

Pire Whakataunga Kerēme a Ngāti Hei

Pire Kāwanatanga

E ai ki tā te Komiti Whiriwhiri Take Māori i pūrongo ai

Ngā kōrero

Tūtohutanga

Kua oti i te Komiti Whiriwhiri Take Māori te Pire Whakataunga Kerēme a Ngāti Hei te āta tiroiro, ā, e tūtohu ana kia whakamanatia. Tēnei ko mātou katoa te tautoko nei i ngā menemana katoa.

Kupu whakataki

Ko Ngāti Hei tētahi iwi e hoki atu ai ōna takenga ki a Kupe me te waka Te Arawa. Ka hora tōna rohe pānga i te tai rāwhiti o Te Tara-o-te-ika mai i Onemana ki Whangapoua, kei Tairua me Ahuahua tōna pokapū, ā, ka tae atu ki ngā moutere o waho i te moana, tatū tonu rā ki Repanga. I roto i te tauranga 2018, he 650 tāngata te nui o te iwi.

Ka whakamana te pire nei i ngā ritenga e tika ana kia whakaturetia i roto i te whakaaetanga whakataunga i waitohua rā i te 17 o Akuhata 2017 e te Karauna me Ngāti Hei. Ka takoto hoki i roto i te pire ngā whakapuakanga me te whakapāha a te Karauna ki a Ngāti Hei.

I te tau 2017, i whakamanatia rā te Hei o Wharekaho Settlement Trust hei hinonga whakahaere i muri i te whakataunga (PSGE) mā Ngāti Hei.

Ko Ngāti Hei tētahi o ngā iwi me ngā hapū tekau mā rua e whai pānga ana ki te rohe o Hauraki. I te tau 2009, ka piri tahi ko te Pare Hauraki Collective, ko te whiriwhiri poretumu kotahi te take mō ngā pānga rite tahi ā rātou ki roto Hauraki. Ka oti i a Ngāti Hei te Whakataunga Poretumu a Pare Hauraki Collective te waitohu i te Akuhata 2018. Kei mua i te aroaro o te Whare taua pire i te wā nei.¹

Kei te Wāhanga 1 o te Pire Whakataunga Kerēme a Ngāti Hei e takoto ana ngā whakapuakanga a te Karauna, me te whakapāha hoki, mō āna wāwāhitanga o te Tiriti. Ko ētahi o aua wāwāhitanga ko ngā ture me ngā kaupapa here i tata whenua kore ai a

Ngāti Hei, i tūkinotia ai te taiao, i pāngia kinotia rawa hoki te oranga me te āheinga ki te tuku iho i ngā mātauranga Māori ki ā rātou mokopuna.

Kei te Wāhanga 2 ko ngā ritenga puretumu ā-tikanga, tae atu ki te whakahokinga o ētahi wāhi whakahirahira e 22 ki te iwi (e whā o ērā wāhi ka whakahokia tahitia ki ētahi atu iwi hoki). Ko ētahi o ngā puretumu ā-tikanga ko te whakahokinga o Te Puia (Hot Water Beach Domain), me tētahi tikanga paparua mō runga o Te Whanganui-a-Hei me te Whenua Rāhui o Repanga. Kei te Wāhanga 3 e takoto ana ngā ritenga puretumu ā-tauhoko.

Kāore te pire e pā ki ngā wāhanga o roto i te whakataunga e kore ai e tika kia whakaturetia. Ko ētahi ko ēnei:

- ko te puretumu ā-pūtea, ā-tauhoko hoki, e \$8.5 miriona
- ko te kī taurangi kia uru ki tētahi whakaaetanga whakahoanga me Te Papa Atawhai
- ko ētahi reta takawaenga, reta whakatakinga rānei ki ētahi tari kāwanatanga o te rohe, o te motu hoki
- ko te puretumu ka whakawhiwhia ki a Ngāti Hei i raro i te Pire Puretumu a te Pare Hauraki Collective.

Whakatātaretanga o te pire

Ko tētahi wāhanga o tā mātou whakaaroaro i te pire nei, i āta tirohia tōna hāngai ki ngā mātauranga o te whakaturetanga kouna. Kāore o mātou āwangawanga i te hanganga o te pire hei whakaara ki te aroaro o te Whare.

Kāore e marohitia he menemana nui

Kāore mātou e tūtohu kia whakarerekētia nuitia te pire, nā runga i ngā tāpaetanga kōrero me ngā kupu tohutohu i whiwhi ai mātou.

Kua oti i a mātou he menemana itiiti, menemana hangarau te tūtohu kia riterite ai ki ngā pire whakataunga a ētahi atu iwi o Hauraki, hei whakaatu hoki i ngā kitenga o ētahi ruritanga whenua, me ngā pānga whenua i whakahōungia.

¹ He mea whakatakoto te Pire Puretumu a te Pare Hauraki Collective ki te Whare i te 19 o Tihema 2022.

Tāpiritanga

Hātepe komiti

He mea tuku mai te Pire Whakataunga Kerēme a Ngāti Hei ki te Komiti Whiriwhiri Take Māori o te Pāremata 53 i te 20 o Hune 2023. Ka karanga te komiti kia tāpaetia he kōrero mō te pire, ko te rā katinga ko te 2 o Akuhata 2023. I whiwhi, i whakaar-oarohia hoki ngā tāpaetanga kōrero a ngā rōpū me ngā tāngata takitahi e 11. I rangona te tāpaetanga ā-waha a ētahi kaitāpae tokorua.

Ka whakahokia mai te pire nei ki tēnei komiti i te Pāremata 54 i te 6 o Tihema 2023.

Nā Te Arawhiti ngā kupu tohutohu mō te pire i homai. Nā Te Tari o te Manahautū ngā kupu tohutohu mō te kounga ā-ture o te pire i homai. Nā Te Tari Tohutohu Pāremata i āwhina ki te tuhi i te pire.

Ngā mema o te komiti

Dan Bidois (Heamana)

Hōnore Marama Davidson

Hōnore Kelvin Davis (tae atu ki te 6 o Pepuere 2024)

Greg Fleming

Shanan Halbert (mai i te 21 Pepuere 2024)

Dana Kirkpatrick

Hana-Rawhiti Maipi-Clarke

Rima Nakhle

Tino Hōnore Adrian Rurawhe

Ngā rauemi

Kei te paetukutuku Pāremata ngā tuhinga i whiwhi hei kupu tohutohu, hei taunaki-tanga hoki.

Ngāti Hei Claims Settlement Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined the Ngāti Hei Claims Settlement Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

Ngāti Hei are an iwi that trace their origins to Kupe and Te Arawa waka. Their area of interest runs along the eastern seaboard of the Coromandel Peninsula from Onemana to Whangapoua, centred around Tairua and Ahuahu, and includes offshore islands extending north to Cuvier Island. In the 2018 census, the iwi's population was about 650.

This bill would give effect to provisions requiring legislation in the deed of settlement signed on 17 August 2017 by the Crown and Ngāti Hei. The bill also records the Crown's acknowledgements and apology made to Ngāti Hei.

In 2017, Hei o Wharekaho Settlement Trust was ratified as the post-settlement governance entity (PSGE) for Ngāti Hei.

Ngāti Hei are one of 12 iwi and hapū with interests in the Hauraki region. In 2009, they formed the Pare Hauraki Collective for the purpose of negotiating collective redress for their shared interests in Hauraki. Ngāti Hei signed the Pare Hauraki Collective Redress Deed in August 2018. The associated legislation is currently before the House.²

Part 1 of the Ngāti Hei Claims Settlement Bill records the Crown's acknowledgements of, and apology for, its breaches of te Tiriti/the Treaty. The breaches include

² The Pare Hauraki Collective Redress Bill was introduced to the House on 19 December 2022.

laws and policies that left Ngāti Hei virtually landless, damaged the environment, and severely undermined their wellbeing and their ability to pass mātauranga Māori to their mokopuna.

Part 2 contains the cultural redress provisions, including the return of 22 properties of cultural significance to the iwi (in the case of four properties, jointly with other iwi). Cultural redress includes the vesting of Te Puia (Hot Water Beach Domain) and an overlay classification over Cathedral Cove and the Repanga (Cuvier) Island Nature Reserve. Part 3 contains the commercial redress provisions.

The bill does not deal with elements in the deed for which legislation is not needed. They include:

- financial and commercial redress of \$8.5 million
- a commitment to enter into a relationship agreement with the Department of Conservation
- letters of facilitation or introduction to certain local authorities and central government agencies
- the redress that Ngāti Hei will receive through the Pare Hauraki Collective Redress Bill.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

No significant amendments proposed

Based on the submissions and advice that we have received, we do not recommend making any significant changes to the bill.

We recommend some minor and technical amendments to ensure consistency with other Hauraki iwi settlement bills and to reflect the result of property surveys and updated property interests.

Appendix

Committee process

The Ngāti Hei Claims Settlement Bill was referred to the Māori Affairs Committee of the 53rd Parliament on 20 June 2023. The committee called for submissions on the bill with a closing date of 2 August 2023. It received and considered submissions from 11 interested groups and individuals. It heard oral evidence from two submitters.

The bill was reinstated with this committee in the 54th Parliament on 6 December 2023.

Advice on the bill was provided by Te Arawhiti | the Office for Māori Crown Relations. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Dan Bidois (Chairperson)

Hon Marama Davidson

Hon Kelvin Davis (until 6 February 2024)

Greg Fleming

Shanan Halbert (from 21 February 2024)

Dana Kirkpatrick

Hana-Rawhiti Maipi-Clarke

Rima Nakhle

Rt Hon Adrian Rurawhe

Related resources

The documents received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Paul Goldsmith

Ngāti Hei Claims Settlement Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Hei Claims Settlement Act **2022**.

2 Commencement

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

Part 1

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

Preliminary matters

10

3 Purpose

The purpose of this Act is—

- (a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Ngāti Hei in the deed of settlement; and

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

4 Provisions to take effect on settlement date

- (1) The provisions of this Act take effect on the settlement date unless stated otherwise. 5
- (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. 10

5 Act binds the Crown

This Act binds the Crown.

6 Outline

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement. 15
- (2) This Part—
 - (a) sets out the purpose of this Act; and
 - (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and 20
 - (c) specifies that the Act binds the Crown; and
 - (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Hei, as recorded in the deed of settlement; and
 - (e) defines terms used in this Act, including key terms such as Ngāti Hei and historical claims; and 25
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for—
 - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and 30
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the limit on the duration of a trust; and 35
 - (v) access to the deed of settlement.

- (3) **Part 2** provides for cultural redress, including—
- (a) cultural redress requiring vesting in the trustees of the fee simple estate in 20 cultural redress properties; and
 - (b) the vesting of Ohinau Island in the trustees; and
 - (c) the vesting of Ruamāhua in the descendants; and 5
 - (d) the vesting of 2 properties in the trustees (in the case of 1 property, jointly with other specified iwi) and the subsequent vesting back of the properties in the Crown; and
 - (e) cultural redress that does not involve the vesting of land, namely,—
 - (i) an overlay classification applying to certain areas of land; and 10
 - (ii) a statutory acknowledgement by the Crown of the statements made by Ngāti Hei of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement; and
 - (iii) protocols for primary industries and taonga tūturu on the terms set out in the documents schedule; and 15
 - (iv) the provision of official geographic names.
- (4) **Part 2** also includes, in **subpart 4**, provisions providing for the exchange of certain land on Ahuahu / Great Mercury Island.
- (5) **Part 3** provides for commercial redress, including,— 20
- (a) in **subpart 1**, the transfer of land; and
 - (b) in **subpart 2**, the vesting of certain Crown owned minerals and related matters.
- (6) **Part 4** sets out amendments to other legislation required as a consequence of certain settlement arrangements provided for in this Act. 25
- (7) There are 3 schedules, as follows:
- (a) **Schedule 1** describes the cultural redress properties, Ohinau Island, and Ruamāhua:
 - (b) **Schedule 2** describes the overlay areas to which the overlay classification applies: 30
 - (c) **Schedule 3** describes the statutory areas to which the statutory acknowledgement relates.

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

- 7 **Summary of historical account, acknowledgements, and apology**
- (1) **Section 8** summarises in English and te reo Māori the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology. 35

- (2) **Sections 9 and 10** record in English and te reo Māori the text of the acknowledgements and apology given by the Crown to Ngāti Hei in the deed of settlement.
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement. 5
- 8 Summary of historical account**
- (1) In 1836 and 1837, a timber trader made agreements with Ngāti Hei rangatira over lands on either side of the Ounuora River. In 1839, another trader negotiated a land transaction for an area around Tairua. Both claims were investigated by the Land Claims Commissions. There were anomalies in the evidence presented to the Commissions. The boundaries of the transactions and the goods given in payment to Māori were sometimes unclear. After accepting the commissioners' recommendations, the Crown awarded almost 7,000 acres of land in which Ngāti Hei had interests to European claimants. As a result, Ngāti Hei lost much of their coastal whenua. 10 15
- (2) Between 1858 and 1865, the Crown purchased Ahuahu from other Hauraki iwi. There is no evidence that Ngāti Hei were consulted about this purchase or that they received payment for their customary interests in the island.
- (3) Between 1859 and 1865, the Crown bought over 20,000 acres of land in the Ngāti Hei rohe. The Crown did not provide reserves for Ngāti Hei; nor did it require any assessment as to whether Ngāti Hei retained adequate land for their needs. 20
- (4) Between 1870 and 1890, 15 large blocks of 1,000 acres or more, totalling over 93,000 acres, were permanently alienated from Ngāti Hei. The Crown purchased 12 of those blocks, over 81,000 acres in total. 25
- (5) In 1885, the Ngāti Hei owners of Kuaotunu 3 entered into a lease arrangement with a timber felling company. The owners considered that the lease gave the company only the right to harvest timber. The owners claimed that the company had deliberately misled them over the contents of the lease, which included rights to land. The timber company took its case to the Validation Court in 1895. Ngāti Hei incurred considerable costs attending the court hearing in Auckland. The court rejected the timber company's case. At the same time, the Crown was in the process of purchasing interests in Kuaotunu 3. The Crown refused to give Ngāti Hei a reserve at Te Whauwhau, partly on the basis that there had been no reserve granted in the lease, despite the lease having no legal standing. 30 35
- (6) There has been a history of extractive industry in the Ngāti Hei rohe, including kauri logging, kauri gum digging, flax milling, gold mining, and fishing. Ngāti Hei have derived little long-term benefit from these industries, and the damage done to the environment in their rohe is a source of grievance for them. 40

- (7) In 1923, Ngawhira Tanui of Ngāti Hei wrote to the Crown to ask for a survey of Ohinau Island for the purpose of taking her claims for ownership to the Native Land Court. The Crown reacted by delaying the Native Land Court hearings while it surveyed the island and took it under the Public Works Act 1908. Although the Crown needed only a small part of the land for a lighthouse, it acquired the whole 72-acre island. 5
- (8) By the end of the twentieth century, Ngāti Hei were virtually landless. The resulting marginalisation of Ngāti Hei, including loss of te reo Māori, educational underachievement, sickness, and socio-economic deprivation, caused the iwi much suffering. The Crown's discouragement of te reo Māori, along with the fragmentation of Ngāti Hei tribal structures and the migration from ancestral lands, severely impacted Ngāti Hei's ability to pass mātauranga Māori on to their mokopuna. 10
- Whakarāpopotanga o te Takenga mai ki ngā Kerēme o Ngāti Hei*
- (1) I te tau 1836 me te tau 1837, ka whakatau whakaaetanga tētahi kaitauhokohoko rākau me ngā rangatira o Ngāti Hei mō ngā whenua i ngā tahataha e rua o te Awa o Ounuroa. I te tau 1839, ka hoko whenua tētahi atu kaitauhokohoko ki te rohe o Tairua. Ka hōparatia e te Kōmihana Kerēme Whenua ēnei kerēme. I puta ētahi raruraru i te taunakitanga i whakatakotoria ai ki mua i te kōmihana ā, i tua atu, kāore i māranga ngā rohe o aua hokonga, tae atu ki ngā rawa i utungia ki te Māori. Nō muri mai i te whakaaetanga a te Karauna ki ngā tūtohutanga a ngā kaikōmihana, ka tukuna atu e te Karauna ngā whenua o Ngāti Hei, tata ki te 7,000 eka te rahi, ki ngā kaikerēme Pākehā. Ko te otinga atu, ka ngaro haere te nuinga o ngā whenua o Ngāti Hei i te takutai moana. 15
- (2) Mai i te tau 1858 ki te tau 1865, ka hokona e te Karauna a Ahuahu mai i ētahi atu iwi o Hauraki. Kīhai rawa he taunakitangi e whakaatu ana, i whai wāhi a Ngāti Hei ki tēnei hokonga, i whiwhi pūtea rānei mō ō rātou pānga whenua tuku iho ki te motu. 25
- (3) Mai i te tau 1859 ki te tau 1865, hokona ai e te Karauna ētahi whenua, neke atu i te 20,000 eka, i te rohe o Ngāti Hei. Kāore i tohaina e te Karauna he whenua rāhui mō Ngāti Hei, kāore hoki i whakahaere arotakenga mēnā i pupuritia ai e Ngāti Hei he whenua rawaka hei oranga tonutanga mō rātou. 30
- (4) Mai i te tau 1870 ki te tau 1890, ka ngaro pūmau ai ētahi poraka whenua nunui tekau mā rima, nui ake i te 1,000 eka te rahi. I hoko te Karauna ngā poraka 12, huia katoatia nui ake i te 81,000 eka te rahi. 35
- (5) I te tau 1885, ka uru ngā tāngata o Ngāti Hei, nō rātou a Kuaotunu, ki roto i tētahi whakaritenga ā-rīhi me tētahi kamupene poro rākau. Hi tā te hunga nō rātou te whenua, i tuku te rīhi i te mana poro rākau anake. Heoi anō, hei tā rātou anō hoki i āta mahi tinihanga te kamupene ki a rātou mō ngā whakaritenga o te rīhi, tae atu ki ngā mana whakahaere i te whenua. Ka haria e te kamupene tōna kēhi ki te Kooti Whakamana i te tau 1895. He nui tonu ngā utunga ki a Ngāti Hei kia haere atu ki te whakawātanga a te Kooti i Ākarana, ki 40

