Authority, but not to create any other rights or obligations. 20

Subpart 7—Upper Mangatangi and Mangatāwhiri Catchments

130 Interpretation

In this subpart and **subpart 8**, unless the context otherwise requires,—

Authority means the Upper Mangatangi and Mangatāwhiri Catchment Authority 25

Commissioner Register means the register of hearings commissioners required by **section 144**

council members, in relation to members of the Authority, means the members appointed under **section 135(1)(c) and (d)**

iwi members, in relation to members of the Authority, means the members appointed under **section 135(1)(a) and (b)** 30

Minister means the Minister for the Environment

plan—

- (a) means the Upper Mangatangi and Mangatāwhiri Catchments Plan; and
- (b) includes part of the plan 35

public notice has the meaning given in section 2(1) of the Resource Management Act 1991

	Upper Mangatangi and Mangatāwhiri catchments and catchments mean the waterways of those catchments as shown in part 14 of the attachments	
	vision and strategy means the vision and strategy for the Waikato River set out in Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010	5
	Waikato River Clean-up Trust has the meaning given in section 6(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010	
	Waikato-Tainui and Waiohua iwi means the following iwi with interests in the catchments:	
	(a) Waikato-Tainui:	10
	(b) Ngāti Tamaoho:	
	(c) Te Ākitai Waiohua:	
	(d) Ngāti Koheriki.	
	<i>Upper Mangatangi and Mangatāwhiri Catchment Authority</i>	
131	Establishment of Upper Mangatangi and Mangatāwhiri Catchment Authority	15
	(1) This section establishes the Authority.	
	(2) Despite the membership of the Authority, as provided for in section 135 , the Authority is not a committee or joint committee of a local authority.	
	(3) Schedule 7 of the Local Government Act 2002 does not apply to the Authority.	20
	(4) However, nothing in this subpart affects the responsibility of the local authorities for final decision making under relevant enactments.	
	(5) The Local Government Official Information and Meetings Act 1987 applies to the Authority, to the extent that that Act is not inconsistent with this subpart.	
132	Purpose of Upper Mangatangi and Mangatāwhiri Catchment Authority	25
	The purpose of the Authority is to provide a co-ordinated and inter-generational approach to the co-governance, oversight, and direction for the taonga comprising the waterways of the catchments in order to promote—	
	(a) the statement of the Pare Hauraki World View and Programme for a Culture of Natural Resource Partnership (as set out in part 4 of the Pare Hauraki collective deed); and	30
	(b) the values of Waikato-Tainui and Waiohua iwi with interests in the Upper Mangatangi and Mangatāwhiri catchments; and	
	(c) community aspirations for the catchments.	
133	Functions of Upper Mangatangi and Mangatāwhiri Catchment Authority	35
	(1) The principal function of the Authority is to achieve its purpose.	

- (2) In seeking to achieve the purpose of the Authority, the Authority must—
- (a) promote the integrated and co-ordinated management of the waterways of the catchments; and
 - (b) prepare and approve the plan for the waterways of the catchments; and
 - (c) maintain a register of hearing commissioners; and 5
 - (d) engage with, seek advice from, and provide advice to—
 - (i) the local authorities and government departments regarding the health and well-being of the waterways of those catchments; and
 - (ii) iwi with interests in the waterways of the catchments regarding the health and well-being of those waterways; and 10
 - (e) provide oversight of the monitoring of activities in, and the state of the waterways of, the catchments and the extent to which the purpose of the Authority is being achieved, including through the implementation and effectiveness of the plan; and
 - (f) engage with stakeholders, including liaising with the community in relation to the waterways of the catchments; and 15
 - (g) take any other action that the Authority considers to be appropriate to achieve its purpose.
- (3) The Authority may seek to obtain funds to enable it to perform its functions.
- (4) The Authority has discretion to determine, in any particular circumstances,— 20
- (a) whether to perform any function specified in **subsection (2)(d) to (g)**; and
 - (b) how and to what extent any function in **subsection (2)(d) to (g)** is performed.
- (5) The Authority must operate in a manner that recognises and respects the interests of iwi whose areas of interest are in different parts of the waterways of the catchments. 25

134 Capacity

The Authority has full capacity and all the powers reasonably necessary to carry out its functions under this subpart. 30

135 Members of Authority

- (1) The Authority must consist of—
- (a) 1 member appointed by the trustee; and
 - (b) 1 member appointed jointly by the governance entities of the Waikato-Tainui and Waiohau iwi; and 35
 - (c) 1 member appointed by the Waikato Regional Council; and
 - (d) 1 member appointed by the Waikato District Council.

- (2) The Auckland Council may appoint 1 representative to the Authority, but that person must not vote on matters before the Authority.
- (3) In appointing a member to the Authority, the relevant appointer must be satisfied that the person has the mana, skills, knowledge, and experience to—
- (a) participate effectively in the Authority; and 5
 - (b) contribute to the achievement of the purpose of the Authority.
- (4) The Minister for Treaty of Waitangi Negotiations may—
- (a) determine which of the iwi with interests in the catchments are to appoint the member of the Authority under **subsection (1)(b)**; and
 - (b) if the governance entities of the Waikato-Tainui and Waiohau iwi cannot agree on the person to be their representative member, appoint a temporary member of the Authority, to be replaced by a member appointed by those iwi when agreement is reached. 10

136 Term of office

- (1) The term of each initial member of the Authority commences on the settlement date and expires at the close of the 59th day after polling day for the next triennial general election of members under section 10(2) of the Local Electoral Act 2001. 15
- (2) The term of each member of the Authority (other than an initial member) commences on the 60th day after the polling day for the most recent triennial general election of members and expires at the close of the 59th day after polling day for the next triennial general election of members. 20
- (3) Each member may be reappointed.
- (4) Where there is a vacancy on the Authority, the organisation that appointed the person who has ceased to be a member must, as soon as is reasonably practicable, fill that vacancy for the remainder of that person's term. 25

137 Duties of members of Authority

The members of the Authority must—

- (a) act in a manner so as to achieve the purpose of the Authority; and
- (b) subject to **paragraph (a)**, comply with any terms of appointment issued by the relevant appointer. 30

138 Validity of Authority's acts

Nothing done by the Authority is invalid because of—

- (a) a vacancy in the membership of the Authority at the time the thing was done; or 35
- (b) the subsequent discovery of a defect in the appointment of a person as a member.

139 Chairperson of Authority

- (1) At the first meeting of the Authority, the members must appoint 1 member to be the chairperson of the Authority and 1 member to be the deputy chairperson.
- (2) The iwi members must appoint either the chairperson or the deputy chairperson, and the council members must appoint the other. 5
- (3) The chairperson and deputy chairperson—
 - (a) are each appointed for a term or 3 years, unless either resigns or is discharged as a member of the Authority during that term; and
 - (b) may be reappointed.
- (4) The chairperson (or the deputy chairperson if acting as the chairperson) may vote on any matter but does not have a casting vote. 10

140 Resignation or removal of members

- (1) A member may resign from the Authority by giving written notice to the organisation that appointed the member and to the Authority.
- (2) The organisation that appointed a member may, if it is a local authority, remove a member by written notice to that person and to the Authority. 15

141 Quorum for meetings of Authority

The quorum for a meeting of the Authority is 3 members.

*Administrative matters***142 Information on applications for resource consents** 20

- (1) Local authorities that receive resource consent applications relating to the catchments (the **relevant local authorities**) must provide an electronic summary to the Authority, the trustee, and the governance entities of the Waikato-Tainui and Waiohau iwi and, if requested, a copy of applications for resource consent for activities that— 25
 - (a) are within (in whole or in part) the waterways of the catchments; and
 - (b) may affect the waterways in those catchments.
- (2) In order to facilitate an efficient process for the provision of the information required under **subsection (1)**, the Authority must provide to the relevant local authorities guidelines on the nature of the information required, including— 30
 - (a) the form of the electronic summary or copy to be provided; and
 - (b) whether there are certain types of applications for which a summary or copy does not have to be provided; and
 - (c) the timing of the provision of summary or copy of applications to the Authority; and 35

- (d) whether the requirements in **subsection (1)** can be satisfied through another agreed approach.
- (3) The purpose of **subsection (1)** is to provide information as specified in that subsection, but not to create any other rights or obligations.
- 143 Administration and procedures of Authority** 5
- Clauses 2 to 8, 10, and 12 to 19 of Schedule 5** apply to the Authority under this subpart, with the necessary modifications.
- Commissioner Register*
- 144 Register of hearing commissioners**
- (1) The Authority must develop and agree a register of hearing commissioners, to be called the Commissioner Register. 10
- (2) The purpose of the register is to provide a register of persons qualified to hear and determine certain applications under the Resource Management Act 1991 for resource consents relating to the waterways of the catchments.
- (3) The Authority must maintain the Commissioner Register. 15
- (4) The Commissioner Register must include persons who have—
- (a) skills, knowledge, and experience in a range of disciplines, including tikanga Māori; and
- (b) knowledge of the waterways of the catchments.
- (5) The Commissioner Register— 20
- (a) must be kept under review to ensure that it remains fit for purpose; and
- (b) may be amended with the agreement of each of the bodies and groups named in **section 135(1)**.
- (6) **Schedule 6** applies to the Commissioner Register under this subpart with the necessary modifications. 25
- 145 Alternative arrangement for appointment of commissioners**
- The Authority and a local authority with jurisdiction in the catchments may agree in writing that, for the period specified in the agreement,—
- (a) **clauses 5 and 6 of Schedule 6** do not apply; but
- (b) for the period specified in the agreement, an alternative arrangement, as set out in the agreement, applies for the appointment of commissioners. 30

Upper Mangatangi and Mangatāwhiri Catchments Plan

146 Purpose of Upper Mangatangi and Mangatāwhiri Catchments Plan

- (1) The Authority must prepare, approve, and review a plan for the catchments, to be known as the Upper Mangatangi and Mangatāwhiri Catchments Plan, in accordance with this subpart. 5
- (2) The purpose of the plan is to—
 - (a) identify the issues, vision, objectives, and desired outcomes for the waterways of the catchments; and
 - (b) provide direction to decision makers when decisions are to be made in relation to the waterways of the catchments; and 10
 - (c) express the Authority’s aspirations for the health and well-being of the waterways of the catchments.
- (3) The plan may also include other matters that the Authority considers relevant to the purpose of that plan to address—
 - (a) kaitiakitanga and mātauranga Māori; and 15
 - (b) mahinga kai and cultural activities; and
 - (c) water quality; and
 - (d) water quantity; and
 - (e) the effects of land-based activities on the waterways; and
 - (f) environmental health and biodiversity; and 20
 - (g) gravel extraction.
- (4) The plan must not be inconsistent with the vision and strategy.
- (5) For the purposes of the Resource Management Act 1991, the plan must not contain rules (as defined in section 2(1) of the Resource Management Act 1991) or other methods for the purposes of that Act. 25
- (6) The Authority may prepare and approve the draft plan in stages and in parts, including dealing with different geographical areas at different stages.

147 Preparation of draft Upper Mangatangi and Mangatāwhiri Catchments Plan

- (1) The Authority must begin to prepare a draft Upper Mangatangi and Mangatāwhiri Catchments Plan (**draft plan**) not later than 3 months after the first meeting of the Authority. 30
- (2) At any time during the preparation and approval stages of the draft plan, the Authority may request reports or advice from local authorities or government departments to assist in the preparation or approval of the plan, and the relevant body must comply with the request where it is reasonably practicable to do so. 35

Process matters

- (3) In preparing the draft plan, the Authority—
- (a) must meet to discuss the process for preparing the draft plan; and
 - (b) must consult and seek comment on the preparation of the draft plan from appropriate persons and organisations. 5

Contents

- (4) The Authority must ensure that the draft plan is consistent with the purpose of the plan (*see* **section 146(2)**).
- (5) In preparing the draft plan, the Authority must—
- (a) consider and document the possible alternatives to, and potential benefits and costs of, the matters being provided for in the draft plan; and 10
 - (b) consider any other relevant statutory or non-statutory documents relevant to the waterways of the catchments.
- (6) Compliance with the obligations under **subsection (5)** requires a level of detail that is no more than proportionate to the contents and nature of the draft plan. 15

148 Notification of draft plan

- (1) The part of the draft plan applying to the catchments must—
- (a) be publicly notified not later than 19 months after the date of the first meeting of the Authority; and 20
 - (b) be approved not later than 3 years after the date of the first meeting of the Authority.
- (2) When the Authority has prepared the draft plan in whole or in part, including incorporating into the draft plan the approved draft provisions, the Authority—
- (a) must give public notice of the draft plan (in whole or in part); and 25
 - (b) may notify it by any other means that the Authority considers appropriate; and
 - (c) must ensure that the draft plan and any other documents that the Authority considers relevant are available for public inspection.
- (3) The public notice given under **subsection (1)(a)** must— 30
- (a) state that the draft plan is available for public inspection at the places and times specified in the notice; and
 - (b) state that persons or organisations may lodge submissions on the draft plan—
 - (i) with the Authority; and 35
 - (ii) at the place specified in the notice; and

- (iii) before the date specified in the notice, which must be at least 60 working days after the date of the publication of the notice; and
- (c) invite persons and organisations to state in their submission whether they wish to be heard in person in support of their submission.
- 149 Submissions on draft plan** 5
- (1) Any person or organisation may make a written (including electronic) submission on the draft plan in the manner described in the public notice.
- (2) The Authority must prepare and make publicly available before the hearing of submissions a summary of submissions.
- (3) If a person or an organisation requests to be heard in support of a submission, the Authority— 10
- (a) must give at least 30 working days’ notice to the person or organisation of the date and time of the hearing; and
- (b) must hold a hearing for that purpose.
- 150 Consideration and approval of draft plan** 15
- (1) Before the Authority approves the draft plan under this section, the Authority must consider any written or oral submissions, to the extent that those submissions relate to matters that are within the scope of the draft plan, and the Authority may amend that draft plan.
- (2) The Authority must approve the draft plan and give public notice of the plan as approved. 20
- (3) The Authority may also give notice of the approved plan by any other means it considers appropriate.
- (4) The public notice must state—
- (a) the date on which the plan as approved comes into force; and 25
- (b) when and where the plan is available for public inspection.
- (5) At the same time as it gives public notice under this section, the Authority must make its report on how it considered and dealt with submissions.
- (6) The Authority’s decision to approve the plan is not a decision for the purpose of clause 14 of Schedule 1 of the Resource Management Act 1991 (appeals to Environment Court). 30
- 151 Commencement and availability of approved plan**
- The approved plan—
- (a) comes into force on the date specified in the public notice; and
- (b) must be available for public inspection at the local offices of the relevant local authorities and government departments. 35

152 Review of, and amendments to, plan

- (1) The Authority must commence a review of the plan—
- (a) not later than 10 years after the approval of the first plan; and
 - (b) not later than 10 years after the completion of the previous review of the plan. 5
- (2) If the Authority considers, as a result of a review, that the plan should be amended in a material manner, the amendment must be prepared and approved in accordance with **sections 147 to 150** (with any necessary modifications).
- (3) If the Authority considers that the plan should be amended in a manner that is of minor effect, the amendment may be approved under **section 150**, and **section 151** applies to those amendments. 10

*Effect of plan on various statutory documents***153 Changes to RMA planning documents**

- (1) The plan affects the content of planning documents prepared under the Resource Management Act 1991 in the manner set out in this section. 15
- (2) In preparing, reviewing, varying, or changing a relevant planning document prepared under the Resource Management Act 1991, a local authority must recognise and provide for the vision, objectives, and desired outcomes in the plan.
- (3) The obligation under **subsection (2)**— 20
- (a) applies each time that a local authority prepares, reviews, varies, or changes a relevant planning document prepared under the Resource Management Act 1991; but
 - (b) does not require a local authority to initiate a review, variation, or change to a relevant planning document prepared under the Resource Management Act 1991. 25
- (4) **Subsection (5)** applies until—
- (a) the plan forms part of the Waikato regional policy statement; or
 - (b) a local authority complies with its obligations under **subsection (2)**.
- (5) If a consent authority is processing or making a decision on an application for resource consent in relation to the waterways of the catchments, that consent authority must have regard to the plan. 30
- (6) To avoid doubt, the requirements and procedures in Part 5 and Schedule 1 of the Resource Management Act 1991 apply to a local authority carrying out its obligations under **subsection (1)**. 35

154 Effect on fisheries matters

Section 153 does not limit the requirement under section 11 of the Fisheries Act 1996 that the Minister of Fisheries have regard to regional policy state-

ments and regional plans under the Resource Management Act 1991 before setting or varying any sustainability measures.

155 Effect on decisions made under local government Acts

A local authority must have particular regard to the plan when making any decision under the Local Government Act 2002 or the Local Government Act 1974 in relation to the waterways of the catchments. 5

156 Compliance with obligations

The obligations imposed on any person or organisation under **sections 153 to 155** apply—

- (a) if they relate to the waterways of the catchments; and 10
- (b) to the extent that the plan is relevant to the matters covered by the relevant legislation; and
- (c) in a manner that is consistent with the purpose of the relevant legislation.

157 Freshwater values and objectives

The contents of the plan do not predetermine the freshwater values and objectives that are to be set by local authorities and communities under the National Policy Statement for Freshwater Management 2014. 15

Independent review

158 Review of Authority

- (1) The Minister for the Environment must commission an independent review in relation to the Authority, to be completed and reported on not later than 5 years after the settlement date. 20
- (2) The purpose of the review is—
 - (a) to consider the extent to which the integrated governance and management of the subcatchments is being achieved through the existence of both the Authority and the Waikato River Authority; and 25
 - (b) to identify options to improve the integrated governance and management of the catchments and the Waikato River catchment with measures such as—
 - (i) extending the jurisdiction of the Waikato River Authority to include the entire catchments: 30
 - (ii) including in the membership of the Waikato River Authority 2 additional persons, one appointed by the trustee and the other by the Minister for the Environment:
 - (iii) measures to support the participation of the members of the Authority appointed under **section 135(1)(a) and (b)** in the 35

	decision making about the catchments by the local authority and Waikato River Authority:	
	(iv) measures relevant to the disestablishment of the Authority and the integration of its plan, policies, and procedures with those of the Waikato River Authority.	5
(3)	In this section,—	
	subcatchments has the meaning given in section 161	
	Waikato River catchment has the meaning given in paragraph (b) of the definition of catchment in section 6(3) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.	10
159	Terms of review	
(1)	The Minister for the Environment, in consultation with the Authority, the Waikato River Authority, and the appointers of the members of the Authority and of the Waikato River Authority, must develop the terms of the review.	
(2)	The terms must include provision for submissions to be made by—	15
	(a) the Authority; and	
	(b) the Waikato River Authority; and	
	(c) the appointers of the members of the Authority and of the Waikato River Authority.	
160	Determination on amalgamation	20
	The Minister for the Environment, in determining whether to undertake the amalgamation of the Authority and the Waikato River Authority, must—	
	(a) take into account—	
	(i) the purpose of the review; and	
	(ii) the views of the members of both authorities and of the appointers of those authorities; and	25
	(b) consider how the interests of the iwi members of each authority will be provided for.	
	Subpart 8—Lower Mangatangi Stream and Mangatāwhiri River and Whangamarino wetland catchments	30
161	Interpretation	
	In this subpart,—	
	integrated river management plan means the plan required by section 36 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010	

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

- (a) a district plan:
- (b) a proposed district plan:
- (c) a regional plan: 5
- (d) a proposed regional plan:
- (e) a regional policy statement:
- (f) a proposed regional policy statement

subcatchments means those parts of the catchments of the Mangatangi Stream and Mangatāwhiri River, and the Whangamarino wetland, that are within the area of operation of the Waikato River Authority, as shown in part 14 of the attachments. 10

162 **Background: Statement by Iwi of Hauraki of significance of certain natural features to Iwi**

The Crown recognises the following statement by the Iwi of Hauraki about the significance of the Mangatangi Stream, the Mangatāwhiri River, and the Whangamarino wetland and their catchments to the Iwi of Hauraki. 15

Haere mai ki Hauraki he aute te awhea

- (1) The spiritually and culturally symbiotic relationship between the people of Pare Hauraki and our world, *mai Matakana ki Matakana*, is founded on whakapapa links between the cosmos, gods, nature, and people. Our world is a holistic unified whole consisting of spiritual and physical interrelated realities. 20
- (2) Our relationships are first and foremost genealogical. All things, animate and inanimate, have a whakapapa derived from Papatūānuku and her children. The works of nature—mountains, seas, rivers, wetlands, animals, and plants—are either kin, ancestors, or founding parents. From our cosmogony, all things have their own mauri and personality requiring respect and protection. 25
- (3) Whanaungatanga lies at the core of our relationships. Te taura tāngata is the cord of kinship that binds us together through whakapapa. It is a braid that is tightly woven, tying in all its strands. It is unbroken and infinite. 30
- (4) Our traditional imagery holds that the Coromandel Peninsula is the jagged barb of the great fish of Māui (Te Tara o te Ika a Māui), while the peaks of Te Aroha and Moechau form the prow and stern of the waka.
- (5) Important tribal taniwha and tupua dwell in the ancestral seas and rivers which are also the location of continued spiritual and cultural traditions and practices maintained over the many centuries. 35
- (6) The extensive coastline, mountainous backbone, river, and wetlands make for a resource-rich and environmentally diverse rohe, desired by many over the centuries. The taonga tuku iho bestowed upon us include taonga species, fertile

soils, hua whenua, hua rākau, kai moana, kai awa, kai ngahere, timber, textile flora, and minerals.