- reira i whakakāhoretia ai e te Kooti te kerēme a te kamupene poro rākau. I taua wā anō, i te hoko pānga whenua te Karauna i a Kuaotunu 3. Kāore te Karauna i whakaae kia tohaina he whenua rāhui mō Ngāti Hei i Te Whauwhau, ko tētahi take kāore i tukua e te rīhi he whenua rāhui ahakoa te mana kore o taua rīhi.
- (6) He roa tonu te noho a te umanga tangotango rawa i te rohe o Ngāti Hei, mai i te poro rākau, te kerikeri kāpia, te mīra harakeke, te kerī koura me te mahi hī ika anō hoki. Pakupaku noa iho ngā painga wā roa i riro i a Ngāti Hei mai i ēnei umanga ā, pāngia tonutia ana rātou ki te mamae mō te tūkinotanga ki te taiao i tō rātou rohe. 5
- (7) I te tau 1923, ka tuhi reta atu a Ngawhira Tanui o Ngāti Hei ki te Karauna ki te inoi rūritanga ki te Motu o Ahuahu, kia āhei ai ia te whakatakoto kerēme ā-taitara ki te Kooti Whenua Māori. Ko te whakautu a te Karauna, he whakaroaroa i ngā whakawākanga a te Kooti Whenua Māori i a ia e rūri ana i te motu ā, ka tangohia te motu i raro i te Ture Hanganga Tūmatanui 1908. Ahakoa te wāhi paku e hiahiatia ana hei hanga i te whare rama, ka tangohia te katoa o te motu, e 72 eka te rahi. 10 15
- (8) Tae rawa mai ki te paunga o te rautau rua tekau, i tata whenua kore a Ngāti Hei. Nā te whakaiti i a Ngāti Hei, mai i te ngaro haere o te reo Māori, te kore e eke panuku i ngā taumata o te mātauranga, te māuiuitanga, tae atu ki te whakaeo ā-ahurea, ā-ōhanga hoki, i nui ai te mamae o te iwi. Nā te whakahētanga o te Karauna i te reo Māori, tae atu ki te tīhaeaetanga o ngā āhuetanga ā-iwi o Ngāti Hei me te wehewehe atu o te tokomaha i ngā whenua tuku iho, i nui ai te pā o te kino ki te kaha o Ngāti Hei ki te tuku iho i te Mātauranga Māori ki ā rātou mokopuna. 20
- 9 Acknowledgements** 25
- (1) The Crown acknowledges that Ngāti Hei have well-founded and strongly felt grievances and that until now it has failed to address those in an appropriate manner. The Crown’s provision of redress to Ngāti Hei for those historical grievances is long overdue.
- (2) The Crown acknowledges the contribution that Ngāti Hei have made to New Zealand’s war efforts overseas. 30
- (3) The Crown acknowledges that Ngāti Hei have a long-held grievance about the manner in which the Crown acquired land from the Purangi, Whenuakite, and Hahei blocks through pre-1865 purchases, including the Crown’s failure to provide— 35
- (a) reserves for Ngāti Hei, and failing to ensure that Ngāti Hei were able to reserve sites of particular significance and places of residence within the Crown purchase blocks; and
- (b) leasing as an alternative to purchase when it acquired those blocks; and
- (c) surveys that defined the exact boundaries of the Purangi, Whenuakite, and Hahei blocks at the time of the purchase. 40

- (4) The Crown acknowledges that it failed to investigate and recognise the customary interests of Ngāti Hei in Ahuahu (Great Mercury Island) when it purchased the island from other Hauraki iwi, and that this failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (5) The Crown acknowledges that— 5
- (a) it introduced the native land laws without consulting Ngāti Hei and the individualisation of title imposed on Ngāti Hei lands was inconsistent with Ngāti Hei tikanga; and
- (b) Ngāti Hei whānau and hapū had no choice but to participate in the Native Land Court system to protect their interests in their lands and to integrate land into the modern economy; and 10
- (c) the operation and impact of the native land laws, in particular the awarding of land to individual Ngāti Hei rather than to their iwi or hapū, made those lands more susceptible to partition and alienation; and
- (d) those actions contributed to the erosion of the traditional tribal structures of Ngāti Hei, which were based on collective tribal and hapū custodianship of land, and the Crown failed to take adequate steps to protect those structures and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 15
- (6) The Crown further acknowledges that the Native Land Court title determination process carried significant costs, including survey and hearing costs, which at times led to further alienations of Ngāti Hei land. 20
- (7) The Crown acknowledges that the degradation of the environment arising from gold mining, gum digging, flax milling, commercial fishing, deforestation and associated burn-off, siltation, introduced weeds and pests, farm run-off, and other pollution has been a source of distress and grievance to Ngāti Hei. The Crown further acknowledges that this greatly harmed traditional sources of kai, and that Ngāti Hei actively protested environmental damage in their rohe. 25
- (8) The Crown acknowledges that the costs associated with travelling to Auckland to attend a Validation Court hearing regarding a disputed timber lease caused Ngāti Hei hardship, and that this contributed to pressure to alienate the Kuaotunu 3 block. The Crown further acknowledges that it failed to grant Ngāti Hei a reserve when it alienated the Kuaotunu 3 block because no reserve had been granted in the terms of the timber lease, despite the lease being ruled invalid in the Validation Court. 30
- (9) The Crown acknowledges that Ngāti Hei were rendered virtually landless due to the cumulative effect of the Crown's actions and omissions. The Crown acknowledges that its failure to ensure that Ngāti Hei retained sufficient lands for their present and future needs was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35 40

- (10) The Crown acknowledges that the loss of land and resources had a negative impact on the ability of Ngāti Hei to participate in new economic opportunities and challenges emerging within their rohe in the twentieth century.
- (11) The Crown acknowledges that—
- (a) it compulsorily acquired Ohinau Island in 1924 under public works legislation, and that it failed to identify the owners and pay them compensation despite a legal requirement to do so, and despite knowing of Ngāti Hei interests in the island; and 5
 - (b) it took the whole 72-acre island when only 800 square metres were needed for the lighthouse; and 10
 - (c) it failed adequately to consult Ngāti Hei over the extent of the acquisition, and as a result Ngāti Hei were not aware until after the proclamation that the whole island had been taken; and
 - (d) those actions prejudiced Ngāti Hei, did not meet the standards of good faith and fair dealing that found expression in te Tiriti o Waitangi/the Treaty of Waitangi, and constitute a breach of the Treaty of Waitangi and its principles. 15
- (12) The Crown acknowledges the harm endured by many Ngāti Hei tamariki from decades of Crown policies that strongly discouraged the use of te reo Māori in schools. The Crown also acknowledges the detrimental effects this had on Māori language proficiency and fluency and the impact on the inter-generational transmission of te reo Māori and knowledge of mātauranga Māori practices. 20
- Whakaaetanga o te Karauna ki a Ngāti Hei*
- (1) E whakaae ana te Karauna ki ngā nawe, kīhai rawa i whakatikaina i runga i te tika me te pono, ā tae noa mai ki nāianei. Tōmuri rawa te tuku rongoā a te Karauna ki a Ngāti Hei mō ēnei mamaetanga o ngā tau roa kua hipa. 25
- (2) E whakaae ana te Karauna ki te takoha o ērā uri o Ngāti Hei i whawhai mō Aotearoa i ngā pakanga ki tāwāhi.
- (3) E whakaae ana te Karauna, mō ngā tau roa i mamae ai a Ngāti Hei i te mahi kimi whenua a te Karauna mai i ngā poraka o Purangi, o Whenuakite me Hahei nā ngā hokonga i mua i te tau 1865, tae atu ki te hapanga o te Karauna ki te whakarato— 30
- (a) he whenua rāhui mō Ngāti Hei, me te hapanga ki te whakaū i te mana o Ngāti Hei ki te whakarāhui wāhi whai tikanga me ngā wāhi whakatū whare mō Ngāti Hei ki roto i ngā poraka whenua i hokona ai e te Karauna; ā 35
 - (b) he rīhi hei huarahi kē atu i te hokonga nōna ka whiwhi i ēnei poraka whenua; ā
 - (c) he rūritanga hoki e tautohu ana i ngā rohe tōtika o ngā poraka whenua o Purangi, o Whenuakite me Hahei i te wā o te hokonga atu. 40

- (4) E whakaae ana te Karauna ki tana hapanga ki te hōpara, ki te whakamana hoki i ngā pānga tuku iho o Ngāti Hei ki Ahuahu i te wā i hokona mai ai taua motu i ētahi atu iwi o Hauraki, ā he takahitanga tēnei i te Tiriti o Waitangi me ōna mātāpono.
- (5) E whakaae ana te Karauna— 5
- (a) nāna i whakatau ngā ture whenua Māori me te kore e āta whiriwhiri kōrero me Ngāti Hei, ā he tikanga kē ki a Ngāti Hei te whakatakatahi taitara i whakaritea ki runga i ngā whenua o Ngāti Hei; ā
- (b) kāore he huarahi kē atu i te uru ki te pūnaha o te Kooti Whenua Māori hei whakamarumarū i ō rātou pānga ki ēnei whenua, ā ki te whakakotahi anō hoki i te whenua ki roto i te ōhanga hou; ā 10
- (c) nā te whakahaere me te pānga o ngā ture whenua Māori, mātua tonu, ko te whakaae whenua atu ki ngā tāngata takitahi o Ngāti Hei, kua ki ō rātou iwi, ki ō rātou hapū rānei, i ngāwari ake ai te whakawehewehe me te whakangarongaro whenua; ā 15
- (d) ka tāpiritia ēnei mahi hē ki te turakitanga o ngā whakahaeretanga tuku iho ā-iwi o Ngāti Hei. He āhuetanga i pūtaka mai i te kaitiakitanga ā-iwi, ā-hapū i te whenua; i tua atu, ka hapa te Karauna ki te āta whakamarumarū i ēnei āhuetanga, ā he takahitanga tērā i te Tiriti o Waitangi me ōna mātāpono. 20
- (6) E whakaae ana anō hoki te Karauna, nā te hātepe whakatau taitara a te Kooti Whenua Māori i pā mai ngā utunga nui, tae atu ki ngā utu ā-rūri, ā-whakawā hoki ā, ko te otinga ake i ētahi wā, ko te ngaronga whenua anō o Ngāti Hei.
- (7) E whakaae ana te Karauna, nā ngā mahi tūkinō i te taiao mai i ngā kaupapa kerī koura, kerī kāpia, te mīra harakeke, te kaupapa hī ika ā-arumoni, te patupatu ngahere me ngā tahunga ahi, te parakiwai, te mau mai i ngā tarutau me ngā ngāngara, ngā ruketanga para pāmu me ētahi atu momo para, ka pā te kaha āwangawanga, mamae anō hoki ki a Ngāti Hei. E whakaae ana anō te Karauna, ka tino tāmatematea ngā wāhi whakatupu kai o mua ā, he kaha te whakahē o Ngāt Hei ki ēnei tūkinotanga ā-taiao i tō rātou rohe. 25 30
- (8) E whakaae ana te Karauna, nā ngā utunga ki te haere ki Ākarana ki tētahi whakawātanga a te Kooti Whakamana e pā ana ki te tautohenga mō tētahi rīhi poro rākau, i whakapāwera a Ngāti Hei ā, i kaha ake ai te hiahia ki te hoko atu i te poraka o Kuaotunu 3. I tua atu, e whakaae ana anō te Karauna ki tōna hē arā te kore e whakaae whenua rāhui ki a Ngāti Hei i te wā i tangohia ai a Kuaotunu 3, nā te mea kaore i whakaaetia he whenua rāhui i ngā whakaritenga o te rīhi poro rākau, ahakoa anō te whakatau manakore o taua rīhi poro rākau i te Kooti Whakamana. 35
- (9) E whakaae ana te Karauna, nā te pānga o ngā mahi me ngā hapanga katoa a te Karauna, i whenua kore ai a Ngāti Hei. E whakaae ana te Karauna, nā āna hapanga ki te whakaū whenua e tika ana ki a Ngāti Hei e ea ai ō rātou hiahia mō nāianei, mō āpōpō hoki, ka takahia te Tiriti o Waitangi me ōna mātāpono. 40

- (10) E whakaae ana te Karauna, i pā kino te whakangaro whenua, rawa anō hoki ki te āheinga o Ngāti Hei ki te uru atu ki ngā huarahi ohanga hou me ngā wero e tupu ake ana i tō rātou rohe i te rautau rua tekau.
- (11) E whakaae ana te Karauna—
- (a) nāna i tango te Motu o Ohinau i te tau 1924 i raro i ngā hanganga ture ā-mahinga tūmatanui ā, kāore i tautohua ngā tāngata nō rātou te whenua kia utungia ai he kamupeneheihana, ahakoa te whakaritenga o te ture me te mōhio tonu ki ngā pānga o Ngāti Hei ki te motu; ā 5
- (b) i tangohia te katoa o te motu, e 72 eka te rahi, ahakoa te 800 mita ā-porowhā anake e hiahiatia ana kia tū ai te whare rama; ā 10
- (c) i hapa ki te āta whakawhitiwhiti kōrero me Ngāti Hei mō te whānuitanga o tēnei hokonga ā, ko te tukunga iho, kāore a Ngāti Hei i mōhio ka tūmatanui rā anō ai te tangohanga katoa o te motu; ā
- (d) nā ēnei mahi i whakaiti ai a Ngāti Hei, a, kāore i tutuki ngā taumata o te pono me te tika i whakahuatia ake i roto i te Tiriti o Waitangi ā, ka takahia anōtia te Tiriti o Waitangi me ōna mātāpono. 15
- (12) E whakaae ana te Karauna ki ngā mamae i pā ki ngā tamariki a Ngāti Hei mō te kōrero Māori mai i ngā tekau tau e whakahau ana ngā kaupapa here a te Karauna kia kaua e whakamahia te reo Māori i ngā kura. E whakaae ana hoki te Karauna mō ngā pānga kikino ki te matataunga me te kōrerotia o te reo Māori, tae atu ki te pānga ki te tuku iho i te reo Māori me te mōhio ki ngā ritenga Mātauranga Māori a tētahi whakatipuranga ki tētahi whakatipuranga. 20

10 Apology

Crown apology

The text of the apology offered by the Crown to Ngāti Hei, to your tūpuna and to your mokopuna, as set out in the deed of settlement, is as follows: 25

- “(a) The Crown prejudiced Ngāti Hei by promoting laws and policies that led to the loss of your whenua, and damage to the environment that sustains you. The relationship between the Crown and Ngāti Hei might have been one of mutual advantage. Instead, the Crown’s acts and omissions have severely undermined Ngāti Hei’s well-being and ability to pass on mātauranga Māori to your mokopuna. 30
- (b) For its actions that harmed Ngāti Hei, and for its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, the Crown unreservedly apologises. 35
- (c) Through this settlement, the Crown acknowledges the mana and rangatiratanga of Ngāti Hei and hopes to restore its own honour, which has been tarnished by its history of failures in relation to its Treaty partner. Let us begin again, and together build an enduring relationship based on mutual trust, respect, and good faith, guided by te Tiriti o Waitangi/the Treaty of Waitangi and the spirit in which it was entered into.” 40

Whakapāhatanga a te Karauna

Ka tāpae atu te Karaunai i tēnei whakapāhatanga ki a Ngāti Hei, ki ō koutou tūpuna, ki ā koutou mokopuna anō hoki:

- “(a) I whakatoihara te Karauna i a Ngāti Hei nā te whakatairanga ture, kaupapa here anō hoki i whakangaro atu ai i ō koutou whenua tae atu ki te tūkinotanga ā-taiao. Me he wā kē atu, kua whiwhi painga ngātahi mai te Karauna me Ngāti Hei. Engari, nā ngā mahi me ngā hapanga a te Karauna i kaha ai te memehatanga o te oranga o Ngāti Hei, tae atu ki te āheinga ki te tuku iho i te Mātauranga Māori atu ki ā rātou mokopuna. 5
- (b) Mō āna mahi i kaha mamae ai a Ngāti Hei me āna takahitanga o te Tiriti o Waitangi me ōna mātāpono, ka tuku whakapāhatanga herekore te Karauna. 10
- (c) Mā tēnei whakataunga ka whakaae te Karauna ki te mana me te rangatiratanga o Ngāti Hei, tae atu ki tōna hiahia ki te whakahou i te hōnore kua waikuratia e ōna hapanga mai rā anō ki tōna hoa Tiriti. Me tīmata anō tātou ki te whakawhanaunga pūmau mā te whakapono ngātahi, te whakamiha me te ngākau pono. He āhuatanga e aratakina ai e te Tiriti o Waitangi me tōna wairua atawhai.” 15