- (7) The seas and foreshores of Tīkapa Moana to Mahurangi and Te Tai Tamahine/Te Tai Tamawahine to Ngā Kuri a Whārei provide nourishment and spiritual sustenance as well as the maritime pathways to settlements throughout our rohe. The maunga of Hauraki are uplifted places of revered events in time and space. There resides the tangible history of Pare Hauraki. Many rivers flow from the maunga into the plains and seas and provide sustenance and inland pathways. To the west includes the Waihou, Ōhinemuri, and Piako, and to the east Whitianga and Tairua. The flood plain of the Piako and Waihou rivers was an inland sprawling sea and wetland rich with flora and fauna; so too the wetlands and rivers of the inner catchments of the rohe of Pare Hauraki to the west, including the Whangamarino and Mangatangi and Mangatāwhiri. 5
- (8) These places are revered in tribal histories and mōteatea. Our traditions hold that our people have dwelt in Hauraki for over a millennium. 15
- (9) Our tūpuna inhabited a rohe temperate and generally frost-free which enabled the cultivation of kūmara, taro, and yam from Polynesia. The broadleaf and podocarp forests include miro, hinau, tawa, and karaka, whose fruit were harvested. The rohe abounds in bird life with many wetland species and thousands of migratory waders, which congregate on the coastal mudflats in season. The seas and foreshores teem with marine mammals, fish, and shellfish, the wetlands and rivers with birds, tuna, and fish, as well as berries and medicinal and textile flora. Much of the rohe was thickly forested, with the rivers and water bodies giving access to great stands of kahikātea and kauri. 20
- (10) These resources were subject to access and use rights as an essential part of kaitiakitanga. Some species would be generally available, while other species would be regulated by rangatira in order to ensure sustenance and sustainability for the tribe. 25
- (11) The richness and diversity of this natural world is reflected by the many peoples who have belonged to the land and seas of Hauraki over the centuries. Thus, there are some 6,000 recorded historical sites, 700 of which are pā. It is generally accepted that there are more than double that number. More numerous again are the wāhi tapu cared for by Pare Hauraki as kaitiaki of these revered places. 30
- (12) The traditions of Pare Hauraki are those of a highly mobile and maritime nation. Movement throughout tribal areas was influenced by areas of occupation and the location and availability of natural resources. Seasonal harvesting, especially of kai moana, involved travel and occupation over very wide areas of Tīkapa Moana—Te Tai Tamahine/Te Tai Tamawahine and their motu. Preservation of birds and fish was an important activity, together with the tending of extensive cultivations. 35 40

- (13) The mana and well-being of Pare Hauraki was displayed in many ways—the quantity and quality of kai, waka, and whare, tools and weaponry, personal ornaments (including tahanga, tōhora, and huruhuru), and korowai and whāriki, etc.
- (14) Many whānau, hapū, and iwi have dwelled in Hauraki over the centuries. The complexity and diversity of Pare Hauraki is reflected in the separate waves of tribal migration—various waka, tōhora, and taniwha traditions, together with histories of conflict, intermarriage, and tuku whenua. Tribal entities have come and gone, but now comprise the 12 Iwi of Hauraki (*see* **section 10(a)**). 5
- 163 Iwi objectives and environmental plan** 10
- (1) The trustee may prepare the following documents in relation to the subcatchments:
- (a) iwi objectives:
- (b) an iwi environmental plan.
- (2) The iwi objectives (if any) must be considered under section 20(2)(a)(iv) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. 15
- (3) The iwi environmental plan (if any) has effect in relation to a subcatchment as follows:
- (a) in preparing, reviewing, or changing a planning document, the local authority concerned must take into account the iwi environmental plan: 20
- (b) in considering an application for a resource consent under section 104 of the Resource Management Act 1991, the consent authority concerned must have regard to the iwi environmental plan if the consent authority considers that the plan is relevant:
- (c) a person performing functions or exercising powers under sections 12 to 14 of the Fisheries Act 1996 must recognise and provide for the iwi environmental plan, to the extent that the contents of the plan relate to the functions or powers. 25
- Obligations of Waikato River Authority under this subpart*
- 164 Participation of trustee in certain decisions of Waikato River Authority** 30
- (1) The Waikato River Authority must provide an opportunity for the trustee to participate in decisions that relate to the management of the subcatchments.
- (2) Not later than 2 months after the settlement date, the Waikato River Authority and the trustee must meet to develop and enter into an agreement and terms that give effect to the requirement of **subsection (1)**. 35
- (3) The trustee must be given the opportunity to contribute to preparing and approving any parts of the integrated river management plan that affect a subcatchment.

165 Review of vision and strategy

When the Waikato River Authority reviews its vision and strategy under section 23(2)(g) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Authority must—

- (a) take into account the matters set out in the documents (if any) prepared by the trustees under **section 163(1)**; and 5
- (b) consult the trustees in accordance with the agreement and terms entered into under **section 164(2)**.

166 Appointment of hearing commissioners

- (1) The Waikato River Authority must include in the register of accredited commissioners required by section 25 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 the names of hearing commissioners appointed by the trustee. 10
- (2) The Waikato River Authority must give particular consideration to providing the names of commissioners included in the register under **subsection (1)** when it— 15
 - (a) appoints commissioners under that Act for the purpose of hearing an application for a resource consent in relation to the whole or part of the subcatchments:
 - (b) provides the names of commissioners to the Minister for the Environment for the purposes of section 29 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Part 6AA of the Resource Management Act 1991 in relation to an application relating to the whole or part of the subcatchments. 20

167 Consultation on applications for clean-up funds 25

The Waikato River Authority, as the trustee of the Waikato River Clean-up Trust, must—

- (a) have regard to the objectives and iwi environmental plan when it develops a process for inviting and considering the funding of applications that relate to the subcatchments; and 30
- (b) specifically consider the iwi environmental plan and the views of the trustee when allocating funding in relation to the subcatchments.

*Joint management agreements***168 Joint management agreements with Waikato Regional Council and Waikato District Council** 35

Not later than 18 months after the settlement date (unless the parties agree to extend that period), the trustee must enter into joint management agreements with—

- (a) the Waikato Regional Council; and
- (b) the Waikato District Council.

169 Scope

A joint management agreement—

- (a) must include only matters relating to the subcatchments and activities within those subcatchments that affect the subcatchments; and 5
- (b) must include the matters referred to in **section 171**; and
- (c) may cover additional matters agreed under **section 180**.

170 Legal framework for joint management agreement

- (1) The carrying out of a duty or function, or the exercise of a power, under a joint management agreement has the same legal effect as the carrying out of a duty or function, or the exercise of a power, by a local authority. 10
- (2) Sections 36B to 36E of the Resource Management Act 1991 do not apply to a joint management agreement.
- (3) A local authority must not use the special consultative procedure under section 83 of the Local Government Act 2002 in relation to a joint management agreement. 15
- (4) Schedule 7 of the Local Government Act 2002 does not apply to the local authorities and trustee when they carry out the functions and duties and exercise the powers under the following provision of this Act: 20
 - (a) **section 173** (monitoring and enforcement):
 - (b) **section 174** (preparation, review, change, or variation of planning documents):
 - (c) **section 176** (resource consent process):
 - (d) **section 177** (process for finalising joint management agreement). 25
- (5) A joint management agreement is enforceable between the parties to it.
- (6) Neither party has the right to terminate a joint management agreement.

171 Contents

- (1) A joint management agreement must provide for the local authority and the trustee to work together to carry out the following duties and functions, and exercise the following powers, under the Resource Management Act 1991: 30
 - (a) monitoring and enforcement under **section 173**:
 - (b) preparing, reviewing, changing, or varying a planning document under **section 174**:
 - (c) in relation to resource consents referred to in **section 175**, the duties, functions, or powers under Part 6 of the Resource Management Act 1991. 35

- (2) The joint management agreement must also provide for the process by which the local authority and the trustee consider—
- (a) whether customary activities may be carried out in the subcatchments without obtaining statutory authorisation from the local authority:
 - (b) whether customary activities may be provided for as permitted activities in the relevant district or regional plan. 5

172 Principles for development and operation of joint management agreement

In working together to develop the joint management agreement, and in working together under the joint management agreement, the local authority and the trustee must act in a manner consistent with the following guiding principles, so as to: 10

- (a) promote the restoration and protection of the health and well-being of the subcatchments for present and future generations:
- (b) respect the mana, rights, and responsibilities of the Iwi of Hauraki:
- (c) promote the principle of co-management: 15
- (d) reflect a shared commitment to—
 - (i) working together in good faith and a spirit of co-operation:
 - (ii) being open, honest, and transparent in their communications:
 - (iii) using their best endeavours to ensure that the purpose of the joint management agreement is achieved in an enduring manner: 20
- (e) recognise that the joint management agreement operates within statutory frameworks and that it is important to comply with those statutory frameworks, meet statutory time frames, and minimise delays and costs.

173 Monitoring and enforcement

- (1) This section applies to monitoring and enforcement relating to the subcatchments and activities within those subcatchments. 25
- (2) The part of the joint management agreement on monitoring and enforcement must provide for the local authority and the trustee—
 - (a) to meet at least twice a year—
 - (i) to discuss and agree the priorities for the monitoring of the matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991; and 30
 - (ii) to discuss and agree the methods for, and extent of, the monitoring of those matters; and
 - (iii) to discuss the potential for the trustee to participate in the monitoring of those matters: 35

- (b) to meet at least twice each year to discuss appropriate responses for addressing the outcome of the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991, including—
 - (i) the potential for review of planning documents relevant to the subcatchments; and 5
 - (ii) enforcement under the Resource Management Act 1991, including criteria for the commencement of prosecutions, applications for enforcement orders, the service of abatement notices, and the service of infringement notices:
- (c) to agree appropriate procedures for reporting back to the trustee on the enforcement action taken by the local authority: 10
- (d) to discuss and agree the role of the trustee in the 5-yearly review provided for in section 35(2A) of the Resource Management Act 1991:
- (e) to discuss the potential for persons nominated by the trustee to participate in enforcement action under the Resource Management Act 1991. 15
- (3) The local authority and the trustee each bears its own costs of complying with this section.

174 Preparation, review, change, or variation of planning documents

- (1) This section applies to preparing, reviewing, changing, or varying a planning document to the extent to which those processes relate to the catchments. 20
- (2) The part of the joint management agreement on preparing, reviewing, changing, or varying a planning document must provide—
 - (a) that, before the preparation, review, change, or variation commences, the local authority and the trustee must convene a joint working party to discuss and recommend to the local authority— 25
 - (i) the process to be adopted for the preparation, review, change, or variation; and
 - (ii) the general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 or 5A of Schedule 1 of the Resource Management Act 1991: 30
 - (b) that the local authority and the trustee must decide jointly on the final recommendation to the local authority on whether to commence a review of, and whether to make an amendment to, a planning document:
 - (c) that the local authority and the trustee must decide jointly on the final recommendation to a local authority on the content of a planning document to be notified under clause 5 or 5A of Schedule 1 of the Resource Management Act 1991: 35
 - (d) that the local authority and the trustee must discuss the potential to participate in making decisions on a planning document under clause 10 of Schedule 1 of the Resource Management Act 1991. 40

- (3) The part of the joint management agreement on preparing, reviewing, changing, or varying a planning document must also provide a mechanism for the trustee to participate in processes under Parts 2 and 4 of Schedule 1 of the Resource Management Act 1991.
- (4) The local authority and the trustee each bears its own costs of complying with this section. 5

175 Activities relevant to resource consent process under this Act

Section 176 applies to the following applications:

- (a) applications to the Waikato Regional Council—
- (i) to dam, divert, take, or use, water from or in the subcatchments: 10
 - (ii) to discharge a contaminant or water into the subcatchments:
 - (iii) to discharge a contaminant onto or into land in circumstances that will result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering the subcatchments: 15
 - (iv) to alter, demolish, erect, extend, place, reconstruct, remove, or use a structure or part of a structure in, on, under, or over the bed or banks of the subcatchments:
 - (v) to excavate, drill, tunnel, or otherwise disturb the bed of the subcatchments: 20
 - (vi) to deposit any substance in, on, or under the bed or banks of the subcatchments:
 - (vii) to reclaim or drain the bed of the subcatchments:
 - (viii) to enter onto or pass across the bed of the subcatchments:
 - (ix) to introduce or plant a plant or part of a plant, whether exotic or indigenous, in, on, or under the bed or banks of the subcatchments: 25
 - (x) to damage, destroy, disturb, or remove a plant or part of a plant, whether exotic or indigenous, in, on, or under the bed or banks of the subcatchments: 30
 - (xi) to damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed or banks of the subcatchments:
 - (xii) to damage, destroy, disturb, or remove the habitats of animals or aquatic life in, on, or under the bed or banks of the subcatchments: 35
- (b) applications to a territorial authority for the use of, or activities on, the surface of the water in the subcatchments.

176 Resource consent process

- (1) The joint management agreement must include a resource consent process that requires—
- (a) each local authority to provide the trustee with information on the applications for resource consents that the local authority receives: 5
 - (b) the information to be—
 - (i) the same as would be given to affected persons through limited notification under section 95B of the Resource Management Act 1991; or
 - (ii) the information that the local authority and the trustee agree on: 10
 - (c) the information to be provided as soon as reasonably practicable after the application is received and before a determination is made under sections 95A to 95C of the Resource Management Act 1991:
 - (d) the local authority and the trustee to jointly develop and agree criteria to assist local authority decision-making under the following processes or sections of the Resource Management Act 1991: 15
 - (i) the best practice for pre-application processes:
 - (ii) section 87D (request that an application be determined by the Environment Court rather than the consent authority):
 - (iii) section 88(3) (incomplete application for resource consent): 20
 - (iv) section 91 (deferral pending additional consents):
 - (v) section 92 (requests for further information):
 - (vi) sections 95 to 95G (notification of applications for resource consent):
 - (vii) sections 127 and 128 (change, cancellation, or review of consent conditions). 25
- (2) The criteria developed and agreed under **subsection (1)(d)**—
- (a) are additional to, and must not limit, the criteria that the local authority must apply under the Resource Management Act 1991:
 - (b) do not impose a requirement on a consent authority to change, cancel, or review consent conditions. 30
- (3) The local authority and the trustee each bears its own costs of complying with this section.

177 Process for finalising joint management agreement

- (1) Not later than 30 working days after the settlement date, each local authority and the trustee must convene a joint committee to begin the process for finalising the joint management agreement. 35

- (2) The local authority and the trustee must work together constructively to finalise the joint management agreement within the time frames set out in this section, having particular regard to the principles set out in **section 172**.
- (3) The local authority and the trustee may resort to any facilitation, mediation, or other process that they consider to be appropriate in the process of finalising the joint management agreement. 5
- (4) Not later than 14 months after the settlement date, the local authority and the trustee must give written notice to the Minister for the Environment—
- (a) confirming that all matters relating to the joint management agreement have been agreed; or 10
- (b) identifying the nature of the issues in dispute that the parties have not been able to resolve and their position on those issues; or
- (c) notifying an agreement in writing to extend the date by which a joint management agreement must be in force.
- (5) If notice is given under **subsection (4)(a)**, the notice must also specify the date on which the joint management agreement comes into force. 15
- (6) If notice is given under **subsection (4)(b)**, the Minister for the Environment and the trustee, in consultation with the local authority, must work together to resolve the issues.
- (7) The process of working together may continue for a period of no more than 2 months, unless the Minister for the Environment and the trustee agree in writing on a longer period. 20
- (8) If, at the end of 2 months (or any longer period agreed under **subsection (7)**), all matters relating to the joint management agreement have been resolved, the local authority and the trustee must finalise the joint management agreement and give notice in writing to the Minister for the Environment specifying the date on which the joint management agreement comes into force. 25
- (9) If, at the end of 2 months (or any longer period agreed under **subsection (7)**), an issue relating to the joint management agreement remains in dispute,—
- (a) the Minister for the Environment must determine the issue; and 30
- (b) on that basis, the trustee and the local authority must finalise the joint management agreement and notify the Minister for the Environment of the date on which the agreement comes into force.
- (10) The Minister for the Environment, in making a determination under **subsection (9)**,— 35
- (a) must have particular regard to the principles set out in **section 172**;
- (b) may appoint a facilitator to promote the resolution of the issues in dispute;
- (c) may take any other action the Minister considers appropriate for that purpose. 40

- (11) If an extension of time is notified under **subsection (4)(c)**, at least 4 months before the date notified the trustee and the local authority must notify the Minister for the Environment in writing to confirm that—
- (a) all matters relevant to the joint management agreement have been agreed and that the agreement will come into force on the extended date; or 5
 - (b) that there are unresolved issues in dispute, giving details of the nature of the issues and the position of the parties on those issues.
- (12) If notice is given under **subsection (11)(b)**, the trustee and the Minister for the Environment, in consultation with the local authority, must work together to resolve the issues in dispute, and **subsections (7) to (10)** apply with the necessary modifications. 10
- (13) The local authority and the trustee may agree that a joint management agreement is to come into force in stages.
- (14) When the local authority and the trustee give notice to the Minister for the Environment of the date on which the joint management agreement is to come into force, they must also give the Minister a copy of the agreement. 15
- 178 Joint management agreement may be suspended**
- (1) The local authority and the trustee may agree in writing to suspend, wholly or partly, the operation of the joint management agreement.
 - (2) In reaching an agreement, the parties must specify the scope and duration of the suspension. 20
- 179 Waiver of rights**
- (1) The trustee may give written notice to the local authority that it waives a right provided for in the joint management agreement.
 - (2) The trustee must specify the extent and duration of the waiver in the notice. 25
 - (3) The trustee may at any time revoke a notice of waiver by written notice to the local authority.
- 180 Joint management agreement may be extended**
- (1) The local authority and the trustee may extend a joint management agreement to cover any other duties, functions, or powers they agree on. 30
 - (2) If the local authority and the trustee agree to extend a joint management agreement to cover any other duties, functions, or powers, **subsections (3) to (5)** apply.
 - (3) The extended part of a joint management agreement—
 - (a) is subject to **sections 178, 179, and 181 to 183**: 35
 - (b) may be terminated wholly or partly by one party giving the other party 20 business days' written notice.

- (4) Before either party exercises the right under **subsection (3)(b)**, the parties must work together to seek to resolve the issue giving rise to the wish to terminate, in a manner consistent with the principles set out in **section 172** and the dispute resolution process contained in the joint management agreement.
- (5) Termination under **subsection (3)(b)** does not affect the remaining part of the joint management agreement. 5

181 Review and amendment

- (1) The local authority and the trustee may at any time agree in writing to undertake a review of the joint management agreement.
- (2) If, as a result of a review, the local authority and the trustee agree in writing that the joint management agreement should be amended, they may amend the joint management agreement without further formality. 10
- (3) If the joint management agreement is amended, the local authority and the trustee must—
- (a) give written notice of the amendment to the Minister for the Environment; and 15
- (b) provide a copy of the amended joint management agreement to the Minister for the Environment.

182 Exercise of powers in certain circumstances

- (1) This section applies if— 20
- (a) a statutory function or power is affected by the joint management agreement entered into under this subpart so that a statutory time frame for carrying out the function or exercising the power cannot be complied with; or
- (b) an emergency situation arises. 25
- (2) The local authority may carry out the function or exercise the power on its own account and not in accordance with the joint management agreement.
- (3) As soon as practicable after carrying out a function or exercising a power to which this section applies, the local authority must give the trustee written notice that the function has been carried out or the power exercised. 30

183 Other powers not affected

This subpart does not preclude a local authority from—

- (a) making any other joint management agreement with the trustee under the Resource Management Act 1991;
- (b) making any other co-management arrangement with the trustee under any enactment: 35
- (c) making a transfer or delegation to the trustee under any enactment.

Part 3

Commercial redress

184 Interpretation

In **subparts 1 to 3**,—

commercial property means a property described as licensed land in part 5 of the property redress schedule 5

commercial redress property means a property described in part 4 of the property redress schedule

Crown forest land has the meaning given in section 2(1) of the Crown Forest Assets Act 1989 10

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

Crown forestry licence—

(a) has the meaning given in section 2(1) of the Crown Forest Assets Act 1989; and 15

(b) in relation to the licensed land, means a licence described in the third column of the table in part 5 of the property redress schedule

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

Crown Forestry Rental Trust deed means the trust deed made on 30 April 1990 establishing the Crown Forestry Rental Trust 20

deferred selection property means a property described in part 6 of the property redress schedule for which the requirements for transfer under the Pare Hauraki collective deed have been satisfied

Forestry Emission Unit Trust means the trust of that name established by trust deed dated 19 April 2011 25

land holding agency means the land holding agency specified,—

(a) for a commercial property, in part 5 of the property redress schedule; or

(b) for a commercial redress property, in part 4 of the property redress schedule; or 30

(c) for a deferred selection property, in part 6 of the property redress schedule

licensed land—

(a) means a commercial property; but

(b) excludes— 35

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

(ii) improvements that have been—

- (A) acquired by a purchaser of the trees on the land; or
- (B) made by the purchaser or the licensee after the purchaser has acquired the trees on the land

licensee means the registered holder of a Crown forestry licence

licensor means the licensor of a Crown forestry licence 5

New Zealand units has the meaning given in section 4(1) of the Climate Change Response Act 2002

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

- (a) is wāhi tapu or a wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and 10
- (b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act

right of access means the right conferred by **section 202**.

Subpart 1—Transfer of commercial properties, commercial redress properties, and deferred selection properties 15

185 The Crown may transfer properties

- (1) To give effect to part 16 of the Pare Hauraki collective deed, the Crown (acting by and through the chief executive of the land holding agency) is authorised to—
 - (a) transfer the fee simple estate in— 20
 - (i) a commercial property to the Pare Hauraki Ngahere Limited Partnership; and
 - (ii) a commercial redress property or deferred selection property to the Pare Hauraki Whenua Limited Partnership; and
 - (b) sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer. 25
- (2) **Subsection (3)** applies to a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in **section 11(2)**.
- (3) As soon as is reasonably practicable after the date on which a deferred selection property is transferred to the Pare Hauraki Whenua Limited Partnership, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 12** (which relates to the cancellation of resumptive memorials). 30

186 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 Pare Hauraki collective deed 35

in relation to a commercial property, commercial redress property, or deferred selection property.

- (2) Any such easement is—
- (a) enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and 5
 - (b) to be treated as having been granted in accordance with Part 3B of that Act.