Interpretation provisions

- 11 Interpretation of Act generally** 20
- It is the intention of Parliament that the provisions of this Act are interpreted in a manner that best furthers the agreements expressed in the deed of settlement.
- 12 Interpretation**
- (1) In this Act, unless the context otherwise requires,—
- administering body** has the meaning given in section 2(1) of the Reserves Act 1977 25
- aquatic life** has the meaning given in section 2(1) of the Conservation Act 1987
- attachments** means the attachments to the deed of settlement
- commercial redress property** has the meaning given in **section 137** 30
- Commissioner of Crown Lands** means the Commissioner of Crown Lands appointed in accordance with section 24AA of the Land Act 1948
- 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 management plan** has the meaning given in section 2(1) of the Conservation Act 1987

conservation management strategy has the meaning given in section 2(1) of the Conservation Act 1987	
Crown has the meaning given in section 2(1) of the Public Finance Act 1989	
cultural redress property has the meaning given in section 22	
deed of settlement —	5
(a) means the deed of settlement dated 17 August 2017 and signed by—	
(i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Steven Leonard Joyce, Minister of Finance, for and on behalf of the Crown; and	
(ii) Joseph John Francis Davis and Peter Matai Johnston, for and on behalf of Ngāti Hei; and	10
(iii) Joseph John Francis Davis, Garry William James Neal, Kevin Wayne Neal, Derek Pohatu Isaac Neal, Shelley Roimata Balsom, Peter Matai Johnston, and Robert Grant McLean, being the trustees of the Hei o Wharekaho Settlement Trust; and	15
(b) includes—	
(i) the schedules of, and attachments to, the deed; and	
(ii) any amendments to the deed or its schedules and attachments	
deferred selection property has the meaning given in section 137	
descendants has the meaning given in section 74	20
Director-General means the Director-General of Conservation	
documents schedule means the documents schedule of the deed of settlement	
effective date means the date that is 6 months after the settlement date	
Hei o Wharekaho Settlement Trust means the trust of that name established by a trust deed dated 17 August 2017	25
historical claims has the meaning given in section 14	
interest means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property	
jointly vested property has the meaning given in section 22	
LINZ means Land Information New Zealand	30
local authority has the meaning given in section 5(1) of the Local Government Act 2002	
member of Ngāti Hei means an individual referred to in section 13(1)(a)	
national park management plan has the meaning given to management plan in section 2 of the National Parks Act 1980	35
Ngaati Whanaunga Ruunanga Trust means the trust of that name established by a trust deed dated 16 May 2019	

Ngāti Maru Rūnanga Trust means the trust of that name established by a trust deed dated 15 October 2013	
Ngāti Tamaterā Treaty Settlement Trust means the trust of that name established by a trust deed dated 22 October 2013	
Ohinau Island has the meaning given in section 73(4)	5
overlay classification has the meaning given in section 99	
property redress schedule means the property redress schedule of the deed of settlement	
record of title has the meaning given in section 5(1) of the Land Transfer Act 2017	10
Registrar-General has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017	
representative entity means—	
(a) the trustees; and	
(b) any person, including any trustee, acting for or on behalf of—	15
(i) the collective group referred to in section 13(1)(a) ; or	
(ii) 1 or more members of Ngāti Hei; or	
(iii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(c)	
reserve has the meaning given in section 2(1) of the Reserves Act 1977	20
reserve property has the meaning given in section 22	
resource consent has the meaning given in section 2(1) of the Resource Management Act 1991	
Ruamāhua has the meaning given in section 74	
settlement date means the date that is 60 working days after the date on which this Act comes into force	25
statutory acknowledgement has the meaning given in section 114	
tikanga means customary values and practices	
trustees of the Hei o Wharekaho Settlement Trust and trustees mean the trustees, acting in their capacity as trustees, of the Hei o Wharekaho Settlement Trust	30
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:	35
(b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:	

- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:
- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington.
- (2) In this Act,— 5
- (a) a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property; and
- (b) a reference to the transfer of the commercial redress property or a deferred selection property, or the transfer of the fee simple estate in such property, includes the transfer of an undivided share of the fee simple estate in the property. 10
- 13 Meaning of Ngāti Hei**
- (1) In this Act, **Ngāti Hei**— 15
- (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Hei; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.
- (2) In this section and **section 14**,— 20
- ancestor of Ngāti Hei** means an individual who—
- (a) exercised customary rights by virtue of being descended from—
- (i) Hei; or
- (ii) Waitaha O Hei; or
- (iii) Tuhukea; or 25
- (iv) any other recognised ancestor of a group referred to in part 11 of the deed of settlement; and
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840
- area of interest** means the area shown as the Ngāti Hei area of interest in part 1 of the attachments 30
- customary rights** means rights exercised according to tikanga Māori, including—
- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources 35
- descended** means that a person is descended from another person by—
- (a) birth; or

- (b) legal adoption; or
 - (c) Māori customary adoption in accordance with Ngāti Hei tikanga
- general matters schedule** means the general matters schedule of the deed of settlement.

- 14 Meaning of historical claims** 5
- (1) In this Act, **historical claims**—
- (a) means the claims described in **subsection (2)**; and
 - (b) includes the claims described in **subsections (3) and (4)**; but
 - (c) does not include the claims described in **subsection (5)**.
- (2) The historical claims are every claim that Ngāti Hei or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 10
- (a) is founded on a right arising—
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or 15
 - (iii) at common law (including aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or
 - (v) otherwise; and
 - (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by or on behalf of the Crown; or 20
 - (ii) by or under legislation.
- (3) The historical claims include—
- (a) every claim to the Waitangi Tribunal that relates exclusively to Ngāti Hei or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claims: 25
 - (i) Wai 110 (The Ngāti Hei claims):
 - (ii) Wai 705 (Whitianga Township and Te Whanganui-o-Hei Harbour claim); and
 - (b) every other claim to the Waitangi Tribunal, including the claims listed in **subsection (4)**, if and to the extent that— 30
 - (i) the claim relates to Ngāti Hei or a representative entity; and
 - (ii) **subsection (2)** applies to the claim.
- (4) The claims referred to in **subsection (3)(b)** include—
- (a) Wai 100 (Hauraki Māori Trust Board claim); and
 - (b) Wai 355 (Hikutaia and Whangamata Land claim); and 35
 - (c) Wai 373 (Maramarua State Forest claim); and

- (d) Wai 374 (Auckland Central Railways Land claim); and
- (e) Wai 475 (Whangapoua Forest claim); and
- (f) Wai 496 (Tamaki Girls College and Other Lands within Tāmaki Makaurau claim); and
- (g) Wai 650 (Athenree Forest and Surrounding Lands claim); and 5
- (h) Wai 693 (Matamataharakeke Blocks claim); and
- (i) Wai 720 (Mahurangi-Omaha (Hauraki Gulf) claim); and
- (j) Wai 969 (Reece Harrison Whānau Hauraki Lands claim).
- (5) However, the historical claims do not include—
- (a) a claim that a member of Ngāti Hei, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāti Hei; or 10
- (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**. 15
- (6) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.
- Historical claims settled and jurisdiction of courts, etc, removed*
- 15 Settlement of historical claims final** 20
- (1) The historical claims are settled.
- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) **Subsections (1) and (2)** do not limit— 25
- (a) the deed of settlement; or
- (b) the collective deed.
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of— 30
- (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 35
- (e) each of the following, to the extent that it relates to Ngāti Hei:
- (i) the collective deed:

- (ii) the **Pare Hauraki Collective Redress Act 2022**;
 - (iii) the redress provided under the collective deed or 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— 5
- (a) the deed of settlement; or
 - (b) the collective deed; or
 - (c) this Act; or
 - (d) the **Pare Hauraki Collective Redress Act 2022**.
- (6) In this section, **collective deed** means the Pare Hauraki collective deed as defined in **section 9** of the **Pare Hauraki Collective Redress Act 2022**. 10

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order: 15
- Ngāti Hei Claims Settlement Act **2022, section 15(4) and (5)**

Resumptive memorials no longer to apply

17 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply— 20
- (a) to a cultural redress property; or
 - (b) to the commercial redress property; or
 - (c) to a deferred selection property on and from the date of its transfer to the trustees; or
 - (d) for the benefit of Ngāti Hei or a representative entity.
- (2) The enactments are— 25
- (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: 30
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

18 Resumptive memorials to be cancelled

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the record of title for, each allotment that— 35

- (a) is all or part of—
 - (i) a cultural redress property:
 - (ii) the commercial redress property:
 - (iii) a deferred selection property; and
- (b) is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)**. 5
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—
 - (a) the settlement date, for a cultural redress property or the commercial redress property; or 10
 - (b) the date of transfer of the property to the trustees, for a deferred selection property.
- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must— 15
 - (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 17(2)** on a record of title identified in the certificate, but only in respect of each allotment described in the certificate. 20

Miscellaneous matters

19 Limit on duration of trusts does not apply

- (1) A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—
 - (a) do not prescribe or restrict the period during which— 25
 - (i) the Hei o Wharekaho Settlement Trust may exist in law; or
 - (ii) the trustees may hold or deal with property or income derived from property; and
 - (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective. 30
- (2) However, if the Hei o Wharekaho Settlement Trust is or becomes a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019. 35

20 Access to deed of settlement

The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the deed of settlement available—

- (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; 5
and
- (b) free of charge on an Internet site maintained by or on behalf of that Office.

21 Provisions that have same effect

If a provision in this Act has the same effect as a provision in another Act, the provisions must be given effect to only once, as if they were 1 provision. 10

Part 2 Cultural redress

Subpart 1—Vesting of cultural redress properties

22 Interpretation

15

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in **Parts 1 and 2 of Schedule 1**:

- Properties vested in fee simple* 20
 - (a) Kohuamuri:
 - (b) Purangi:
 - (c) Rangihau:
 - (d) Tapu Point property:
- Properties vested in fee simple to be administered as reserves* 25
 - (e) Hereheretaura Pā:
 - (f) Kaitoke / Pukekaroro:
 - (g) Matarangi Pā:
 - (h) Opuā:
 - (i) Paparoa site A: 30
 - (j) Paparoa site B:
 - (k) Puke Pakira:
 - (l) Pukeumu:
 - (m) Te Pare Pā:

- (n) Te Puia:
- (o) Te Rerepiki:
- (p) Whitianga Pā:
Properties jointly vested in fee simple to be administered as reserves
- (q) Ahuahu / Great Mercury Island property: 5
- (r) Opera Point property:
- (s) Pauanui Tihi:
Property vested in fee simple subject to conservation covenant
- (t) Opou
- Hako settlement legislation** means legislation that— 10
- (a) settles the historical claims of Hako; and
- (b) provides for the vesting of an undivided sixth share of the fee simple estate in the Ahuahu / Great Mercury Island property in the trustees of the Hako Tūpuna Trust
- Hako Tūpuna Trust** means the trust of that name established by a trust deed dated 26 August 2014 15
- Hauraki Gulf Marine Park** means the park established under section 33 of the Hauraki Gulf Marine Park Act 2000
- jointly vested property** means each of the properties named in **paragraphs (q) to (s)** of the definition of cultural redress property 20
- Ngāti Porou ki Hauraki settlement legislation** means legislation that—
- (a) settles the historical claims of Ngāti Porou ki Hauraki; and
- (b) provides for the vesting of an undivided sixth share of the fee simple estate in the Ahuahu / Great Mercury Island property in the entity that represents the members of Ngāti Porou ki Hauraki (the **Ngāti Porou ki Hauraki entity**) 25
- reserve property** means each of the properties named in **paragraphs (e) to (s)** of the definition of cultural redress property
- Te Patukirikiri Iwi Trust** means the trust of that name established by a trust deed dated 24 October 2013. 30

Properties vested in fee simple

23 Kohuamuri

- (1) Kohuamuri ceases to be a conservation area under the Conservation Act 1987, and accordingly ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Kohuamuri vests in the trustees. 35

- 24 Purangi**
- (1) The reservation of Purangi (being Diggers Hill Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked, and accordingly Purangi ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Purangi vests in the trustees. 5
- 25 Rangihau**
- (1) Rangihau ceases to be a conservation area under the Conservation Act 1987, and accordingly ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Rangihau vests in the trustees.
- 26 Tapu Point property** 10
- The fee simple estate in the Tapu Point property vests in the trustees.
- Properties vested in fee simple to be administered as reserves*
- 27 Hereheretaura Pā**
- (1) Hereheretaura Pā ceases to be a conservation area under the Conservation Act 1987, and accordingly ceases to be part of the Hauraki Gulf Marine Park. 15
- (2) The fee simple estate in Hereheretaura Pā vests in the trustees.
- (3) Hereheretaura Pā is—
- (a) declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977; and
- (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act. 20
- (4) The reserve is named Hereheretaura Pā Historic Reserve.
- 28 Kaitoke / Pukekaroro**
- (1) Kaitoke / Pukekaroro ceases to be a conservation area under the Conservation Act 1987, and accordingly ceases to be part of the Hauraki Gulf Marine Park. 25
- (2) The fee simple estate in Kaitoke / Pukekaroro vests in the trustees.
- (3) Kaitoke / Pukekaroro is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Kaitoke / Pukekaroro Scenic Reserve.
- 29 Matarangi Pā** 30
- (1) The reservation of Matarangi Pā (being part of Matarangi Bluff Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked, and accordingly Matarangi Pā ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Matarangi Pā vests in the trustees.

- (3) Matarangi Pā is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Matarangi Pā Scenic Reserve.

30 Opuā

- (1) The reservation of Opuā (being Cook Bluff Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked, and accordingly Opuā ceases to be part of the Hauraki Gulf Marine Park. 5
- (2) The fee simple estate in Opuā vests in the trustees.
- (3) Opuā is—
- (a) declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and 10
- (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act.
- (4) The reserve is named Opuā Scenic Reserve.

31 Paparoa site A

- (1) The reservation of Paparoa site A (being part of Shakespeare’s Cliff Scenic and Historic Reserve) as a scenic and historic reserve subject to the Reserves Act 1977 is revoked, and accordingly Paparoa site A ceases to be part of the Hauraki Gulf Marine Park. 15
- (2) The fee simple estate in Paparoa site A vests in the trustees. 20
- (3) Paparoa site A is—
- (a) declared a reserve and classified as a local purpose (education and cultural) reserve subject to section 23 of the Reserves Act 1977; and
- (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act. 25
- (4) The reserve is named Paparoa Local Purpose (Education and Cultural) Reserve.
- (5) The joint management body established by **section 64** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in that body (as if the body were trustees) under section 26 of that Act. 30
- (6) However, the joint management body may exercise or perform, as if it were a local authority, a power or function that the Minister of Conservation has delegated to local authorities under section 10 of the Reserves Act 1977, but only to the extent that the power or function is relevant to the reserve. 35

32 Council improvements attached to Paparoa site A

- (1) This section applies to the improvements owned by the Thames–Coromandel District Council (the **Council**) and attached to Paparoa site A (the **property**) as at the date of its vesting under **section 31(2)**, and despite that vesting.
- (2) Improvements owned by the Council immediately before the vesting— 5
- (a) remain vested in the Council; and
 - (b) are personal property, no longer forming part of the property, and do not confer an estate or interest in the property; and
 - (c) may remain attached to the property without the consent of the owners of the property or the administering body, and without charge; and 10
 - (d) may be accessed, used, occupied, repaired, or maintained by the Council, or those authorised by the Council, at any time without the consent of the owners of the property or the administering body, and without charge.
- (3) Improvements referred to in **subsection (2)** may, without charge, but subject to any relevant statutory requirement, be removed or demolished by the Council at any time without the consent of the owners of the property or the administering body. 15
- (4) However, the Council must—
- (a) give the owners of the property and the administering body not less than 15 working days’ written notice of the intended removal or demolition; and 20
 - (b) after the removal or demolition, ensure that the land is left in a clean and tidy condition.
- (5) **Subsection (2)** applies subject to any other enactment that governs the ownership of an improvement. 25
- (6) For the purposes of administering the reserve under the Reserves Act 1977, the administering body is responsible for any decisions in respect of a matter that arises from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the property. 30
- (7) **Subsection (6)** is subject to any other enactment that governs the use of the improvement concerned.
- (8) ~~The trustees~~ owners of the property are not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of the property. 35

33 Paparoa site B

- (1) The reservation of Paparoa site B (being part of Shakespeare’s Cliff Scenic and Historic Reserve) as a scenic and historic reserve subject to the Reserves

- Act 1977 is revoked, and accordingly Paparoa site B ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Paparoa site B vests in the trustees.
 - (3) Paparoa site B is—
 - (a) declared a reserve and classified as a scenic and historic reserve for the purposes specified in sections 19(1)(a) and 18 of the Reserves Act 1977; and 5
 - (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act.
 - (4) The reserve is named Paparoa Scenic and Historic Reserve. 10
 - (5) The joint management body established by **section 64** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in that body (as if the body were trustees) under section 26 of that Act.
 - (6) However, the joint management body may exercise or perform, as if it were a local authority, a power or function that the Minister of Conservation has delegated to local authorities under section 10 of the Reserves Act 1977, but only to the extent that the power or function is relevant to the reserve. 15
- 34 Council improvements attached to Paparoa site B**
- (1) This section applies to the improvements owned by the Thames–Coromandel District Council (the **Council**) and attached to Paparoa site B (the **property**) as at the date of its vesting under **section 33(2)**, and despite that vesting. 20
 - (2) Improvements owned by the Council immediately before the vesting—
 - (a) remain vested in the Council; and
 - (b) are personal property, no longer forming part of the property, and do not confer an estate or interest in the property; and 25
 - (c) may remain attached to the property without the consent of the owners of the property or the administering body, and without charge; and
 - (d) may be accessed, used, occupied, repaired, or maintained by the Council, or those authorised by the Council, at any time without the consent of the owners of the property or the administering body, and without charge. 30
 - (3) Improvements referred to in **subsection (2)** may, without charge, but subject to any relevant statutory requirement, be removed or demolished by the Council at any time without the consent of the owners of the property or the administering body. 35
 - (4) However, the Council must—

- (a) give the owners of the property and the administering body not less than 15 working days' written notice of the intended removal or demolition; and
- (b) after the removal or demolition, ensure that the land is left in a clean and tidy condition. 5
- (5) **Subsection (2)** applies subject to any other enactment that governs the ownership of an improvement.
- (6) For the purposes of administering the reserve under the Reserves Act 1977, the administering body is responsible for any decisions in respect of a matter that arises from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the property. 10
- (7) **Subsection (6)** is subject to any other enactment that governs the use of the improvement concerned.
- (8) The ~~trustees~~owners of the property are not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of the property. 15
- 35 Puke Pakira**
- (1) This section takes effect only if an unconditional agreement for sale and purchase between the Crown and the registered owners of record of title SA59D/242 that relates to Sections 2 and 3 SO 528693 exists on the settlement date. 20
- (2) The agreement is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977 or the Land Act 1948.
- (3) The reservation of Sections 1 and 3 SO 528693, being Bald Spur Historic Reserve, as a historic reserve subject to the Reserves Act 1977 is revoked, and accordingly those sections cease to be part of the Hauraki Gulf Marine Park. 25
- (4) Section 2 SO 528693 vests in the Crown as Crown land subject to the Land Act 1948.
- (5) The fee simple estate in Section 3 SO 528693 vests in the registered owners of record of title SA59D/242. 30
- (6) As soon as practicable after an order is produced for a record of title, the Registrar-General must create, in the name of the registered owners of SA59D/242, 1 record of title for—
- (a) the fee simple estate in Section 3 SO 528693; and
- (b) the balance of the land in record of title SA59D/242 (after the vesting by **subsection (4)**). 35
- (7) The fee simple estate in Puke Pakira vests in the trustees.
- (8) Puke Pakira is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

- (9) The reserve is named Puke Pakira Historic Reserve.
- (10) For the purposes of **subsection (7)**, the legal description of Puke Pakira is set out in **Part 1 of Schedule 1**.
- (11) **Sections 56(1), 57(1)(e), and 58(3) and (4)** apply to Section 3 SO 528693 as if the land were a cultural redress property. 5
- (12) The vesting under **subsection (5)** does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- 36 Vesting and alternative description of Puke Pakira in specified circumstances** 10
- (1) This section takes effect only if the unconditional agreement for sale and purchase referred to in **section 35(1)** does not exist on the settlement date.
- (2) The reservation of Puke Pakira (being Bald Spur Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked, and accordingly Puke Pakira ceases to be part of the Hauraki Gulf Marine Park. 15
- (3) The fee simple estate in Puke Pakira vests in the trustees.
- (4) Puke Pakira is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (5) The reserve is named Puke Pakira Historic Reserve.
- (6) For the purposes of **subsections (2) to (5)**, the legal description of Puke Pakira is set out in **Part 2 of Schedule 1**. 20
- 37 Pukeumu**
- (1) The reservation of Pukeumu (being Black Jack Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked, and accordingly Pukeumu ceases to be part of the Hauraki Gulf Marine Park. 25
- (2) The fee simple estate in Pukeumu vests in the trustees.
- (3) Pukeumu is—
- (a) declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
 - (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act. 30
- (4) The reserve is named Pukeumu Scenic Reserve.
- 38 Te Pare Pā**
- (1) The reservation of Te Pare Pā (being Te Pare Point Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked, and accordingly Te Pare Pā ceases to be part of the Hauraki Gulf Marine Park. 35
- (2) The fee simple estate in Te Pare Pā vests in the trustees.

- (3) Te Pare Pā is—
- (a) declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977; and
 - (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act. 5
- (4) The reserve is named Te Pare Pā Historic Reserve.
- 39 Te Puia**
- (1) The reservation of Te Puia (being part of Hot Water Beach Domain Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Te Puia ceases to be part of the Hauraki Gulf Marine Park. 10
- (2) The fee simple estate in Te Puia vests in the trustees.
- (3) Te Puia is—
- (a) declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and
 - (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act. 15
- (4) The reserve is named Te Puia Recreation Reserve.
- (5) The joint management body established by **section 64** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in that body (as if the body were trustees) under section 26 of that Act. 20
- (6) However, the joint management body may exercise or perform, as if it were a local authority, a power or function that the Minister of Conservation has delegated to local authorities under section 10 of the Reserves Act 1977, but only to the extent that the power or function is relevant to the reserve. 25
- 40 Council improvements attached to Te Puia**
- (1) This section applies to the improvements owned by the Thames–Coromandel District Council (the **Council**) and attached to Te Puia (the **property**) as at the date of its vesting under **section 39(2)**, and despite that vesting.
- (2) Improvements (other than the car park) owned by the Council immediately before the vesting— 30
- (a) remain vested in the Council; and
 - (b) are personal property, no longer forming part of the property, and do not confer an estate or interest in the property; and
 - (c) may remain attached to the property without the consent of the owners of the property or the administering body, and without charge; and 35
 - (d) may be accessed, used, occupied, repaired, or maintained by the Council, or those authorised by the Council, at any time without the consent

- of the owners of the property or the administering body, and without charge.
- (3) Improvements referred to in **subsection (2)** may, without charge, but subject to any relevant statutory requirement, be removed or demolished by the Council at any time without the consent of the owners of the property or the administering body. 5
- (4) However, the Council must—
- (a) give the owners of the property and the administering body not less than 15 working days’ written notice of the intended removal or demolition; and 10
- (b) after the removal or demolition, ensure that the land is left in a clean and tidy condition.
- (5) **Subsection (2)** applies subject to any other enactment that governs the ownership of an improvement.
- (6) For the purposes of administering the reserve under the Reserves Act 1977, the administering body is responsible for any decisions in respect of a matter that arises from a person exercising, or purporting to exercise, a right in relation to an improvement (including the car park) attached to the property. 15
- (7) **Subsection (6)** is subject to any other enactment that governs the use of the improvement concerned. 20
- (8) The ~~trustees~~ owners of the property are not liable for an improvement (other than the car park) for which they would, apart from this section, be liable by reason of their ownership of the property.
- (9) In this section, **car park** means the area marked “A” on OTS-100-18.
- 41 Te Rerepiki** 25
- (1) Te Rerepiki ceases to be a conservation area under the Conservation Act 1987, and accordingly ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Te Rerepiki vests in the trustees.
- (3) Te Rerepiki is—
- (a) declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and 30
- (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act.
- (4) The reserve is named Te Rerepiki Scenic Reserve.
- 42 Whitianga Pā** 35
- (1) The reservation of Whitianga Pā (being part of Whitianga Rock Scenic and Historic Reserve) as a scenic and historic reserve subject to the Reserves Act

1977 is revoked, and accordingly Whitianga Pā ceases to be part of the Hauraki Gulf Marine Park.

- (2) The fee simple estate in Whitianga Pā vests in the trustees.
- (3) Whitianga Pā is—
 - (a) declared a reserve and classified as a scenic and historic reserve for the purposes specified in sections 19(1)(a) and 18 of the Reserves Act 1977; and 5
 - (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act.
- (4) The reserve is named Whitianga Pā Scenic and Historic Reserve. 10

Properties jointly vested in fee simple to be administered as reserves

43 Ahuahu / Great Mercury Island property

- (1) This section takes effect on and from the latest of the following dates:
 - (a) the settlement date:
 - (b) the settlement date under Hako settlement legislation: 15
 - (c) the settlement date under Ngāti Porou ki Hauraki settlement legislation.
- (2) The reservation of the Ahuahu / Great Mercury Island property as a local purpose (landing) reserve subject to the Reserves Act 1977 is revoked, and accordingly the Ahuahu / Great Mercury Island property ceases to be part of the Hauraki Gulf Marine Park. 20
- (3) The fee simple estate in the Ahuahu / Great Mercury Island property vests as undivided sixth shares in the specified entities as tenants in common as follows:
 - (a) a share vests in the trustees under this paragraph; and
 - (b) a share vests in the trustees of the Hako Tūpuna Trust under Hako settlement legislation; and 25
 - (c) a share vests in the trustees of the Ngaati Whanaunga Ruunanga Trust under **section 26(3)(a) of the Ngaati Whanaunga Claims Settlement Act 2022**; and
 - (d) a share vests in the trustees of the Ngāti Maru Rūnanga Trust under **section 44(3)(a) of the Ngāti Maru Claims Settlement Act 2022**; and 30
 - (e) a share vests in the Ngāti Porou ki Hauraki entity under Ngāti Porou ki Hauraki settlement legislation; and
 - (f) a share vests in the trustees of the Ngāti Tamaterā Treaty Settlement Trust under **section 50(3)(a) of the Ngāti Tamaterā Claims Settlement Act 2022**. 35
- (4) The Ahuahu / Great Mercury Island property—

- (a) is declared a reserve and classified as a local purpose (landing) reserve subject to section 23 of the Reserves Act 1977; and
- (b) is included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act; but
- (c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies by virtue of clause 11 of that schedule (but *see* **section 60**). 5
- (5) The reserve is named Ahuahu Local Purpose (Landing) Reserve.
- (6) The joint management body is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act. 10
- (7) **Subsection (6)** continues to apply despite any subsequent transfer under **section 68**.
- (8) In this section and **sections 44 to 48**, **joint management body** means the body established under **section 46(1)**.
- 44 Joint management body for Ahuahu / Great Mercury Island property before property vests** 15
- (1) On and from the settlement date and until the close of the day before the date on which the Ahuahu / Great Mercury Island property vests in accordance with **section 43(3)**, the joint management body is the administering body of the Ahuahu / Great Mercury Island property as if the body were appointed to control and manage the reserve under section 30 of the Reserves Act 1977. 20
- (2) However, section 30 of that Act has no further application to the reserve or the joint management body.
- 45 Statutory authorisation over Ahuahu / Great Mercury Island property before property vests** 25
- (1) This section applies—
- (a) if an application is made for a statutory authorisation under the Reserves Act 1977 in respect of the Ahuahu / Great Mercury Island property; and
- (b) on and from the settlement date and until the close of the day before the date on which the Ahuahu / Great Mercury Island property vests in accordance with **section 43(3)**. 30
- (2) Section 59A of the Reserves Act 1977 and Part 3B of the Conservation Act 1987 (which relate to concessions) do not apply to the application.
- (3) **Section 62(2)** applies to the Ahuahu / Great Mercury Island property.
- (4) The joint management body is the decision-maker on the application, and the grantor of any resulting statutory authorisation, as if it were the administering body in which the reserve were vested. 35
- (5) The joint management body may use any income it derives from the statutory authorisation for any purpose at its absolute discretion.

- 46 Joint management body for Ahuahu / Great Mercury Island property**
- (1) A joint management body is established for the Ahuahu / Great Mercury Island property.
- (2) The following are appointers for the purposes of this section:
- (a) the trustees; and 5
 - (b) the trustees of the Hako Tūpuna Trust; and
 - (c) the trustees of the Ngaati Whanaunga Ruunanga Trust; and
 - (d) the trustees of the Ngāti Maru Rūnanga Trust; and
 - (e) the entity that from time to time represents the members of Ngāti Porou ki Hauraki to receive redress under Ngāti Porou ki Hauraki settlement legislation or, if that entity is not established, Te Rūnanga o Ngāti Porou ki Hauraki; and 10
 - (f) the trustees of the Ngāti Tamaterā Treaty Settlement Trust.
- (3) Each appointer may appoint 2 members to the joint management body.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointers: 15
- (a) the full name, address, and other contact details of the member; and
 - (b) the date on which the appointment takes effect, which must not be earlier than the date of the notice.
- (5) An appointment ends after 5 years, or when the appointer replaces the member by making another appointment. 20
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board. 25
- (8) However, in relation to meetings of the joint management body,—
- (a) despite section 32(1) of the Reserves Act 1977, the first meeting of the body must be held not later than 6 months after the settlement date:
 - (b) despite section 32(7) of the Reserves Act 1977,—
 - (i) no casting vote may be exercised, and the members must strive to reach a consensus; but 30
 - (ii) if a consensus cannot be reached within a reasonable time, a decision must be made by majority vote:
 - (c) despite section 32(9) of the Reserves Act 1977, a quorum for a meeting of the body consists of at least 1 member appointed by each appointer. 35
- (9) In this section, **Te Rūnanga o Ngāti Porou ki Hauraki** means the body mandated in May 2011 to represent Ngāti Porou ki Hauraki in negotiations to settle the historical claims of Ngāti Porou ki Hauraki.

47 Interests in land for Ahuahu / Great Mercury Island property

- (1) This section applies to all or the part of the Ahuahu / Great Mercury Island property that remains a reserve under the Reserves Act 1977 (the **reserve land**).
- (2) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the joint management body were the registered owner of the reserve land. 5
- (3) **Subsection (2)** continues to apply despite—
- (a) the revocation of the reserve referred to in **section 43(2)**; and
 - (b) the vesting in accordance with **section 43(3)**; and 10
 - (c) any subsequent transfer of the land under **section 68**.

48 Right of entry onto Ahuahu / Great Mercury Island property by the Crown

- (1) On and from the settlement date, the Crown may enter the Ahuahu / Great Mercury Island property with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes: 15
- (a) species management;
 - (b) monitoring pest plants or pest animals;
 - (c) controlling pest plants or pest animals.
- (2) The right to enter the Ahuahu / Great Mercury Island property includes the right to enter any buildings erected on that property. 20
- (3) If the Crown enters the Ahuahu / Great Mercury Island property under **subsection (1)**, it must give notice to the joint management body, orally or by electronic means (as the Crown and the joint management body agree), at least 24 hours before entering or, if that is not practicable,— 25
- (a) before entering, if practicable; or
 - (b) as soon as possible after entering.
- (4) Despite **subsection (3)**, the joint management body and the Crown may agree the circumstances in which notice is not required before the Crown enters the Ahuahu / Great Mercury Island property. 30
- (5) Despite **subsections (3) and (4)**, the Crown may enter the Ahuahu / Great Mercury Island property under **subsection (1)** without prior notice if responding to a known or suspected incursion of a pest animal.
- (6) Despite **subsections (1), (2), (3), and (5)**, the Crown must not enter a building erected on the Ahuahu / Great Mercury Island property that may be used for accommodation purposes, unless it— 35
- (a) first obtains the consent of the building owner or occupier to enter the building; and

(b) enters the building only in daylight hours.

49 Opera Point property

- (1) The reservation of the Opera Point property (being part of Opera Point Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked, and accordingly the Opera Point property ceases to be part of the Hauraki Gulf Marine Park. 5
- (2) The fee simple estate in the Opera Point property vests as undivided half shares in the specified groups of trustees as tenants in common as follows:
 - (a) a share vests in the trustees under this paragraph; and
 - (b) a share vests in the trustees of the Te Patukirikiri Iwi Trust under **section 24(2)(a) of the Te Patukirikiri Claims Settlement Act 2022.** 10
- (3) The Opera Point property is—
 - (a) declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977; and
 - (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act. 15
- (4) The reserve is named Opera Point Historic Reserve.
- (5) The joint management body established by **section 63(1)(a)** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in that body (as if the body were trustees) under section 26 of that Act. 20
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 66.**

50 Pauanui Tihi

- (1) Pauanui Tihi ceases to be a conservation area under the Conservation Act 1987, and accordingly ceases to be part of the Hauraki Gulf Marine Park. 25
- (2) The fee simple estate in Pauanui Tihi vests as undivided half shares in the specified groups of trustees as tenants in common as follows:
 - (a) a share vests in the trustees under this paragraph; and
 - (b) a share vests in the trustees of the Ngāti Maru Rūnanga Trust under **section 50(2)(a) of the Ngāti Maru Claims Settlement Act 2022.** 30
- (3) Pauanui Tihi is—
 - (a) declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
 - (b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act. 35
- (4) The reserve is named Pauanui Tihi Scenic Reserve.

- (5) The joint management body established by **section 63(1)(b)** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 68**. 5

Property vested in fee simple subject to conservation covenant

51 Opou

- (1) Opou ceases to be a conservation area under the Conservation Act 1987, and accordingly ceases to be part of the Hauraki Gulf Marine Park. 10
- (2) The fee simple estate in Opou vests in the trustees.
- (3) **Subsections (1) and (2)** do not take effect until—
- (a) the trustees have provided the Crown with a registrable covenant in relation to Opou on the terms and conditions set out in part 5.1 of the documents schedule; and 15
- (b) the Minister of Conservation has granted a registrable right of way easement to His Majesty the King (acting by and through the Minister for State Owned Enterprises and the Minister of Finance) on the terms and conditions set out in part 5.2 of the documents schedule.
- (4) The covenant is to be treated as a conservation covenant for the purposes of— 20
- (a) section 77 of the Reserves Act 1977; and
- (b) section 27 of the Conservation Act 1987.
- (5) The easement—
- (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and 25
- (b) is to be treated as having been granted in accordance with Part 3B of that Act.
- (6) Section 8A(2) of the Crown Forests Asset Act 1989 does not apply in relation to the easement.

General provisions applying to vesting of cultural redress properties 30

52 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in **Schedule 1**.