187 Records of title for commercial redress properties and deferred selection properties

- (1) This section applies to each of the following properties that are to be transferred under **section 185**: 10
- (a) a commercial redress property:
 - (b) a deferred selection property.
- (2) However, this section applies only to the extent that—
- (a) the property is not all of the land contained in a record of title for the fee simple estate; or 15
 - (b) there is no record of title for the fee simple estate for all or part of the property.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,— 20
- (a) create a record of title for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
 - (c) omit any statement of purpose from the record of title. 25
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a record of title.
- (5) In this section and **sections 188 and 189**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 30

188 Record of title for licensed land subject to single Crown forestry licence

- (1) This section applies to licensed land that is subject to a single Crown forestry licence and is to be transferred to the Pare Hauraki Ngahere Limited Partnership under **section 185**.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,— 35
- (a) create a record of title in the name of the Crown for the fee simple estate in the property; and

- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
- (c) omit any statement of purpose from the record of title.
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title. 5
- 189 Authorised person may grant covenant for later creation of record of title**
- (1) For the purposes of **sections 187 and 188**, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any commercial property, commercial redress property, or deferred selection property. 10
- (2) Despite the Land Transfer Act 2017,—
- (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and
- (b) the Registrar-General must comply with the request. 15
- 190 Application of other enactments**
- (1) This section applies to the transfer of the fee simple estate in a commercial property, commercial redress property, or deferred selection property under **section 185**.
- (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. 20
- (3) The Crown Minerals Act 1991 applies subject to **section 196 and subpart 4**.
- (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 Pare Hauraki collective deed in relation to the transfer. 25
- (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. 30
- (6) In exercising the powers conferred by **section 185**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**. 35

*Transfer of certain properties***191 Transfer of commercial redress property and deferred selection properties***Commercial redress property*

- (1) The commercial redress property described as 150 Opoutere Road, Opoutere ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets. 5

Deferred selection properties

- (2) Immediately before the transfer of a deferred selection property to the Pare Hauraki Whenua Limited Partnership under **section 185**, the property ceases to be a conservation area under the Conservation Act 1987. 10

192 Waihou River Conservation Area

- (1) This section and **section 193** apply if the Waihou River Conservation Area is a deferred selection property.
- (2) The Waihou River Conservation Area may be transferred to the Pare Hauraki Whenua Limited Partnership under **section 185** despite section 20(1) of the Soil Conservation and Rivers Control Act 1941. 15
- (3) After the Waihou River Conservation Area is transferred to the Pare Hauraki Whenua Limited Partnership,—
- (a) it continues to be—
- (i) a soil conservation reserve subject to the Soil Conservation and Rivers Control Act 1941; and 20
- (ii) under the control and management of the Waikato Regional Council; and
- (b) it must not be alienated by the Pare Hauraki Whenua Limited Partnership for so long as it remains a soil conservation reserve; but 25
- (c) section 20 (except subsection (3)) of the Soil Conservation and Rivers Control Act 1941 ceases to apply to the property.
- (4) If the Waikato Regional Council considers that all or any part of the Waihou River Conservation Area is no longer required as a soil conservation reserve, the Minister for the Environment may by notice in the *Gazette* declare that all or the part of the land is no longer— 30
- (a) a soil conservation reserve; and
- (b) subject to the Soil Conservation and Rivers Control Act 1941.
- (5) To avoid doubt, if **subsection (4)** applies, the fee simple estate in all or the part of the Waihou River Conservation Area remains in the ownership of the Pare Hauraki Whenua Limited Partnership. 35

- (6) In this section and **sections 193 and 194, Waihou River Conservation Area** means the property described under that name in part 6 of the property redress schedule.

193 Matters associated with transfer of Waihou River Conservation Area

- (1) Section 24 of the Conservation Act 1987 does not apply to the transfer of the Waihou River Conservation Area under **section 185**. 5
- (2) The transfer instrument for the transfer of the property must include a statement that, upon registration of the transfer, the land is subject to **sections 192(3) and 194**.
- (3) The Registrar-General must, upon registration of the transfer of the property, record on the record of title for the property that— 10
- (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (b) the land is subject to **sections 192(3) and 194**.
- (4) A notification made under **subsection (3)(a)** that the 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. 15

194 If Waihou River Conservation Area ceases to be a soil conservation reserve

- (1) This section applies if all or part of the Waihou River Conservation Area is declared to no longer be a soil conservation reserve subject to the Soil Conservation and Rivers Control Act 1941 (*see section 192(4)*). 20
- (2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property. 25
- (3) If all of the property ceases to be a soil conservation reserve, a person authorised by the chief executive of the Ministry for the Environment must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—
- (a) section 24 of the Conservation Act 1987 does not apply to the property; and 30
- (b) the property is subject to **sections 192(3) and 194**.
- (4) If part of the property ceases to be a soil conservation reserve, the Registrar-General must ensure that the notations referred to in **subsection (3)** remain on the record of title only for the part of the property that remains a soil conservation reserve. 35
- (5) The Registrar-General must comply with an application received in accordance with **subsection (3)**.

195 Conditions applying to certain deferred selection properties

- (1) This section applies to each of the following properties if they are transferred to the Pare Hauraki Whenua Limited Partnership under **section 185**:
- (a) Patetonga (Flax Mill Road) Conservation Area:
 - (b) Piako River Conservation Area. 5
- (2) The transfer under **section 185** of the properties named in **subsection (1)** does not affect the powers and responsibilities of the Waikato Regional Council under the Soil Conservation and Rivers Control Act 1941 to maintain, access, repair, or construct, without charge to the Council, flood protection assets on the properties. 10
- (3) In this section,—
- Patetonga (Flax Mill Road) Conservation Area** means the property described under that name in part 6 of the property redress schedule
- Piako River Conservation Area** means the property described under that name in part 6 of the property redress schedule. 15

196 Further application of Crown Minerals Act 1991

- (1) This section applies to each of the following properties if the property transfers to the Pare Hauraki Whenua Limited Partnership under **section 185**:
- (a) Huruhurutakimo Stream Conservation Area:
 - (b) Kitahi Conservation Area Site B: 20
 - (c) Mangarehu Stream Conservation Area:
 - (d) Oteao Stream Conservation Area:
 - (e) Waiwawa River Conservation Area.
- (2) A property ceases to be land to which Schedule 4 of the Crown Minerals 1991 applies by virtue of clause 11 of that schedule. 25
- (3) However, **sections 30 and 31** apply to a property as if—
- (a) that property were vested in the Pare Hauraki Whenua Limited Partnership rather than transferred to the Pare Hauraki Whenua Limited Partnership; and
 - (b) references to the trustee were references to the Pare Hauraki Whenua Limited Partnership; and 30
 - (c) a reference to Moehau Tūpuna Maunga were a reference to a property listed in **subsection (1)**.
- (4) In this section,—
- Huruhurutakimo Stream Conservation Area** means the property described under that name in part 6 of the property redress schedule 35
- Kitahi Conservation Area Site B** means the property described under that name in part 6 of the property redress schedule

Mangarehu Stream Conservation Area means the property described under that name in part 6 of the property redress schedule

Oteao Stream Conservation Area means the property described under that name in part 6 of the property redress schedule

Waiwawa River Conservation Area means the property described under that name in part 6 of the property redress schedule. 5

197 Exchange of land

- (1) Despite any other enactment, on the agreed date,—
- (a) the Pare Hauraki Ngahere Limited Partnership must transfer the fee simple estate in the fire station land to the Council; and 10
 - (b) as an equitable exchange, the Council must transfer the fee simple estate in the Council land to the Pare Hauraki Ngahere Limited Partnership.
- (2) The agreed date must not be before the later of the following:
- (a) the date of registration of the transfer of the fee simple estate in Tairua to the Pare Hauraki Ngahere Limited Partnership (*see* **section 198(1)**); and 15
 - (b) the date on which the fire station land is no longer subject to the Crown forestry licence for Tairua.
- (3) The transfer instrument for the fire station land must include a statement that the land is no longer subject to the Crown forestry licence for Tairua. 20
- (4) The Registrar-General must, immediately before the registration of the transfer of the fire station land, record on the Crown forestry licence for Tairua that the licence no longer applies to the fire station land.
- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfers referred to in **subsection (1)** or to any matter incidental to, or required for the purpose of, the transfers. 25
- (6) The permission of the 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 in relation to the transfers referred to in **subsection (1)**. 30
- (7) In this section,—
- agreed date** means the date agreed by the Pare Hauraki Ngahere Limited Partnership and the Council
- Council** means the Thames–Coromandel District Council
- Council land** means 0.14 hectares, approximately, being Part Lot 1 DPS 27603 (subject to survey). As shown marked A on the plan in part 13 of the attachments 35

fire station land means that part of Tairua that is 0.14 hectares, approximately, being Part Lot 2 DPS 53794 (subject to survey). As shown marked B on the plan in part 13 of the attachments

Tairua means the licensed land described under that name in part 5 of the property redress schedule. 5

Subpart 2—Licensed land

198 Licensed land ceases to be Crown forest land

- (1) Licensed land ceases to be Crown forest land upon the registration of the transfer of the fee simple estate in the land to the Pare Hauraki Ngahere Limited Partnership. 10
- (2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 16 of the Pare Hauraki collective deed, or part 9 of the property redress schedule. 15

199 Pare Hauraki Ngahere Limited Partnership is confirmed beneficiary and licensor of licensed land

- (1) The Pare Hauraki Ngahere Limited Partnership is the confirmed beneficiary under clause 11.1 of the Crown Forestry Rental Trust deed in relation to the licensed land. 20
- (2) The effect of **subsection (1)** is that—
 - (a) the Pare Hauraki Ngahere Limited Partnership is entitled to the rental proceeds payable for the licensed land to the trustees of the Crown Forestry Rental Trust under a Crown forestry licence since the commencement of the licence (the **rental proceeds**); and 25
 - (b) all the provisions of the Crown Forestry Rental Trust deed apply on the basis that the Pare Hauraki Ngahere Limited Partnership is the confirmed beneficiary in relation to the licensed land.
- (3) However, despite clause 11.4 of the Crown Forestry Rental Trust deed, the Crown Forestry Rental Trust must pay the Pare Hauraki Ngahere Limited Partnership,— 30
 - (a) on the settlement date, the rental proceeds held on that date; and
 - (b) any further rental proceeds received after the settlement date, as soon as is reasonably practicable after the Crown Forestry Rental Trust receives those funds under the Crown Forestry Rental Trust deed. 35
- (4) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of a Crown forestry licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land.

- (5) Notice given by the Crown under **subsection (4)** has effect as if—
- (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and
 - (b) the recommendation had become final on the settlement date. 5
- (6) The Pare Hauraki Ngahere Limited Partnership is the licensor under each Crown forestry licence as if the licensed land had been returned to Māori ownership—
- (a) on the settlement date; and
 - (b) under section 36 of the Crown Forest Assets Act 1989. 10
- (7) Section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the licensed land.
- 200 Transfer of New Zealand units to Pare Hauraki Ngahere Limited Partnership**
- (1) On the settlement date, the licensed land is to be treated as being transferred to the Pare Hauraki Ngahere Limited Partnership for the purposes of clause 6.1 of the Forestry Emission Unit Trust deed. 15
- (2) The effect of **subsection (1)** is that, as soon as is reasonably practicable after the settlement date, the trustees of the Forestry Emission Unit Trust must—
- (a) determine the number of New Zealand units that the Pare Hauraki Ngahere Limited Partnership is entitled to receive in relation to the licensed land; and 20
 - (b) transfer to the Pare Hauraki Ngahere Limited Partnership the New Zealand units received in response to the applications by the trustees of the Forestry Emission Unit Trust. 25
- 201 Effect of transfer of licensed land**
- (1) **Sections 199 and 200** apply whether or not—
- (a) the transfer of the fee simple estate in the licensed land has been registered; or
 - (b) the processes described in clause 17.4 of the Athenree Crown forestry licence have been completed, as required by **subsection (2)**, or an equivalent provision in any Tauranga Moana Iwi Collective redress legislation; or 30
 - (c) the processes described in clause 17.4 of the Waihou Crown forestry licence have been completed, as required under section 108(2) of the Ngāti Hinerangi Claims Settlement Act 2021. 35
- (2) To the extent that the Crown has not completed the processes referred to in **subsection (1)(b) and (c)** before the settlement date, it must continue those processes—

- (a) on and after the settlement date; and
- (b) until the processes are completed.
- (3) **Subsection (4)** relates to the period starting on the settlement date and ending on the completion of the processes referred to in **subsection (1)(b) and (c)**.
- (4) The licence fee payable under the licences referred to in **subsection (1)(b) and (c)** in respect of the relevant licensed land is calculated— 5
- (a) in the manner described in paragraphs 9.24 and 9.25 of the property redress schedule; and
- (b) separately for each licence.
- (5) However, the calculation of the licence fee under **subsection (4)** is overridden,— 10
- (a) in **subsection (1)(b)**, by the agreement made by—
- (i) the Pare Hauraki Ngahere Limited Partnership as licensor; and
- (ii) the licensee; and
- (iii) the owner of the balance of Athenree licensed land; and 15
- (b) in **subsection (1)(c)**, by any agreement made by—
- (i) the Pare Hauraki Ngahere Limited Partnership as licensor; and
- (ii) the licensee; and
- (iii) the trustees of the Te Puāwaitanga o Ngāti Hinerangi Iwi Trust as licensor of the licensed land under section 107(5) of the Ngāti Hinerangi Claims Settlement Act 2021. 20
- (6) **Subsection (7)** applies if the settlement date under this Act occurs before the settlement date under any Tauranga Moana Iwi Collective redress legislation, in relation to the Athenree Crown forestry licence.
- (7) On and from the settlement date, references to the prospective proprietors in clause 17.4 of the Athenree Crown forestry licence must be read as references to the Pare Hauraki Ngahere Limited Partnership and any prospective or new proprietors of the balance of Athenree licensed land. 25
- (8) In this section,—
- Athenree Crown forestry licence** means the Crown forestry licence held in record of title SA50D/250 30
- balance of Athenree licensed land** means the part of the land subject to the Athenree Crown forestry licence that has not been transferred in accordance with part 9 of the property redress schedule
- Tauranga Moana Iwi Collective Limited Partnership** means the limited partnership of that name registered under the Limited Partnerships Act 2008 (number 2616652) 35

Tauranga Moana Iwi Collective redress legislation means legislation that authorises the transfer of the balance of Athenree licensed land to the Tauranga Moana Iwi Collective Limited Partnership

Waihou Crown forestry licence means the Crown forestry licence held in record of title SA50C/1000.

5

Subpart 3—Access to protected sites

202 Right of access to protected sites

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site. 10
- (2) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.
- (3) The right of access is subject to the following conditions:
 - (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of the person's intention to exercise that right; and 15
 - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
 - (c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—
 - (i) for the safety of people; or
 - (ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or 20
 - (iii) for operational reasons. 25

203 Right of access over licensed land

- (1) A right of access over licensed land is subject to the terms of any Crown forestry licence.
- (2) However, **subsection (1)** does not apply if the licensee has agreed to the right of access being exercised. 30
- (3) An amendment to a Crown forestry licence is of no effect to the extent that it would—
 - (a) delay the date from which a person may exercise a right of access; or
 - (b) adversely affect a right of access in any other way. 35

204 Right of access to be recorded on records of title

- (1) This section applies to the transfer to the Pare Hauraki Ngahere Limited Partnership of any licensed land.
- (2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land. 5
- (3) Upon the registration of the transfer of the land, the Registrar-General must record on any record of title for the fee simple estate in the land that the land is subject to a right of access to protected sites on the land.

Subpart 4—Vesting of certain Crown owned minerals and related matters**205 Application and interpretation** 10

- (1) This subpart applies to—
 - (a) the land vested in the trustee under **subpart 2 of Part 2**; and
 - (b) a commercial property or a deferred selection property transferred to either of the Pare Hauraki Limited Partnerships under **section 185**; and
 - (c) land transferred to the Pare Hauraki Whenua Limited Partnership, a governance entity, or an RFR holder under a contract formed under **section 230**; and 15
 - (d) land transferred to the Pare Hauraki Whenua Limited Partnership or an RFR holder under a contract formed under **section 261**; and
 - (e) an early release commercial redress property transferred in accordance with clause 16.7 of the Pare Hauraki collective deed to the governance entity of an iwi referred to in the third column of table 1 under clause 16.10 of that deed; and 20
 - (f) a commercial redress property transferred in accordance with clause 16.7 of the Pare Hauraki collective deed to the governance entity of an iwi referred to in the third column of table 2 under clause 16.10 of that deed. 25
- (2) In this subpart, unless the context otherwise requires,—

actual amount means the amount payable in respect of vested minerals in accordance with **sections 212 and 217** 30

applicant means the trustee, a Pare Hauraki Limited Partnership, a governance entity, or an RFR holder, as the case may be, that makes an application under **section 217**

chief executive has the meaning given in section 2(1) of the Crown Minerals Act 1991 35

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

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

governance entity means as follows:

- (a) for the purposes of **subsection (1)(c) and section 207(1)(c)**, a governance entity that is the purchaser, as defined in **section 230(7)**; or 5
- (b) for the purposes of **subsections (1)(e) and (f), and sections 207(1)(e) and 210(1)**, a governance entity of an iwi referred to in the third column of table 1 or 2 under clause 16.10 of the Pare Hauraki collective deed

mineral has the meaning given in section 2(1) of the Crown Minerals Act 1991 10

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

permit area means—

- (a) the area of land over which any prospecting, exploration, or mining permit is granted under the Crown Minerals Act 1991; or 15
- (b) the area of land over which an existing privilege exists

privilege, in relation to any mineral,—

- (a) means an existing privilege; and
- (b) also means a prospecting, exploration, or mining permit granted under the Crown Minerals Act 1991, and its associated mining operations 20
(within the meaning of section 2(1) of that Act)

relevant land means land referred to in **subsection (1)**

representative amount means the amount—

- (a) payable in accordance with **section 212**; and
- (b) calculated in accordance with **section 213** 25

RFR holder has the meaning given in **paragraph (b)** of the definition of that term in **section 254(4)**

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

section 10 minerals means the minerals named in section 10 of the Crown Minerals Act 1991 30

vested minerals means the minerals referred to in **section 207(1)**

year means a period of 12 months beginning on 1 January and ending on 31 December.

*Existing rights preserved***206 Certain existing rights preserved**

The following privileges, rights, obligations, functions, and powers (including those preserved by the transitional provisions in Part 2 of the Crown Minerals Act 1991) continue as if **section 207** had not been enacted:

- (a) privileges in existence immediately before the property is vested or transferred as referred to in **section 207(1)**: 5
- (b) rights that may be exercised under the Crown Minerals Act 1991 by the holders of those privileges or any other person:
- (c) subsequent rights and privileges granted to those holders or any other person following the exercise of the rights referred to in **paragraph (b)** (including those provided for by section 32 of the Crown Minerals Act 1991): 10
- (d) the obligations on those holders or any other person imposed by or under the Crown Minerals Act 1991: 15
- (e) the Crown's performance and exercise of its functions and powers under the Crown Minerals Act 1991 in relation to any of the matters referred to in **paragraphs (a) to (d)**.

*Certain minerals vested or transferred under this subpart***207 Vested minerals no longer to be reserved to the Crown**

20

- (1) Despite section 11 of the Crown Minerals Act 1991,—
 - (a) when land referred to in **section 205(1)(a)** is vested in the trustee, any Crown owned minerals in that land (other than section 10 minerals) vest with the land; and
 - (b) when land referred to in **section 205(1)(b)** is transferred to a Pare Hauraki Limited Partnership, any Crown owned minerals in that land (other than section 10 minerals) transfer with the land; and 25
 - (c) when land referred to in **section 205(1)(c)** is transferred to the Pare Hauraki Whenua Limited Partnership, a governance entity, or an RFR holder, any Crown owned minerals in that land (other than section 10 minerals) transfer with the land; and 30
 - (d) when land referred to in **section 205(1)(d)** is transferred to the Pare Hauraki Whenua Limited Partnership or an RFR holder, any Crown owned minerals in that land (other than section 10 minerals) transfer with the land; and 35
 - (e) when the land referred to in **section 205(1)(e) and (f)** is transferred to a governance entity, any Crown owned minerals in that land (other than section 10 minerals) transfer to the governance entity on the later of the following:

- (i) the date on which the property transfers to the governance entity; and
 - (ii) the settlement date if, on that date, the governance entity owns the land.
- (2) However, if a share in any relevant land is vested in the trustee or transferred to the Pare Hauraki Limited Partnership, the trustee or the Pare Hauraki Limited Partnership, as the case requires, owns a share of any Crown owned minerals (other than section 10 minerals) in the same proportion as the shares in which they own the relevant land. 5
- (3) To avoid doubt, the vesting or transfer of land referred to in **section 205(1)** is subject to any mineral interests or rights to which, immediately before the commencement of this subpart, any person other than the Crown was lawfully entitled under the Land Transfer Act 2017 or any other Act, whether or not such interests or rights are recorded on the record of title for the land. 10
- 208 Application of Crown Minerals Act 1991** 15
- (1) Nothing in this subpart—
- (a) limits section 10 of the Crown Minerals Act 1991; or
 - (b) affects other lawful rights to subsurface minerals.
- (2) **Section 49A** of the Crown Minerals Act 1991 (as inserted by **section 221(6)** of this Act) applies to the land referred to in **section 205(1)**. 20

Registration

- 209 Notation of mineral ownership on records of title (other than for properties referred to in section 210)**
- (1) This section applies instead of section 86 of the Crown Minerals Act 1991 to land referred to in **section 205(1)(a) to (d)** at the time of its vesting or transfer. 25
- (2) An instrument lodged in respect of that land must include a request to the Registrar-General to record on any record of title for the land that the land is subject to **section 207 of the Pare Hauraki Collective Redress Act 2022**. 30
- (3) The Registrar-General must comply with a request received under **subsection (2)**.
- (4) In this section, **instrument** means—
- (a) a written application lodged under **section 37** in respect of land referred to in **section 205(1)(a)**; or 35
 - (b) a transfer instrument lodged in respect of land referred to in **section 205(1)(b), (c), or (d)**.

210 Notation of mineral ownership on record of title for early release commercial redress properties and commercial redress properties

- (1) This section applies instead of section 86 of the Crown Minerals Act 1991 to the land referred to in **section 205(1)(e) and (f)** on the later of the following:
- (a) the date on which the property transfers to the governance entity of an iwi referred to in the third column of table 1 or 2 under clause 16.10 of the Pare Hauraki collective deed: 5
 - (b) the settlement date, if on that date, the governance entity owns the land.
- (2) As soon as is reasonably practicable after that date, the authorised person must make a written request to the Registrar-General— 10
- (a) to record on any record of title for the land that the land is subject to **section 207 of the Pare Hauraki Collective Redress Act 2022**; and
 - (b) to remove from the record of title for the land the notation that the land is subject to section 11 of the Crown Minerals Act 1991. 15
- (3) The Registrar-General must comply with a request received under **subsection (2)**.
- (4) In this section, **authorised person** means a person authorised by the chief executive of LINZ.