- 53 Interests in land for certain reserve properties**
- (1) This section applies to all or the part of each reserve property listed in **subsection (2)** that remains a reserve under the Reserves Act 1977 (the **reserve land**), but only while the reserve land has an administering body that is treated as if the land were vested in it. 5
- (2) The reserve properties are—
- (a) Opera Point property; and
 - (b) Paparoa site A; and
 - (c) Paparoa site B; and
 - (d) Pauanui Tihi; and 10
 - (e) Te Puia.
- (3) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered owner of the reserve land.
- (4) **Subsection (3)** continues to apply despite any subsequent transfer of the reserve land under **section 66**. 15
- 54 Interests that are not interests in land**
- (1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in **Schedule 1**, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 20
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies.
- (3) If all or part of the cultural redress property is reserve land to which **section 47 or 53** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land. 25
- (4) The interest applies—
- (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and 30
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the property.
- 55 Registration of ownership**
- (1) This section applies to a cultural redress property vested in the trustees under this subpart. 35

- (2) **Subsection (3)** applies to a cultural redress property (other than a jointly vested property, Puke Pakira, or Whitianga Pā), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate.
- (3) The Registrar-General must, on written application by an authorised person,—
- (a) register the trustees as the owners of the fee simple estate in the property; and 5
 - (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) **Subsection (5)** applies to—
- (a) a cultural redress property (other than a jointly vested property), but only to the extent that **subsection (2)** does not apply to the property: 10
 - (b) Puke Pakira:
 - (c) Whitianga Pā.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,— 15
- (a) create a record of title for the fee simple estate in the property in the name of the trustees; 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.
- (6) For a jointly vested property, the Registrar-General must, in accordance with a written application by an authorised person,— 20
- (a) create a record of title for an undivided equal share of the fee simple estate in the property in the names of the trustees; 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. 25
- (7) **Subsections (5) and (6)** are subject to the completion of any survey necessary to create a record of title.
- (8) A record of title must be created under this section as soon as is reasonably practicable after the date on which the property vests, but not later than— 30
- (a) 24 months after that date; or
 - (b) any later date that is agreed in writing,—
 - (i) in the case of a property other than a jointly vested property, by the Crown and the trustees; or
 - (ii) in the case of a jointly vested property, by the Crown, the trustees, and the other persons in whom the property is jointly vested. 35
- (9) In this section, **authorised person** means a person authorised by—
- (a) the chief executive of the Office for Māori Crown Relations—Te Ara-whiti, for the following properties:

- (i) Puke Pakira:
 - (ii) Tapu Point property:
 - (b) the chief executive of the Ministry of Transport, for Ohinau Island:
 - (c) the Director-General, for all other properties.
- 56 Application of Part 4A of Conservation Act 1987** 5
- (1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
 - (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property. 10
 - (3) The marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of the Tapu Point property is reduced to a width of 3 metres.
 - (4) Part 4A of the Conservation Act 1987 does not apply to the vesting of Ohinau Island (*see* **section 73(3)**). 15
 - (5) 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.
 - (6) **Subsections (2), (3), and (5)** do not limit **subsection (1)**. 20
 - (7) The trustees are appointed as the manager of each of the following marginal strips as if the appointment were made under section 24H of the Conservation Act 1987:
 - (a) Opuia marginal strip (shown on OTS-100-36):
 - (b) Purangi marginal strip reserved from the vesting of Purangi under **section 24(2)**: 25
 - (c) Tapu Point marginal strip reserved from the vesting of the Tapu Point property under **section 26**.
- 57 Matters to be recorded on record of title**
- (1) The Registrar-General must record on the record of title— 30
 - (a) for a reserve property (other than a jointly vested property)—
 - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (ii) that the land is subject to—
 - (A) **sections 56(5) and 66**; and 35
 - (B) **section 53(3)**, in the case of Paparoa site A, Paparoa site B, and Te Puia; and

- (b) for Ohinau Island, that Part 4A of the Conservation Act 1987 does not apply; and
- (c) for the Tapu Point property, that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 3 metres; and 5
- (d) created under **section 55(6)** for a jointly vested property that is a reserve property,—
- (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (ii) that the land is subject to— 10
- (A) **sections 47(2), 56(5), and 66**, in the case of the Ahuahu / Great Mercury Island property; and
- (B) **sections 53(3), 56(5), and 66**, in the case of the Opera Point property and Pauanui Tihi; and
- (e) for any other cultural redress property, that the land is subject to Part 4A of the Conservation Act 1987. 15
- (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.
- (3) For a reserve property (other than a jointly vested property, Paparoa site A, Paparoa site B, or Te Puia), if the reservation of the property under this subpart is revoked for— 20
- (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 56(5) and 66**; 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) For Paparoa site A, Paparoa site B, and Te Puia,—
- (a) if the property remains a reserve but the joint management body established by **section 64** is no longer the administering body 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 notation that the property is subject to **section 53(3)**; or 35
- (b) if the reservation of the property under this subpart is revoked for—

- (i) 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—
- (A) section 24 of the Conservation Act 1987 does not apply to the property; and 5
- (B) the property is subject to **sections 56(5) and 66**; and
- (C) the property is subject to **section 53(3)**, if that notation has not been removed under **paragraph (a)**; or
- (ii) part of the property, the Registrar-General must ensure that the notations referred to in **subparagraph (i)** remain only on the record of title for the part of the property that remains a reserve. 10
- (5) For a jointly vested property that is 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 any record of title created under **section 55** for the property the notations that— 15
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to—
- (A) **sections 47(2), 56(5), and 66**, in the case of the Ahuahu / Great Mercury Island property; and 20
- (B) **sections 53(3), 56(5), and 66**, in the case of the Opera Point property and Pauanui Tihi; or
- (b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on any record of title created under **section 55**, or derived from a record of title created under that section, for the part of the property that remains a reserve. 25
- (6) The Registrar-General must comply with an application received in accordance with **subsection (3)(a), (4)(a), (4)(b)(i), or (5)(a)**, as relevant.
- 58 Application of other enactments** 30
- (1) The Crown Minerals Act 1991 applies, subject to **sections 60 and 61 and subpart 2 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 deed of settlement in relation to a cultural redress property. 35
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.

- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
 - (b) any matter incidental to, or required for the purpose of, the vesting. 5

59 Names of Crown protected areas discontinued

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property that, immediately before the date on which the property vests, was all or part of a Crown protected area.
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly. 10
- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 15
- (4) If **section 35(4)** applies, the reference in **subsection (1)** to a cultural redress property includes Section 3 SO 528693.

Access to land under Crown Minerals Act 1991

60 Certain land to be treated as if included in Schedule 4 of Crown Minerals Act 1991 20

- (1) This section and **section 61** apply to each of the following properties (the **relevant properties**) on and from the date on which the property vests in the trustees under this subpart:
- (a) Ahuahu / Great Mercury Island property:
 - (b) Hereheretaura Pā: 25
 - (c) Kaitoke / Pukekaroro:
 - (d) Kohuamuri:
 - (e) Matarangi Pā:
 - (f) Opera Point property:
 - (g) Opou: 30
 - (h) Opuā:
 - (i) Paparoa site A:
 - (j) Paparoa site B:
 - (k) Puke Pakira:
 - (l) Pukeumu: 35
 - (m) Purangi:

- (n) Rangihau:
- (o) Te Pare Pā:
- (p) Te Puia:
- (q) Whitianga Pā.
- (2) Each relevant property must be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991 (land to which access restrictions apply). 5
- (3) To the extent relevant, section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 applies to each relevant property, but the rest of section 61 does not apply, except as provided for in **section 61(2)(b)** of this Act. 10
- (4) Section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 must be applied in light of the following:
- (a) because of the vestings referred to in **subsection (1)**, the relevant properties are no longer owned, held, or managed by the Crown; and
- (b) because of **section 147**, certain minerals are owned by the trustees. 15
- (5) 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 if it were a reference to the trustees:
- (b) a reference to a Crown owned mineral must be applied as if it included a reference to the minerals owned by the trustees because of **section 147**. 20
- (6) In **subsections (4)(b) and (5) and section 61(2)(a)**, trustees includes, if relevant, a subsequent owner of a relevant property.
- 61 When land may be treated as no longer included in Schedule 4 of the Crown Minerals Act 1991** 25
- (1) The Governor-General may, by Order in Council, declare that any or all of the relevant properties are 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)**—
- (a) may be exercised only on the advice of the Minister of Energy and Resources and the Minister of Conservation, after those Ministers— 30
- (i) have consulted the trustees; and
- (ii) have had 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. 35

*Further provisions applying to reserve properties***62 Application of other enactments to reserve properties**

- (1) The trustees are the administering body of a reserve property, except as provided for in **sections 31, 33, 39, 43, 49, and 50**.
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property. 5
- (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.
- (4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act. 10
- (5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name. 15
- (6) While the joint management body established by **section 64** is the administering body of 1 or more of Paparoa site A, Paparoa site B, and Te Puia (the **properties**),—
- (a) **subsection (2)** does not apply to those properties; and 20
- (b) Part 4 of the Reserves Act 1977, which relates to financial provisions, applies to the joint management body as if it were a local authority; and
- (c) the Thames–Coromandel District Council must, to the extent that it is reasonably practicable to distinguish the revenue derived from the properties from any other revenue received by the Council,— 25
- (i) hold the revenue received from the properties by the joint management body in its capacity as the administering body; and
- (ii) account for that revenue separately from the other revenue of the Council; and
- (iii) use that revenue, under the direction of the joint management body, but only in relation to the properties that continue to be administered by the joint management body. 30

63 Joint management body for certain reserves

- (1) A joint management body is established for each of the following properties:
- (a) Opera Point property: 35
- (b) Pauanui Tihi.
- (2) For the purposes of **subsection (1)(a)**, the appointers are—
- (a) the trustees; and

- (b) the trustees of the Te Patukirikiri Iwi Trust.
- (3) For the purposes of **subsection (1)(b)**, the appointers are—
- (a) the trustees; and
- (b) the trustees of the Ngāti Maru Rūnanga Trust.
- (4) Each appointer may appoint 2 members to a joint management body. 5
- (5) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
- (a) the full name, address, and other contact details of the member; and
- (b) the date on which the appointment takes effect, which must not be earlier than the date of the notice. 10
- (6) An appointment ends after 5 years, or when the appointer replaces the member by making another appointment.
- (7) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (8) Sections 32 to 34 of the Reserves Act 1977 apply to a joint management body as if it were a board. 15
- (9) However, in relation to meetings of the joint management body,—
- (a) despite section 32(1) of the Reserves Act 1977, the first meeting of the body must be held not later than 6 months after the settlement date:
- (b) despite section 32(7) of the Reserves Act 1977,— 20
- (i) no casting vote may be exercised, and the members must strive to reach a consensus; but
- (ii) if a consensus cannot be reached within a reasonable time, a decision must be made by majority vote:
- (c) despite section 32(9) of the Reserves Act 1977, a quorum for a meeting of the body consists of at least 1 member appointed by each appointer. 25

64 Reserves to be administered jointly by trustees and local authority

- (1) A joint management body is established for—
- (a) Paparoa site A; and
- (b) Paparoa site B; and 30
- (c) Te Puia.
- (2) The following are appointers for the purposes of this section:
- (a) the trustees; and
- (b) the Thames–Coromandel District Council.
- (3) Each appointer must appoint 2 members to the joint management body. 35
- (4) At least 1 member of the members appointed by the Thames–Coromandel District Council must be an elected member of the Council.

- (5) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
- (a) the full name, address, and other contact details of the member; and
 - (b) the date on which the appointment takes effect, which must not be earlier than the date of the notice. 5
- (6) An appointment ends after 3 years, or when the appointer replaces the member by making another appointment.
- (7) Despite **subsection (6)**, each term of a member referred to in **subsection (4)** ends on the same day as the term of office of that member ends before a triennial general election under the Local Electoral Act 2001. 10
- (8) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- 65 Application of Reserves Act 1977 to joint management body**
- (1) Unless otherwise provided by this Act, sections 32 to 34 of the Reserves Act 1977 apply to the joint management body established by **section 64** (the **body**) as if it were a board. 15
- (2) The following provisions apply, despite the specified requirements of the Reserves Act 1977:
- (a) despite section 32(1) of that Act, the first meeting of the body must be held not later than 6 months after the settlement date: 20
 - (b) despite section 32(5) of that Act, the trustees must appoint the chairperson and the Thames–Coromandel District Council must appoint the deputy chairperson of the joint management body:
 - (c) despite section 32(7) of that Act,—
 - (i) no casting vote may be exercised and the members must strive to reach a consensus; but 25
 - (ii) if a consensus cannot be reached within a reasonable time, a decision must be made by majority vote:
 - (d) despite section 32(8) and (9) of that Act, all members must be present for all business of the body: 30
 - (e) despite section 32(10) of that Act, the members must strive to reach a consensus, but if that cannot be reached within a reasonable time, the question must be determined by majority vote:
 - (f) despite section 41(1) of that Act,—
 - (i) the management plan that is in force immediately before the settlement date for all of the reserves administered by the Thames–Coromandel District Council in the area in which Paparoa site A, Paparoa site B, and Te Puia are located continues to apply to those properties; and 35

- (ii) when the Council is reviewing that plan, to the extent that it applies to Paparoa site A, Paparoa site B, and Te Puia, the body must prepare and approve a separate management plan for those properties.
- (3) In this section, **consensus** means the absence of a formally recorded dissent by a member at a meeting of the body. 5
- 66 Subsequent transfer of reserve land**
- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart. 10
- (2) The fee simple estate in the reserve land in a jointly vested property (other than the Opera Point property) may be transferred only in accordance with **section 68**.
- (3) The fee simple estate in the reserve land in any other property (including the Opera Point property) may be transferred only in accordance with **section 67 or 68**. 15
- (4) In this section and **sections 67 to 69**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.
- 67 Transfer of reserve land to new or differently composed administering body** 20
- (1) The registered owners 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) In the case of the Opera Point property, the registered owners may apply under **subsection (1)** to transfer a part (but not the whole) of their share in the reserve land to new owners. 25
- (3) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the new owners are able—
- (a) to comply with the requirements of the Reserves Act 1977; and
- (b) to perform the duties of an administering body under that Act. 30
- (4) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of the fee simple estate, or a share, in the reserve land.
- (5) 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 35

- (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
- (c) the written consent of the administering body of the reserve land, if the trustees are transferring the reserve land but are not the administering body; and 5
- (d) any other document required for the registration of the transfer instrument.
- (6) 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
- (7) In the case of the Opera Point property, for the purposes of this section,—
- (a) the joint management body established under **section 63(1)(a)** continues, and any new owners referred to in **subsection (2)** may appoint 2 members to that body in addition to the members already appointed; and 15
- (b) the requirements of **section 63(5) to (9)** apply with any necessary modifications.
- (8) A transfer that complies with this section need not comply with any other requirements. 20
- 68 Transfer of reserve land if trustees change**
- The registered owners of the reserve land may transfer the fee simple estate in the reserve land if—
- (a) the transferors of the reserve land are or were the trustees of a trust; and
- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and 25
- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' lawyer, verifying that **paragraphs (a) and (b)** apply. 30
- 69 Reserve land not to be mortgaged**
- The owners of reserve land must not mortgage, or give a security interest in, the reserve land.
- 70 Saving of bylaws, etc, in relation to reserve properties**
- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation 35

to a reserve property before the property was vested in the trustees under this subpart.

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

Consequential amendments to Hauraki Gulf Marine Park Act 2000 5

71 Amendments to Hauraki Gulf Marine Park Act 2000

Section 72 amends the Hauraki Gulf Marine Park Act 2000.

72 Schedule 5 amended

In Schedule 5, insert in their appropriate alphabetical order:

The land described as the Ahuahu / Great Mercury Island property in **Part 1 of Schedule 1 of the Ngāti Hei Claims Settlement Act of the Ngāti Hei Claims Settlement Act 2022**, with effect on and from the date specified in **section 43(1)** of that Act. 10

The land described as Hereheretaura Pā in **Part 1 of Schedule 1 of the Ngāti Hei Claims Settlement Act of the Ngāti Hei Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act. 15

The land described as the Opera Point property in **Part 1 of Schedule 1 of the Ngāti Hei Claims Settlement Act of the Ngāti Hei Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act. 20

The land described as Opuā in **Part 1 of Schedule 1 of the Ngāti Hei Claims Settlement Act of the Ngāti Hei Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Paparoa site A in **Part 1 of Schedule 1 of the Ngāti Hei Claims Settlement Act of the Ngāti Hei Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act. 25

The land described as Paparoa site B in **Part 1 of Schedule 1 of the Ngāti Hei Claims Settlement Act of the Ngāti Hei Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act. 30

The land described as Pauanui Tihi in **Part 1 of Schedule 1 of the Ngāti Hei Claims Settlement Act of the Ngāti Hei Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act. 35

The land described as Pukeumu in **Part 1 of Schedule 1 of the Ngāti Hei Claims Settlement Act of the Ngāti Hei Claims Settlement Act 2022**,

with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Te Pare Pā in **Part 1 of Schedule 1** of the Ngāti Hei Claims Settlement Act ~~of the Ngāti Hei Claims Settlement Act 2022~~, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Te Puia in **Part 1 of Schedule 1** of the Ngāti Hei Claims Settlement Act ~~of the Ngāti Hei Claims Settlement Act 2022~~, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Te Rerepiki in **Part 1 of Schedule 1** of the Ngāti Hei Claims Settlement Act ~~of the Ngāti Hei Claims Settlement Act 2022~~, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Whitianga Pā in **Part 1 of Schedule 1** of the Ngāti Hei Claims Settlement Act ~~of the Ngāti Hei Claims Settlement Act 2022~~, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

Subpart 2—Ohinau Island

- 73 Ohinau Island vested in trustees** 20
- (1) The fee simple estate in Ohinau Island vests in the trustees.
 - (2) **Subsection (1)** does not take effect until the trustees have provided Maritime New Zealand with a registrable lease of Ohinau Island on the terms and conditions set out in part 10 of the documents schedule.
 - (3) **Sections 17, 18, 52, and 55 to 58** apply, except as expressly excluded, to Ohinau Island as if it were a cultural redress property vested under **subpart 1**. 25
 - (4) In this section, **Ohinau Island** means the land of that name described in **Part 3 of Schedule 1**.

Subpart 3—Ruamāhua

Property vested in fee simple to be administered as reserve 30

74 Interpretation

In this subpart,—

court means the Māori Land Court

descendants means the descendants of Marutūāhu, Hako, and Hei

Maori freehold land has the meaning given in section 4 of Te Ture Whenua Maori Act 1993 35

Registrar has the meaning given in section 4 of Te Ture Whenua Maori Act 1993

reserve land means all or the part of Ruamāhua that remains a reserve under the Reserves Act 1977 after the property has vested in the descendants under **section 75(1)** 5

Ruamāhua means the land of that name described in **Part 4 of Schedule 1 specified freehold land** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

wildlife sanctuary has the meaning given in section 2(1) of the Wildlife Act 1953. 10

75 Ruamāhua vested in descendants

- (1) The fee simple estate in Ruamāhua (being Aldermen Islands (Ruamaahu) Nature Reserve) vests in the descendants.
- (2) Ruamāhua is vested subject to the interests listed for the property in the third column of the table in **Part 4 of Schedule 1**. 15
- (3) Upon vesting under **subsection (1)**, Ruamāhua—
 - (a) has the status of Maori freehold land; and
 - (b) is to be treated as specified freehold land.
- (4) Despite the vesting, Ruamāhua continues to be—
 - (a) a nature reserve subject to section 20 of the Reserves Act 1977; and 20
 - (b) a wildlife sanctuary under section 9 of the Wildlife Act 1953; and
 - (c) land to which Schedule 4 of the Crown Minerals Act 1991 applies (*see* clauses 2, 6, and 11 of that schedule); and
 - (d) part of the Hauraki Gulf Marine Park.
- (5) The fee simple estate in the reserve land must not be transferred. 25
- (6) Improvements in or on Ruamāhua do not vest in the descendants, despite the vesting referred to in **subsection (1)**.