Amounts payable in respect of vested minerals 20

211 Purpose and scope of arrangement for payments

- (1) The purpose of **sections 212 to 216** is to provide that the rights to vested minerals include the payment by the Crown, in relation to the vested minerals, of—
- (a) the representative amount; or 25
 - (b) if **section 216(2)** applies, the actual amount.
- (2) Payments under **subsection (1)** must be made to the applicant.
- (3) The representative amount or the actual amount payable is based on the amount of royalties paid to the Crown in the preceding year or years for which an application is made under **section 217** in respect of the vested minerals. 30
- (4) Payment of the representative amount or the actual amount, as appropriate, discharges the obligations of the Crown under this subpart in respect of any royalties paid to the Crown in respect of the vested minerals.

212 Obligation to pay representative or actual amount

- (1) The chief executive, on receiving an application under **section 217**, must pay the representative amount or the actual amount, as appropriate, in respect of vested minerals to the applicant. 35

- (2) **Subsection (1)** applies even if the applicant has sold all or any of the relevant land or vested minerals, and the chief executive is not required to transfer payments to, or otherwise deal with, any new owner of the vested minerals.
- (3) The requirement to pay the representative amount or the actual amount applies— 5
- (a) only if the Crown has been paid royalties in respect of the vested minerals in the year or years preceding the year in which an application is made under **section 217**; and
- (b) only in respect of a period of not more than 8 years after the date on which those royalties were received by the Crown. 10
- (4) This section is subject to **sections 215** (shared ownership of land), **217** (application for payment of representative amount), and **219** (other conditions applying to payments).

Calculation of amount payable

213 Calculation of representative amount 15

The representative amount payable under **section 212** is calculated using the following formula:

$$\$r \times (a \div pa)$$

where—

- a is the area of relevant land within or overlapping the permit area 20
- pa is the total permit area of a privilege that is within or overlaps the relevant land
- $\$r$ is the total amount of royalties paid to the Crown in respect of the vested minerals, for the years applied for under **section 217**, in respect of a privilege whose permit area is within or overlaps the relevant land. 25

Example

If—

- a is 4 sq kms; and
 - pa is 20 sq kms; and
 - $\$r$ is \$1,500; then 30
- $\$1,500 \times (4 \div 20) = \$300.$

214 Calculation of representative amount if more than 1 permit area

If more than 1 permit area is within or overlaps the relevant land,—

- (a) the representative amounts must be separately calculated for each permit area in accordance with **section 213**; and 35

- (b) the total representative amount payable to the applicant in respect of the vested minerals for the permit areas is the sum of the separate amounts calculated under **paragraph (a)**.

215 Calculation of representative amount if relevant land held in shares

If the relevant land is held in shares, the representative amount payable to the applicant in respect of the vested minerals is calculated using the following formula: 5

$$\text{\$r} \times (\text{a} \div \text{pa}) \times \%$$

where—

a, pa, and \$r have the meanings given to those terms in **section 213** 10

% is the percentage of the vested minerals owned in each share at the time the relevant land is vested in or transferred to the applicant.

Example

If—

- a is 4 sq kms; and 15
 - pa is 20 sq kms; and
 - \$r is \$1,500; and
 - the vested minerals are owned in 20% shares; then
- $\text{\$1,500} \times (4 \div 20) \times 20\% = \text{\$60}$.

216 When actual amount may be paid 20

- (1) When an application is received under **section 217**, the Minister must determine whether the information is sufficient to identify the actual amount paid to the Crown as royalties in respect of vested minerals in the year or years applied for. 25
- (2) If the Minister is satisfied that there is sufficient information to determine the actual amount referred to in **subsection (1)**, the Minister may pay to the applicant the actual amount to which the application relates in respect of those vested minerals instead of the representative amount that would otherwise be payable. 25
- (3) If there is not sufficient information to enable the Minister to make a determination under **subsection (1)**, the chief executive must determine the representative amount payable in accordance with this subpart. 30
- (4) If the relevant land is owned in shares, any payment of the actual amount in respect of the vested minerals must be made in the same proportion as the proportion of the shares held in the relevant land at the time the land is vested in or transferred to the applicant. 35

*Application for payment of representative amount***217 Application requirements**

- (1) An applicant (but no other person or body) may apply for payment of the representative amount.
- (2) Applications must be made— 5
- (a) in writing to the chief executive; and
 - (b) not more than once a year; and
 - (c) not later than 31 March in respect of the preceding year or years applied for.
-
- Example relating to paragraph (c)** 10
- The applicant may apply—
- by 31 March 2023 for a payment relating to the year 2022:
 - by 31 March 2028 for a payment relating to the years 2022 to 2027.
-
- (3) An application must not relate to any year earlier than 8 years before the date of the application. 15
- (4) An application must contain the information necessary to establish—
- (a) that the relevant land is or was owned by the applicant (for example, a copy of the record of title for the land); and
 - (b) the date on which the land was vested in or transferred to the applicant; and 20
 - (c) the shares (if any) in which the land is held; and
 - (d) the year or years to which the application relates; and
 - (e) the details of the applicant for the purpose of enabling payment to be made.
- (5) No payment may be made unless an application is made under this section. 25
- (6) The chief executive may request further information from an applicant—
- (a) to establish the information required under **subsection (4)**;
 - (b) to enable the Minister to determine whether the actual amount or the representative amount is to be paid.

218 Advice to be given to applicant 30

The chief executive must—

- (a) consider the application, including whether the information is sufficient to enable the Minister to determine the actual amount under **section 216**; and
- (b) advise the applicant in writing of the amount that the applicant is to be paid. 35

219 Other conditions applying to payments

- (1) Payment of the representative amount or actual amount, as the case requires,—
 - (a) must be made as soon as is reasonably practicable after 31 March in each year; but
 - (b) must not be made more than once a year, 5
- (2) For the first year of payment of the representative amount or actual amount, the payment must be calculated—
 - (a) from the date on which the relevant land was vested in or transferred to the applicant; and
 - (b) in proportion to the number of days that have elapsed in that year on and from the date of the vesting or transfer of the relevant land. 10
- (3) Interest is not payable on the amounts paid under this subpart, irrespective of the period to which an amount relates.

*Status of certain information***220 Confidentiality of information disclosed or received** 15

- (1) Any information disclosed to an applicant by the Crown under this subpart is a disclosure permitted under section 90A of the Crown Minerals Act 1991.
- (2) Information about the royalties paid to the Crown in respect of the vested minerals may be disclosed to the applicant in fulfilment of the obligations of the Crown under this subpart. 20
- (3) Information disclosed under **subsection (2)** is confidential to the applicant, subject to any legal obligations that the applicant may have to disclose the information, such as any statutory reporting requirements.

*Consequential amendments to Crown Minerals Act 1991***221 Amendments to Crown Minerals Act 1991** 25

- (1) This section amends the Crown Minerals Act 1991.
- (2) Replace section 25(6) with:
 - (6) The Minister must not grant an exploration permit or a mining permit in respect of privately owned minerals, except as provided for by—
 - (a) section 84 of the Marine and Coastal Area (Takutai Moana) Act 2011: 30
 - (b) **section 206 of the Pare Hauraki Collective Redress Act 2022.**
- (3) Replace section 32(7) with:
 - (7) The Minister may not grant an exploration permit or a mining permit under this section in respect of privately owned minerals except in the case of minerals owned by— 35

- (a) customary marine title groups, as provided for in section 83(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 and subject to section 84 of that Act:
- (b) a person or body referred to in **section 205(1) of the Pare Hauraki Collective Redress Act 2022**, subject to **section 206** of that Act. 5
- (4) In section 49(1), after “sections”, insert “**49A**,”.
- (5) In section 49(2), after “sections 8,”, insert “**49A**,”.
- (6) After section 49, insert:
- 49A Entry on Schedule 6 land for minimum impact activity**
- (1) This section applies to the land described in **Schedule 6 (Schedule 6 land)**. 10
- (2) Where a permit holder or any person authorised under section 49 seeks to enter any **Schedule 6** land for the purpose of carrying out a minimum impact activity, the permit holder or person must, before entry is made,—
- (a) comply with section 49; and
- (b) ensure that reasonable efforts have been made to consult the person or body in whom or to which the minerals are vested or transferred by or under an Act referred to in **subsection (3)**, as long as the **Schedule 6** land concerned continues to be owned by that person or body. 15
- (3) The Acts are—
- (a) the Pare Hauraki Collective Redress Act **2022**: 20
- (b) the Marutūāhu Iwi Collective Redress Act **2022**:
- (c) the Ngāi Tai ki Tāmaki Claims Settlement Act 2018:
- (d) the Ngāti Hei Claims Settlement Act **2022**:
- (e) the Ngāti Maru Claims Settlement Act **2022**:
- (f) the Ngāti Paoa Claims Settlement Act **2022**: 25
- (g) the Ngāti Pūkenga Claims Settlement Act 2017:
- (h) the Ngāti Rāhiri Tumutumu Claims Settlement Act **2022**:
- (i) the Ngāti Tamaterā Claims Settlement Act **2022**:
- (j) the Ngāti Tara Tokanui Claims Settlement Act **2022**:
- (k) the Ngaati Whanaunga Claims Settlement Act **2022**: 30
- (l) the Te Patukirikiri Claims Settlement Act **2022**.
- (7) After Schedule 5, insert as new **Schedule 6** of that Act the schedule set out in **Schedule 7** of this Act.

Subpart 5—Right of first refusal over RFR land

*Interpretation***222 Interpretation**

In this subpart and **Schedule 8**,—

Commissioner of Crown Lands means the Commissioner of Crown lands appointed in accordance with section 24AA of the Land Act 1948 5

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 10

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 15
- (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: 20
 - (ii) a Crown entity:
 - (iii) a State enterprise:
 - (iv) the New Zealand Railways Corporation; and
- (e) a subsidiary or related company of a company or body referred to in **paragraph (d)** 25

dispose of, in relation to RFR land (other than in **section 246**),—

- (a) means—
 - (i) to transfer or vest the fee simple estate in the land; or
 - (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but 30
- (b) to avoid doubt, does not include—
 - (i) to mortgage, or give a security interest in, the land; or
 - (ii) to grant an easement over the land; or
 - (iii) to consent to an assignment of a lease, or to a sublease, of the land; or 35

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

early release commercial redress property transfer terms means the agreement for sale and purchase of the early release commercial redress property entered into by the Pare Hauraki Whenua Limited Partnership and the chief executive of LINZ or, as the case may be, by the Pare Hauraki Whenua Limited Partnership and the Commissioner of Crown Lands 5

expiry date, in relation to an offer of RFR land, means its expiry date under **sections 226(2)(a) and 227**

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 226**, to dispose of RFR land to the Pare Hauraki Whenua Limited Partnership 10

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

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

RFR area means the area shown on SO 503464 15

RFR landowner, in relation to RFR land,—

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

(b) means a Crown body, if the body holds the fee simple estate in the land; and 20

(c) includes a local authority to which RFR land has been disposed of under **section 232(1)**; but

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

(i) on the settlement date; or 25

(ii) after the settlement date, under **section 233(1)**

RFR period means the period of 178 years on and from the settlement date

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

223 Meaning of RFR land

(1) In this subpart, **RFR land** means— 30

(a) the land described in part 7 of the attachments that, on the settlement date,—

(i) is vested in the Crown; or

(ii) is held in fee simple by the Crown, Kāinga Ora—Homes and Communities, Maritime New Zealand, or Health New Zealand; and 35

(b) the land that is within the RFR area that on the settlement date—

(i) is vested in the Crown; or

- (ii) is held in fee simple by the Crown; or
- (iii) is a reserve vested in an administering body that derived title 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; and 5
- (c) any land obtained in exchange for a disposal of RFR land under **section 237(1)(c) or 238**.
- (2) RFR land does not include—
- (a) a commercial property:
- (b) a commercial redress property: 10
- (c) a cultural redress property, commercial property, or commercial redress property within the meaning of the deeds of settlement with each of the following iwi:
- (i) Ngāi Tai ki Tāmaki:
- (ii) Ngāti Hei: 15
- (iii) Ngāti Maru:
- (iv) Ngāti Paoa:
- (v) Ngāti Pūkenga:
- (vi) Ngāti Rāhiri Tumutumu:
- (vii) Ngāti Tamaterā: 20
- (viii) Ngāti Tara Tokanui:
- (ix) Ngaati Whanaunga:
- (x) Te Patukirikiri:
- (d) Ohinau Island:
- (e) Waihou South Block: 25
- (f) Ruamāhua:
- (g) Te Aroha Domain:
- (h) Waikawau property.
- (3) Land ceases to be RFR land if—
- (a) the fee simple estate in the land transfers from the RFR landowner to— 30
- (i) any of the following under a contract formed under **section 230**:
- (A) the Pare Hauraki Whenua Limited Partnership; or
- (B) a governance entity; or
- (C) the nominee of the Pare Hauraki Whenua Limited Partnership or governance entity; or 35

- (ii) the Pare Hauraki Whenua Limited Partnership under **section 185**, in the case of a deferred selection property; or
- (iii) the Pare Hauraki Whenua Limited Partnership under the early release commercial redress property transfer terms, in the case of an early release commercial redress property; or 5
- (iv) any other person (including the Crown or a Crown body) under **section 225(2)(d)**; or
- (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
- (i) under any of **sections 234 to 241** (which relate to permitted disposals of RFR land); or 10
- (ii) under any matter referred to in **section 242(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 252**; or 15
- (d) the RFR period for the land ends; or
- (e) a notice is given under **section 224(1)**.
- (4) In this section,— 20
- Ohinau Island** means 37.4900 hectares, more or less, being Section 1 SO 561158
- Ruamāhua** means all that group of islands and reefs known as the Aldermen Islands, being 133.5463 hectares, more or less, as shown on SO 34773
- Te Aroha Domain** means 8.0937 hectares, more or less, being Section 16 Block IX Aroha Survey District. All record of title 550617 25
- Waihou South Block** means 669.1830 hectares, more or less, being Lots 1 and 2 DPS 30665, Lot 1 DPS 57167, and Lot 1 DPS 53795, South Auckland Land District
- Waikawau property** means 5.54 hectares, approximately, being Sections 1 and 2 SO 455575, Part Sections 24, 25, 28, and 29 Block VI Hastings Survey District and Lots 2 and 4 DPS 28291. Subject to survey. 30
- 224 RFR land required for another Treaty of Waitangi settlement**
- (1) The Minister for Treaty of Waitangi Negotiations must, for RFR land required for the settlement of 1 or more other historical Treaty claims, give notice to both the RFR landowner and the Pare Hauraki Whenua Limited Partnership that the land ceases to be RFR land. 35
- (2) The notice may be given at any time before a contract is formed under **section 230** for the disposal of the land.

- (3) In this section, **historical Treaty claim** has the meaning given in section 2 of the Treaty of Waitangi Act 1975.

Restrictions on disposal of RFR land

225 Restrictions on disposal of RFR land

- (1) An RFR landowner must not dispose of RFR land to a person other than— 5
- (a) the Pare Hauraki Whenua Limited Partnership; or
 - (b) the governance entity on whose behalf the Pare Hauraki Whenua Limited Partnership has accepted an offer under **section 229**; or
 - (c) the nominee of the Pare Hauraki Whenua Limited Partnership or governance entity. 10
- (2) However, **subsection (1)** does not apply if the land is disposed of—
- (a) under any of **sections 231 to 241**; or
 - (b) under any matter referred to in **section 242(1)**; or
 - (c) in accordance with a waiver or variation given under **section 252**; or
 - (d) to a person within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the Pare Hauraki Whenua Limited Partnership, if the offer to that Partnership was— 15
 - (i) made in accordance with **section 226**; and
 - (ii) made on terms that were the same as, or more favourable to the Pare Hauraki Whenua Limited Partnership than, the terms of the disposal to the person; and 20
 - (iii) not withdrawn under **section 228**; and
 - (iv) not accepted under **section 229**.

Pare Hauraki Whenua Limited Partnership's right of first refusal

226 Requirements for offer 25

- (1) An offer by an RFR landowner to dispose of RFR land to the Pare Hauraki Whenua Limited Partnership must be by notice to that Partnership.
- (2) The notice must include—
- (a) the terms of the offer, including its expiry date; and
 - (b) the legal description of the land, including any interests affecting it, and the reference for any record of title for the land; and 30
 - (c) a street address for the land (if applicable); and
 - (d) a street address, postal address, and fax number or electronic address for the Pare Hauraki Whenua Limited Partnership to give notices to the RFR landowner in relation to the offer. 35
- (3) An offer may not be made in accordance with this section unless—

- (a) the RFR landowner has previously given notice to the Pare Hauraki Whenua Limited Partnership under **section 246** in respect of the land; and
- (b) at least 40 working days have elapsed since that notice was given.

227 Expiry date of offer 5

- (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 Pare Hauraki Whenua Limited Partnership receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which the Pare Hauraki Whenua Limited Partnership receives notice of the offer if— 10
 - (a) the Pare Hauraki Whenua Limited Partnership 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 15
 - (c) the earlier offer was not withdrawn.

228 Withdrawal of offer

The RFR landowner may, by notice to the Pare Hauraki Whenua Limited Partnership, withdraw an offer at any time before it is accepted.

229 Acceptance of offer 20

- (1) The Pare Hauraki Whenua Limited Partnership may, by notice to the RFR landowner who made an offer, accept the offer if—
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) The Pare Hauraki Whenua Limited Partnership must accept all the RFR land offered, unless the offer permits it to accept less. 25
- (3) The notice must specify whether the Pare Hauraki Whenua Limited Partnership is accepting the offer—
 - (a) on its own behalf; or
 - (b) on behalf of a governance entity (with evidence of the consent of the entity). 30

230 Formation of contract

- (1) If the Pare Hauraki Whenua Limited Partnership accepts, under **section 229**, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the purchaser on the terms in the offer. 35

- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the purchaser.
- (3) Under the contract, the purchaser may nominate any person (the **nominee**) to receive the transfer of the RFR land.
- (4) The purchaser may nominate a nominee only if— 5
- (a) the nominee is lawfully able to hold the RFR land; and
 - (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify— 10
- (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 purchaser nominates a nominee, the purchaser remains liable for the obligations of the transferee under the contract.
- (7) In this section, **purchaser** means— 15
- (a) the Pare Hauraki Whenua Limited Partnership, if that Partnership is specified in the notice of acceptance; or
 - (b) the governance entity, if the governance entity is specified in the notice of acceptance.

Disposals to others but land remains RFR land 20

231 Disposal to the Crown or Crown bodies

- (1) An RFR landowner may dispose of RFR land to—
- (a) the Crown; or
 - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 563 of the Education and Training Act 2020. 25

232 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. 30
- (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.

233 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— 5
- (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— 10
- (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

Disposals to others where land may cease to be RFR land

234 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. 15

235 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 20
 - (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. 25

236 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 30
- (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.
- 237 Disposal of land held for public works** 5
- (1) An RFR landowner may dispose of RFR land in accordance with—
- (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or
- (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or 10
- (c) section 117(3)(a) of the Public Works Act 1981; or
- (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or
- (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990. 15
- (2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.
- 238 Disposal for reserve or conservation purposes** 20
- 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.
- 239 Disposal for charitable purposes**
- An RFR landowner may dispose of RFR land as a gift for charitable purposes. 25
- 240 Disposal to tenants**
- The Crown may dispose of RFR land,—
- (a) if the land 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 30
- (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 35
- (c) under section 93(4) of the Land Act 1948.

241 Disposal by Health New Zealand

Health New Zealand (established by section 11 of the Pae Ora (Healthy Futures) Act 2022), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the Pare Hauraki Whenua Limited Partnership that, in the Minister's opinion, the disposal will achieve, or assist in achieving, Health New Zealand's objectives. 5

*RFR landowner obligations***242 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— 10
- (a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
 - (b) any interest or legal or equitable obligation—
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the Pare Hauraki Whenua Limited Partnership or a governance entity; and 15
 - (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. 20
- (2) **Reasonable steps**, for the purposes of **subsection (1)(b)(ii)**, does not include steps to promote the passing of an enactment.

*Notices about RFR land***243 Notice to LINZ of RFR land with record of title after settlement date**

- (1) If a record of title is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the record of title has been created. 25
- (2) If land for which there is a record of title 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. 30
- (3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the legal description of the land and the reference for the record of title.

- 244 Notice to Pare Hauraki Whenua Limited Partnership of disposal of RFR land to others**
- (1) An RFR landowner must give the Pare Hauraki Whenua Limited Partnership notice of the disposal of RFR land by the landowner to a person other than—
- (a) the Pare Hauraki Whenua Limited Partnership; or 5
 - (b) the governance entity on whose behalf the Pare Hauraki Whenua Limited Partnership has accepted an offer under **section 229**; or
 - (c) the nominee of the Pare Hauraki Whenua Limited Partnership or governance entity.
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal. 10
- (3) The notice must include—
- (a) the legal description of the land, including any interests affecting it; and
 - (b) the reference for any record of title for the land; and
 - (c) the street address for the land (if applicable); and 15
 - (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 225**; and
 - (f) if the disposal is to be made under **section 225(2)(d)**, a copy of any written contract for the disposal.
- 245 Notice to LINZ of land ceasing to be RFR land** 20
- (1) **Subsections (2) and (3)** apply if land contained in a record of title is to cease being RFR land because—
- (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) any of the following under a contract formed under **section 230**: 25
 - (A) the Pare Hauraki Whenua Limited Partnership; or
 - (B) a governance entity; or
 - (C) the nominee of the Pare Hauraki Whenua Limited Partnership or governance entity; or
 - (ii) the Pare Hauraki Whenua Limited Partnership under **section 185**, in the case of a deferred selection property; or 30
 - (iii) the Pare Hauraki Whenua Limited Partnership under the early release commercial redress property transfer terms, in the case of an early release commercial redress property; or
 - (iv) any other person (including the Crown or a Crown body) under **section 225(2)(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 234 to 241**; or
 - (ii) under any matter referred to in **section 242(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 252**. 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 record of title for the land; and
 - (c) the details of the transfer or vesting of the land.
- (4) **Subsections (5) and (6)** apply if the Minister for Treaty of Waitangi Negotiations gives notice under **section 224** that any RFR land contained in a record of title ceases to be RFR land. 15
- (5) The RFR landowner must, as soon as practicable after receiving the notice under **section 224**, give the chief executive of LINZ notice that the land has ceased to be RFR land. 20
- (6) The notice must include—
- (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) a copy of the notice given under **section 224**.
- 246 Notice to Pare Hauraki Whenua Limited Partnership if disposal of RFR land being considered** 25
- (1) This section applies if an RFR landowner is considering whether to dispose of RFR land in a way that may require an offer under this subpart.
- (2) The RFR landowner must give the Pare Hauraki Whenua Limited Partnership notice that, if the landowner decides to dispose of the land, the landowner may be required to offer to dispose of the land to the Pare Hauraki Whenua Limited Partnership under this subpart. 30
- (3) The notice must be given immediately before the RFR landowner commences the processes under any of the following provisions, as relevant:
- (a) section 52 of the Land Act 1948: 35
 - (b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990:

- (c) section 40 of the Public Works Act 1981 (providing that the tests in section 40(1) of that Act are met):
- (d) any other enactment that regulates or applies to the disposal of the land.
- (4) The notice must—
 - (a) specify the legal description of the land; and 5
 - (b) identify any record of title that contains the land; and
 - (c) specify the street address for the land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate it.
- (5) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under— 10
 - (a) section 564(3) of the Education and Training Act 2020 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education and Training Act 2020); or
 - (b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or 15
 - (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. 20
- (6) In this section, **dispose of** means to transfer the fee simple estate in the land.