76 Application of Te Ture Whenua Maori Act 1993

- (1) Te Ture Whenua Maori Act 1993 applies to the reserve land, but only in relation to— 30
 - (a) the review of the Grey-Faced Petrel (Northern Muttonbird) Notice 1979, as specified in clause 6A.7 of the deed of settlement:
 - (b) any proposal under section 24 of the Reserves Act 1977—
 - (i) to change the classification or purpose of that land; or
 - (ii) to revoke the reserve status of that land. 35

Change of classification or purpose

- (2) If the Minister of Conservation decides to change the classification or purpose of all or part of Ruamāhua as a reserve under section 24 of the Reserves Act 1977, the Minister must first obtain consent to the proposed change from the representatives of the descendants. 5

Revocation of reservation

- (3) Before the Minister of Conservation revokes the reservation of all or part of Ruamāhua as a reserve under section 24 of the Reserves Act 1977, the requirements of **section 77** must be met.
- (4) If the reservation of all or part of Ruamāhua as a reserve is revoked, Te Ture Whenua Maori Act 1993 applies to all or the part of the property that is no longer a reserve. 10

77 Requirements before revocation of reservation

- (1) If the Minister of Conservation decides to revoke the reservation of all or part of Ruamāhua as a reserve, the Director-General must provide written notice of that decision to the Registrar. 15
- (2) When the Registrar receives a written notice, the Registrar must refer the notice to the court.
- (3) The court must initiate a meeting of the descendants.
- (4) The purpose of the meeting initiated under **subsection (3)** is to consider, for all or the part of Ruamāhua that is no longer to be a reserve,— 20
- (a) the constitution of a trust; and
 - (b) the terms of the trust; and
 - (c) the appointment of trustees for that trust.
- (5) When the Registrar reports to the court on the outcome of the meeting initiated under **subsection (3)**, the court must, by order and in accordance with the decisions of the descendants made at that meeting,— 25
- (a) specify that the descendants, as a class, are the beneficial owners of all or the part of Ruamāhua that is no longer a reserve; and
 - (b) constitute the trust; and 30
 - (c) set out the terms of the trust; and
 - (d) appoint trustees under section 222 of Te Ture Whenua Maori Act 1993, as if the trust had been constituted under Part 12 of that Act; and
 - (e) vest the land in the trustees under section 220 of Te Ture Whenua Maori Act 1993, as if the trust had been constituted under Part 12 of that Act. 35
- (6) Orders made under **subsection (5)** take effect only on and from the date on which the reservation of all or part of Ruamāhua as a reserve is revoked.

- (7) Before making an order under **subsection (5)**, the court must be satisfied that—
- (a) the descendants have had sufficient notice of the meeting initiated under **subsection (3)** and sufficient opportunity to consider the matters referred to in **subsection (4)**; and 5
 - (b) the constitution of the trust, the proposed terms of the trust, and the proposed trustees are broadly acceptable to the descendants.
- (8) As soon as is reasonably practicable after the trustees have been appointed,—
- (a) the Registrar must notify the Director-General of those appointments; and 10
 - (b) the Minister of Conservation must revoke the reservation of all or part of Ruamāhua as a reserve.

78 Notices to be given to Māori Land Court

- (1) As soon as is reasonably practicable after the fee simple estate in Ruamāhua vests under **section 75(1)**, the Director-General must notify the Registrar— 15
- (a) of the status of Ruamāhua as Maori freehold land; and
 - (b) that **sections 76 and 77** of this Act apply to that land.
- (2) As soon as is reasonably practicable after the reservation of Ruamāhua as a reserve is revoked for all or part of the land, the Director-General must notify the Registrar of that revocation. 20
- (3) The Registrar must ensure that all relevant information notified under **subsection (1) or (2)** is entered on the records of the court.

79 The Crown's rights and obligations

- (1) The Crown has all the rights and obligations that it would have if it were the registered owner of the reserve land, and must exercise those rights and obligations in the name of the Crown. 25
- (2) **Subsection (1)** applies despite—
- (a) the vesting of Ruamāhua in the descendants; or
 - (b) the registration of the descendants as the registered owners of Ruamāhua. 30
- (3) The Registrar-General and any other relevant person must have regard to **subsection (1)**.

80 Application of Reserves Act 1977 and Fire and Emergency New Zealand Act 2017

- (1) Despite the vesting of Ruamāhua under **section 75(1)**, the Reserves Act 1977 35 applies to the reserve land as if it were vested in the Crown.
- (2) To avoid doubt, because of **subsection (1)**,—

- (a) the reserve land is not vested in, or managed and controlled by, an administering body; and
- (b) the Crown continues to administer, control, and manage the reserve land; and
- (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve land. 5
- (3) For the purposes of the Fire and Emergency New Zealand Act 2017, Ruamāhua must be treated as if it were public conservation land within the meaning of section 144 of that Act.
- (4) However, **subsection (3)** ceases to apply if, in respect of all of the property,— 10
- (a) the reservation of Ruamāhua as a reserve is revoked; and
- (b) the declaration of Ruamāhua as a wildlife sanctuary is revoked.
- 81 Interests that are not interests in land**
- (1) This section applies if Ruamāhua is subject to an interest (other than an interest in land) that is listed for the property in **Part 4 of Schedule 1**, and for which there is a grantor, whether or not the interest also applies to land that is not part of Ruamāhua. 15
- (2) The interest applies as if the Crown were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies. 20
- (3) If all or part of Ruamāhua is no longer a reserve under the Reserves Act 1977, the interest applies as if the owners of that land were the grantor of the interest in respect of all or part of the property.
- (4) The interest applies—
- (a) until the interest expires or is terminated, but any subsequent transfer of Ruamāhua must be ignored in determining whether the interest expires or is or may be terminated; and 25
- (b) with any other necessary modifications; and
- (c) despite any change in status of the land in the property.
- 82 Registration** 30
- (1) The Registrar-General must, in accordance with a written application by a person authorised by the Director-General,—
- (a) create a record of title for the fee simple estate in Ruamāhua; and
- (b) despite the requirements of the Land Transfer Act 2017, record on the record of title “the descendants of Marutūāhu, Hako, and Hei” as the registered owner of the land; and 35
- (c) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.

- (2) A record of title must be created under this section as soon as is reasonably practicable after the settlement date, but not later than 24 months after that date.

83 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in Ruamāhua as a reserve under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 5
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of Ruamāhua. 10
- (3) If the reservation of Ruamāhua as a reserve is revoked for all or part of the property, the vesting of the property continues to be exempt from section 24 of the Conservation Act 1987 for all or that part of the property.
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.

84 Matters to be recorded on record of title

- (1) The Registrar-General must record on the record of title for Ruamāhua— 15
- (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 has the status of Maori freehold land and is subject (as specified) to Te Ture Whenua Maori Act 1993 (*see sections 75(3) and 76*); and 20
- (c) that the land is subject to **sections 75(5) and 79**.
- (2) A notation made under **subsection (1)(a)** 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. 25
- (3) If the reservation of Ruamāhua as a reserve is revoked—
- (a) for 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 the land is subject to **sections 75(5) and 79**; or
- (b) for part 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 referred to in **paragraph (a)**, but only for the part of the property that is no longer a reserve. 30
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)**. 35

85 Application of other enactments to Ruamāhua

- (1) The Crown Minerals Act 1991 applies, subject to **subpart 2 of Part 3**, in relation to the vesting of the fee simple estate in Ruamāhua under this subpart.

- (2) If the reservation of Ruamāhua as a reserve is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of the Reserves Act 1977 applies to the revocation, but not the rest of section 25 of that Act.
- (3) If the reservation of Ruamāhua as a reserve and its declaration as a wildlife sanctuary are revoked for all or part of the property, any land that is no longer subject to reservation as a reserve and declaration as a wildlife sanctuary ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies. 5
- (4) To avoid doubt, when performing functions under the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act (including the Wildlife Act 1953) in relation to Ruamāhua, the relevant person or entity must give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi as required by section 4 of the Conservation Act 1987. 10
- 86 Reserve land not to be mortgaged**
- The owners of the reserve land must not mortgage, or give a security interest in, the land. 15
- 87 Saving of bylaws, etc**
- (1) This section applies to the following that were made or imposed under the Conservation Act 1987, the Reserves Act 1977, or the Wildlife Act 1953 in relation to Ruamāhua before the property was vested under **section 75**:
- (a) any bylaw: 20
- (b) any prohibition or restriction on use or access:
- (c) any declaration given by notice in the *Gazette*.
- (2) The bylaw, prohibition, restriction, or declaration remains in force until it expires or is revoked under the Conservation Act 1987, the Reserves Act 1977, or the Wildlife Act 1953, as the case may be. 25
- 88 Name change for Ruamāhua**
- (1) The name of the Aldermen Islands (Ruamaahu) Nature Reserve is changed to Ruamāhua Nature Reserve.
- (2) The new name given by **subsection (1)** is to be treated as if—
- (a) it were an official geographic name that takes effect on the settlement date; and 30
- (b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.
- (3) The Board must, as soon as practicable after the settlement date,—
- (a) give public notice of the new name in accordance with section 21(2)(a) and (b) and (3) of the Act; but 35
- (b) state in the notice that the new name became an official geographic name on the settlement date.

(4) In this section,—

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

Board means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa

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

Subpart 4—Great Mercury Island land exchange

89 When this subpart takes effect

This subpart takes effect on the date that is 20 working days after the commencement date of this Act.

90 Interpretation

In this subpart,—

agreement means the Great Mercury Island Settlement Deed entered into by Great Mercury Island Limited and the Crown and dated 15 October 2021

conservation covenant means the conservation covenant created by instrument 12588692.1 registered covenant relating to the GMI Exchange Land, on the terms and conditions set out in Annexure D of the agreement

Crown Exchange Land— means 0.3097 hectares, more or less, being Section 3 SO 596589

(a) ~~means the areas shown in green and marked “B” on the land exchange plan; and~~

(b) ~~includes any part of the land on which the culvert is located (subject to survey)~~

~~**culvert** means the culvert in the location indicated approximately by a blue dot on the land exchange plan (subject to survey)~~

~~**Final GMI Land**— means 1,503.2867 hectares, more or less, being Sections 3 and 4 SO 596589~~

(a) ~~means—~~

(i) ~~the land in record of title 876669; and~~

(ii) ~~the Crown Exchange Land; but~~

(b) ~~does not include the GMI Exchange Land~~

GMI means Great Mercury Island Limited

~~**GMI Exchange Land** means 0.3109 hectares, more or less, being Section 2 SO 596589 the areas outlined in orange and shown marked “A” on the land exchange plan (subject to survey)~~

Great Mercury Island Limited means the company registered under that name with company registration number 48615

~~land exchange plan~~ means the plan included as Annexure B in the agreement
New Landing Reserve— means 0.7949 hectares, more or less, being Sections 1 and 2 SO 596589.

(a) means—

(i) the land in record of title NA89C/693; and

5

(ii) the GMI Exchange Land; but

(b) does not include the Crown Exchange Land.

91 Vesting and exchange—How land on Great Mercury Island to be dealt with

Local purpose (landing) reserve

(1AAA) The reservation of Sections 5 to 13 SO 596589 as a local purpose (landing) reserve subject to the Reserves Act 1977 is revoked. 10

Crown Exchange Land

(1) The reservation of the Crown Exchange Land as a local purpose (landing) reserve subject to the Reserves Act 1977 is revoked, and accordingly the Crown Exchange Land ceases to be part of the Hauraki Gulf Marine Park. 15

(2) The fee simple estate in the Crown Exchange Land vests in the registered owner of record of title 876669.

(3) The Crown Exchange Land ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies (*see* clause 11 of that schedule).

GMI Exchange Land

20

(4) The fee simple estate in the GMI Exchange Land vests in the Crown.

(5) The GMI Exchange Land is declared a reserve and classified as a local purpose (landing) reserve subject to section 23 of the Reserves Act 1977.

(6) The GMI Exchange Land is land to which Schedule 4 of the Crown Minerals Act 1991 applies (land to which access restrictions apply). 25

Requirements for easement and variation of conservation covenant

(7) Before **subsections (1) to (6)** take effect, Great Mercury Island Limited must provide the Crown with a registrable pedestrian right of way easement in gross, on the terms and conditions set out in Annexure E of the agreement.

(8) The conservation covenant is deemed to be varied to provide that the conservation covenant— 30

(a) ceases to apply to the GMI Exchange Land; and

(b) applies to the Crown Exchange Land.

92 Application of Conservation Act 1987 and other Acts

(1) The vesting of the fee simple estate in the Crown Exchange Land under **section 91(2)** is a disposition for the purposes of Part 4A of the Conservation 35

- 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 the Crown Exchange Land under **section 91(2)**.
- (3) The vesting of the Crown Exchange Land under **section 91(2)** does not— 5
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving the pedestrian right of way easement required under **section 91(7)**. 10
- (5) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of Sections 5 to 13 SO 596589 or the Crown Exchange Land by **section 91(1AAA) or (1)**.
- (6) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— ~~the vesting of the Crown Exchange Land or the GMI Exchange Land~~ under **section 91(2) or (4)**. 15
- (a) the vesting of the Crown Exchange Land or the GMI Exchange Land under **section 91(2) or (4)**; or
- (b) any matter incidental to, or required for the purpose of, those vestings.
- 93 Matters recorded on record of title** 20
- (1) As soon as applications are produced for records of title for the Final GMI Land and the New Landing Reserve, the Registrar-General must—
- (a) record on the conservation covenant instrument the effect of the variation of the covenant (*see* **section 91(8)**); and
- (b) create 1 record of title for the fee simple estate in the Final GMI Land in the name of the registered owner of record of title 876669; and 25
- (c) record on the record of title for the Final GMI Land—
- (i) any interests that are registered or noted and that apply to that land; and
- (ii) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 30
- (iii) the effect of the variation of the covenant (*see* **section 91(8)**); and
- (iv) that the land is subject to section 11 of the Crown Minerals Act 1991; and 35
- (d) create 1 record of title for the fee simple estate in the New Landing Reserve in the name of His Majesty the King; and
- (e) record on the record of title created under **paragraph (d)**—

- (i) any interests that are registered or noted and that apply to that land; and
 - (ii) that the land is subject to **section 47(2)**; and
 - (iii) that the land is a local purpose reserve (landing) subject to the Reserves Act 1977; and 5
 - (iv) the effect of the variation of the covenant (*see section 91(8)*).
- (2) **Subsection (1)(c)(ii) and (iv)** affects only that part of the land that was the Crown Exchange Land.
- (3) The notation 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. 10

Subpart 5—Vesting and vesting back of properties

94 Interpretation

In this subpart,—

coastal marine area has the meaning given in section 2(1) of the Resource Management Act 1991 15

Repanga (Cuvier) Island Nature Reserve means Parts Repanga (Cuvier) Island, North Auckland Land District (as shown in yellow on OTS-100-38) to the extent that they are not within the coastal marine area

Te Karaka means Sections 9, 10, and 12 Block XIV Whitianga Survey District, South Auckland Land District, (as shown in yellow on OTS-100-21) to the extent that they are not within the coastal marine area. 20

95 Notice appointing delayed vesting date for Repanga (Cuvier) Island Nature Reserve

- (1) The trustees specified in **section 96(1)(a) to (d)** (the **specified trustees**) may give written notice to the Minister of Conservation of the date on which Repanga (Cuvier) Island Nature Reserve is to vest in the specified trustees. 25
- (2) The proposed date must not be later than 1 year after the settlement date.
- (3) The specified trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date. 30
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
- (a) specifying the vesting date; and
 - (b) stating that the fee simple estate in Repanga (Cuvier) Island Nature Reserve vests in the specified trustees on the vesting date.
- (5) The notice must be published as early as practicable before the vesting date. 35
- (6) In this section and **section 96**, **vesting date** means—

- (a) the date proposed by the specified trustees in accordance with **subsections (1) to (3)**; or
- (b) the date that is 1 year after the settlement date, if no date is proposed.
- 96 Delayed vesting and vesting back of Repanga (Cuvier) Island Nature Reserve** 5
- (1) The fee simple estate in Repanga (Cuvier) Island Nature Reserve vests in the following on the vesting date:
- (a) the trustees under this paragraph; and
- (b) the trustees of the Ngāti Maru Rūnanga Trust under **section 112(1)(a) of the Ngāti Maru Claims Settlement Act 2022**; and 10
- (c) the trustees of the Ngāti Tamaterā Treaty Settlement Trust under **section 120(1)(a) of the Ngāti Tamaterā Claims Settlement Act 2022**; and
- (d) the trustees of the Ngaati Whanaunga Ruunanga Trust under **section 83(1)(a) of the Ngaati Whanaunga Claims Settlement Act 2022**. 15
- (2) On the seventh day after the vesting date, the fee simple estate in Repanga (Cuvier) Island Nature Reserve vests in the Crown.
- (3) However, the following matters apply as if the vestings had not occurred:
- (a) Repanga (Cuvier) Island Nature Reserve remains a nature reserve under the Reserves Act 1977; and 20
- (b) any enactment, instrument, or interest that applied to Repanga (Cuvier) Island Nature Reserve immediately before the vesting date continues to apply to it; and
- (c) to the extent that the overlay classification applies to Repanga (Cuvier) Island Nature Reserve immediately before the vesting date, it continues to apply to the property; and 25
- (d) the Crown retains all liability for Repanga (Cuvier) Island Nature Reserve.
- (4) The vestings are not affected by—
- (a) Part 4A of the Conservation Act 1987; or 30
- (b) section 10 or 11 of the Crown Minerals Act 1991; or
- (c) section 11 or Part 10 of the Resource Management Act 1991; or
- (d) any other enactment relating to the land.
- (5) The vesting referred to in **subsection (1)** is not a disposal of RFR land under **subpart 5 of Part 3 of the Pare Hauraki Collective Redress Act 2022**. 35
- 97 Notice appointing delayed vesting date for Te Karaka**
- (1) The trustees may give written notice to the Minister of Conservation of the date on which Te Karaka is to vest in the trustees.