247 Notice requirements

Schedule 8 applies to notices given under this subpart by or to—

- (a) an RFR landowner; or
- (b) the Pare Hauraki Whenua Limited Partnership; or 25
- (c) a governance entity.

Right of first refusal recorded on records of title

248 Right of first refusal to be recorded on records of title for RFR land

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the records of title for,— 30
 - (a) the RFR land for which there is a record of title on the settlement date; and
 - (b) the RFR land for which a record of title is first created after the settlement date; and 35
 - (c) land for which there is a record of title that becomes RFR land after the settlement date.

- (2) The chief executive must issue a certificate as soon as is reasonably practicable—
- (a) after the settlement date, for RFR land for which there is a record of title on the settlement date; or
 - (b) after receiving a notice under **section 243** that a record of title has been created for the RFR land or that the land has become RFR land, for any other land. 5
- (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 Pare Hauraki Whenua Limited Partnership as soon as is reasonably practicable after issuing the certificate. 10
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is—
- (a) RFR land, as defined in **section 223**; and 15
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

249 Removal of notations when land to be transferred or vested

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 245(2)**, issue to the Registrar-General a certificate that includes— 20
- (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) the details of the transfer or vesting of the land; and
 - (d) a statement that the certificate is issued under this section. 25
- (2) The chief executive must provide a copy of each certificate to the Pare Hauraki Whenua Limited Partnership as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under **section 248** for the land described in the certificate. 30

250 Removal of notations when notice given under section 224

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under **section 245(5)**, issue to the Registrar-General a certificate that includes— 35
- (a) the legal description of the land; and

- (b) the reference for the record of title for the land; and
 - (c) a copy of the notice given under **section 224**; and
 - (d) a statement that the certificate is issued under this section.
- (2) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove from the record of title identified in the certificate any notation recorded under **section 248** for the land described in the certificate. 5

251 Removal of notations when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes— 10
- (a) the reference for each record of title for that RFR land that still has a notification recorded under **section 248**; 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 Pare Hauraki Whenua Limited Partnership as soon as is reasonably practicable after issuing the certificate. 15
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notation recorded under **section 248** from any record of title identified in the certificate. 20

General provisions applying to right of first refusal

252 Waiver and variation

- (1) The Pare Hauraki Whenua Limited Partnership may, by notice to an RFR landowner, waive any or all of the rights the Pare Hauraki Whenua Limited Partnership has in relation to the landowner under this subpart. 25
- (2) The Pare Hauraki Whenua Limited Partnership 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. 30

253 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.

254 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if the RFR holder— 35

- (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— 5
- (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 10
- (d) specify the street address, postal address, electronic address, or fax number for notices to the assignees.
- (3) This subpart and **Schedule 8** apply to the assignees (instead of to the RFR holder) as if the assignees were the Pare Hauraki Whenua Limited Partnership, with any necessary modifications. 15
- (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 Pare Hauraki Whenua Limited Partnership under this subpart, because— 20
- (a) they are the Pare Hauraki Whenua Limited Partnership; or
- (b) they have previously been assigned those rights and obligations under this section.

Subpart 6—Second right of refusal over second right of refusal land

Interpretation 25

255 Interpretation

In this subpart,—

Crown body has the meaning given in section 7 of the Waikato Raupatu Claims Settlement Act 1995

expiry date, in relation to an offer, means the expiry date of the offer under **sections 258(2)(a) and 259** 30

land holding trustee has the meaning given in section 7 of the Waikato Raupatu Claims Settlement Act 1995

Ministry of Education land means the land described in table 4 of part 8 of the attachments 35

notice means a notice given under this subpart

offer means an offer by a Crown body, made in accordance with **section 257**, to sell second right of refusal land to the Pare Hauraki Limited Partnership
second right of refusal land has the meaning given in **section 256**.

256 Meaning of second right of refusal land

- (1) In this subpart, **second right of refusal land**— 5
- (a) means the residual Crown land (within the meaning of section 7 of the Waikato Raupatu Claims Settlement Act 1995) described in part 8 of the attachments that, on the settlement date,—
- (i) is vested in the Crown; or
- (ii) is held in fee simple by the Crown; but 10
- (b) does not include any land within the meaning of **paragraph (a)** if, on the settlement date, the land is subject to a contract—
- (i) formed under section 11(2) of the Waikato Raupatu Claims Settlement Act 1995; or
- (ii) to transfer the land in accordance with section 11(9)(b) of that Act. 15
- (2) Land ceases to be second right of refusal land—
- (a) if, under section 11(9)(a) of the Waikato Raupatu Claims Settlement Act 1995, the land becomes subject to a contract with the land holding trustee for the sale and purchase of that land; or 20
- (b) if, under section 11(9)(b) of the Waikato Raupatu Claims Settlement Act 1995, the land is transferred (without breaching section 11 of that Act) to any person that is not a Crown body; or
- (c) on the day after the expiry date of the offer if, in respect of Ministry of Education land, an offer to sell the land to the Pare Hauraki Whenua Limited Partnership is made by notice under **section 258**; but a contract for the sale of that land is not formed under **section 261**. 25

Pare Hauraki Whenua Limited Partnership's right of refusal

257 Offer to Pare Hauraki Whenua Limited Partnership

- (1) If a Crown body intends to sell second right of refusal land in accordance with section 11(3)(a) of the Waikato Raupatu Claims Settlement Act 1995, despite the power in that section to sell the land to any person, the Crown body must first offer to sell the land to the Pare Hauraki Whenua Limited Partnership. 30
- (2) However, **subsection (1)** does not apply following a re-offer of the land to the land holding trustee under section 11(4) of the Waikato Raupatu Claims Settlement Act 1995. 35

258 Requirements for offer

- (1) An offer to sell second right of refusal land to the Pare Hauraki Whenua Limited Partnership must be by notice to the Pare Hauraki Whenua Limited Partnership.
- (2) The notice must include— 5
- (a) the price and other proposed terms of the offer, including its expiry date; and
 - (b) the legal description of the land, including any interests affecting it, and the reference for any record of title for the land; and
 - (c) the street address for the land (if applicable); and 10
 - (d) a street address, postal address, and fax number or electronic address for the Pare Hauraki Whenua Limited Partnership to give notices to the Crown in relation to the offer.
- (3) The terms of the offer to the Pare Hauraki Whenua Limited Partnership under **subsection (2)(a)** must be equivalent to those set out in an offer notice given to the land holding trustee under section 11(1) of the Waikato Raupatu Claims Settlement Act 1995. 15

259 Expiry date of offer

- (1) The expiry date of an offer is the date that is 1 month after the Pare Hauraki Whenua Limited Partnership receives notice of the offer. 20
- (2) That date must not be extended.

260 Acceptance of offer

- (1) The Pare Hauraki Whenua Limited Partnership may, by notice to the Crown body that made an offer, accept the offer if its expiry date has not passed.
- (2) If the Pare Hauraki Whenua Limited Partnership accepts an offer under **subsection (1)**, it must— 25
- (a) accept the offer on the terms offered; and
 - (b) accept all the second right of refusal land offered.

261 Formation of contract

If the Pare Hauraki Whenua Limited Partnership accepts an offer by a Crown body to sell the second right of refusal land, a contract for the sale of the land is formed between the Crown body and the Pare Hauraki Whenua Limited Partnership on the terms in the offer. 30

Notices about second right of refusal land

- 262 Notice to LINZ of record of title for second right of refusal land**
- (1) If a record of title for the fee simple estate is first created for second right of refusal land after the settlement date, the Crown body must give the chief executive of LINZ notice that the record of title has been created. 5
- (2) The notice must be given as soon as is reasonably practicable after a record of title is first created for the second right of refusal land.
- (3) The notice must include the legal description of the land and the reference for the record of title.
- 263 Notice to LINZ of land ceasing to be second right of refusal land** 10
- (1) **Subsections (2) and (3)** apply if land contained in a record of title for the fee simple estate in the land is to cease being second right of refusal land because the land is to be transferred in accordance with section 11(9) of the Waikato Raupatu Claims Settlement Act 1995.
- (2) The Crown body must, as early as practicable before a transfer, give the chief executive of LINZ notice that the land is to cease being second right of refusal land. 15
- (3) The notice must include—
- (a) the legal description of the land; and
- (b) the reference for the record of title for the fee simple estate in the land; and 20
- (c) the details of the transfer.
- (4) **Subsections (5) and (6)** apply if Ministry of Education land contained in a record of title for the fee simple estate ceases to be second right of refusal land in the circumstances set out in **section 256(2)(c)**. 25
- (5) The chief executive of the Ministry of Education must, as soon as is reasonably practicable after **section 256(2)(c)** applies, give the chief executive of LINZ notice that the land has ceased to be second right of refusal land.
- (6) The notice must include—
- (a) the legal description of the land; and 30
- (b) the reference for the record of title for the fee simple estate in the land; and
- (c) a statement that the land has ceased to be second right of refusal land because—
- (i) an offer to sell the land to the Pare Hauraki Whenua Limited Partnership was made by notice under **section 258**; but 35
- (ii) a contract for the sale of that land was not formed under **section 261**.

264 Notice requirements

Schedule 8 applies, with all necessary modifications, to a notice given under this subpart by or to—

- (a) the Pare Hauraki Whenua Limited Partnership; or
- (b) the Crown body that owns the second right of refusal land. 5

Right of second refusal to be recorded on records of title

265 Right of second right refusal land to be recorded on records of title

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the records of title for,— 10
 - (a) the second right of refusal land for which there is a record of title for the fee simple estate on the settlement date; and
 - (b) the second right of refusal land for which a record of title for the fee simple estate is first created after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable— 15
 - (a) after the settlement date, for second right of refusal land for which there is a record of title for the fee simple estate on the settlement date; or
 - (b) after receiving a notice under **section 262** that a record of title for the fee simple estate has been created for the second right of refusal land. 20
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of the certificate to the Pare Hauraki Whenua Limited Partnership and the land holding trustee as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the fee simple estate in the second right of refusal land identified in the certificate that the land is— 25
 - (a) second right of refusal land, as defined in **section 256**; and
 - (b) subject to this subpart (which provides for the land to be offered for purchase to the Pare Hauraki Whenua Limited Partnership in certain circumstances). 30

266 Removal of second right of refusal notations when land to be transferred

- (1) The chief executive of LINZ must, before registration of the transfer of land described in a notice received under **section 263(2)**, issue to the Registrar-General a certificate that includes— 35
 - (a) the legal description of the land; and

- (b) the reference for the record of title for the fee simple estate in the land; and
- (c) the details of the transfer 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 Pare Hauraki Whenua Limited Partnership and the land holding trustee as soon as is reasonably practicable after issuing the certificate. 5
- (3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer described in the certificate, remove from the record of title for the fee simple estate in the land identified in the certificate any notation recorded under **section 265** for that land. 10
- 267 Removal of second right of refusal notations when notice given under section 263(5)**
- (1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under **section 263(5)**, issue to the Registrar-General a certificate that includes— 15
- (a) the legal description for the land; and
- (b) the reference for the record of title for the fee simple estate in the land; and 20
- (c) a statement that the land has ceased to be second right of refusal land because—
- (i) an offer to sell the land to the Pare Hauraki Whenua Limited Partnership was made by notice under **section 257**; but
- (ii) a contract for the sale of that land was not formed under **section 261**. 25
- (d) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of the certificate to the Pare Hauraki Whenua Limited Partnership and the land holding trustee 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 from the record of title for the fee simple estate in the land identified in the certificate any notation recorded under **section 265** for that land.

*General provision applying to second right of refusal***268 Assignment of rights and obligations under this subpart**

Section 254 applies in relation to the second right of refusal under this subpart; but references to “RFR landowner” are to be read as references to the Crown body that owns the second right of refusal land.

5

Part 4**Amendments to other Acts***Amendments to Ngāti Pūkenga Claims Settlement Act 2017***269 Ngāti Pūkenga Claims Settlement Act 2017 amended**

- (1) This section amends the Ngāti Pūkenga Claims Settlement Act 2017. 10
- (2) Replace section 15(2) to (5) with:
- (2) The settlement of the historical claims is final, and the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) Subsections (1) and **(2)** do not limit— 15
- (a) the deed of settlement; or
- (b) the Pare Hauraki collective deed.
- (4) Despite any other enactment or rule of law, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire into or further inquire into, or to make a finding or recommendation) in respect of— 20
- (a) the historical claims; or
- (b) the deed of settlement; or
- (c) this Act; or
- (d) the redress provided under the deed of settlement or this Act; or
- (e) any of the following, to the extent that they relate to Ngāti Pūkenga: 25
- (i) the Pare Hauraki collective deed; or
- (ii) the Pare Hauraki Collective Redress Act **2022**; or
- (iii) the redress provided under—
- (A) the Pare Hauraki collective deed; or
- (B) the Pare Hauraki Collective Redress Act **2022**.
- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of— 30
- (a) the deed of settlement:
- (b) this Act:
- (c) the Pare Hauraki collective deed:

- (d) the Pare Hauraki Collective Redress Act **2022**.
- (5A) The provisions in this section apply as follows:
- (a) **subsections (3)(a) and (4)(a) to (d)** apply on and from the settlement date:
- (b) **subsections (3)(b) and (4)(e)** apply on and from the operative date. 5
- (6) In this section,—
- Pare Hauraki collective deed** has the meaning given to that term in **section 9 of the Pare Hauraki Collective Redress Act 2022**
- operative date** means the later of—
- (a) the settlement date under the Pare Hauraki Collective Redress Act **2022**; and 10
- (b) the date on which Ngāti Pūkenga accedes to the Pare Hauraki collective deed.
- (3) Repeal sections 62 to 64.
- (4) After section 115, insert: 15

Subpart 3—Vesting of certain Crown owned minerals and related matters

116 Application and interpretation

- (1) This subpart applies to the following land:
- (a) Liens Block vested in the trustees by section 43:
- (b) Pae ki Hauraki vested in the trustees by section 46: 20
- (c) Te Tihi o Hauturu vested in the trustees by section 47:
- (d) Te Wharekura o Manaia School site (land only), if that property is transferred to the trustees in accordance with part 7 of the deed dated 9 August 2017 that amends the Ngāti Pūkenga deed of settlement.
- (2) In this subpart, unless the context otherwise requires,— 25
- actual amount** means the amount payable in respect of vested minerals in accordance with **sections 122 and 126**
- chief executive** has the meaning given in section 2(1) of the Crown Minerals Act 1991
- Crown owned mineral** has the meaning given in section 2(1) of the Crown Minerals Act 1991 30
- existing privilege** has the meaning given in section 2(1) of the Crown Minerals Act 1991
- mineral** has the meaning given in section 2(1) of the Crown Minerals Act 1991
- Minister** has the meaning given in section 2(1) of the Crown Minerals Act 1991 35

Ngāti Maru deed of settlement means the deed of settlement to settle the claims of Ngāti Maru

Pare Hauraki collective deed has the meaning given in **section 15(6)**

permit area means—

- (a) the area of land over which any prospecting, exploration, or mining permit is granted under the Crown Minerals Act 1991; or 5
- (b) the area of land over which an existing privilege exists

privilege, in relation to any mineral,—

- (a) means an existing privilege; and
- (b) also means a prospecting, exploration, or mining permit granted under the Crown Minerals Act 1991, and its associated mining operations (within the meaning of section 2(1) of that Act) 10

relevant land means land referred to in **subsection (1)**

representative amount means the amount—

- (a) payable in accordance with **section 122**; and 15
- (b) calculated in accordance with **section 123**

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

section 10 minerals means the minerals named in section 10 of the Crown Minerals Act 1991 20

Te Wharekura o Manaia site (land only) means the property described by that name in subpart B of part 5 of the property redress schedule in the Ngāti Maru deed of settlement

vested minerals means the minerals referred to in **section 118(1)**

year means a period of 12 months beginning on 1 January and ending on 31 December. 25

Existing rights preserved

117 Certain existing rights preserved

The following privileges, rights, obligations, functions, and powers (including those preserved by the transitional provisions in Part 2 of the Crown Minerals Act 1991) continue as if **section 118** had not been enacted: 30

- (a) privileges in existence immediately before the property is vested or transferred as referred to in **section 118(1)**:
- (b) rights that may be exercised under the Crown Minerals Act 1991 by the holders of those privileges or any other person: 35
- (c) subsequent rights and privileges granted to those holders or any other person following the exercise of the rights referred to in **paragraph (b)**

(including those provided for by section 32 of the Crown Minerals Act 1991):

- (d) the obligations on those holders or any other person imposed by or under the Crown Minerals Act 1991:
- (e) the Crown's performance and exercise of its functions and powers under the Crown Minerals Act 1991 in relation to any of the matters referred to in **paragraphs (a) to (d)**. 5

Certain minerals vested or transferred under this subpart

118 Vested minerals no longer to be reserved to the Crown

- (1) Despite section 11 of the Crown Minerals Act 1991,— 10
 - (a) when land referred to in **section 116(1)(a) to (c)** is vested in the trustees, any Crown owned minerals in that land (other than section 10 minerals) vest with the land; and
 - (b) if the land referred to in **section 116(1)(d)** is transferred to the trustees, any Crown owned minerals in that land (other than section 10 minerals) transfer with the land. 15
- (2) However, if a share in any relevant land is vested in or transferred to the trustees, the trustees own a share of any Crown owned minerals (other than section 10 minerals) in the same proportion as the shares in which they own the relevant land. 20
- (3) To avoid doubt, the vesting or transfer of land referred to in **section 116(1)** is subject to any mineral interests or rights to which, immediately before the commencement of this subpart, any person other than the Crown was entitled under the Land Transfer Act 2017 or any other Act, whether or not such interests or rights are recorded on the record of title for the land. 25

119 Application of Crown Minerals Act 1991

- (1) Nothing in this subpart—
 - (a) limits section 10 of the Crown Minerals Act 1991; or
 - (b) affects other lawful rights to subsurface minerals.
- (2) Section 49A of the Crown Minerals Act 1991 applies to the land described in **section 116(1)**. 30

Registration

120 Notation of mineral ownership on records of title

- (1) This section applies instead of section 86 of the Crown Minerals Act 1991 to the land referred to in **subsections (2) and (3)**. 35

- (2) In relation to the land specified in **section 116(1)(a) and (b)**, not later than 70 working days after this subpart comes into force the authorised person must make a written request to the Registrar-General—
- (a) to record on any record of title for the land that the land is subject to **section 118** of the Ngāti Pūkenga Claims Settlement Act 2017; and 5
- (b) to remove from the record of title for the land that the land is subject to section 11 of the Crown Minerals Act 1991 and section 63 of the Ngāti Pūkenga Claims Settlement Act 2017.
- (3) An instrument lodged in respect of the land specified in **section 116(1)(c) or (d)** must include a request to the Registrar-General to record on any record of title for the land that the land is subject to **section 118** of the Ngāti Pūkenga Claims Settlement Act 2017. 10
- (4) The Registrar-General must comply with requests received under **subsection (2) or (3)**.
- (5) In this section,— 15
- authorised person** means a person authorised by the chief executive of the Office for Māori Crown Relations—Te Arawhiti
- instrument** means—
- (a) a written application lodged under section 50(6) in respect of land referred to in **section 116(1)(c)**; or 20
- (b) a transfer instrument lodged in respect of land referred to in **section 116(1)(d)**.

Amounts payable in respect of vested minerals

121 Purpose and scope of arrangement for payments

- (1) The purpose of **sections 122 to 126** is to provide that the rights to vested minerals include the payment by the Crown, in relation to the vested minerals, of— 25
- (a) the representative amount; or
- (b) if **section 126(2)** applies, the actual amount.
- (2) Payments under **subsection (1)** must be made to the trustees. 30
- (3) The representative amount or the actual amount payable is based on the amount of royalties paid to the Crown in the preceding year or years for which an application is made under **section 127** in respect of the vested minerals.
- (4) Payment of the representative amount or the actual amount, as appropriate, discharges the obligations of the Crown under this subpart in respect of any royalties paid to the Crown in respect of the vested minerals. 35

122 Obligation to pay representative or actual amount

- (1) The chief executive, on receiving an application under **section 127**, must pay the representative amount or the actual amount, as appropriate, in respect of vested minerals to the trustees.
- (2) **Subsection (1)** applies even if the trustees have sold all or any of the relevant land or vested minerals, and the chief executive is not required to transfer payments to, or otherwise deal with, any new owner of the vested minerals. 5
- (3) The requirement to pay the representative amount or the actual amount applies—
- (a) only if the Crown has been paid royalties in respect of the vested minerals in the year or years preceding the year in which an application is made under **section 127**; and 10
- (b) only in respect of a period of not more than 8 years after the date on which those royalties were received by the Crown.
- (4) This section is subject to **sections 125** (shared ownership of land), **127** (application for payment of representative amount), and **129** (other conditions applying to payments). 15

*Calculation of amount payable***123 Calculation of representative amount**

The representative amount payable under **section 122** is calculated using the following formula: 20

$$\$r \times (a \div pa)$$

where—

- a is the area of relevant land within or overlapping the permit area
- pa is the total permit area of a privilege that is within or overlaps the relevant land 25
- $\$r$ is the total amount of royalties paid to the Crown in respect of the vested minerals, for the years applied for under **section 127**, in respect of a privilege whose permit area is within or overlaps the relevant land. 30

Example

If—

- a is 4 sq kms; and
- pa is 20 sq kms; and
- $\$r$ is \$1,500; then

$$\$1,500 \times (4 \div 20) = \$300. \quad 35$$

124 Calculation of representative amount if more than 1 permit area

If more than 1 permit area is within or overlaps the relevant land,—

- (a) the representative amounts must be separately calculated for each permit area in accordance with **section 123**; and
- (b) the total representative amount payable to the trustees in respect of the vested minerals for the permit areas is the sum of the separate amounts calculated under **paragraph (a)**.

5

125 Calculation of representative amount if relevant land held in shares

If the relevant land is held in shares, the representative amount payable to the trustees in respect of the vested minerals is calculated using the following formula:

$$\text{\$r} \times (\text{a} \div \text{pa}) \times \% \quad 10$$

where—

a, pa, and \$r have the meanings given to those terms in **section 123**

% is the percentage of the vested minerals owned in each share at the time the relevant land is vested in or transferred to the trustees.

Example

15

If—

- a is 4 sq kms; and
 - pa is 20 sq kms; and
 - \$r is \$1,500; and
 - the vested minerals are owned in 20% shares; then
- $\text{\$1,500} \times (4 \div 20) \times 20\% = \text{\$60}$.

20

126 When actual amount may be paid

- (1) When an application is received under **section 127**, the Minister must determine whether the information is sufficient to identify the actual amount paid to the Crown as royalties in respect of vested minerals in the year or years applied for.
- (2) If the Minister is satisfied that there is sufficient information to determine the actual amount referred to in **subsection (1)**, the Minister may pay to the trustees the actual amount to which the application relates in respect of those vested minerals instead of the representative amount that would otherwise be payable.
- (3) If there is not sufficient information to enable the Minister to make a determination under **subsection (1)**, the chief executive must determine the representative amount payable in accordance with this subpart.
- (4) If the relevant land is owned in shares, any payment of the actual amount in respect of the vested minerals must be made in the same proportion as the proportion of the shares held in the relevant land at the time the land is vested in or transferred to the trustees.

25

30

35

Application for payment of representative amount

127 Application requirements

- (1) The trustees (but no other person or body) may apply for payment of the representative amount.
- (2) An application must be made— 5
- (a) in writing to the chief executive; and
 - (b) not more than once a year; and
 - (c) not later than 31 March in respect of the preceding year or years applied for.

Example relating to paragraph (c) 10

The trustees may apply—

- by 31 March 2023 for a payment relating to the year 2022:
- by 31 March 2028 for a payment relating to the years 2022 to 2027.

- (3) An application must not relate to any year earlier than 8 years before the date of the application. 15
- (4) An application must contain the information necessary to establish—
- (a) that the relevant land is or was owned by the trustees (for example, a copy of the record of title for the land); and
 - (b) the date on which the land was vested in or transferred to the trustees; and 20
 - (c) the shares (if any) in which the land is held; and
 - (d) the year or years to which the application relates; and
 - (e) the details of the trustees for the purpose of enabling payment to be made.
- (5) No payment may be made unless an application is made under this section. 25
- (6) The chief executive may request further information from the trustees—
- (a) to establish the information required under **subsection (4)**;
 - (b) to enable the Minister to determine whether the actual amount or the representative amount is to be paid.

128 Advice to be given to trustees 30

The chief executive must—

- (a) consider the application, including whether the information is sufficient to enable the Minister to determine the actual amount under **section 126**; and
- (b) advise the trustees in writing of the amount that the trustees are to be paid. 35

129 Other conditions applying to payments

- (1) Payment of the representative amount or actual amount, as the case requires,—
- (a) must be made as soon as is reasonably practicable after 31 March in each year; but
 - (b) must not be made more than once a year. 5
- (2) For the first year of payment of the representative amount or actual amount, the payment must be calculated—
- (a) from the date on which the relevant land was vested in or transferred to the trustees; and
 - (b) in proportion to the number of days that have elapsed in that year on and from the date of the vesting or transfer of the relevant land. 10
- (3) Interest is not payable on the amounts paid under this subpart, irrespective of the period to which an amount relates.

*Status of certain information***130 Confidentiality of information disclosed or received**

- (1) Any information disclosed to the trustees by the Crown under this subpart is a disclosure permitted under section 90A of the Crown Minerals Act 1991. 15
- (2) Information about the royalties paid to the Crown in respect of the vested minerals may be disclosed to the trustees in fulfilment of the obligations of the Crown under this subpart. 20
- (3) Information disclosed under **subsection (2)** is confidential to the trustees, subject to any legal obligations that the trustees may have to disclose the information, such as any statutory reporting requirements.

*Consequential amendments to Crown Minerals Act 1991***131 Amendments to Crown Minerals Act 1991**

- (1) This section amends the Crown Minerals Act 1991. 25
- (2) After section 25(6)(n), insert:
- (o) **section 117** of the Ngāti Pukenga Claims Settlement Act 2017.
- (3) After section 32(7)(n), insert:
- (o) the trustees referred to in **section 116(1)** of the Ngāti Pukenga Claims Settlement Act 2017, subject to **section 117** of that Act. 30
- (4) In **Schedule 6**, insert in its appropriate alphabetical order:
The land described in **section 116(1)** of the Ngāti Pukenga Claims Settlement Act 2017.

*Amendments to Ngāi Tai ki Tāmaki Claims Settlement Act 2018***270 Ngāi Tai ki Tāmaki Claims Settlement Act 2018 amended**

- (1) This section amends the Ngāi Tai ki Tāmaki Claims Settlement Act 2018.
- (2) Replace section 15(2) to (6) with:
- (2) The settlement of the historical claims is final and the Crown is released and discharged from all obligations and liabilities in respect of those claims. 5
- (3) Subsections (1) and **(2)** do not limit—
- (a) the deed of settlement; or
- (b) the Tāmaki Makaurau collective deed; or
- (c) the Pare Hauraki collective deed. 10
- (4) Despite any other enactment or rule of law, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire into or further inquire into, or to make a finding or recommendation) in respect of—
- (a) the historical claims; or
- (b) the deed of settlement; or 15
- (c) this Act; or
- (d) the redress provided under the deed of settlement or this Act; or
- (e) any of the following, to the extent that they relate to Ngāi Tai ki Tāmaki:
- (i) the Tāmaki Makaurau collective deed; or
- (ii) the Tāmaki Makaurau collective Act; or 20
- (iii) the redress provided under the Tāmaki Makaurau collective deed and the Tāmaki Makaurau collective Act; or
- (iv) the Pare Hauraki collective deed; or
- (v) the Pare Hauraki Collective Redress Act **2022**; or
- (vi) the redress provided under the Pare Hauraki collective deed and the Pare Hauraki Collective Redress Act **2022**. 25
- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of—
- (a) the deed of settlement:
- (b) the Tāmaki Makaurau collective deed: 30
- (c) this Act:
- (d) the Tāmaki Makaurau collective Act:
- (e) the Pare Hauraki collective deed:
- (f) the Pare Hauraki Collective Redress Act **2022**.
- (5A) The provisions in this section apply as follows: 35

(a)	subsections (3)(a) and (b) and (4)(a) to (e)(i) to (iii) apply on and from the settlement date:	
(b)	subsections (3)(c) and (4)(e)(iv) to (vi) apply on and from the operative date.	
(6)	In this section,—	5
	Pare Hauraki collective deed has the meaning given in section 9 of the Pare Hauraki Collective Redress Act 2022 .	
	Pare Hauraki settlement date has the meaning given to settlement date in section 9 of the Pare Hauraki Collective Redress Act 2022	
	Tāmaki Makaurau collective Act means the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014	10
	Tāmaki Makaurau collective deed has the meaning given in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.	
(3)	Repeal subpart 2 of Part 3.	
(4)	After section 139, insert:	15
	Subpart 3—Vesting of certain Crown owned minerals and related matters	
	140 Application and interpretation	
(1)	This subpart applies to—	
(a)	the land vested in the trustees under subpart 1 of Part 2; and	
(b)	land transferred to the trustees under section 99.	20
(2)	In this subpart, unless the context otherwise requires,—	
	actual amount means the amount payable in respect of vested minerals in accordance with sections 147 and 151	
	chief executive has the meaning given in section 2(1) of the Crown Minerals Act 1991	25
	Crown owned mineral has the meaning given in section 2(1) of the Crown Minerals Act 1991	
	existing privilege has the meaning given in section 2(1) of the Crown Minerals Act 1991	
	mineral has the meaning given in section 2(1) of the Crown Minerals Act 1991	30
	Minister has the meaning given in section 2(1) of the Crown Minerals Act 1991	
	permit area means—	
(a)	the area of land over which any prospecting, exploration, or mining permit is granted under the Crown Minerals Act 1991; or	35
(b)	the area of land over which an existing privilege exists	

privilege, in relation to any mineral,—

- (a) means an existing privilege; and
- (b) also means a prospecting, exploration, or mining permit granted under the Crown Minerals Act 1991, and its associated mining operations (within the meaning of section 2(1) of that Act)

5

relevant land means land referred to in **subsection (1)**

representative amount means the amount—

- (a) payable in accordance with **section 147**; and
- (b) calculated in accordance with **section 148**

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

10

section 10 minerals means the minerals named in section 10 of the Crown Minerals Act 1991

vested minerals means the minerals referred to in **section 142(1)**

year means the period of 12 months beginning on 1 January and ending on 31 December.

15

Existing rights preserved

141 Certain existing rights preserved

The following privileges, rights, obligations, functions, and powers (including those preserved by the transitional provisions in Part 2 of the Crown Minerals Act 1991) continue as if **section 142** had not been enacted:

20

- (a) privileges in existence immediately before the property is vested or transferred as referred to in **section 142(1)**;
- (b) rights that may be exercised under the Crown Minerals Act 1991 by the holders of those privileges or any other person:
- (c) subsequent rights and privileges granted to those holders or any other person following the exercise of the rights referred to in **paragraph (b)** (including those provided for by section 32 of the Crown Minerals Act 1991):
- (d) the obligations on those holders or any other person imposed by or under the Crown Minerals Act 1991:
- (e) the Crown's performance and exercise of its functions and powers under the Crown Minerals Act 1991 in relation to any of the matters referred to in **paragraphs (a) to (d)**.

25

30

*Certain minerals vested or transferred under this subpart***142 Vested minerals no longer to be reserved to the Crown**

- (1) Despite section 11 of the Crown Minerals Act 1991,—
- (a) when land referred to in **section 140(1)(a)** is vested in the trustees, any Crown owned minerals in that land (other than section 10 minerals) vest with the land: 5
- (b) when land referred to in **section 140(1)(b)** is transferred to the trustees, any Crown owned minerals in that land (other than section 10 minerals) transfer with the land.
- (2) However, if a share in any relevant land is vested in or transferred to the trustees, the trustees own a share of any Crown owned minerals (other than section 10 minerals) in the same proportion as the shares in which they own the relevant land. 10
- (3) To avoid doubt, the vesting or transfer of land referred to in **section 140(1)** is subject to any mineral interests or rights to which, immediately before the commencement of this subpart, any person other than the Crown was entitled under the Land Transfer Act 2017 or any other Act, whether or not such interests or rights are recorded on the record of title for the land. 15

143 Application of Crown Minerals Act 1991

- (1) Nothing in this subpart— 20
- (a) limits section 10 of the Crown Minerals Act 1991; or
- (b) affects other lawful rights to subsurface minerals.
- (2) Section 49A of the Crown Minerals Act 1991 applies to the land described in **section 140(1)**.

Registration

25

144 Notation of mineral ownership if application or transfer instrument lodged after this subpart comes into force

- (1) This section applies instead of section 86 of the Crown Minerals Act 1991 to the land referred to in **section 140(1)**, but only if an instrument is lodged in respect of that land after this subpart comes into force. 30
- (2) An instrument lodged in respect of the specified land after this subpart comes into force must include a request to the Registrar-General to record on any record of title for the land that the land is subject to **section 142** of the Ngāi Tai ki Tāmaki Claims Settlement Act 2018.
- (3) The Registrar-General must comply with a request received under **subsection (2)**. 35
- (4) In this section, **instrument** means—

<ul style="list-style-type: none"> (a) a written application made by an authorised person under section 57(3), (5), or (6), as applicable, in respect of land referred to in section 140(1)(a); or (b) a transfer instrument lodged in respect of land referred to in section 140(1)(b). 	5
145 Notation of mineral ownership if application or transfer instrument lodged before this subpart comes into force	
(1) This section applies instead of section 86 of the Crown Minerals Act 1991 to land referred to in section 140(1) , but only if an instrument has been lodged in respect of the land before this subpart comes into force.	10
(2) Not later than 70 working days after this subpart comes into force, the authorised person must make a written request to the Registrar-General—	
(a) to record on any record of title for the land that the land is subject to section 142 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and	15
(b) to remove from any record of title for the land the notation that the land is subject to section 11 of the Crown Minerals Act 1991 and section 108 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2018.	
(3) The Registrar-General must comply with a request received under subsection (2) .	20
(4) In this section, authorised person means a person authorised for the purpose by the chief executive of the Office for Māori Crown Relations—Te Arawhiti	
<i>Amounts payable in respect of vested minerals</i>	
146 Purpose and scope of arrangement for payments	
(1) The purpose of sections 147 to 151 is to provide that the rights to vested minerals include the payment by the Crown, in relation to the vested minerals, of—	25
(a) the representative amount; or	
(b) if section 151(2) applies, the actual amount.	
(2) Payments under subsection (1) must be made to the trustees.	30
(3) The representative amount or the actual amount payable is based on the amount of royalties paid to the Crown in the preceding year or years for which an application is made under section 152 in respect of the vested minerals.	
(4) Payment of the representative amount or the actual amount, as appropriate, discharges the obligations of the Crown under this subpart in respect of any royalties paid to the Crown in respect of the vested minerals.	35

147 Obligation to pay representative or actual amount

- (1) The chief executive, on receiving an application under **section 152**, must pay the representative amount or the actual amount, as appropriate, in respect of vested minerals to the trustees.
- (2) **Subsection (1)** applies even if the trustees have sold all or any of the relevant land or vested minerals, and the chief executive is not required to transfer payments to, or otherwise deal with, any new owner of the vested minerals. 5
- (3) The requirement to pay the representative amount or the actual amount applies—
 - (a) only if the Crown has been paid royalties in respect of the vested minerals in the year or years preceding the year in which an application is made under **section 152**; and 10
 - (b) only in respect of a period of not more than 8 years after the date on which those royalties were received by the Crown.
- (4) This section is subject to **sections 150** (shared ownership of land), **152** (application for payment of representative amount), and **154** (other conditions applying to payments). 15

Calculation of amount payable

148 Calculation of representative amount

The representative amount payable under **section 147** is calculated using the following formula: 20

$$\$r \times (a \div pa)$$

where—

- a is the area of relevant land within or overlapping the permit area
- pa is the total permit area of a privilege that is within or overlaps the relevant land 25
- \$r is the total amount of royalties paid to the Crown in respect of the vested minerals, for the years applied for under **section 152**, in respect of a privilege whose permit area is within or overlaps the relevant land. 30

Example

If—

- a is 4 sq kms; and
 - pa is 20 sq kms; and
 - \$r is \$1,500; then 35
- $\$1,500 \times (4 \div 20) = \$300.$

149 Calculation of representative amount if more than 1 permit area

If more than 1 permit area is within or overlaps the relevant land,—

- (a) the representative amounts must be separately calculated for each permit area in accordance with **section 148**; and
- (b) the total representative amount payable to the trustees in respect of the vested minerals for the permit areas is the sum of the separate amounts calculated under **paragraph (a)**.

5

150 Calculation of representative amount if relevant land held in shares

If the relevant land is held in shares, the representative amount payable to the trustees in respect of the vested minerals is calculated using the following formula:

$$\text{\$r} \times (\text{a} \div \text{pa}) \times \% \quad 10$$

where—

a, pa, and \$r have the meanings given to those terms in **section 148**

% is the percentage of the vested minerals owned in each share at the time the relevant land is vested in or transferred to the trustees.

Example

15

If—

- a is 4 sq kms; and
 - pa is 20 sq kms; and
 - \$r is \$1,500; and
 - the vested minerals are owned in 20% shares; then
- $\text{\$1,500} \times (4 \div 20) \times 20\% = \text{\$60}$.

20

151 When actual amount may be paid

- (1) When an application is received under **section 152**, the Minister must determine whether the information is sufficient to identify the actual amount paid to the Crown as royalties in respect of vested minerals in the year or years applied for.
- (2) If the Minister is satisfied that there is sufficient information to determine the actual amount referred to in **subsection (1)**, the Minister may pay to the trustees the actual amount to which the application relates in respect of those vested minerals instead of the representative amount that would otherwise be payable.
- (3) If there is not sufficient information to enable the Minister to make a determination under **subsection (1)**, the chief executive must determine the representative amount payable in accordance with this subpart.
- (4) If the relevant land is owned in shares, any payment of the actual amount in respect of the vested minerals must be made in the same proportion as the proportion of the shares held in the relevant land at the time the land is vested in or transferred to the trustees.

25

30

35

*Application for payment of representative amount***152 Application requirements**

- (1) The trustees (but no other person or body) may apply for payment of the representative amount.
- (2) Applications must be made— 5
- (a) in writing to the chief executive; and
 - (b) not more than once a year; and
 - (c) not later than 31 March in respect of the preceding year or years applied for.

Example relating to paragraph (c) 10

The trustees may apply—

- by 31 March 2023, for a payment relating to the year 2022:
- by 31 March 2028, for a payment relating to the years 2022 to 2027.

- (3) An application must not relate to any year earlier than 8 years before the date of the application. 15
- (4) An application must contain the information necessary to establish—
- (a) that the relevant land is or was owned by the trustees (for example, a copy of the record of title for the land); and
 - (b) the date on which the land was vested in or transferred to the trustees; and 20
 - (c) the shares (if any) in which the land is held; and
 - (d) the year or years to which the application relates; and
 - (e) the details of the trustees for the purpose of enabling payment to be made.
- (5) No payment may be made unless an application is made under this section. 25
- (6) The chief executive may request further information from an applicant—
- (a) to establish the information required under **subsection (4)**;
 - (b) to enable the Minister to determine whether the actual amount or the representative amount is to be paid.

153 Advice to be given to trustees 30

The chief executive must—

- (a) consider the application, including whether the information is sufficient to enable the Minister to determine the actual amount under **section 151**; and
- (b) advise the trustees in writing of the amount that the trustees are to be paid. 35

154 Other conditions applying to payments

- (1) Payment of the representative amount or actual amount, as the case requires,—
- (a) must be made as soon as is reasonably practicable after 31 March in each year; but
 - (b) must not be made more than once a year. 5
- (2) For the first year of payment of the representative amount or actual amount, the payment must be calculated—
- (a) from the date on which the relevant land was vested in or transferred to the trustees; and
 - (b) in proportion to the number of days that have elapsed in that year on and from the date of the vesting or transfer of the relevant land. 10
- (3) Interest is not payable on the amounts paid under this subpart, irrespective of the period to which an amount relates.

*Status of certain information***155 Confidentiality of information disclosed or received**

- (1) Any information disclosed to the trustees by the Crown under this subpart is a disclosure permitted under section 90A of the Crown Minerals Act 1991. 15
- (2) Information about the royalties paid to the Crown in respect of the vested minerals may be disclosed to the trustees in fulfilment of the obligations of the Crown under this subpart. 20
- (3) Information disclosed under **subsection (2)** is confidential to the trustees, subject to any legal obligations that the trustees may have to disclose the information, such as any statutory reporting requirements.

*Consequential amendments to Crown Minerals Act 1991***156 Amendments to Crown Minerals Act 1991**

- (1) This section amends the Crown Minerals Act 1991. 25
- (2) After **section 25(6)(d)**, insert:
- (e) **section 141** of the Ngāi Tai ki Tāmaki Claims Settlement Act 2018.
- (3) After **section 32(7)(d)**, insert:
- (e) the trustees referred to in **section 140(1)** of the Ngāi Tai ki Tāmaki Claims Settlement Act 2018, subject to **section 141** of that Act. 30
- (4) In **Schedule 6**, insert in its appropriate alphabetical order:
The land described in **section 140(1)** of the Ngāi Tai ki Tāmaki Claims Settlement Act 2018.

Schedule 1

Moehau Tūpuna Maunga Board

ss 23, 24

Contents

		Page
1	Interpretation	152
Part 1		
Administrative matters		
2	Appointment of Board members	152
3	Conditions of appointment	152
4	Vacancies	152
5	Qualification for appointment	153
6	Co-chairpersons of Board	153
7	Meetings of Board	153
8	Standing orders	154
9	Decision making	154
10	Decisions on pest control and species management	154
11	Committees	155
12	Delegation	155
13	Obligation on Board members to declare interests	156
14	Reporting of Board	157
15	Review of Board	157
16	Administrative and technical support for Board	157
Part 2		
Management and operational matters		
<i>Reserve management plan</i>		
17	Requirement for management plan	157
18	Preparation and approval of management plan	158
<i>Operational plan</i>		
19	Annual Moehau operational plan	158
20	Contents of operational plan	159
21	Duty to implement operational plan	160
22	Additional duties of Director-General	160
Part 3		
Cultural activities		
23	Approval for authorised cultural activities	160
24	Basis on which authorised cultural activity may be approved	161
25	Terms and conditions to be included in management plan	162

1 Interpretation

In this schedule, unless the context otherwise requires,—

consensus means the absence of any formally recorded dissent from a member of the Board at a Board meeting

Department means the department of State for the time being responsible for the administration of the Conservation Act 1987 5

financial year means a 12-month period commencing on 1 July

flora material has the meaning given in **section 64**

Reserve has the meaning given in **section 19**

written notice includes notice given in an electronic form. 10

Part 1
Administrative matters

2 Appointment of Board members

The Board consists of up to 6 members, appointed as follows:

- (a) 3 members appointed by the trustee; and 15
- (b) 1 to 3 members appointed by the Director-General to be members of the Board—
 - (i) who are senior employees of the Director-General; and
 - (ii) at least 1 of whom has management responsibility as a director (level 3 or higher). 20

3 Conditions of appointment

- (1) Members of the Board appointed by the trustee—
 - (a) are appointed for a term of 3 years, unless the member resigns during the term; and
 - (b) may be reappointed at the sole discretion of the trustee; and 25
 - (c) may resign by written notice to the trustee and the Board.
- (2) Members of the Board appointed by the Director-General—
 - (a) may resign by written notice to the Director-General and the Board; and
 - (b) may be removed by the Director-General by written notice to the member and the Board. 30

4 Vacancies

- (1) If a vacancy arises on the Board, the trustee and the Director-General must, in respect of their appointees, fill the vacancy as soon as is reasonably practicable.