-
- (2) The proposed date must not be later than 2 years after the settlement date.
- (3) The trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date.
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
- (a) specifying the vesting date; and 5
 - (b) stating that the fee simple estate in Te Karaka vests in the trustees on the vesting date.
- (5) The notice must be published as early as practicable before the vesting date.
- (6) In this section and **section 98**, **vesting date** means—
- (a) the date proposed by the trustees in accordance with **subsections (1) to (3)**; or 10
 - (b) the date that is 2 years after the settlement date, if no date is proposed.

98 Delayed vesting and vesting back of Te Karaka

- (1) The fee simple estate in Te Karaka vests in the trustees on the vesting date.
- (2) On the 30th day after the vesting date, the fee simple estate in Te Karaka vests back in the Crown. 15
- (3) However, the following matters apply as if the vestings had not occurred:
- (a) Te Karaka remains a recreation reserve under the Reserves Act 1977; and
 - (b) the Thames–Coromandel District Council remains the registered owner and the administering body of the reserve; and 20
 - (c) any enactment, instrument, or interest that applied to Te Karaka immediately before the vesting date continues to apply to it; and
 - (d) to the extent that the statutory acknowledgement applies to Te Karaka immediately before the vesting date, it continues to apply to the property; and 25
 - (e) the Thames–Coromandel District Council retains all liability for Te Karaka.
- (4) The vestings are not affected by—
- (a) Part 4A of the Conservation Act 1987; or 30
 - (b) section 10 or 11 of the Crown Minerals Act 1991; or
 - (c) section 11 or Part 10 of the Resource Management Act 1991; or
 - (d) any other enactment relating to the land.
- (5) The vesting referred to in **subsection (1)** is not a disposal of RFR land under **subpart 5 of Part 3 of the Pare Hauraki Collective Redress Act 2022**. 35

Subpart 6—Overlay classification

99 Interpretation

In this subpart,—

Conservation Board means a board established under section 6L of the Conservation Act 1987 5

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

overlay area—

- (a) means an area that is declared under **section 100(1)** to be subject to the overlay classification; but 10
- (b) does not include an area that is declared under **section 111(1)** to be no longer subject to the overlay classification

overlay classification—

- (a) means the application of this subpart to each overlay area; and
- (b) in the case of Cathedral Cove Recreation Reserve, is known as te o a Hei 15

protection principles, for an overlay area,—

- (a) means the principles agreed by the relevant trustees and the Minister of Conservation, as set out for the area in part 1 of the documents schedule for each of the relevant iwi; and
- (b) includes any principles as they are amended by the written agreement of the relevant trustees and the Minister of Conservation 20

relevant iwi, for an overlay area, means—

- (a) Ngāti Hei, in the case of Cathedral Cove Recreation Reserve:
- (b) the following iwi, in the case of Repanga (Cuvier) Island Nature Reserve: 25
 - (i) Ngāti Hei; and
 - (ii) Ngāti Maru; and
 - (iii) Ngāti Tamaterā; and
 - (iv) Ngaati Whanaunga

relevant trustees, for an overlay area, means— 30

- (a) the trustees, in the case of Cathedral Cove Recreation Reserve:
- (b) the following groups of trustees, in the case of Repanga (Cuvier) Island Nature Reserve:
 - (i) the trustees; and
 - (ii) the trustees of the Ngāti Maru Rūnanga Trust; and 35
 - (iii) the trustees of the Ngāti Tamaterā Treaty Settlement Trust; and

- (iv) the trustees of the Ngaati Whanaunga Ruunanga Trust
- specified actions**, for an overlay area, means the actions set out for the area in part 1 of the documents schedule for each of the relevant iwi
- statement of values**, for an overlay area, means the statement—
- (a) made by the relevant iwi of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and 5
 - (b) set out in part 1 of the documents schedule for each of the relevant iwi.
- 100 Declaration of overlay classification and the Crown’s acknowledgement**
- (1) Each area described in **Schedule 2** is declared to be subject to the overlay classification. 10
 - (2) The Crown acknowledges the statements of values for the overlay areas.
- 101 Purposes of overlay classification**
- The only purposes of the overlay classification are—
- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in **section 103**; and 15
 - (b) to enable the taking of action under **sections 104 to 109**.
- 102 Effect of protection principles**
- The protection principles are intended to prevent the values stated in the statement of values for an overlay area from being harmed or diminished.
- 103 Obligations on New Zealand Conservation Authority and Conservation Boards** 20
- (1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to an overlay area, the Authority or Board must have particular regard to— 25
 - (a) the statement of values for the area; and
 - (b) the protection principles for the area.
 - (2) Before approving a strategy or plan that relates to an overlay area, the New Zealand Conservation Authority or a Conservation Board must— 30
 - (a) consult the relevant trustees; and
 - (b) have particular regard to the views of the relevant trustees as to the effect of the strategy or plan on— 35
 - (i) any matters in the implementation of the statement of values for the area; and
 - (ii) any matters in the implementation of the protection principles for the area.

- (3) If the relevant trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay area, the Authority must, before approving the strategy, give the relevant trustees an opportunity to make submissions in relation to those concerns. 5
- 104 Noting of overlay classification in strategies and plans**
- (1) The application of the overlay classification to an overlay area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.
- (2) The noting of the overlay classification is— 10
- (a) for the purpose of public notice only; and
- (b) not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- 105 Notification in *Gazette*** 15
- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—
- (a) the declaration made by **section 100** that the overlay classification applies to the overlay areas; and
- (b) the protection principles for each overlay area. 20
- (2) An amendment to the protection principles, as agreed by the relevant trustees and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 106 or 107**. 25
- 106 Actions by Director-General**
- (1) The Director-General must take action in relation to the protection principles that relate to an overlay area, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken. 30
- (3) The Director-General must notify the relevant trustees in writing of any action that the Director-General intends to take.
- 107 Amendment to strategies or plans**
- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to an overlay area. 35

- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment.
- (3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980. 5
- 108 Regulations**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:
- (a) to provide for the implementation of objectives included in a strategy or plan under **section 107(1)**: 10
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:
- (c) to create offences for breaches of regulations made under **paragraph (b)**: 15
- (d) to prescribe the following fines for an offence referred to in **paragraph (c)**:
- (i) a fine not exceeding \$5,000; and
- (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues. 20
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 109 Bylaws**
- (1) The Minister of Conservation may make bylaws for 1 or more of the following purposes: 25
- (a) to provide for the implementation of objectives included in a strategy or plan under **section 107(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:
- (c) to create offences for breaches of bylaws made under **paragraph (b)**: 30
- (d) to prescribe the following fines for an offence referred to in **paragraph (c)**:
- (i) a fine not exceeding \$5,000; and
- (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues. 35
- (2) Bylaws made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

- 110 Effect of overlay classification on overlay areas**
- (1) This section applies if, at any time, the overlay classification applies to any land in—
- (a) a national park under the National Parks Act 1980; or
 - (b) a conservation area under the Conservation Act 1987; or 5
 - (c) a reserve under the Reserves Act 1977.
- (2) The overlay classification does not affect—
- (a) the status of the land as a national park, conservation area, or reserve; or
 - (b) the classification or purpose of a reserve.
- 111 Termination of overlay classification** 10
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of an overlay area is no longer subject to the overlay classification.
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless— 15
- (a) the relevant trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands. 20
- (3) The Crown must take reasonable steps to ensure that the relevant trustees continue to have input into the management of a relevant area if—
- (a) **subsection (2)(c)** applies; or 25
 - (b) there is a change in the statutory management regime that applies to all or part of the overlay area.
- (4) The Minister of Conservation must ensure that an order made under this section is published in the *Gazette*.
- 112 Exercise of powers and performance of functions and duties** 30
- (1) The overlay classification does not affect, and must not be taken into account by, any person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the values stated in the statement of values for an overlay area than that person would give if the area were not subject to the overlay classification. 35
- (3) **Subsection (2)** does not limit **subsection (1)**.

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

113 Rights not affected

- (1) The overlay classification does not—
- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or 5
 - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay area.
- (2) This section is subject to the other provisions of this subpart.

Subpart 7—Statutory acknowledgement

114 Interpretation 10

In this subpart,—

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

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

- (a) made by Ngāti Hei of their particular cultural, historical, spiritual, and traditional association with the statutory area; and 15
- (b) set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in **section 115** in respect of the statutory areas, on the terms set out in this subpart 20

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

statutory plan—

- (a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and 25
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

115 Statutory acknowledgement by the Crown

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

116 Purposes of statutory acknowledgement 30

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with **sections 117 to 119**; and

- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with **sections 120 and 121**; and 5
- (c) to enable the trustees and any member of Ngāti Hei to cite the statutory acknowledgement as evidence of the association of Ngāti Hei with a statutory area, in accordance with **section 122**.

117 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 10
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity. 15
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

118 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 20
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public. 25
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.

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

- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area. 30
- (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. 35

- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
- (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application. 5
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.
- 120 Recording statutory acknowledgement on statutory plans** 10
- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 115 to 119, 121, and 122**; and 15
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not— 20
- (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
- 121 Provision of summary or notice to trustees** 25
- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
- (a) if the application is received by the consent authority, a summary of the application; or 30
 - (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 trustees and the relevant consent authority. 35

- (3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application. 5
- (4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
- (a) waive the right to be provided with a summary or copy of a notice under this section; and 10
 - (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: 15
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

122 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Hei may, as evidence of the association of Ngāti Hei with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
- (a) the relevant consent authorities; or
 - (b) the Environment Court; or 25
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, because 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. 30
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account. 35
- (4) To avoid doubt,—

- (a) neither the trustees nor members of Ngāti Hei are precluded from stating that Ngāti Hei has an association with a statutory area that is not described in the statutory acknowledgement; and
- (b) the content and existence of the statutory acknowledgement do not limit any statement made.

5

General provisions relating to statutory acknowledgement

123 Application of statutory acknowledgement to river or stream

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

- (a) applies only to— 10
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but 15
- (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) an artificial watercourse. 20

124 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 Ngāti Hei with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area. 25
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart. 30

125 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 deed of settlement; and
 - (b) does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area. 35
- (2) This section is subject to the other provisions of this subpart.

*Consequential amendment to Resource Management Act 1991***126 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:
 Ngāti Hei Claims Settlement Act **2022** 5

Subpart 8—Protocols

127 Interpretation

In this subpart,—

protocol—

- (a) means each of the following protocols issued under **section 128(1)(a)**: 10
- (i) the primary industries protocol;
 - (ii) the taonga tūturu protocol; and
- (b) includes any amendments made under **section 128(1)(b)**
- responsible Minister** means the 1 or more Ministers who have responsibility under a protocol. 15

*General provisions applying to protocols***128 Issuing, amending, and cancelling protocols**

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

129 Protocols subject to rights, functions, and duties

A protocol does not restrict—

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

- (ii) to interact with or consult a person that the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of the responsible Minister or a department of State; or
- (c) the legal rights of Ngāti Hei or a representative entity.

5

130 Enforcement of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails to comply with a protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950.
- (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.
- (4) To avoid doubt,—
 - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and
 - (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under **subsection (2)**.

10

15

Primary industries

- 131 Primary industries protocol**
- (1) The chief executive of the Ministry for Primary Industries must note a summary of the terms of the primary industries protocol in the fisheries plan that affects the primary industries protocol area.
- (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.
- (3) The primary industries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, or seaweed) that are held, managed, or administered under any of the following enactments:
 - (a) the Fisheries Act 1996;
 - (b) the Maori Commercial Aquaculture Claims Settlement Act 2004;
 - (c) the Maori Fisheries Act 2004;
 - (d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- (4) In this section,—

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

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

Taonga tūturu 5

132 Taonga tūturu protocol

- (1) The taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.
- (2) In this section, **taonga tūturu**— 10
- (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
- (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 9—Official geographic names

133 Interpretation 15

In this subpart,—

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

Board has the meaning given in section 4 of the Act

official geographic name has the meaning given in section 4 of the Act. 20

134 Official geographic names

- (1) A name specified in the second column of the table in clause 5.51 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.
- (2) Each official geographic name 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. 25

135 Publication of official geographic names

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 134**. 30
- (2) The notices must state that each official geographic name became an official geographic name on the settlement date.

136 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 trustees. 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.

Part 3**Commercial redress**

Subpart 1—Transfer of commercial redress property and deferred selection properties 10

137 Interpretation

In this subpart,—

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

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

land holding agency means ~~the land holding agency specified,—~~

- (a) for the commercial redress property, ~~in part 3 of the property redress schedule~~ the Office for Māori Crown Relations—Te Arawhiti; or 20
- (b) for a deferred selection property, the land holding agency specified for the property in part 4 of the property redress schedule

Whenuakite Station means the commercial redress property.

138 The Crown may transfer properties 25

- (1) To give effect to part 7 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—
- (a) to transfer the fee simple estate in the commercial redress property or a deferred selection property to the trustees; and
 - (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer. 30
- (2) **Subsection (3)** applies to a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**.
- (3) As soon as is reasonably practicable after the date on which a deferred selection property is transferred to the trustees, the chief executive of the land holding agency must give written notice of that date to the chief executive of 35

LINZ for the purposes of **section 18** (which relates to the cancellation of resumptive memorials).

139 Minister of Conservation may grant easements

- (1) The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to the commercial redress property. 5
- (2) Any such easement—
 - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act. 10

140 Records of title for deferred selection properties that are not shared redress

- (1) This section applies to each deferred selection property that is to be transferred to the trustees under **section 138** (but not as tenants in common). 15
- (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 a fee simple estate; or
 - (b) there is no record of title for a fee simple estate in all or part of the property. 20
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (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 25
 - (c) omit any statement of purpose from the record of title.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a record of title. 30
- (5) In this section and **sections 141 and 142**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

141 Records of title for shared commercial redress property and deferred selection property

- (1) This section applies to each of the following properties that are to be transferred under **section 138** to the trustees as tenants in common: 35
 - (a) Whenuakite Station:

- (b) a deferred selection property.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title in the name of the Crown for each undivided specified share of the fee simple estate in the property; and 5
- (b) record on each record of title any interests that are registered, noted, or to be noted and that are described for that record in the application; but
- (c) omit any statement of purpose from each record of title.
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title. 10
- 142 Authorised person may grant covenant for later creation of record of title**
- (1) For the purposes of **sections 140 and 141**, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in the commercial redress property or a deferred selection property.
- (2) Despite the Land Transfer Act 2017,— 15
- (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.
- 143 Application of other enactments** 20
- (1) This section applies to the transfer to the trustees of the fee simple estate in the commercial redress property or a deferred selection property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 25
- (3) The Crown Minerals Act 1991 applies subject to **subpart 2**.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer. 30
- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.
- (6) In exercising the powers conferred by **section 138**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 35
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.

*Whenuakite Station***144 Whenuakite Station**

- (1) This section applies on and from the commencement date of this Act.
- (2) The chief executive of the Office for Māori Crown Relations—Te Arawhiti is authorised to— 5
- (a) accept, on behalf of His Majesty the King, a transfer of Whenuakite Station from Landcorp Holdings Limited to His Majesty the King; and
- (b) sign the transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (3) **Subsections (4) to (6)** apply to the transfer of Whenuakite Station under **subsection (2)**. 10
- (4) Section 42 of the Land Act 1948 does not apply in relation to any record of title for a fee simple estate in Whenuakite Station.
- (5) The permission of the Thames–Coromandel District Council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer. 15
- (6) 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, that transfer. 20

Subpart 2—Vesting of certain Crown owned minerals and related matters

145 Application and interpretation

- (1) This subpart applies to—
- (a) the land vested in the trustees by **subparts 1 and 2 of Part 2**; and
- (b) the land transferred to the trustees under **section 138**; and 25
- (c) the land vested in the descendants by **subpart 3 of Part 2**.
- (2) In this subpart, unless the context otherwise requires,—
- actual amount** means the amount payable in respect of vested minerals in accordance with **sections 152 and 156**
- chief executive** has the meaning given in section 2(1) of the Crown Minerals Act 1991 30
- 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 35
- 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

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 the Crown Minerals Act 1991) 10

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

representative amount means the amount—

- (a) payable in accordance with **section 152**; and
- (b) calculated in accordance with **section 153** 15

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

vested minerals means the minerals referred to in **section 147(1)** 20

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

Existing rights preserved

146 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 147** had not been enacted: 25

- (a) privileges in existence immediately before the property is vested or transferred as referred to in **section 147(1)**:
- (b) rights that may be exercised under the Crown Minerals Act 1991 by the holders of those privileges or any other person: 30
- (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 by section 32 of the Crown Minerals Act 1991): 35
- (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)**.

Certain minerals vested or transferred under this subpart

- 147 Vested minerals no longer to be reserved to the Crown** 5
- (1) Despite section 11 of the Crown Minerals Act 1991,—
- (a) when land referred to in **section 145(1)(a)** is vested in the trustees, any Crown owned minerals in that land (other than section 10 minerals) vest with the land; and
- (b) when land referred to in **section 145(1)(b)** is transferred to the trustees, any Crown owned minerals in that land (other than section 10 minerals) transfer with the land; and 10
- (c) when land referred to in **section 145(1)(c)** is vested in the descendants, any Crown owned minerals in that land (other than section 10 minerals) vest 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.
- (3) To avoid doubt, the vesting or transfer of land referred to in **section 145(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. 20
- 148 Application of Crown Minerals Act 1991** 25
- (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 145(1)**. 30

Registration

- 149 Notation of mineral ownership on records of title**
- (1) This section applies instead of section 86 of the Crown Minerals Act 1991 to land referred to in **section 145(1)** at the time of its vesting or transfer.
- (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 147** of the **Ngāti Hei Claims Settlement Act 2022**. 35

- (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 55(3), (5), or (6)**, as applicable, in respect of land referred to in **section 145(1)(a)**; or 5
 - (b) a transfer instrument lodged in respect of land referred to in **section 145(1)(b)**; or
 - (c) a written application lodged under **section 82(1)** in respect of Ruamāhua (*see* **section 145(1)(c)**).