- (2) However, **subclause (1)** does not apply to the Director-General if, despite the vacancy, the Board still has 1 or more members appointed by the Director-General.
- (3) A vacancy does not prevent the Board from continuing to discharge its functions. 5
- 5 Qualification for appointment**
- In appointing members of the Board, the trustee and the Director-General must, in respect of their appointees,—
- (a) be satisfied that a person being appointed has the mana, skills, knowledge, or experience— 10
- (i) to participate effectively on the Board; and
- (ii) to contribute to achieving the purposes of the Board; and
- (b) have regard to the overall membership of the Board.
- 6 Co-chairpersons of Board**
- (1) At the first meeting of the Board, the members must appoint 2 members to be co-chairpersons of the Board, as follows: 15
- (a) 1 co-chairperson must be a member appointed by the trustee; and
- (b) 1 co-chairperson must be a member appointed by the Director-General.
- (2) The co-chairpersons—
- (a) are each appointed for a term of 3 years, unless the appointee— 20
- (i) resigns as co-chairperson or as a member of the Board during the term; or
- (ii) in the case of a person appointed under **subclause (1)(b)**, is removed as a member of the Board during the term; and
- (b) may be reappointed. 25
- 7 Meetings of Board**
- (1) The Board must hold its first meeting not later than 3 months after the settlement date.
- (2) Meetings may be held in person, by telephone, or by any electronic means.
- (3) The quorum for a meeting of the Board is not fewer than 3 members, comprising— 30
- (a) at least 2 members appointed by the trustee; and
- (b) at least 1 member appointed by the Director-General; and
- (c) at least 1 of the co-chairpersons (who may be a member referred to in **paragraph (a) or (b)**). 35

8 Standing orders

- (1) At its first meeting, the Board must adopt a set of standing orders for the operation of the Board.
- (2) The Board may amend the standing orders.
- (3) The standing orders must not contravene— 5
 - (a) this schedule; or
 - (b) tikanga Māori; or
 - (c) the Reserves Act 1977 or any other enactment.
- (4) Every member of the Board must comply with the standing orders as they apply from time to time. 10

9 Decision making

- (1) Decisions of the Board may only be made at meetings of the Board.
- (2) Subject to **clause 10**, decisions must be made by consensus of the members present at the meeting.
- (3) Members must undertake decision making in a manner that is consistent with the purpose of the Board. 15
- (4) No member of the Board may appoint a proxy.

10 Decisions on pest control and species management

- (1) This section applies if a decision on pest control or species management affects— 20
 - (a) the ecological integrity of the Reserve; or
 - (b) the viability of an indigenous species.
- (2) The members of the Board must strive to make the decision by consensus.
- (3) However, if the co-chairpersons consider that it is not possible to reach a consensus within a reasonable time frame (and not later than 3 months after the issue to be determined is first discussed at a meeting of the Board), the following process must be followed: 25
 - (a) the co-chairpersons must refer the issue for resolution to the chairperson of the trustee and the appropriate Deputy Director-General of the Department of Conservation: 30
 - (b) the chairperson of the trustee and the appropriate Deputy Director-General of the Department of Conservation must conduct discussions in good faith to resolve the issue.
- (4) If agreement is not able to be reached in the discussions conducted under **subclause (3)(b)** within 6 weeks of the matter being referred under **subclause (3)(a)**, the Director-General must make a decision on the matter. 35

11 Committees

- (1) The Board may appoint 1 or more committees or subcommittees.
- (2) A committee or subcommittee—
- (a) is subject to the direction and control of the Board; and
 - (b) must carry out all the directions of the Board. 5

12 Delegation

- (1) The Board may by written notice, either generally or specifically, and subject to any conditions, delegate any of its functions—
- (a) to the trustee;
 - (b) to the Director-General: 10
 - (c) to 1 or more members of the Board;
 - (d) to a committee or subcommittee of the Board.
- (2) However, the Board must not delegate—
- (a) the approval of, or amendment to, a plan for the Reserve under section 41 of the Reserves Act 1977; or 15
 - (b) the acceptance by the Board of the annual Moehau operational plan; or
 - (c) the appointment or revocation of a committee; or
 - (d) the replacement or amendment of the terms of any appointment of a committee; or
 - (e) the making of bylaws by the Board; or 20
 - (f) this power of delegation.
- (3) Unless the terms of delegation require otherwise, a delegate to whom a function is delegated may perform the function in the same manner, subject to the same restrictions, and with the same effect, as if the delegate were the Board.
- (4) A delegate who purports to perform a function or exercise a power under a delegation— 25
- (a) is, in the absence of proof to the contrary, presumed to do that in accordance with the terms of that delegation; and
 - (b) must produce evidence of the delegate's authority to produce that evidence, if reasonably requested to do so. 30
- (5) No delegation—
- (a) affects or prevents the performance or exercise of any function or power by the Board; or
 - (b) affects the responsibility of the Board for the actions of any delegate acting under the delegation; or 35
 - (c) is affected by any change in the membership of the Board or of any committee.

- (6) A delegation may be revoked at will by the Board by—
- (a) written notice to the delegate; or
 - (b) any other method provided for in the delegation.
- 13 Obligation on Board members to declare interests**
- (1) A member of the Board must disclose any actual or potential interest in a matter to the Board. 5
- (2) The Board must maintain an interests register that records the actual or potential interests disclosed to the Board.
- (3) A member of the Board is not precluded from discussing or voting on a matter merely because— 10
- (a) the member is affiliated to the Iwi of Hauraki or a hapū or whānau that has customary interests in Moehau; or
 - (b) the member is an employee of the Crown; or
 - (c) the economic, social, cultural, and spiritual values of any iwi or hapū and the relationship they have with the Board are advanced by or reflected in— 15
 - (i) the subject matter under consideration; or
 - (ii) any decision by or recommendation of the Board; or
 - (iii) participation in the matter by the member.
- (4) The affiliation of a member of the Board to an iwi or a hapū that has customary interests in an area covered by the Board is not an interest that must be disclosed or recorded. 20
- (5) A member of the Board has an **actual or potential interest** in a matter, if he or she— 25
- (a) may derive a financial benefit from the matter; or
 - (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
 - (c) may have a financial interest in a person to whom the matter relates; or
 - (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or 30
 - (e) is otherwise directly or indirectly interested in the matter.
- (6) However, a person is not interested in a matter if the person's interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out the person's responsibilities as a member of the Board. 35
- (7) In this clause, **matter** means—
- (a) the Board's performance of its functions or exercise of its powers; or

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

14 Reporting of Board

- (1) The Board must report annually to the trustee and the Director-General on—
- (a) the activities of the Board over the preceding 12 months; and 5
- (b) the relevance of those activities to the purposes or functions of the Board.
- (2) The Director-General must give the Minister of Conservation a copy of the report as soon as practicable after receiving it.
- (3) The Minister of Conservation must present the report to the House of Representatives as soon as practicable after receiving it. 10

15 Review of Board

- (1) The trustee and the Director-General must, on the date that is 3 years after the first meeting of the Board, commence a review of the performance of the Board, including the extent to which— 15
- (a) the purposes of the Board are being achieved; and
- (b) the functions of the Board are being effectively performed.
- (2) The trustee and the Director-General may, at any time agreed by them, undertake a subsequent review of the Board's performance.
- (3) After undertaking a review, the trustee and the Director-General may make recommendations to the Board on any matters arising out of the review. 20

16 Administrative and technical support for Board

- (1) The Director-General must provide administrative support to the Board.
- (2) The trustee and the Director-General must—
- (a) meet the costs of their appointed members participating on the Board, including the payment of any meeting fees to members; and 25
- (b) contribute equally to meeting the other administrative costs of the Board that have been approved in advance by the Board in accordance with its decision-making processes.

Part 2

Management and operational matters

30

Reserve management plan

17 Requirement for management plan

- A management plan for the Reserve must be prepared and approved in accordance with— 35

- (a) this Part; and
- (b) section 41 of the Reserves Act 1977, as far as that provision is consistent with this Part.

18 Preparation and approval of management plan

- (1) The trustee and the Director-General must— 5
 - (a) before beginning to prepare a draft management plan (the **draft plan**) for the Reserve, discuss with the Board—
 - (i) the principal matters to be dealt with; and
 - (ii) how those matters are to be dealt with; and
 - (b) jointly prepare the draft plan; and 10
 - (c) identify any interested persons who should be given an opportunity to comment on the draft plan; and
 - (d) identify appropriate ways to give public notice of the draft plan; and
 - (e) seek comment on the draft plan from persons identified under **paragraph (c)** and through the public notice; and 15
 - (f) provide the Board with any comments received under **paragraph (e)**.
- (2) The Board must approve the draft plan.
- (3) At the time when the Board approves the draft plan as the management plan for the Reserve, it must issue a report that sets out—
 - (a) a summary of any comments received on the draft plan; and 20
 - (b) how the Board responded to those comments.

Operational plan

19 Annual Moechau operational plan

- (1) The trustee and the Director-General must, for each financial year,—
 - (a) prepare an operational plan that provides a framework within which— 25
 - (i) the Director-General must carry out the operational management of the Reserve in that year; and
 - (ii) the trustee may (at its discretion) carry out that management with the Director-General; and
 - (b) submit the draft operational plan to the Board. 30
- (2) The Board must—
 - (a) consider the draft operational plan; and
 - (b) determine whether the draft operational plan is consistent with the management plan for the Reserve as approved; and
 - (c) accept the draft operational plan in whole or in part as being consistent with the management plan or reject it in its entirety. 35

- (3) The Board must give the trustee and the Director-General written notice of its decision as soon as practicable after receiving the draft operational plan under **subclause (1)(b)**.
- (4) If the Board accepts the draft operational plan in part only, or rejects it, the Board must— 5
- (a) give the trustee and the Director-General written notice of the parts accepted and refer the rejected parts to them; and
- (b) meet with the trustee and the Director-General to discuss its decision.
- (5) The Board, the trustee, and the Director-General must seek to work together in an open and constructive manner to resolve any disagreements over the draft operational plan so as to finalise the plan as soon as possible. 10
- (6) The first operational plan must be prepared for the financial year commencing on 1 July after the settlement date.
- 20 Contents of operational plan**
- (1) The operational plan must include the following, to the extent that the information is relevant to the particular year: 15
- (a) financial information in the Department’s long-term forecasts for activities and functions relevant to the Reserve; and
- (b) information about—
- (i) the sources and extent of funding for operational management: 20
- (ii) restoration work:
- (iii) capital projects:
- (iv) strategic, policy, and planning projects:
- (v) maintenance and operational projects:
- (vi) levels of service to be provided by the Department and the trustee, which may carry out the management with the Department, at its discretion: 25
- (vii) pest control:
- (viii) species management:
- (ix) contracts for management or maintenance activities: 30
- (x) facilitation of authorised cultural activities:
- (xi) educational programmes:
- (xii) programmes of specific iwi or hapū:
- (xiii) opportunities for the Iwi of Hauraki to carry out or participate in any of the activities described in **subparagraphs (ii) to (xii)**; and 35

- (c) any other information agreed by the Board and the Director-General, including information relating to future financial years.
- (2) The nature and extent of funding referred to in **subclause (1)(b)(i)** are solely at the discretion of the body or person providing that funding.
- (3) Implementation of a matter referred to in **subclause (1)(b)(ii) to (xiii)** is required only to the extent that funding and other resources make implementation practicable. 5
- 21 Duty to implement operational plan**
- (1) On and from the commencement of the first operational plan, the Director-General and the trustee (if it exercises its discretion to participate) must undertake the operational management of the Reserve in accordance with the operational plan. 10
- (2) The Director-General and the trustee (at their discretion)—
- (a) may in emergency circumstances, undertake operational management activities not provided for in the operational plan if they consider the activities necessary for the safety of the Reserve and persons in the Reserve; and 15
- (b) may each determine how their own funds are spent in implementing the operational plan.
- (3) At the end of each financial year, the trustee and the Director-General must report to the Board on the implementation of the operational plan for that year. 20
- 22 Additional duties of Director-General**
- In addition to complying with **clause 21(1)**, the Director-General must undertake operational management activities in accordance with—
- (a) any standard operating procedures that the Director-General and the Board agree; and 25
- (b) any delegations made to the Director-General.

Part 3 Cultural activities

- 23 Approval for authorised cultural activities** 30
- (1) The trustee may approve 1 or more Iwi of Hauraki to carry out an authorised cultural activity on the Reserve.
- (2) The trustee must, if requested by an Iwi of Hauraki, devolve to that iwi the right to give approvals to its members under **subclause (1)**.
- (3) If the trustee devolves the right to approve, it must give the Board written notice of the details of that devolution. 35

- (4) In this clause and **clauses 24 and 25**, **authorised cultural activity** means any of the following:
- (a) the erection of pou or flags:
 - (b) an instructional or educational hīkoi:
 - (c) a wānanga, hui, or pōwhiri: 5
 - (d) an event that celebrates the maunga as a distinguishing feature of Pare Hauraki:
 - (e) an event that marks or celebrates the history of Aotearoa, Waitangi Day, or Matariki:
 - (f) an event that celebrates the ancestral association, or exercises the mana, of the Iwi of Hauraki with or over the maunga: 10
 - (g) an event that celebrates the Iwi of Hauraki in its collective capacity:
 - (h) an event that celebrates an Iwi of Hauraki or a hapū of an Iwi of Hauraki:
 - (i) any other activity in relation to which provisions are included in the management plan for the Reserve. 15

24 Basis on which authorised cultural activity may be approved

- (1) Approval of an authorised cultural activity may be given by the trustee (or by an iwi to which the right is devolved under **clause 23**), but only if the trustee or iwi is satisfied that— 20
- (a) the activity will comply with the relevant provisions of the management plan for the Reserve (where such a plan has been approved), including any terms and conditions prescribed in the plan in respect of the activity or an activity of that type; and
 - (b) the activity will comply with the Resource Management Act 1991; and 25
 - (c) any permission or other authorisation required under the Reserves Act 1977 from any person other than the Board for the activity has been obtained; and
 - (d) the activity will comply with any relevant enactment, such as the Heritage New Zealand Pouhere Taonga Act 2014, the Burial and Cremation Act 1964, and the Health Act 1956; and 30
 - (e) any adverse effects on the ecological integrity or viability of indigenous species are no more than minor.
- (2) If an authorised cultural activity involves the erection of any structure, the trustee (or the iwi to which the right is devolved) must also be satisfied that the structure— 35
- (a) is temporary or moveable; or

- (b) if permanent, has a symbolic purpose (such as a pouwhenua or waharoa), or is necessary for cultural interpretation (such as an explanatory sign).
- (3) If approval is given under **subclause (1)**, the trustee (or the iwi to which the right is devolved) must give the Board written notice of the authorised cultural activity for which approval is given. 5
- (4) The notice must be given as soon as possible, but not less than 5 working days before the day, or the first day, on which the authorised cultural activity is to be carried out.
- (5) If approval is given for an authorised cultural activity under this clause or **clause 23**, any permission or other authorisation required under the Reserves Act 1977 from the Board for the activity is deemed to have been granted. 10
- 25 Terms and conditions to be included in management plan**
- (1) The management plan for the Reserve must prescribe any terms and conditions applying to members of the Iwi of Hauraki who carry out an authorised cultural activity. 15
- (2) The terms and conditions must not have the effect of prohibiting an authorised cultural activity.
- (3) In preparing the management plan for the Reserve, the Board must consider including provisions that— 20
- (a) relate to members of the Iwi of Hauraki carrying out other activities for cultural or spiritual purposes on the Reserve; and
- (b) recognise the members' traditional or ancestral ties to the Reserve land.
- (4) The Board must also consider including provisions in the management plan that relate to any of the following activities being carried out by members of the Iwi of Hauraki: 25
- (a) limited land cultivation for harvesting plants for traditional use:
- (b) limited collection of other materials:
- (c) archaeological activities:
- (d) hāngi: 30
- (e) tribally significant tangihanga or hari tūpāpaku and the interment of tūpāpaku:
- (f) other spiritual and cultural traditional practices and ceremonies not listed in **clause 23(4)(a) to (h)**:
- (g) nohoanga: 35
- (h) the permanent erection of symbolic structures and interpretation signs:
- (i) the exercise of kaitiakitanga or manaakitanga, including overnight occupation.

-
- (5) In considering provision for limited land cultivation under **subclause (4)(a)**, the Board must consider—
- (a) whether cultivation or harvesting will have no more than minor adverse effects on the ecological integrity of the Reserve and the viability of indigenous species; and 5
 - (b) the use of any ecologically and culturally appropriate flora materials occurring naturally on the Reserve.
- (6) If the Board includes provisions in the management plan for an activity described in **subclause (4)**,—
- (a) the plan must prescribe any terms and conditions applying to the activity; but 10
 - (b) the terms and conditions must not have the effect of prohibiting the activity.

Schedule 2

Legal descriptions of cultural redress properties and Moehau Area

ss 19, 28, 33, 36

Part 1**Cultural redress properties**

5

Name of property	Description	Interests
Moehau Tūpuna Maunga	<p><i>South Auckland Land District— Thames–Coromandel District</i></p> <p>1000.0000 hectares, more or less, being Section 1 SO 523850. Part <i>Gazette</i> 1977, p 631.</p>	<p>Subject to being a government purpose (Pare Hauraki whenua kura and ecological sanctuary) reserve, as referred to in section 29(3).</p> <p>Subject to an unregistered telecommunication licence with concession number 36034-TEL to Coastguard Northern Region Incorporated.</p>
Te Aroha Tūpuna Maunga	<p><i>South Auckland Land District— Matamata-Piako District and Hauraki District</i></p> <p>1000.0000 hectares, more or less, being Section 1 SO 512808. Part record of title SA801/281 for the fee simple estate and part <i>Gazette</i> 1975, p 2328.</p>	<p>Subject to being a local purpose (Pare Hauraki whenua kura) reserve, as referred to in section 32(3).</p> <p>Subject to section 315 of the Land Act 1924 (affects the part formerly Part Section 5 Block VI Aroha Survey District).</p> <p>Subject to the right of way easement in gross referred to in section 32(8).</p> <p>Subject to an unregistered deed (dated 22 November 1993) and a deed of renewal (2007) in favour of Kordia Limited.</p> <p>Subject to an unregistered guiding permit with concession number 45528-GUI to Bigfoot Adventure Limited.</p> <p>Subject to an unregistered guiding permit with concession number 39423-GUI to Active New Zealand Limited Partnership.</p> <p>Subject to an unregistered national licence agreement dated 2005 with concession number 38411-TEL to the Commissioner of Police.</p> <p>Subject to an unregistered Wildlife Act Authority permit with authorisation number 87476-FAU to E R Hotham.</p> <p>Subject to an unregistered guiding permit with concession number</p>

Name of property	Description	Interests
		72597-GUI to Socially Good Adventures Limited.

Part 2

Moehau Area

Name of property	Description
Moehau Area	<i>South Auckland Land District—Thames—Coromandel District</i> 2624.0709 hectares more or less, being Sections 2, 3, 4, 5, 6, and 11 SO 523850. Part <i>Gazette</i> 1977, p 631.

Schedule 3
Statutory area

s 48

Statutory area

Kaimai Mamaku Range

Location

As shown on OTS-100-304

Schedule 4

Pare Hauraki conservation framework

ss 64, 82, 83, 84

Contents

		Page
Part 1		
Decision-making framework		
1	Scope of decision-making framework	167
<i>Decision-making framework</i>		
2	Stage 1 of decision-making framework	168
3	Stage 2 of decision-making framework	168
4	Stage 3 of decision-making framework	168
5	Stage 4 of decision-making framework	168
6	Stage 5 of decision-making framework	169
7	Stage 6 of decision-making framework	169
Part 2		
Customary materials plan		
8	Interpretation	169
9	Contents of customary materials plan	170
10	Review of customary materials plan	170
11	Issuing of authorisations under plan	171
12	Conservation issues arising from authorisations made under plan	171
Part 3		
Wāhi tapu framework		
13	Wāhi tapu framework	171
14	Notice of intention to enter into wāhi tapu management plan	172
15	Contents of wāhi tapu management plan	172
16	Preparation of management plan	172
Part 1		
Decision-making framework		
5		
1	Scope of decision-making framework	
(1)	Not later than the settlement date, the parties must discuss and agree to a schedule that identifies—	
(a)	any decisions that do not require the application of the decision-making framework comprising the 6 stages set out in clauses 2 to 7 ; and	10

- (b) any decisions, including decisions that need to be made at the national level, for which that decision-making framework may be modified, and the nature of that modification.
- (2) The parties may, from time to time, agree to review the schedule required by this clause. 5
- (3) The trustee and the Director-General must—
- (a) maintain open communication with each other about the effectiveness of the decision-making framework; and
- (b) not later than 2 years after the settlement date or on an earlier or later date agreed between the trustee and the Director-General, jointly commence a review of the effectiveness of the framework. 10

Decision-making framework

2 Stage 1 of decision-making framework

The Director-General must notify the trustee in writing that a particular decision is to be made and specify— 15

- (a) the nature of the decision; and
- (b) the time within which the trustee must provide a response.

3 Stage 2 of decision-making framework

Within the specified time, the trustee must notify the Director-General in writing of— 20

- (a) the nature and degree of the Pare Hauraki interest in the relevant decision; and
- (b) the views of Pare Hauraki about that decision.

4 Stage 3 of decision-making framework

The Director-General must respond in writing to the trustee confirming— 25

- (a) the Director-General's understanding of the matters expressed by the trustee under **clause 3**; and
- (b) how those matters will be addressed in the decision-making process; and
- (c) any issues that arise from those matters.

5 Stage 4 of decision-making framework 30

(1) The person with statutory responsibility for making any decision specified under **clause 2** must—

- (a) consider the response of the Director-General to the trustee under **clause 4** and any further response from the trustee to the Director-General; and 35

- (b) consider whether it is possible, in making the particular decision, to reconcile any conflict between the interests and views of the trustee and other considerations relevant to the decision-making process; and
- (c) make the decision in accordance with the relevant conservation legislation. 5
- (2) In making the decision, the decision maker must, if a relevant Pare Hauraki interest is identified,—
- (a) comply with **section 82**; and
- (b) if the circumstances justify it, give a reasonable degree of preference to the interest of Pare Hauraki. 10
- 6 Stage 5 of decision-making framework**
- The decision maker referred to in **clause 5(1)** must, as part of the decision document, record in writing—
- (a) the nature and degree of the Pare Hauraki interest in the particular decision and the views of the trustee notified to the Director-General under **clause 3**; and 15
- (b) how, in making the particular decision, the decision maker complied with **paragraph (a)** and **clauses 3 to 5**.
- 7 Stage 6 of decision-making framework**
- The decision maker referred to in **clause 5(1)** must forward the particular decision to the trustee, including the matters recorded under **clause 6**. 20

Part 2

Customary materials plan

- 8 Interpretation**
- In **clauses 9 to 12**,— 25
- conservation protected area**, in relation to customary take, means an area above the line of mean high-water springs that is—
- (a) a conservation area under the Conservation Act 1987; or
- (b) a reserve administered by the Department of Conservation under the Reserves Act 1977; or 30
- (c) a wildlife refuge, wildlife sanctuary, or wildlife management reserve under the Wildlife Act 1953
- customary take** means the taking and use of flora materials for customary purposes

- dead protected animal**—
- (a) means the dead body or any part of the dead body of any animal protected under the conservation legislation; but
 - (b) does not include the body or part of the body of a dead marine mammal.
- 9 Contents of customary materials plan** 5
- (1) The customary materials plan required by **section 83** must—
 - (a) provide a tikanga Māori perspective on customary materials; and
 - (b) identify the species of flora from which material may be taken; and
 - (c) identify the species of dead protected animals that may be possessed; and 10
 - (d) identify the sites within conservation protected areas for customary taking of flora material; and
 - (e) specify the methods permitted for customary taking of flora materials from those sites and the quantity permitted to be taken; and
 - (f) specify protocols for the possession of dead protected animals; and 15
 - (g) specify monitoring requirements.
 - (2) The customary materials plan must include the following information about the species identified in the plan:
 - (a) the taxonomic status of the species; and
 - (b) whether the species is threatened or rare; and 20
 - (c) the current state of knowledge about the species; and
 - (d) whether the species is the subject of a species recovery plan under any legislation; and
 - (e) any other similar relevant information.
 - (3) The customary materials plan must include any other matters relevant to the customary taking of flora material or the possession of dead protected animals as may be agreed by the trustee and the Director-General. 25
- 10 Review of customary materials plan**
- (1) The parties must commence a review of the first customary materials plan agreed under **section 83** not later than 2 years after the settlement date or any later date agreed by the parties. 30
 - (2) The parties may agree to commence subsequent reviews of the customary materials plan at any time, but at intervals of not more than 5 years after the date that the previous review is completed or at any later date agreed by the parties. 35

11 Issuing of authorisations under plan

The trustee may issue an authorisation to a member of the Iwi of Hauraki to take flora material or possess dead protected animals—

- (a) in accordance with the customary materials plan; and
- (b) without the requirement for a permit or other authorisation under the relevant conservation legislation. 5

12 Conservation issues arising from authorisations made under plan

- (1) If either the trustee or the Director-General identifies any conservation issue arising from the implementation of the customary materials plan, or affecting the exercise of any rights under the plan, both parties must— 10
 - (a) seek to resolve the issue; and
 - (b) endeavour to resolve the issue by measures that may include—
 - (i) the Director-General considering restrictions on issuing authorisations to take flora materials or possess dead protected animals otherwise than in accordance with the plan; and 15
 - (ii) the trustee considering restrictions on issuing an authorisation under **clause 11**; and
 - (iii) the parties agreeing to amend the customary materials plan.
- (2) If the Director-General is not satisfied that a conservation issue has been appropriately resolved following the process under **subclause (1)**,— 20
 - (a) the Director-General may notify the trustee that a particular provision of the plan is suspended; and
 - (b) on and from the date specified in the notice, **clause 11** does not apply to the provision of the plan that has been suspended.
- (3) If the Director-General takes action under **subclause (2)**, the parties jointly must continue to seek to resolve the conservation issue to enable the Director-General to revoke the suspension imposed under **subclause (2)(a)** as soon as practicable. 25

Part 3**Wāhi tapu framework 30****13 Wāhi tapu framework**

The Iwi of Hauraki may provide to the Director-General—

- (a) a description of wāhi tapu on conservation land within the Pare Hauraki conservation region of interest set out in part 4 of the attachments; and
- (b) any further information about those wāhi tapu, including— 35
 - (i) their general locations and a description of the sites; and

- (ii) the nature of the wāhi tapu; and
- (iii) the hapū and iwi kaitiaki associated with the wāhi tapu.

14 Notice of intention to enter into wāhi tapu management plan

- (1) An Iwi of Hauraki may give notice in writing to the Director-General that a wāhi tapu management plan for the wāhi tapu identified in the wāhi tapu framework is to be entered into by the parties. 5
- (2) If a notice is given under **subclause (1)**, the Director-General and the iwi must discuss and seek to agree a wāhi tapu management plan for the identified wāhi tapu.

15 Contents of wāhi tapu management plan 10

- (1) The wāhi tapu management plan agreed under **clause 14** may—
 - (a) include any information about wāhi tapu on conservation land that the iwi and the Director-General consider appropriate; and
 - (b) provide for the persons identified by the iwi to undertake management activities in relation to specified wāhi tapu. 15
- (2) If the wāhi tapu management plan provides for management activities to be undertaken by the iwi, the plan—
 - (a) must specify the scope and duration of the activities that may be undertaken; and
 - (b) constitutes lawful authority for the specified activities, as if an agreement had been entered into with the Director-General under section 53 of the Conservation Act 1987. 20

16 Preparation of management plan

A wāhi tapu management plan must be—

- (a) prepared without undue formality and in the manner agreed between the Director-General and the iwi; and 25
- (b) reviewed at intervals agreed by the Director-General and the trustee; and
- (c) if the Director-General and the iwi consider it appropriate, made publicly available.

Schedule 5
Procedures for Waihou, Piako, and Coromandel Catchment
Authority and preparation of upper Waihou and Piako section of
draft plan

ss 86, 100, 106, 108, 109, 110, 143, 148 5

Contents

Page

Part 1

Procedures for Waihou, Piako, and Coromandel Catchment
Authority and Upper Mangatangi and Mangatāwhiri
Catchment Authority

1	Application of this Part	174
2	Schedule of meetings	174
3	First meeting	174
4	Members may be accompanied	174
5	Expenses in relation to participation	174
6	Standing orders	174
7	Decision-making by vote	174
8	Making a decision	175
9	No consensus on decision	175
10	No proxy	175
11	Co-chairpersons' vote	175
12	Members' decision-making	175
13	Obligation on Authority members to declare interests	175
14	Reporting of Authority	176
15	Review of Authority	177
16	Liability	177
17	Administrative and technical support for Authority	177
18	Assistance from local authorities and government departments	177
19	Funds of Authority	177

Part 2

Draft provisions for upper Waihou and Piako section of plan

20	Requirements for preparing draft provisions	178
21	Steps in preparing draft provisions	178
22	Decisions of Authority	179
23	Disputes in relation to geographical area	179

Part 1
Procedures for Waihou, Piako, and Coromandel Catchment Authority and Upper Mangatangi and Mangatāwhiri Catchment Authority

- | | | |
|----------|---|----|
| 1 | Application of this Part | 5 |
| | This Part applies, as the case requires, to— | |
| | (a) the Waihou, Piako, and Coromandel Catchment Authority; | |
| | (b) the Upper Mangatangi and Mangatāwhiri Catchment Authority. | |
| 2 | Schedule of meetings | 10 |
| | The Authority must,— | |
| | (a) at its first meeting, agree a schedule of meetings to allow the Authority to achieve its purpose and properly discharge its functions; and | |
| | (b) review that meeting schedule on a regular basis to ensure that it is sufficient to allow the Authority to achieve its purpose and properly discharge its functions. | |
| | | 15 |
| 3 | First meeting | |
| | The Authority must hold its first meeting no later than 2 months after settlement date. | |
| 4 | Members may be accompanied | 20 |
| | Members may be accompanied at any meeting by technical or other advisers. | |
| 5 | Expenses in relation to participation | |
| | Unless otherwise agreed, members must meet their own expenses in relation to their participation in the Authority. | |
| 6 | Standing orders | |
| | (1) At its first meeting, the Authority must adopt a set of standing orders for the operation of the Authority. | |
| | (2) The Authority may amend those standing orders. | |
| | (3) The standing orders must not contravene— | |
| | (a) this Act; or | |
| | (b) tikanga Māori. | |
| | | 30 |
| | (4) Every member of the Authority must comply with standing orders as they apply from time to time. | |
| 7 | Decision-making by vote | |
| | The decisions of the Authority must be made by vote at a meeting. | |

8 Making a decision

When making a decision, the Authority—

- (a) must strive to achieve consensus among its members; but
- (b) if, in the opinion of the co-chairpersons (or one of them if only 1 co-chairperson is present), consensus is not practicable after reasonable discussion, then, except as provided for in **clause 9**, a decision of the Authority must be by a majority of those members present and voting at the meeting. 5

9 No consensus on decision

If, under **clause 8(b)**, in the opinion of the co-chairpersons (or 1 of them if only 1 co-chairperson is present) consensus is not practicable after reasonable discussion in relation to the following decisions, those decisions may be made with the agreement of 70% or more of the members present and voting at a meeting: 10

- (a) the decision to approve the plan: 15
- (b) the approval of the Waihou, Piako, and Coromandel Catchment Authority's annual budget.

10 No proxy

To avoid doubt, a member of the Authority may not appoint a proxy.

11 Co-chairpersons' vote 20

The co-chairpersons may vote on any matter but do not have casting votes.

12 Members' decision-making

The members must approach decision-making in a manner that:

- (a) is consistent with, and reflects, the purpose of the Authority; and
- (b) acknowledges, as appropriate, the interests of iwi and local authorities in particular parts of the area covered by the Authority. 25

13 Obligation on Authority members to declare interests

- (1) A member of the Authority must disclose any actual or potential interest in a matter to the Authority.
- (2) The Authority must maintain an interests register that records the actual or potential interests disclosed to the Authority. 30
- (3) A member of the Authority is not precluded from discussing or voting on a matter merely because—
 - (a) the member is affiliated to any iwi or hapū that has customary interests over the waterways of the Waihou, Piako, and Coromandel catchments or the Upper Mangatangi and Mangatāwhiri catchments, as the case may be; or 35

-
- (b) the member is a member of a local authority; or
- (c) the economic, social, cultural, and spiritual values of any iwi or hapū and the relationship they have with the Authority are advanced by or reflected in—
- (i) the subject matter under consideration; or 5
- (ii) any decision by or recommendation of the Authority; or
- (iii) participation in the matter by the member.
- (4) The affiliation of a member of the Authority to any iwi or hapū that has customary interests in the area covered the Authority is not an interest that must be disclosed or recorded. 10
- (5) A member of the Authority has an **actual or potential interest** in a matter, if the member—
- (a) may derive a financial benefit from the matter; or
- (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or 15
- (c) may have a financial interest in a person to whom the matter relates; or
- (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
- (e) is otherwise directly or indirectly interested in the matter.
- (6) However, a person is not interested in a matter if the person’s interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the person in carrying out the person’s responsibilities as a member of the Authority. 20
- (7) In this clause, **matter** means—
- (a) the Authority’s performance of its functions or exercise of its powers; or 25
- (b) an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the Authority.
- 14 Reporting of Authority**
- (1) The Authority must report annually to the appointing organisations of the members on— 30
- (a) the activities of the Authority, including the use of the Commissioner Register, over the preceding 12 months; and
- (b) the relevance of those activities to the purpose and functions of the Authority; and
- (c) matters of any particular relevance to particular iwi, including Ngāti Hauā, Ngāti Hinerangi, Pare Hauraki, and Raukawa, as relevant, and how the Authority has addressed these matters; and 35
- (d) any other matters the Authority considers to be relevant.

- (2) The annual report must include a copy of the report by the Waikato Regional Council required by **clause 19(2)**.

15 Review of Authority

- (1) The appointing organisations of the members of the Authority must, on the date that is 3 years after the first meeting of the Authority, commence a review of the performance of the Authority, including the extent to which— 5
- (a) the purpose of the Authority is being achieved; and
 - (b) the functions of the Authority are being effectively performed.
- (2) The appointing organisations may undertake any subsequent review of the Authority's performance, at any time agreed by all the appointing organisations. 10
- (3) After undertaking a review, the appointing organisations may make recommendations to the Authority on any matters arising out of the review.

16 Liability

A member of the Authority is not liable for anything done or omitted to be done in good faith in the performance of the Authority's functions or the exercise of its powers. 15

17 Administrative and technical support for Authority

The Waikato Regional Council must provide administrative and technical support to the Authority. 20

18 Assistance from local authorities and government departments

- (1) The Authority may request—
- (a) information from a relevant local authority or government department:
 - (b) that the local authority or government department attend meetings of the Authority. 25
- (2) The relevant local authority or a government department that receives such a request must comply with it if it is reasonably practicable to do so.

19 Funds of Authority

- (1) The Waikato Regional Council must, on behalf of the Authority,—
- (a) hold the funds provided by the Crown for the establishment of the Authority and any other funds belonging to the Authority; and 30
 - (b) account for those funds in a separate and identifiable manner; and
 - (c) spend the funds only in accordance with the directions of the Authority.
- (2) The Waikato Regional Council must report to the Authority on an annual basis confirming that the Council has complied with **subclause (1)**. 35

- (3) The Authority may direct the Waikato Regional Council to have an audit undertaken of its compliance with **subclauses (1) and (2)**, and the Council must, as soon as practicable, comply with that direction and provide a report from an auditor to the Authority.

Part 2

5

Draft provisions for upper Waihou and Piako section of plan

20 Requirements for preparing draft provisions

- (1) Before preparing the draft provisions for the upper Waihou and Piako catchments (**draft provisions**) required by **section 109(1)**, the Authority and Te Mātāpuna must meet to discuss— 10
- (a) the objectives for the draft provisions, which must comply with the purpose set out in **section 88**; and
 - (b) how the draft provisions are to integrate with those objectives; and
 - (c) the geographical area to be covered by the draft provisions.
- (2) The meeting required by **subclause (1)** must be held not later than 2 months after the settlement date. 15

21 Steps in preparing draft provisions

- (1) Not later than 10 months after the meeting required by **clause 20(1)**, Te Mātāpuna must recommend draft provisions to the Authority for its decision.
- (2) The Authority must consider the draft provisions and forward its written decision to Te Mātāpuna, with reasons, not later than 30 working days after receiving the recommendation of Te Mātāpuna. 20
- (3) If the Authority does not accept any part of the draft provisions recommended by Te Mātāpuna,—
- (a) the Authority must provide reasons for that decision and suggestions for amending the draft provisions; and 25
 - (b) not later than 10 working days after receiving the decision of the Authority under **paragraph (a)**, the chairpersons of the Authority and Te Mātāpuna must meet to discuss and seek to resolve any matters of disagreement. 30
- (4) Te Mātāpuna must consider the decision of the Authority and, not later than 40 working days after the meeting required by **subclause (3)(b)**, must provide revised draft provisions to the Authority.
- (5) Not later than 20 working days after receiving the revised draft provisions, the Authority must consider the revised draft provisions, decide whether to accept them in whole or in part, and advise Te Mātāpuna of its decision in writing, with reasons and any proposed amendments. 35

- (6) If any matters of disagreement over the draft provisions are not resolved within 10 working days of the decision referred to in **subclause (5)**, the chairpersons of the Authority and Te Mātāpuna must meet to discuss and seek to resolve those matters within 15 working days after the Authority has advised its decision. 5
- (7) If a resolution is not reached following the meeting required by **subclause (3)(b)**, the Authority must make a decision on the final content of the upper Waihou and Piako plan section, being the draft provisions recommended by Te Mātāpuna, together with any amendments required by the Authority.
- 22 Decisions of Authority** 10
- Decisions must be made in relation to the draft provisions, having regard to—
- (a) the purpose of the draft provisions; and
- (b) the need for a holistic and integrated plan for the whole area covered by the draft plan; and
- (c) the purpose and functions of the Authority; and 15
- (d) the purpose and functions of Te Mātāpuna.
- 23 Disputes in relation to geographical area**
- (1) If a dispute arises in relation to the geographical area to be covered by the draft provisions (*see clause 20(1)(c)*), the Authority and Te Mātāpuna must seek to resolve it in a timely manner. 20
- (2) If the dispute is not resolved within 30 working days, the dispute must be referred to the Minister for the Environment who may appoint a facilitator to work with the Authority and Te Mātāpuna to resolve the dispute.
- (3) If the dispute is not resolved, the Minister for the Environment must, not later than 3 months after receiving notice of the dispute,— 25
- (a) request and consider submissions from the Authority, Te Mātāpuna, and any of the appointers (*see section 91(1)*); and
- (b) make a determination.
- (4) A determination made under **subclause (3)** is binding on the Authority and Te Mātāpuna. 30

Schedule 6

Commissioner register and appointment of hearing commissioners

ss 127, 128, 144, 145

- 1 Interpretation** 5
- In this schedule,—
- relevant application** means an application for a resource consent for an activity listed in **clause 3**
- relevant local authority** means—
- (a) the Minister responsible for appointing a board of inquiry under the Resource Management Act 1991; or 10
 - (b) a local authority that appoints a hearing panel for the purposes of Part 6 of the Resource Management Act 1991.
- 2 Maintenance of Commissioner Register**
- (1) The Authority must keep the Commissioner Register under review to ensure that it remains consistent with the requirements of **sections 126 and 127**. 15
 - (2) The register may be amended in the manner required for its development and maintenance.
- 3 Application of provisions relating to hearing commissioners**
- The applications for resource consents to which **clauses 4 to 6** apply (**relevant applications**) are those that— 20
- (a) are, or are likely to be, notified; and
 - (b) relate to any of the following:
 - (i) taking, using, damming, or diverting water in the waterways of the Waihou, Piako, and Coromandel catchments or the Upper Mangatangi and Mangatāwhiri catchments, as the case may be: 25
 - (ii) making a point source discharge into the waterways of the Waihou, Piako, and Coromandel catchments or the Upper Mangatangi and Mangatāwhiri catchments, as the case may be:
 - (iii) undertaking an activity listed in section 13 of the Resource Management Act 1991 in relation to the waterways of the Waihou, Piako, and Coromandel catchments or the Upper Mangatangi and Mangatāwhiri catchments, as the case may be: 30
 - (iv) undertaking any other activity to which the relevant local authority considers it is appropriate to apply those clauses.
- 4 Authority to be notified of relevant applications** 35
- When a relevant local authority receives a relevant application, the local authority must, as soon as practicable, inform the Authority—

- (a) whether the application is to be notified; and
- (b) that a hearing may be held.

5 Relevant considerations when appointing hearing commissioners

- (1) When a relevant local authority is appointing a hearing commissioner to a hearing panel for a relevant application, the relevant local authority— 5
 - (a) must have particular regard to the Commissioner Register; and
 - (b) may make appointments from the Commissioner Register.
- (2) In making appointments from the Commissioner Register, the relevant local authority must be guided by the need for the hearing panel to reflect an appropriate range of skills, knowledge, and experience, including— 10
 - (a) tikanga Māori; and
 - (b) knowledge of the waterways of the Waihou, Piako, and Coromandel catchments or the Upper Mangatangi and Mangatāwhiri catchments, as the case may be.
- (3) The Authority and a relevant local authority may agree in writing to— 15
 - (a) discontinue the arrangement for the appointment of hearing commissioners for a specified period:
 - (b) use an alternative arrangement for a specified period.
- (4) The relevant authority must make the final decision on the appointment of hearing commissioners— 20
 - (a) in accordance with the relevant appointment process set out in the Resource Management Act 1991; and
 - (b) in consultation with the Authority.

6 No conflict of interest

Persons on the Commissioner Register who are members of an iwi with interests in any 1 or more of the catchments, as the case may be, are not, because of that fact, disqualified from appointment as hearing commissioners. 25

Schedule 7
New Schedule 6 of Crown Minerals Act 1991 inserted

s 221

Schedule 6
Schedule 6 land

5

s 49A

The land described in **section 205(1) of the Pare Hauraki Collective Redress Act 2022.**

Schedule 8

Notices in relation to RFR land

ss 222, 247, 254, 264

1 Requirements for giving notice

- (1) A notice by or to an RFR landowner, the Pare Hauraki Whenua Limited Partnership, or a governance entity under **subpart 5 or 6 of Part 3** must be— 5
- (a) in writing and signed by—
- (i) the person giving it; or
- (ii) at least 2 persons authorised by the Pare Hauraki Whenua Limited Partnership or governance entity, as relevant, for a notice given by that Pare Hauraki Whenua Limited Partnership or a governance entity; and 10
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—
- (i) for a notice to the Pare Hauraki Whenua Limited Partnership or a governance entity, specified for the relevant body in accordance with the Pare Hauraki collective deed or a deed of settlement (as the case may be), or in a later notice given by the body to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the body; or 15
20
- (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 226 or 258**, or in a later notice given to the Pare Hauraki Whenua Limited Partnership or a governance entity, or identified by the relevant body as the current address, fax number, or electronic address of the RFR landowner; and 25
- (c) for a notice given under **section 243, 245, 262, or 263**, sent to the chief executive of LINZ at the Wellington office of LINZ; and
- (d) given by—
- (i) delivering it by hand to the recipient’s street address; or 30
- (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) In **clause 1(b)(i), deed of settlement** means a deed of settlement of any of the Iwi of Hauraki. 35

2 Time when notice received

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

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

5