Application provision relating to Ruamāhua 10

150 Application of sections 151 to 160 to Ruamāhua

- (1) **Sections 151 to 160** do not apply to all or any part of Ruamāhua that remains a reserve.
- (2) However, if the reservation of Ruamāhua as a reserve is revoked in relation to all or part of the property, references to the trustees in those sections must be read as including, in relation to all or that part of Ruamāhua, references to the registered owner of that land. 15

Amounts payable in respect of vested minerals

151 Purpose and scope of arrangement for payments

- (1) The purpose of **sections 152 to 156** is to provide that the rights to vested minerals include the payment by the Crown, in relation to the vested minerals, of— 20
- (a) the representative amount; or
 - (b) if **section 156(2)** applies, the actual amount.
- (2) Payments made under **subsection (1)** must be made to the trustees. 25
- (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 157** 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. 30

152 Obligation to pay representative or actual amount

- (1) The chief executive, on receiving an application under **section 157**, must pay the representative amount or the actual amount, as appropriate, in respect of vested minerals to the trustees. 35

- (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.
- (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 157**; 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 **section 155** (shared ownership of land), **section 157** (application for payment of representative amount), and **section 159** (other conditions applying to payments).

Calculation of amount payable

153 Calculation of representative amount 15

The representative amount payable under **section 152** 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 157**, 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
- $\$1,500 \times (4 \div 20) = \$300.$

154 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 153**; and 35

- (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)**.

155 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: 5

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

where—

a, pa, and \$r have the meanings given to those terms in **section 153** 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 trustees.

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
- $\text{\$1,500} \times (4 \div 20) \times 20\% = \text{\$60}$.

156 When actual amount may be paid 20

- (1) When an application is received under **section 157**, 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 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. 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 trustees. 35

*Application for payment of representative amount***157 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~~ vested minerals in the relevant land became the property of 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.

158 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 156**; and
- (b) advise the trustees in writing of the amount that the trustees are to be paid. 35

159 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 vested minerals in~~ the relevant land ~~was vested in or transferred to~~ became the property of the trustees **(the vesting date)**; and 10
 - (b) in proportion to the number of days that have elapsed in that year on and from the ~~vesting date of the vesting or transfer of the relevant land under this Act.~~
- (3) Interest is not payable on the amounts paid under this subpart, irrespective of the period to which an amount relates. 15

*Status of certain information***160 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.
- (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. 25

Part 4**Amendments to other legislation***Consequential amendments***161 Amendment to Reserves and Other Lands Disposal Act 1970**

- (1) This section amends the Reserves and Other Lands Disposal Act 1970. 30
- (2) Repeal section 6.

162 Amendments to Crown Minerals Act 1991

- (1) This section amends the Crown Minerals Act 1991.
- (2) After section 25(6)(e), insert:
- (f) **section 146 of the Ngāti Hei Claims Settlement Act 2022.** 35

- (3) After section 32(7)(e), insert:
- (f) the trustees referred to in **section 145(1)(a) and (b) of the Ngāti Hei Claims Settlement Act 2022**, subject to **section 146** of that Act; and
 - (fa) in relation to Ruamāhua, the registered owners, subject to **section 146 of the Ngāti Hei Claims Settlement Act 2022**, if **section 150** of that Act applies. 5
- (4) In **Schedule 6**, insert in its appropriate alphabetical order:
The land described in **section 145(1) of the Ngāti Hei Claims Settlement Act 2022**. 10
- 163 Amendments to Wildlife Sanctuary (Aldermen Islands) Order 1965**
- (1) This section amends the Wildlife Sanctuary (Aldermen Islands) Order 1965.
- (2) Repeal clause 4(a).
- (3) Replace clause 4(b) with:
- (b) the descendants of Marutūāhu, Hako, and Hei, for the purpose of exercising their rights under— 15
 - (i) permits issued for the taking of the young of the grey-faced petrel (*Pterodroma macroptera*) under the Grey-Faced Petrel (Northern Muttonbird) Notice 1979; or
 - (ii) any notice given in substitution of a permit under that order by the Minister of Conservation: 20
- (4) Replace clause 5(a) with:
- (a) hunt or kill, take for any purpose, molest, capture, disturb, harry, or worry any living creature in the sanctuary, but the descendants of Marutūāhu, Hako, and Hei may hunt or kill the young of the grey-faced petrel (*Pterodroma macroptera*) under a permit or notice referred to in **clause 4(b)**: 25

Schedule 1

Cultural redress properties, Ohinau Island, and Ruamāhua

**ss 22, 35, 36, 52, 54, 73, 74, 75(2),
81(1)**

Part 1

Properties vested in fee simple

5

Name of property	Description	Interests
Kohuamuri	<i>South Auckland Land District— Thames–Coromandel District</i> 51.0925 hectares, more or less, being Sections 1, 2, and 3 SO 510806. Part <i>Gazette</i> 1862, p 13.	Subject to a right of way easement in gross created by instrument B044711.2.
Purangi	<i>South Auckland Land District— Thames–Coromandel District</i> 6.5300 hectares, more or less, being Section 1 SO 510807. Part <i>Gazette</i> notice S498949.	
Rangihau	<i>South Auckland Land District— Thames–Coromandel District</i> 55.9600 hectares, more or less, being Section 29 Block IV Whitianga Survey District. Part <i>Gazette</i> 1879, p 914.	Subject to an unregistered easement in gross for a right of way, and a right to convey telecommunications and computer media with concession number 45548-TEL to Chorus New Zealand Limited.
Tapu Point property	<i>South Auckland Land District— Thames–Coromandel District</i> 0.5615 hectares, more or less, being Section 1 SO 561248.	

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Hereheretaura Pā	<i>South Auckland Land District— Thames–Coromandel District</i> 2.0860 hectares, more or less, being Section 1 SO 510801. Part <i>Gazette</i> 1869, p 626.	Subject to being a historic reserve, as referred to in section 27(3)(a) . Subject to an unregistered guiding permit with concession number 36431-GUI to Walking Legends Limited. Subject to an unregistered guiding permit with concession number WK-17785-GUI to Kiwi Dundee Adventures Limited.
Kaitoke / Pukekaroro	<i>South Auckland Land District— Thames–Coromandel District</i> 13.8695 hectares, more or less, being Sections 1, 2, and 3 SO 510805. Part <i>Gazette</i> 1862, p 13.	Subject to being a scenic reserve, as referred to in section 28(3) .

Name of property	Description	Interests
Matarangi Pā	<p><i>South Auckland Land District— Thames—Coromandel District</i></p> <p>21.7000 hectares, more or less, being Section 1 SO 528692. Part record of title 26014 that records an interest.</p>	<p>Subject to being a scenic reserve, as referred to in section 29(3).</p> <p>Subject to an easement in gross for a right to convey and store water created by deed of grant H522343.</p> <p>Subject to an unregistered telecommunication licence with concession number 36917-TEL to Vodafone New Zealand Limited.</p> <p>Subject to an unregistered licence and an unregistered easement in gross for rights to convey electricity and telecommunications with concession number 46869-TEL to Two Degrees Mobile Limited.</p> <p>Subject to an unregistered licence and an unregistered easement in gross with concession number 48029-TEL to Vodafone New Zealand Limited.</p>
Opua	<p><i>South Auckland Land District— Thames—Coromandel District</i></p> <p>21.2765 hectares, more or less, being Section 1 SO 510804. Part <i>Gazette</i> notice S498823.</p>	<p>Subject to being a scenic reserve, as referred to in section 30(3)(a).</p>
Paparoa site A	<p><i>South Auckland Land District— Thames—Coromandel District</i></p> <p>4.1270 hectares, more or less, being Section 4 SO 500152. Part record of title SA368/260 for the fee simple estate.</p>	<p>Subject to being a local purpose (education and cultural) reserve, as referred to in section 31(3)(a).</p>
Paparoa site B	<p><i>South Auckland Land District— Thames—Coromandel District</i></p> <p>33.0400 hectares, more or less, being Section 5 SO 500152. Part record of title SA368/260 for the fee simple estate.</p> <p>0.2624 hectares, more or less, being Section 2 SO 500152. Part transfer H058928.</p>	<p>Subject to being a scenic and historic reserve, as referred to in section 33(3)(a).</p>
Puke Pakira	<p><i>South Auckland Land District— Thames—Coromandel District</i></p> <p>1.0353 hectares, more or less, being Sections 1 and 2 SO 528693. Part records of title 27158 and SA59D/242 for the fee simple estate.</p>	<p>Subject to being a historic reserve, as referred to in section 35(8).</p> <p>Subject to consent notice 5147594.3 pursuant to section 221 of the Resource Management Act 1991.</p>

Name of property	Description	Interests
		<p>Subject to a right of way easement created by deed 5147594.6.</p> <p>Together with a right of way easement created by deed 5147594.7 (affects Section section 1 SO 528693).</p> <p>The easement created by deed 5147594.6 is subject to section 243(a) of the Resource Management Act 1991.</p> <p>The easement created by deed 5147594.7 is subject to section 243(a) of the Resource Management Act 1991.</p>
Pukeumu	<p><i>South Auckland Land District—Thames—Coromandel District</i></p> <p>90.7900 hectares, more or less, being Sections 1 and 2 SO 528691. Balance record of title 496963 that records an interest.</p>	<p>Subject to being a scenic reserve, as referred to in section 37(3)(a).</p>
Te Pare Pā	<p><i>South Auckland Land District—Thames—Coromandel District</i></p> <p>7.6910 hectares, more or less, being Section 2 SO 510801. Part transfer H575589.2.</p>	<p>Subject to being a historic reserve, as referred to in section 38(3)(a).</p> <p>Subject to an unregistered guiding permit with concession number 36431-GUI to Walking Legends Limited.</p> <p>Subject to an unregistered guiding permit with concession number WK-17785-GUI to Kiwi Dundee Adventures Limited.</p>
Te Puia	<p><i>South Auckland Land District—Thames—Coromandel District</i></p> <p>21.5488 hectares, more or less, being Lots 1 and 6 DP 23432 and Sections 1 and 2 SO 498770. Part Proclamation 10085 and part <i>Gazette</i> notice H018834.</p>	<p>Subject to being a recreation reserve, as referred to in section 39(3)(a).</p>
Te Rerepiki	<p><i>South Auckland Land District—Thames—Coromandel District</i></p> <p>110.0000 hectares, more or less, being Sections 2 and 3 SO 499577. Part <i>Gazette</i> 1935, p 2735.</p>	<p>Subject to being a scenic reserve, as referred to in section 41(3)(a).</p> <p>Subject to an unregistered guiding permit with concession number 78569-GUI to Peter (Wally) Bruce trading as Backroads.</p>
Whitianga Pā	<p><i>South Auckland Land District—Thames—Coromandel District</i></p> <p>14.5380 hectares, more or less, being Section 1 SO 510800. Part <i>Gazette</i> notice S478057, part transfer H070123.1, all <i>Gazette</i> notice H007555, and all records</p>	<p>Subject to being a scenic and historic reserve, as referred to in section 42(3)(a).</p> <p>Subject to an easement for a right to convey and lead water created by transfer H070123.2.</p>

Name of property	Description	Interests
	of title SA15A/1094 and SA15A/1095 for the fee simple estate.	Subject to an unregistered easement in gross for a right to convey telecommunications and computer media with concession number 38969-TEL to Chorus New Zealand Limited. Subject to an unregistered guiding permit with concession number WK-17785-GUI to Kiwi Dundee Adventures Limited.

Properties jointly vested in fee simple to be administered as reserves

Name of property	Description	Interests
Ahuahu / Great Mercury Island property	<i>North Auckland Land District—Thames-Coromandel District</i> 0.8 hectares, approximately, being Part Lot 1 DP 141149 and Part Lot 5 DP 5158923.0.7949 hectares, more or less, being Sections 1 and 2 SO 596589. All record of title created in accordance with section 93(1)(d) for the fee simple estate. Subject to survey. As shown on OTS 100-39.	Subject to being a local purpose (landing) reserve, as referred to in section 43(4)(a) . Subject to the conditions contained in Crown Grant of part Allotment 4 Parish of Huruhi viz—the construction and maintenance by the Grantee his heirs and assigns of a suitable lead of fresh water from the stream passing through the said land to the sea beach for the use of the public. Notice under section 195(2) of the Climate Change Response Act 2002 registered as instrument 8860623.1. Consent notice under section 221 of the Resource Management Act 1991 registered as instrument 11596708.6.
Opera Point property	<i>South Auckland Land District—Thames-Coromandel District</i> 23.0165 hectares, more or less, being Section 1 SO 484542. Part transfers H162311, H469545, and H509463.	Subject to being a historic reserve, as referred to in section 49(3)(a) . Subject to an unregistered guiding permit (and variations) with concession number 38738-GUI to Sidetracks Limited.
Pauanui Tihi	<i>South Auckland Land District—Thames-Coromandel District</i> 10.0000 hectares, more or less, being Section 1 SO 499577. Part <i>Gazette</i> 1935, p 2735.	Subject to being a scenic reserve, as referred to in section 50(3)(a) .

Name of property	Description	Interests
		<p>Subject to an unregistered guiding permit with concession number 78569-GUI to Peter (Wally) Bruce trading as Backroads.</p> <p>Subject to an unregistered easement in gross for a right to convey telecommunications, with concession number 82566107387-TEL to Surf Life Saving New Zealand Incorporated.</p> <p>Subject to an unregistered lease (and variation) with concession number 64000-TEL to Vodafone New Zealand Limited.</p> <p>Subject to an unregistered telecommunications licence with concession number 36037-TEL assigned to Mediaworks Radio Limited.</p>

Property vested in fee simple subject to conservation covenant

Name of property	Description	Interests
Opou	<p><i>South Auckland Land District—Thames—Coromandel District</i></p> <p>320.3618 hectares, more or less, being Section 1 SO 500497. Part <i>Gazette</i> 1920, p 923.</p>	<p>Subject to the conservation covenant referred to in section 51(3)(a).</p> <p>Subject to the right of way easement referred to in section 51(3)(b).</p>

Part 2

Alternative description of Puke Pakira if section 36 applies

Name of property	Description	Interests
Puke Pakira	<p><i>South Auckland Land District—Thames—Coromandel District</i></p> <p>1.0353 hectares, more or less, being Sections 1 and 3 SO 528693. All record of title 27158 for the fee simple estate.</p>	<p>Subject to being a historic reserve, as referred to in section 36(4).</p> <p>Subject to consent notice 5147594.3 under section 221 of the Resource Management act 1991.</p> <p>Subject to a right of way easement created by deed 5147594.6.</p> <p>Together with a right of way easement created by deed 5147594.7.</p> <p>The easement created by deed 5147594.6 is subject to section 243(a) of the Resource Management Act 1991.</p> <p>The easement created by deed 5147594.7 is subject to section 243(a) of the Resource Management Act 1991.</p>

Part 3

Ohinau Island

Name of property	Description	Interests
Ohinau Island	<p><i>South Auckland Land District— Thames–Coromandel District</i></p> <p>37.4900 hectares, more or less, being Section 1 SO 561158. All <i>Gazette</i> 1924, p 9.</p>	Subject to the lease referred to in section 73(2) .

Part 4

Ruamāhua

Name of property	Description	Interests
Ruamāhua	<p><i>North Auckland Land District— Thames–Coromandel District</i></p> <p>All that group of islands and reefs known as the Aldermen Islands, being 133.5463 hectares, more or less, as shown on SO 34773.</p>	<p>Subject to being a nature reserve, as referred to in section 75(4)(a).</p> <p>Subject to being a wildlife sanctuary.</p> <p>Subject to an unregistered research and collection permit with authorisation number 55380-RES to the University of Auckland.</p>

Schedule 2 Overlay areas

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Overlay area	Location	Description
Cathedral Cove Recreation Reserve	As shown on OTS-100-22	<i>South Auckland Land District— Thames–Coromandel District</i> 47.7278 hectares, more or less, being Lot 1 DPS 14732, Lot 1 DPS 30201, Sections 31 and 37 Block XII Otama Survey District, Section 1 SO 411204 and Lot 11 DP 335476.
Repanga (Cuvier) Island Nature Reserve	As shown on OTS-100-23	<i>North Auckland Land District— Thames–Coromandel District</i> 194.0834 hectares, more or less, being Parts Repanga (Cuvier) Island.

Schedule 3

Statutory areas

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Statutory area	Location
Coastal and Maritime Area	As shown on OTS-100-24
Hikuai River Area	As shown on OTS-100-25
Kapowai River Area	As shown on OTS-100-26
Kuaotunu Recreation Reserve	As shown on OTS-100-37
Otama Beach (including Otama Sand Dunes Recreation Reserve and Otama Beach Recreation Reserve)	As shown on OTS-100-27
Punaruku Scenic Reserve	As shown on OTS-100-28
Rivers, streams, and their tributaries within the Tairua Harbour catchment area	As shown on OTS-100-29
Tapuaetahi (including Tapuaetahi Scenic Reserve)	As shown on OTS-100-31
Te Karaka	As shown on OTS-100-30
Whangapoua Forest Conservation Area	As shown on OTS-100-33
Rivers, streams, and their tributaries within the Whangapoua Harbour catchment area	As shown on OTS-100-34
Rivers, streams, and their tributaries within the Wharekawa Harbour catchment area	As shown on OTS-100-32
Rivers, streams, and their tributaries within the Whitianga Harbour catchment area	As shown on OTS-100-35

Legislative history

16 December 2022
20 June 2023

Introduction (Bill 218–1)
First reading and referral to Māori Affairs Committee